LAWS

OF THE

ATE OF DELAWARE,

PASSED AT A SESSION

OF THE

GENERAL ASSEMBLY

COMMENCED AND HELD AT DOVER,

TUESDAY, THE SEVENTH DAY OF JANUARY,

A. D. 1879,

AND OF THE

INDEPENDENCE OF THE UNITED STATES,
THE ONE HUNDRED AND THIRD.

VOL. 16.—PART 1.

DOVER, DELAWARE:
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1879

LAWS OF THE STATE OF DELAWARE.

TITLE FIRST.

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

CHAPTER 1.

OF THE PASSING AND PUBLICATION OF LAWS.

AN ACT to extend the time for the Recording of Private Acts.

WHEREAS by Chapter 4, Section 3, of the Revised Statutes of the State of Delaware, it is provided that private statutes should 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; Preamble.

AND WHEREAS a number of private acts heretofore passed have, through negligence or ignorance of said provisions, become void, therefore, in order to relieve the parties interested in said private acts from the effects of such negligence and ignorance,

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

SECTION 1. That all published acts heretofore passed which have not been repealed by special acts, and have become void by reason of a failure to have the same recorded in compliance with the provisions of the third section of chapter four of the Revised Statutes of this State, 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 matters 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 act shall not take effect in the case of any act that has become void as aforesaid Time for recording private acts extended.

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 that no such copy of such void act shall be received for record after the expiration of one year from the passage of this act.

SECTION 2. That this act shall be deemed and taken to be a public act, and published as such.

Passed at Dover, March 10, 1879.

TITLE SECOND.

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

CHAPTER 2.

OF THE REVENUES OF THE STATE.

AN ACT to exempt from taxation certain unproductive securities of other States.

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

Certain non-productive securities exempt from taxation.

SECTION 1. That from and after the passage of this act it shall not be lawful for any assessor in any hundred or assessment district in this State to assess any stocks, bonds, or other securities of other States held by citizens of the State of Delaware, which do not yield to the holder or holders thereof any dividends or interest.

Passed at Dover, March 21, 1879.

OF THE REVENUE OF THE STATE.

CHAPTER 3.

OF THE REVENUES OF THE STATE.

AN ACT to relieve Peddlers of Fish and Oysters from the payment of a license tax.

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

SECTION 1. That no peddler of fish and oysters exclusively, either on foot or in a cart or wagon, shall be required to pay a license tax as such peddler, but any person carrying on the business of peddler of fish and oysters exclusively, or shall be engaged temporarily peddling fish and oysters exclusively, shall be exempt from the payment of any license tax whatever for the privilege of carrying on said business within this State.

Peddlers of fish and oysters exclusively exempt from payment of license tax.

Passed at Dover, March 25, 1879.

CHAPTER 4.

OF THE REVENUES OF THE STATE.

AN ACT to exempt from taxation certain property in 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 1. That the real estate of any person or persons or body corporate within the limits of the city of New Castle, not exceeding five acres, upon which any manufacturing or other industrial improvements for the employment of labor shall be erected after the passage of this act, or any real estate upon which any buildings are already erected, and which, after the passage of this act, shall be used for any manufacturing or industrial pursuit as aforesaid, not before prosecuted or carried on there, shall be exempt for a period of ten years after the same shall be first assessable, from assessment or taxation for State, county or municipal purposes.

Certain real estate within the limits of the city of New Castle not exceeding five acres, exempt from taxation.

Passed at Dover, March 25, 1879.

OF THE APPROPRIATION OF PUBLIC MONEYS.

CHAPTER 5.

OF THE APPROPRIATION OF PUBLIC MONEYS.

AN ACT to provide for the rebuilding and proper maintenance of certain public roads in St. George's and Red Lion Hundreds, in the County of New Castle.

Preamble. WHEREAS there are certain public roads in the hundreds of St. George's and Red Lion crossing the lowlands contiguous to the River Delaware, which have been protected by the dykes and embankments along the said River Delaware, kept up and maintained by the "St. George's Marsh Company" for more than one hundred years past;

AND WHEREAS the said lowlands crossed by said public roads are about two feet lower than the water level in the river Delaware, and but for the protection against flooding afforded by the dykes and embankments aforesaid, it would have been impossible to have constructed or kept up the said public roads without an enormous expenditure of moneys in their original construction, and an exorbitant appropriation annually for their maintenance;

AND WHEREAS during the unprecedented storm in October, 1878, the dykes and embankments of the said the "St. George's Marsh Company," were broken, carried away and destroyed, and by reason thereof all the lowlands contiguous to the said river and traversed by the public roads aforesaid have been inundated and submerged, and the said public roads are rendered useless;

AND WHEREAS by reason of such inundation the owners and possessors of lands within the limits of the "St. George's Marsh Company," who are taxables in said company, have sustained such serious losses as to be now unable to raise moneys necessary to rebuild the said embankments and dykes, but have pledged the company to raise one-half of the sum necessary to rebuild the said embankments and dykes, provided the Levy Court of New Castle County will make an appropriation sufficient to defray the other half of the cost of rebuilding the same;

AND WHEREAS the rebuilding of said embankments and dykes is necessary to the proper construction and maintenance of the public roads aforesaid, and it is demanded in the interest of true economy that they should be so rebuilt for the public convenience, and the said Levy Court of New Castle County being willing to make such appropriation, but being in doubt about the lawful authority so to do; therefore,

OF THE APPROPRIATION OF PUBLIC MONEYS.

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

SECTION 1. That "the Levy Court of New Castle County" be and it is hereby authorized, empowered and directed to make an appropriation or appropriations of the public moneys towards rebuilding the embankments and dykes mentioned in the preamble of this act: *Provided,* That such appropriation or appropriations shall not in the aggregate exceed one-half of the whole cost of rebuilding the same, nor in any event exceed the sum of seven thousand dollars in the aggregate. Appropriations made for rebuilding certain dykes and embankments.

SECTION 2. The moneys directed to be appropriated shall be paid to the treasurer of the "St. George's Marsh Company," from time to time, as the work of rebuilding said embankments and dykes progresses; and such payments shall only be made to him, from time to time, on account of such work of rebuilding actually then rendered and performed; and it shall be the duty of such treasurer to file an affidavit with the said Levy Court, preceding each of such payments, setting forth that work has then actually been performed in such rebuilding at a cost double the amount of such payment, and that the said "The St. George's Marsh Company" has paid the other half part of such cost; and it shall be the duty of the said Levy Court, from time to time, upon the filing of such affidavits of said treasurer, to make partial payments or appropriations out of the whole sum directed to be appropriated by Section 1 of this act, which said partial payments shall be equivalent to one-half of the cost of such rebuilding actually then incurred as stated in said affidavit, and for which no partial appropriation shall have been theretofore made. Appropriations. To whom paid. When paid. Costs. By whom paid.

SECTION 3. This act shall be deemed and taken to be a public act.

Passed at Dover, February 6th 1879.

OF THE APPROPRIATION OF PUBLIC MONEYS.

CHAPTER 6.

OF THE APPROPRIATION OF TAXES.

AN ACT to provide for the rebuilding and proper maintenance of certain public roads in New Castle Hundred, New Castle County.

Preamble

WHEREAS there are certain public roads in the hundred of New Castle, crossing the lowlands contiguous to the river Delaware, which have been protected by the dykes and embankments along said river Delaware, kept by and maintained by the Mill Creek Marsh Company and Thomas T. Tasker, Sr., for many years past;

AND WHEREAS the said lowlands crossed by said public roads are much lower than the water level in the river Delaware, and but for the protection against flooding afforded by the dykes and embankments aforesaid, it would have been impossible to have constructed or kept up the said public roads without an enormous expenditure of money in their original construction, and a large appropriation annually for their maintenance;

AND WHEREAS during the unprecedented storm in October, 1878, the dykes and embankments of the said Mill Creek Marsh Company and Thomas T. Tasker, Sr., were broken, carried away and destroyed, and by reason thereof all the lowlands contiguous to the said river and traversed by the public roads aforesaid, have been inundated and submerged, and the said public roads are rendered useless;

AND WHEREAS by reason of such inundation, the owners and possessers of lands within the limits of the Mill Creek Marsh Company, who are taxables in said company, and Thomas T. Tasker, Sr., have sustained such serious losses as to be now unable to raise the moneys necessary to rebuild the said embankments and dykes, but will pledge the company and Thomas T. Tasker, Sr., to raise one-half of the sum necessary to rebuild the said embankments and dykes, provided the Levy Court of New Castle County, will make an appropriation sufficient to defray the other half of the cost of rebuilding the same;

AND WHEREAS the rebuilding of said embankments and dykes is necessary to the proper construction and maintenance of the public roads aforesaid, and it is demanded in the interest of true economy, that they should be so rebuilt for the public convenience, and the said Levy Court of New Castle County, being willing to make such appropriation, but being in doubt about the lawful authority so to do; therefore,

OF THE APPROPRIATION OF PUBLIC MONEYS.

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

SECTION 1. That "the Levy Court of New Castle County" be and it is hereby authorized, empowered and directed to make an appropriation or appropriations of the public moneys towards rebuilding the embankments and dykes mentioned in the preamble of this act: *Provided,* That such appropriation or appropriations shall not, in the aggregate, exceed one-half of the whole cost of rebuilding the same, nor in any event exceed the sum of three thousand dollars. Appropriations for the repair of certain dykes and embankments.

SECTION 2. The moneys directed to be appropriated shall be paid as follows: not to exceed the sum of fifteen hundred dollars to the Treasurer of the Mill Creek Marsh Company, from time to time, as the work of rebuilding the part of the embankments and dykes beforementioned, which may belong to said Mill Creek Marsh Company, and not to exceed the sum of fifteen hundred dollars, and* to Thomas T. Tasker, Sr., from time to time on the work of rebuilding the part of the embankments and dykes beforementioned, which may belong to said Thomas T. Tasker, Sr.; and such payments shall only be made to them from time to time on account of such work of rebuilding actually then rendered and performed, and it shall be the duty of such Treasurer of the Mill Creek Marsh Company and Thomas T. Tasker, Sr., to file an affidavit with the said Levy Court preceding each of such payments, setting forth that work has then actually been performed in such rebuilding at cost double the amount of such payment, and that the said Mill Creek Marsh Company or Thomas T. Tasker, Sr., as the case may be, has paid the other half part of such cost; and it shall be the duty of the said Levy Court, from time to time, upon the filing of such affidavits of said Treasurer or Thomas T. Tasker, Sr., as the case may be, to make partial payments or appropriations out of the whole sum directed to be appropriated by Section 1 of this act, which said partial payment shall be equivalent to one-half of the cost of such rebuilding actually then incurred, as stated in said affidavit, and for which no partial appropriation shall have been therefor made. Amount of appropriations. To whom paid. Payments. How paid. Affidavits. What set forth therein. Partial payments.

SECTION 3. This act shall be deemed and taken to be a public act.

Passed at Dover, March 24, 1879.

* So in the enrolled bill.

OF THE APPROPRIATION OF PUBLIC MONEYS.

CHAPTER 7.

OF THE APPROPRIATION OF TAXES.

AN ACT in relation to Roads and Causeways in Blackbird Hundred, in New Castle County, and for other purposes.

Preamble.

WHEREAS on or about the twenty-third day of October, A. D. 1878, in consequence of an unprecedented storm, the banks of the Cedar Creek Marsh Company, in Blackbird Hundred, along the shore of the Delaware Bay, was broken and otherwise damaged;

AND WHEREAS the waters of the said Delaware Bay now flow through the breaches in said banks and for miles inland from said shore, and submerges one of the public roads of New Castle County to such an extent as to render the same impassable;

AND WHEREAS there are certain causeways in connection with the said road, which causeways are now required to be maintained and kept up by the Levy Court of the county aforesaid;

AND WHEREAS to raise the said causeways and road contiguous thereto above the level of the water of said bay, by which the said roads and causeways are now submerged and rendered impassable, would incur an expense of many thousand dollars to New Castle County;

AND WHEREAS the charter of the said Cedar Creek Marsh Company has expired, and the lands and marshes thereof having been abandoned for agricultural purposes, and the owners of said lands and marshes not having sufficient pecuniary interest in the same to justify them in repairing said banks;

AND WHEREAS the roads and causeways so submerged and rendered impassable are vastly important to a large section of highly improved and valuable agricultural country, and in consequence of which it will be absolutely essential to the interest of the said county to rebuild and make the said causeways in good and passable condition; therefore,

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

Committee appointed to examine the road, causways and banks mentioned in preamble and estimate the costs of repairing same.

SECTION 1. That the Levy Court of New Castle County be and is hereby required within (30) thirty days from the passage of this act, to appoint a committee of three members of said Levy Court, living nearest to the said Cedar Creek Marsh, one of whom shall be the member from Blackbird Hundred, and the said committee shall immediately go upon and view the said road and causeways so submerged, and the banks of the said Cedar Creek Marsh Company, and to make a careful estimate of the cost or expense of repairing and rebuilding the said road and

OF THE APPROPRIATION OF PUBLIC MONEYS.

causeways, and also to make a like estimate of the cost or expense of repairing the breaks and breaches in the banks of the said Cedar Creek Marsh, and to make a written report of the result of their examination to the Levy Court of the county aforesaid at its present or next session.

Report of committee to the Levy Court of New Castle county.

SECTION 2. If it shall appear, from the report of the committee appointed as aforesaid, that the cost of repairing, rebuilding and raising said road and causeways to a sufficient height above the level of the water by which they are now submerged and overflown to render the same passable and of permanent utility, will be greater and more expensive than to repair the banks of the said Cedar Creek Marsh, by which the said road and causeways have heretofore been protected, and by which the same would be protected in the future, then the said Levy Court of said county of New Castle may and are hereby empowered to appropriate such a sum of money as may be sufficient to repair, rebuild and place the said banks in good and proper condition: *Provided*, That such cost or expense shall not exceed one and one-half thousand dollars, to be expended as follows, viz:

Levy Court of New Castle county authorized to make appropriations for the repair of the banks of the Cedar Creek Marsh Company, if the costs of doing the same will not exceed the sum of one and one-half thousand.

SECTION 3. The committee, as provided and required to be appointed by Section 1 of this act, shall advertise in two newspapers of the State of Delaware, one of which shall be the Middletown Transcript, for two weeks, for sealed proposals to repair and rebuild the said banks of the said Cedar Creek Marsh. All proposals received by said committee shall be opened by them, and they shall, within thirty days after having been appointed, award the contract for repairing and rebuilding as aforesaid to the lowest and best bidder or bidders: *Provided*, Said bidder or bidders shall enter into a bond with good and sufficient sureties to the satisfaction of the said committee for the faithful performance of the work, and in the event of any such bidder failing to give bond as aforesaid, the said committee shall award such contract to the next lowest bidder who shall give bond as required by this act.

For doing said work said committee shall advertise for proposals.

Mode of advertising.

Successful bidder to enter into bond for faithful performance of work.

SECTION 4. Whenever the work of repairing and rebuilding said banks shall be commenced, the said committee may, as the work progresses, pay to the contractors, by orders drawn on the treasurer of New Castle County, such sum or sums of money as in their judgment may be deemed commensurate with the amount of work accomplished, and all such orders, signed by the committee appointed as aforesaid, shall be a good and sufficient voucher for the said county treasurer for all sums of money by him paid thereon.

Committee to pay contractors by orders drawn on the treasurer of New Castle county as the work progresses.

Passed at Dover, March 26, 1879.

OF THE LEVY COURT.

CHAPTER 8.

OF THE LEVY COURT.

Volume 14. 460. AN ACT to legalize the proceedings of Kent County Levy Court and other purposes.

Preamble. PREAMBLE. *Whereas* by Chapter 461, Laws of Delaware, the Legislature did appoint Samuel Hargadine, Thomas H. Denney and Andrew J. Wilson, commissioners to lay out a public road in Little Creek Hundred, Kent County, and said commissioners did assess the damages higher than the Levy Court thought they ought to pay;

AND WHEREAS the Levy Court did grant the said commissioners the privilege of taking their return and plot from the court and return it again with reassessed damages that the court did accept and pay to the respective parties;

AND WHEREAS certain parties did, before the Levy Court appointed an overseer or made any appropriation for said road, lay out and make at their own expense, a road as they thought, on the original survey, but which is a few feet from it, and land has been sold to correspond with said road; therefore,

Commissioners named in preamble allowed to make a new return.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That the act of the Levy Court aforesaid, in allowing the commissioners named in the preamble the privilege of reassessing the damages and making a new return, is hereby made valid and lawful, as if it had been done in the first return.

Course of the road changed.

SECTION 2. *And be it further enacted,* That so much of the road as lays between the angle of the road north of the branch on the land of the heirs of Mary S. Reed, running south along the land of J. Layton Register, thence through the land of John W. Fennimore, thence through the land of Henry David's heirs, thence through land of John W. Fox & Bro., on the Taylor survey to Muddy Beach, as it is now made and partly opened, shall be the road instead of the one originally surveyed, and be as other roads in Kent County.

Inconsistent laws repealed.

SECTION 3. *And be it further enacted,* That all laws and parts of laws inconsistent with this act, be and the same is hereby repealed.

Passed at Dover, March 20th, 1879.

OF THE LEVY COURT.

CHAPTER 9.

OF THE LEVY COURT.

AN ACT in relation to the Levy Court, Overseers of Roads and County Treasurer of 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. In payment for work on, or materials furnished for the public roads in Sussex County, each overseer of roads shall draw an order on the County Treasurer of said county, payable to the person performing such labor or furnishing such materials, for the amount due such persons for work or materials, which order shall be countersigned by the Levy Court Commissioners for the hundred in which said work may be done or materials provided, and which said order, drawn and countersigned as aforesaid, shall be a sufficient voucher for the County Treasurer of said county.

Orders drawn. By whom.

SECTION 2. The Levy Court Commissioners of each hundred in said county shall keep a true and correct account of all orders issued in the hundred for which he is Levy Court Commissioner, under the provisions of this act, with the date, number to whom issued, and amount.

Who shall keep an account of orders.

SECTION 3. The County Treasurer of said county, upon the payment by him of said orders, shall keep the orders of the different hundreds so paid by him separate from each other, and at each settlement of the said County Treasurer with the Levy Court of said county, the said orders shall be compared with the books and accounts of the said Levy Court Commissioners, kept in accordance with Section 2 of this act.

Orders of the different hundreds kept separate. Orders compared with the books and accounts of Levy Court commissioners.

SECTION 4. No Levy Court Commissioner of said county shall have the power to consolidate any of said orders into one, or a less number than as originally issued, and if it shall appear to the Levy Court of said county, that any of said orders have been so as aforesaid consolidated, it shall be their duty to reject such consolidated orders, and the same shall be forfeited.

Orders not allowed to be consolidated. Consolidated orders to be rejected.

SECTION 5. No Levy Court Commissioner or overseer of roads in said county shall have the right or power for pay to furnish materials for or perform labor on said roads in the hundred for which he is commissioner, or for any road of which he is overseer; and if it shall appear to the Levy Court of said county, that any of said orders are for work done or materials furnished by any Levy Court Commissioner or overseer of roads, in violation of this section, it shall be their duty to reject such order or orders given for the work done or materials furnished

Labor and materials. How performed and furnished. What bills rejected.

OF THE LEVY COURT.

by any Levy Court Commissioner or overseer of roads, and the same shall be forfeited.

Violation of the law a misdemeanor.

SECTION 6. Any Levy Court Commissioner or overseer of roads, in Sussex County, violating the provisions of this act, shall be deemed guilty of a misdemeanor, and shall forfeit all compensation for his services.

All inconsistent acts repealed.

SECTION 7. All acts or parts of acts, inconsistent with the provisions of this act, are hereby repealed, made null and void.

Passed at Dover, March 7, 1879.

CHAPTER 10.

OF THE LEVY COURT.

AN ACT to regulate the expenditure of the county funds by the Levy Court of New Castle County.

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

Members of Levy Court not to receive money.

SECTION 1. That it shall not be lawful for any member of the Levy Court of New Castle County to receive any money from the County Treasurer of said county other than for the services due him for his attendance upon said court, and that hereafter no appropriation shall be made by said court in favor of any such member to be expended by him on behalf of the said county.

Appropriations made.

How parties shall be paid.

Orders drawn. How.

Report.

SECTION 2. That in all cases after this act goes into effect, whenever it shall be necessary to expend money for work and service on behalf of the county, the party or parties performing work or furnishing materials therefor, or both, shall be paid by an order or orders on the County Treasurer drawn by the member or committee of the said court having the supervision of the said work; and the said member or committee shall, at the next meeting of the said court, make report of said order or orders so drawn by him or them as aforesaid.

Sessions of the Levy Court.

SECTION 3. The Levy Court of said county of New Castle shall sit on the first Tuesday in the months of February, March, and on the second Tuesday in October. Upon the written request of any five commissioners of the Levy Court of New Castle County, when said court is not in session, it shall be the duty of

OF THE LEVY COURT.

the chairman of said court immediately to give notice in writing to the commissioners of said court of a special meeting thereof to be held at their usual place of meeting on some day to be named in said notice, not more than ten days thereafter. That at such special meeting, or at any adjourned meeting, said court may transact any business which might lawfully be done at any stated meeting of said court, unless otherwise provided by law.

Special meetings.

Business to be transacted at such meetings.

SECTION 4. An itemized statement* of the orders drawn by each Levy Court Commissioner for service performed or material delivered in their respective hundreds, stating what for. When all the commissioners' statements are made out they shall be compiled and published in pamphlet form. Along with which shall be published a statement of all orders drawn, appropriations or allowances made by authority of the said Levy Court, stating for what such orders, appropriations or allowances were made. The Levy Court shall have printed in pamphlet form two thousand copies, which shall be equally divided between the members of the court, who shall keep the same for delivery upon application to them by any voter of their respective hundreds. All orders drawn by any Levy Court Commissioner for work done or materials furnished shall be received by any tax collector of New Castle County as money in payment of taxes due the county.

Itemized statements of labor.

Publication thereof.

What statements must set forth.

Copies to be printed.

SECTION 5. The provisions of this act shall be applicable only to the county of New Castle.

Applicable to N. C. county.

SECTION 6. This act shall take effect from and after the first day of May, 1879, and all laws or parts of laws inconsistent herewith are hereby repealed.

When to take effect.

Passed at Dover, March 27, 1879.

* So in the enrolled bill.

OF ELECTIONS.

CHAPTER 11.

OF THE LEVY COURT.

AN ACT to relieve the Levy Court of Kent County, in regard to the keeping in repair a certain road in Duck Creek Hundred, Kent County, and State of Delaware.

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

Levy Court authorized to expend money.

SECTION 1. That it shall not be lawful for the Levy Court, of Kent County, to expend any money for work and labor upon, or for continuing or keeping in repair, a road in Duck Creek Hundred, Kent County, and State of Delaware, beginning at a joint in a road known as the Carrollton road, and extending to the upland on Bombay Hook Island; said road being commonly known as the Enoch Spruance road.

Appropriations of the Levy Court

SECTION 2. That whenever the Duck Creek Improvement Company shall put in repair and good condition their banks and sluices, it shall be the duty of the said Levy Court to make appropriations, and to expend money for the purposes of repairing and keeping in good order for public travel the said road.

Passed at Dover, March 27, 1879.

TITLE FOURTH.

Of Elections.

CHAPTER 12.

OF THE GENERAL ELECTIONS.

AN ACT to amend Chapter 18, Section 1, of the Revised Statutes, in relation to the voting place in Broad Creek Hundred.

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

Chapter 18, amended.

SECTION 1. That Chapter 18, Section 1, of the Revised Statutes of the State of Delaware, be and the same is hereby amended, by striking out the words "at the stone house now

occupied by James Boyce," in 33rd and 34th lines of said Section 1, as published in the Revised Code, 1852, as amended, &c., 1874, and inserting in lieu thereof, the words at District School House, No. 45.

Passed at Dover, February 5, 1879.

CHAPTER 13.

OF GENERAL ELECTIONS.

AN ACT to change the place of holding elections in Gumborough Hundred, Sussex County. Volume 15. 39.

SECTION 1. *Be it enacted by the Senate and House of Representatives, of the State of Delaware, in General Assembly met:* That Chapter 19, Volume 15, of the Laws of Delaware, be and the same is hereby amended by striking out all after the word "the" in the fifth line of Section 1 of said Chapter 19, and inserting in lieu thereof the words "office now owned by Jane E. Hearn, the said office being now occupied by E. H. Tyre. Section 1, Chapter 19, Volume 15, amended. Place of holding election in Gumboro' Hundred changed.

Passed at Dover, March 27, 1879.

TITLE FIFTH.

Of Certain Public Officers.

CHAPTER 14.

OF SHERIFFS.

AN ACT to extend the time for newly elected Sheriffs to enter into official recognizance. Revised Code, 1874. 144.

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

SECTION 1. That Chapter 24 of the Revised Code of the State of Delaware, as reprinted and republished in 1874 be amended Section 10, of Chap. 24, amended.

in the tenth section thereof by striking out the first four lines of said section ten, and by inserting in lieu thereof the following, viz: "If there will not be a regular term of the Superior Court in any county within sixty days after the election or appointment of a Sheriff for such county, such Sheriff shall with sufficient sureties, within sixty days after his election or."

Time for sheriff entering into official recognizance extended.

Passed at Dover, March 29, 1879.

CHAPTER 15.

OF CONSTABLES.

Revised Code, 1874. 172.

AN ACT to amend Section 5, of Chapter 34, of the Revised Code of 1852, as amended and published in 1874.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:* That Section 5, of Chapter 34, of the Revised Code of 1852, as amended and published in 1874, be and the same is hereby amended by inserting in the fourth line of said section, after the word "New Castle," and before the word "Christiana," the word "Brandywine."

Section 5 of Chapter 34, of the Revised Code, amended.

SECTION 2. *And be it further enacted as aforesaid,* That the provisions of said Section 5, of Chapter 34, of the Revised Code of 1852, as amended and published in 1874, aud as further amended by Section 1 of this act, be and the same are hereby extended, and shall apply to the additional constable authorized and required to be appointed for Brandywine Hundred, in the county of New Castle, by virtue of the act entitled "An act to allow an additional constable to the county of New Castle," passed at Dover, February 3rd, 1863.

Section 1 applicable to constable of Brandywine Hd.

Passed at Dover, March 5, 1879.

OF PUBLIC OFFICERS.

CHAPTER 16.

OF JUSTICES OF THE PEACE AND NOTARIES PUBLIC.

AN ACT to enable the Governor to appoint an additional Justice of the Peace and Notary Public for 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 thereof concurring therein:)

SECTION 1. That the Governor be and he is hereby authorized to appoint an additional Justice of the Peace and Notary Public for New Castle County, who shall reside within one mile of Glasgow, and in Pencader Hundred. Additional Notary Public and Justice of the Peace.

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.

Passed at Dover, February 5, 1879.

CHAPTER 17.

OF NOTARIES PUBLIC AND COMMISSIONERS OF DEEDS.

AN ACT to amend the act entitled "An act relating to the seals of Notaries Public and Commissioners of Deeds," passed at Dover, March 13, 1873. Volume 14. 354.

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 relating to the seals of Notaries Public and Commissioners of Deeds," passed at Dover, March 13, 1873, be and the same is hereby amended as follows: Strike out Section 1 of said act and substitute the following in lieu thereof, viz: Section 1 of Chap. 383, Volume 14, amended.

SECTION 1. That Notaries Public and Commissioners of Deeds shall use in the transaction of official business seals which shall have engraved thereon the name of the officer, either in full or using the initials of his christian name; his official title, the date of his appointment, and anything additional which he may see fit to have engraved thereon. But if the official seal of any such officer shall not be engraved in conformity with the provisions of this section, it shall not invalidate his official act, but such Notary's seal, to show what. What shall not invalidate the official act of Notary.

act shall be as valid as though the seal had been engraved in conformity with the requirements of this act, but such officer so failing to comply with the requirements of this act may be removed by the Governor for his neglect.

Passed at Dover, February 11, 1879.

CHAPTER 18.

OF NOTARIES PUBLIC.

AN ACT entitled "An act for the relief of The Wilmington Savings Fund Society."

Preamble.

WHEREAS until recently the Treasurer of the Wilmington Savings Fund Society held the office of Notary Public, and was located in the place of business of the said society at Wilmington, Delaware, for twenty-five years consecutively;

AND WHEREAS the investments of the said society, amounting to over $600,000, consist principally of first mortgages;

AND WHEREAS much inconvenience and embarrassment and vexatious delays occur to the public, transacting business at said Savings Fund, through the lack of a resident Notary Public; now, therefore,

Be it enacted by the Senate and House of Representatives in General Assembly met, (two-thirds of each House concurring:) That the Governor be, and he is hereby authorized to appoint a Notary Public in and for New Castle County, for the Wilmington Savings Fund Society, to have his place of business in the office of the said society; and that the privileges and duties of the Notary Public now appointed for the Wilmington Savings Fund Society shall not be confined exclusively to the business of the society.

Notary Public to be appointed for Wilmington Saving Fund, &c.

Passed at Dover, February 18, 1879.

OF PUBLIC OFFICERS.

CHAPTER 19.

OF PROTHONOTARIES.

AN ACT authorizing and requiring the Prothonotary of New Castle County to keep an indirect index of proceedings by foreign and domestic attachment.

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

SECTION 1. That from and after the first day of May, in the year of our Lord one thousand eight hundred and seventy-nine, it shall be the duty of the Prothonotary of the Superior Court of the State of Delaware in and for New Castle County, to keep an indirect index in a docket to be procured by him for that purpose, of all writs of foreign and domestic attachment which shall be issued from said court, and to index the same at the time they shall be so issued, which said index shall show the names of the defendants in such writs of attachment, in alphabetical order of the surnames in connection with the names of the plaintiffs therein, and the day of issuing the same; and shall also specify the appearance dockets and pages thereof in and on which such proceedings by attachment shall be docketed.

Prothonotary to keep an index in a docket for registration issued out of the Superior Court.

Passed at Dover, March 26, 1879.

CHAPTER 20.

OF COLLECTOR OF THE OYSTER REVENUE.

AN ACT authorizing and directing the Collector of the Oyster Tax to Plant snub posts on each side of Mahons River.

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

SECTION 1. That the collector of the oyster tax be, and he is hereby authorized and directed to plant white oak snub posts on each side of Mahons river, for the use of the oyster boats when laying at anchor in said river.

Snub posts.

SECTION 2. *And be it further enacted by the authority aforesaid,* That the said collector shall not expend, in purchasing and planting in position the said posts, more than three hundred and fifty dollars, ($350).

Expenditure for same shall not exceed $350.

OF PUBLIC OFFICERS.

Collector to take receipts.

SECTION 3. *And be it further enacted by the authority aforesaid,* That the collector shall take receipts for all moneys expended in planting said posts, and they shall be his vouchers for the same.

Passed at Dover, March 12, 1879.

CHAPTER 21.

OF MEMBERS OF BOARD OF HEALTH.

AN ACT to establish a State Board of Health for the State of Delaware.

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

Governor to appoint seven physicians, members of the State, Board of Health.

SECTION 1. That within thirty days after the passage of this act, the Governor shall appoint seven (7) physicians of skill and experience, members of the Medical Society of Delaware, three of whom shall be residents of New Castle County and two each of Kent and Sussex Counties, who shall constitute a board of health to be called The Board of Health of the State of Delaware. The physicians thus appointed shall be so designated by the Governor, that the term of office of one from each county shall expire every two years. Vacancies, however caused, shall be filled by appointment by the Governor.

Term of office.

Place of meeting for organization. President and Secretary chosen. President chosen annually. Secretary to continue in office until election of a successor. Duties and salary. Members of the Board to receive no salary. Meeting of Board.

SECTION 2. *Be it further enacted,* That within thirty days after their appointment the members of the Board of Health shall meet in Dover, Wilmington, or Georgetown for organization, and shall elect a president who must, and a secretary who may, be one of said Board, and the successive presidents of the Board shall be annually elected by said Board from the members thereof. The secretary shall continue in office as such until removed by the election of a successor or by vote of a majority of the Board. He shall be executive officer of said Board, and shall receive an annual salary not to exceed $100 dollars. The members of the Board of Health shall not receive a salary, but the actual expenses of any member when engaged in the duties of the Board shall be allowed and paid. The Board of Health shall meet at least once in every six months, and oftener if necessary, and four members shall constitute a quorum for the trans-

action of business. The Board shall have power to adopt rules and by-laws for their government, subject to the provisions of this act. By-laws.

SECTION 3. *Be it further enacted,* That said Board shall take cognizance of the interests of health and life among the people of this State; shall encourage the establishment of local boards of health; they shall make inquiries in respect to the causes of disease, especially of epidemics, and investigate the sources of mortality and the effects of localities, employments, and other conditions upon public health; they shall obtain, collect, and preserve such information relating to health, diseases and deaths as may be useful in the discharge of their duties, and shall contribute to the promotion of health and the security of life in the State of Delaware. And it shall be the duty of all health officers and boards of health in the State to communicate to said State Board of Health copies of their reports and publications, and also all useful sanitary information. And said State Board shall keep a record of their proceedings and acts as a Board, and they shall promptly cause all proper information in their possession to be sent to the local health authorities of any village, town or city in the State which may request the same, and shall add thereto such suggestions as the experience of the Board may supply. And said State Board of Health are authorized to require reports and information from all public dispensaries, asylums, prisons and schools, and from the managers, principals and officers thereof, and from all other public institutions, their officers and managers, and from the proprietors, managers, lessees, and occupants of all places of public resort in the State; but such reports and information shall only be required concerning matters and particulars in respect of which they may need information for the proper discharge of their duties. Said Board shall, when requested by public authorities, or when they deem it best, advise officers of the State, county, or local governments in regard to drainage, and the location, drainage, ventilation, and sanitary provisions of any public institution, building, or public place.

Duties of the Board. Local Boards of Health. Duties of Local Boards.

SECTION 4. *Be it further enacted,* That said Board shall be an advisary board to the authorities of the State, in all matters pertaining to public hygiene; they shall have authority to make special inspection of hospitals, prisons, asylums, alms-houses and other public institutions, and to investigate by the Secretary or committees of the Board, the cause of any special disease or mortality in any part of the State, and shall, at each regular session of the Legislature, submit to it a report of their acts, investigations and discoveries with such suggestions as may be deemed proper.

OF PUBLIC OFFICERS.

SECTION 5. *Be it further enacted,* That it shall be the duty of said Board to have the general supervision of the State system of Registration of marriages, births and deaths; said Board shall recommend such forms and amendments of laws as shall be necessary for the thorough organization and efficiency of registration of vital statistics throughout the State.

Duties of Secretary.

SECTION 6. *Be it further enacted,* That the Secretary of said Board shall be also the superintendent of registration of vital statistics as supervised by said Board, and shall execute the orders of the Board, and superintend the work prescribed by this act; he shall obtain from the Recorders of the several counties and properly arrange the recorded information respecting vital statistics. He shall prepare blank forms of returns, and such instructions as may be necessary, and shall supply the same to the officers of local Boards of Health. to physicians and such officials as may be necessary, in order to obtain the information requisite for annual reports, and he shall, under the direction of the Board, publish and distrtbute such information as would be valuable to the citizens of the State, on the subject of sanitation.

Payment of Secretary.

SECTION 7. *Be it further enacted,* That the salary of the Secretary shall be paid semi-annually, which and all other necessary expenses of the State Board of Health, incurred in accordance with the provisions of this act, shall be paid by the Treasurer of the State, out of monies not otherwise appropriated, upon the order of the president of the Board, countersigned by the Secretary, and approved by the Governor: *Provided,* that such other expenses shall not exceed $100.

Passed at Dover, March 13, 1879.

CHAPTER 22.

OF INSURANCE COMMISSIONER.

AN ACT in relation to Insurance Companies.

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

Insurance Department established.

SECTION 1. That there is hereby established in this State a distinct department to be known as the Insurance Department, the chief officer of which shall be denominated the "Insurance

OF PUBLIC OFFICERS.

"Commissioner," of Delaware. The Governor shall, within thirty days from the passage of this act, and afterwards, when any vacancy occurs in the office, appoint some suitable person of good moral character, well qualified for the position as an expert accountant, to be "Insurance Commissioner" for the term of four years. The "Insurance Commissioner" shall, before entering upon the duties of his office, take an oath or affirmation, to support the Constitution of the United States and of this State, and also that he will faithfully and impartially perform all the duties of the office of Insurance Commissioner, and shall give bond in the penal sum of two thousand dollars ($2,000) with surety or sureties, to be approved by the Governor; said bond to be filed with the Secretary of State, conditioned for the faithful discharge of his duties as such commissioner; said bond shall be in the form prescribed by Section 6, of Chapter 24, of the Revised Code. The "Insurance Commissioner" shall not be a director, officer or agent of, or directly or indirectly interested in any insurance company, except as an insured.

Governor to appoint Commissioner.

Oaths of office.

Official bond.

Approval of bond.

Filing of bond.

Condition of bond.

SECTION 2. The following shall be the duties of the "Insurance Commissioner":

Duties of Insurance Commissioner.

First. To see that all laws of this State respecting insurance companies are faithfully executed, and to require from all companies not chartered by the laws of this State, transacting the business of insurance in this State a certified copy of their charter or declaration of organization, and a certificate of the name and residence of an agent or agents of said company resident in this State, upon whom service of process against said company may be made, both of which shall be recorded in his office.

Require from Insurance Companies copies of charters, &c.

On whom services may be made.

Second. To examine the affairs and condition of any company doing the business of insurance in this State, chartered by the laws of this State, whenever it shall be demanded by the written application of not less than five policy-holders insured in such company to the amount of ten thousand dollars (10,000) and to publish the result of such examination in one or more newspapers of this State, whenever he deems it for the interest of the public so to do; and for the purpose of such examinations he shall have power to require free access to all books and papers of any insurance company, or the agents thereof, doing business within this State, and to examine any officer, agent, or employee of such company, under oath or affirmation, which he is hereby empowered to administer, relative to the affairs and conditions of any company; and further, he may at any time require from any company doing the business of insurance, or any of its officers or agents, statements on such points as he deems necessary and proper to elicit a full and fair exhibit of its business and standing upon

To examine the affairs of domestic companies.

Publication of result.

Powers of commission

Authority to require statements.

What on.

OF PUBLIC OFFICERS.

SECTION 5. *Be it further enacted,* That it shall be the duty of said Board to have the general supervision of the State system of Registration of marriages, births and deaths; said Board shall recommend such forms and amendments of laws as shall be necessary for the thorough organization and efficiency of registration of vital statistics throughout the State.

Duties of Secretary.

SECTION 6. *Be it further enacted,* That the Secretary of said Board shall be also the superintendent of registration of vital statistics as supervised by said Board, and shall execute the orders of the Board, and superintend the work prescribed by this act; he shall obtain from the Recorders of the several counties and properly arrange the recorded information respecting vital statistics. He shall prepare blank forms of returns, and such instructions as may be necessary, and shall supply the same to the officers of local Boards of Health. to physicians and such officials as may be necessary, in order to obtain the information requisite for annual reports, and he shall, under the direction of the Board, publish and distrtbute such information as would be valuable to the citizens of the State, on the subject of sanitation.

Payment of Secretary.

SECTION 7. *Be it further enacted,* That the salary of the Secretary shall be paid semi-annually, which and all other necessary expenses of the State Board of Health, incurred in accordance with the provisions of this act, shall be paid by the Treasurer of the State, out of monies not otherwise appropriated, upon the order of the president of the Board, countersigned by the Secretary, and approved by the Governor: *Provided,* that such other expenses shall not exceed $100.

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OF PUBLIC OFFICERS.

"Commissioner," of Delaware. The Governor shall, within thirty days from the passage of this act, and afterwards, when any vacancy occurs in the office, appoint some suitable person of good moral character, well qualified for the position as an expert accountant, to be "Insurance Commissioner" for the term of four years. The "Insurance Commissioner" shall, before entering upon the duties of his office, take an oath or affirmation, to support the Constitution of the United States and of this State, and also that he will faithfully and impartially perform all the duties of the office of Insurance Commissioner, and shall give bond in the penal sum of two thousand dollars ($2,000) with surety or sureties, to be approved by the Governor; said bond to be filed with the Secretary of State, conditioned for the faithful discharge of his duties as such commissioner; said bond shall be in the form prescribed by Section 6, of Chapter 24, of the Revised Code. The "Insurance Commissioner" shall not be a director, officer or agent of, or directly or indirectly interested in any insurance company, except as an insured.

Governor to appoint Commissioner.

Oaths of office.

Official bond.

Approval of bond.

Filing of bond.

Condition of bond.

SECTION 2. The following shall be the duties of the "Insurance Commissioner":

Duties of Insurance Commissioner.

First. To see that all laws of this State respecting insurance companies are faithfully executed, and to require from all companies not chartered by the laws of this State, transacting the business of insurance in this State a certified copy of their charter or declaration of organization, and a certificate of the name and residence of an agent or agents of said company resident in this State, upon whom service of process against said company may be made, both of which shall be recorded in his office.

Require from Insurance Companies copies of charters, &c.

On whom services may be made.

Second. To examine the affairs and condition of any company doing the business of insurance in this State, chartered by the laws of this State, whenever it shall be demanded by the written application of not less than five policy-holders insured in such company to the amount of ten thousand dollars (10,000) and to publish the result of such examination in one or more newspapers of this State, whenever he deems it for the interest of the public so to do; and for the purpose of such examinations he shall have power to require free access to all books and papers of any insurance company, or the agents thereof, doing business within this State, and to examine any officer, agent, or employee of such company, under oath or affirmation, which he is hereby empowered to administer, relative to the affairs and conditions of any company; and further, he may at any time require from any company doing the business of insurance, or any of its officers or agents, statements on such points as he deems necessary and proper to elicit a full and fair exhibit of its business and standing upon

To examine the affairs of domestic companies.

Publication of result.

Powers of commission

Authority to require statements.

What on.

the application of not less than five policy-holders of any company to the amount of ten thousand dollars. The "Insurance Commissioner" may employ expert assistance in examining the affairs of such company, and charge the cost thereof in the expenses to be paid by the company.

Authority to employ an expert.

Duty of the commissioner to communicate certain discrepances on the part of any insurance company, to the Att'y Gen'l who shall file a bill in Chancery.

Third. Whenever the "Insurance Commissioner" shall have reason to believe that any insurance company of this State is insolvent or fraudulently conducted, or that its assets are not sufficient for carrying on the business of the same, or upon or doing any non-compliance with the provisions of this act he shall communicate the fact to the Attorney-General, whose duty it shall then become to file a bill or petition in chancery, in the name of the State, setting forth the facts, and thereupon to apply to the Court of Chancery of any county in which said company may be doing business, or to the Chancellor in vacation, for an order requiring said company to show cause why their business should not be closed. In a proper case made, the said court, or the Chancellor in vacation, shall have power to appoint a receiver to take charge of, settle, and close up the affairs of said company under the direction of said court, to enjoin it from doing business and to make such order and decree as may be necessary or proper.

Receiver to be appointed.

When.

Blanks furnished by commissioner.

Annual publication of names of insurance companies that have complied.

Fourth. To furnish to the companies, required by this act to report to him, all necessary blank forms for the statements required, and to publish annually, on or before the first day of July, once a week, for three weeks, in at least two newspapers of this State, the names of the insurance companies that have filed statements agreeably to the provisions of this act, and to whom certificates of authority have been issued; and he shall also state when and where each company was incorporated, and its aggregate assets and liabilities, and its receipts and expenditures for the preceding year; the cost of such publication to be borne equally by said companies, and the amount to be paid by each shall be deposited with the "Insurance Commissioner" at the time the annual statement is furnished, as herein provided.

Costs of publication

By whom borne.

Shall ascertain the net value of all policies in force.

When

Valuations made by the Insurance Commissioner.

Certificates of companies.

What they authorize.

Fifth. He shall, as soon as practicable, in each year ascertain the net value on the thirty-first day of December of the previous year of all policies in force on that day in each life insurance company doing business in this State. He shall accept the valuations made by the "Insurance Commissioner" of either Pennsylvania, New York or Massachusetts, and may require each such company to furnish him, on or before the first day of March, a certificate of any valuation of its policies made by either of the "Insurance Commissioners" above named, and if any company fails to furnish such valuation he shall revoke its authority to do business in this State.

OF PUBLIC OFFICERS.

Sixth. In case it is found that any life insurance company doing business in this State has not on hand the net value of all its policies in force after all other debts of the company and claims against it exclusive of capital stock, have been provided for, it shall be the duty of the "Insurance Commissioner" to publish the fact that the then existing condition of the affairs of the company is below the standard of legal safety established by this State, and he shall at once withdraw the authority of said company to do business in this State.

When the Insurance Commissioner shall withdraw authority of any company.

Seventh. At the request of any person, and on the payment of the fee, to give certified copies of any record or papers in his office, when he deems it not prejudicial to public interests so to do, and to give other certificates as this act provides for.

How copies of records and papers can be obtained.

Eighth. To report to each regular session of the General Assembly, on or before the twentieth day of February, the receipts and expenses of his department for the two years previous; his official acts; the condition of all companies doing the business of insurance in this State, and such other information as will correctly exhibit the affairs of his department, and to send a copy of his report, when printed, to the "Insurance Commissioner," or other similar officer, of every other State, and to each company doing business in this State.

Biennial report of commissioner.

Report. How distributed

Ninth. To communicate on request of any "Insurance Commissioner," or other similar officer of any State, any facts which by law it is his duty to ascertain respecting companies doing business in this State.

Duties of commissioner of this State, and commissioner of other States.

Tenth. To carefully preserve in permanent form all papers and records relating to the business of his department, and to hand the same over to his successor in office.

Preservation of papers.

SECTION 3. Every insurance company doing the business of insurance within this State shall, on or before the first day of July next after the passage of this act, excepting such companies as have complied with the existing laws for the present year, and annually thereafter, on or before the first day of February, deliver to the "Insurance Commissioner" a full detailed statement of the condition and business of such company for the year ending on the previous thirty-first day of December, which statement shall be verified by the oath or affirmation of the president or vice-president and secretary or authorized agent. Said statement shall be on the blanks prepared and furnished by the "Insurance Commissioner" for that purpose, and shall contain the name of the company, where located, when and where incorporated or organized, the amount of paid-up capital, with a detailed statement of all assets, showing the amount of cash on hand, in bank, or in the hands of agents; the amount and actual

Annual statement. How verified.

Blanks furnished by Insurance Commissioner.

value of real estate owned by the company, and the amount of incumbrances thereon; the number of government, State and municipal and other bonds owned, and the market and par value of the same; the number of shares of stock of every kind owned, and the market and par value of the same; the amount loaned on bond and mortgage, with the actual cash value of the property mortgaged, and whether such property is subject to any other lien or liens paramount to such mortgage, and the aggregate amount of such paramount liens; the amount loaned on all other securities, stating the name and kind of securities, and the amount loaned on each; also stating the liability and indebtedness of such company; the amount of losses against the company adjusted and unpaid, the amount in process of adjustment or in suspense, including all reported and supposed losses, losses resisted, including interest and other expenses thereon; and all other liabilities, claims, and demands whatsoever against the company, and all other information necessary and proper to fully set forth a full and fair exhibit of its business and standing; and if such company shall be incorporated under the laws of any other State, it shall also, at the same time, deliver to the "Insurance Commissioner" a printed copy of the last annual report, if any, made by the company under the laws of the State in which such company was incorporated, which shall be certified to by said company in so far as it relates to their statement in said report, together with a printed copy of the last report, if any, of the condition of such company made by the "Insurance commissioner" or other similar officer of such State, or if there be no "Insurance Commissioner" in the State where such company is incorporated, or if under the laws of such State there shall not be established and maintained a system for the regulation of insurance companies, then and in such case it shall furnish a report of the condition of the company made by the "Insurance Commissioner" of any other State where the company may transact insurance business, in which State a system for the regulation and government of insurance companies is maintained. But if any insurance company incorporated or organized under the laws of any foreign government and transacting insurance business in this State, shall not have a president or secretary residing in the United States, the printed report of the "Insurance Commissioner" of either Pennsylvania, New York or Massachusetts, provided the statement in said report be certified to by one of the managers, shall be sufficient.

Companies organized under the laws of other States.

What shall be delivered to the commissioner.

Copy of report made by commissioners of other States.

Report showing condition of companies organized under foreign governments.

SECTION 4. That if, by the statement furnished as aforesaid, it shall appear that such company is incorporated under the laws of this State, and is a mutual company, and that agreements

Mutual companies.

OF PUBLIC OFFICERS.

have been entered into by the company for insurance with at least one hundred applicants, and that securities on said insurance founded on actual and *bona fide* applications for insurance, and amounting to not less than twenty thousand dollars have been received; or if it shall appear by such statement that such company, being incorporated under the laws of this State, is a stock company, and has an actually paid in capital stock of at least one hundred thousand dollars over and above all claims and liabilities; or if it shall appear by such statement and report or reports, that such company is incorporated under the laws of any other State or foreign government, and is in good condition, and has assets to the amount of one hundred and fifty thousand dollars over all liabilities and claims, then the "Insurance Commissioner" shall issue a certificate authorizing said company to transact the business of insurance, and establish agencies in this State. For the purposes of this act the capital of any joint stock insurance company shall be deemed to be the aggregate value of its deposits, assets and investments, certified according to the provisions of this act, after making deductions therefrom for all losses and all liabilities and for premiums on unexpired fire risks. If at any time the "Insurance Commissioner" shall find the capital stock of any company doing business in this State impaired to the extent of twenty per centum, he shall give notice to the company to make good its whole capital stock within sixty days, and if this is not done, he shall require the company to cease to do business within this State, and shall, thereupon, in case the company is organized under the laws of this State, immediately institute legal proceedings as required in Section 2 of this act.

What the statement shall contain.

Commissioner shall issue certificate to such companies.

Capital of any joint stock insurance company.

Duty of commissioner when capital stock is impaired twenty per centum.

SECTION 5. No insurance company or corporation shall be engaged in, prosecute or transact any insurance business within the limits of this State, without having first obtained authority therefor, agreeably to the provisions of this act, and every such company, not incorporated under the laws of this State, shall, before doing business as aforesaid, deliver to the "Insurance Commissioner" a certified copy of its charter or declaration of organization, and also a certificate, in such form as may be provided by the "Commissioner," of the name and residence of some person or agent within this State, upon whom service of process may be made, and all process against such company issued out of the courts of this State, may then and thereafter be served upon such person or agent so designated. And no person or persons shall procure or solicit any citizen or resident of this State to take out a policy of insurance in any insurance company or corporation not authorized to transact business within this State.

Unlawful to do business in this State.

What companies must deliver to the commissioner a certified copy of its charter, &c.

OF PUBLIC OFFICERS.

Seal of Insurance Commissioner.

Seal of office shall accompany what.

What papers shall be evidence.

SECTION 6. The "Insurance Commissioner" shall have a seal of office like that now used by the Secretary of State, except that it shall be surrounded by the words "Insurance Commissioner of the State of Delaware." All certificates and other official papers shall be accompanied with an impression of this seal. Any instrument carefully executed by the "Insurance Commissioner" of this State, and authenticated by his seal of office, shall be received in evidence in the courts of this State, and copies of papers and records in his office so authenticated, shall be received as evidence with the same effect as the originals.

Swearing falsely, deemed perjury and punishable accordingly

Violation of this act deemed a misdemeanor.

How punished.

SECTION 7. If any person making an oath or affirmation required by this act, or if any person being or assuming to be an officer or agent of any insurance company, incorporated by this State, making any oath or affirmation required by the insurance laws of any other State, shall swear falsely or make a false affirmation, he shall be guilty of the crime of perjury, and shall be subject to the punishment prescribed for perjury under the laws of this State. Any company or person otherwise violating this act shall be guilty of a misdemeanor, and upon conviction thereof, by indictment, shall be subject to imprisonment not exceeding one year, or a fine not exceeding one thousand dollars, or both, at the discretion of the court. And the "Insurance Commissioner" shall suspend any company so convicted, or whose agent is so convicted, from doing business within this State, until the fine is paid.

Mode of compensating Insurance Commissioner.

SECTION 8. There shall be paid to the "Insurance Commissioner" for his own use, by every company to which this act applies, the following fees: for filing the declaration or certified copy of charter, ten dollars; for filing annual statement or printed report of the "Insurance Commissioner" of any of the States aforesaid, ten dollars; for each certificate of authority and certified copy thereof, two dollars; for every copy of any paper filed in his office, the sum of twenty cents per folio of one hundred words, and for affixing the official seal to such copy and certifying the same, the sum of one dollar; for official examinations of companies under this act the actual expenses incurred. The Commissioner shall receive no compensation from the State, except the necessary expenses of his office, such as postage, printing, stationary, &c., which may be allowed by the General Assembly.

Duplicate receipts for taxes.

To whom delivered.

SECTION 9. It shall be the duty of any officer receiving taxes from insurance companies or agents, under the laws of this State, to issue such company or agent, upon payment of such tax, receipts therefor in duplicate, and such company or agent shall thereupon deliver to the "Insurance Commissioner" one of said duplicate receipts, and the "Insurance Commissioner" shall not

issue a certificate of authority to do business in this State to any company in arrears for any tax due to this State. Penalty for arrearages for tax due.

SECTION 10. This act shall go into effect and operation on the first day of July next after the passage thereof. Act goes into effect. When.

SECTION 11. That Section 1 of Chapter 118 of the 15th Volume of the Laws of Delaware be and the same is hereby amended by striking out of said section the words "and every fire, marine, life, or live stock insurance company," in the fourth and fifth lines, and the words "or insurance company," in the fifteenth line thereof, and that Section 2 of said Chapter 118 be and the same is hereby repealed. Volume 15. 180. Section 1 of Chap. 118, amended. Section 2 of Chap. 118, amended.

Passed at Dover, March 24, 1879.

CHAPTER 23.

OF STATE BOARD OF AGRICULTURE.

AN ACT to create a Board of Agriculture for 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 Directors of the Directors* of the Delaware Agricultural Society and their successors be and they are hereby constituted a State Board of Agriculture. Who shall constitute a State Board of Agriculture.

SECTION 2. It shall be the duty of this Board to collect facts, statistics, or other data affecting the agricultural interests of this State, and report the same from time to time to the Governor of this State, who shall lay the same before the General Assembly next in session. Duties of the State Board.

SECTION 3. The members of said Board shall receive no compensation for their services. Not entitled to compensation.

Passed at Dover, March 28, 1879.

* So in the enrolled bill.

OF RELIGIOUS SOCIETIES.

CHAPTER 24.

OF THE CLERKS OF THE ORPHANS' COURT.

AN ACT to regulate the time and manner of taking the bonds of the Clerks of the Orphans' Court.

Clerk of Orphans' Court of each county to give bond.

When.

Surety.

Delivered to the recorder to be recorded.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That every Clerk of the Orphans' Court, appointed for either county of the State, shall, before entering upon the duties of his office, become bound to the State of Delaware, with sufficient surety to be approved by one of the Judges of said Court, by a joint and several obligation in a penalty of three thousand dollars, with condition as now required by law, and thereupon the said obligation shall be forthwith delivered to the Recorder of the same county, to be recorded and filed in his office.

Passed at Dover, March 19, 1879.

TITLE SIXTH.

Of Religion, Public Education and Health.

CHAPTER 25.

OF RELIGIOUS SOCIETIES.

AN ACT to re-incorporate Camden Union Camp Ground for the Methodist Episcopal Churches of Delaware and Philadelphia.

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):

Name of corporation

General powers.

SECTION 1. The religious society or congregation of christians worshipping at the camp ground near Camden, Delaware, is hereby incorporated and created a body politic and corporate in law and in fact by the name of "The Camden Union Camp Ground for the Methodist Episcopal Church," and by that name shall have succession for twenty years, and be able to sue and be sued, plead and be impleaded in all courts of law and equity, and to purchase, receive, have, hold, lease, enjoy property, real and personal, and to sell, convey, and dispose of the same.

OF RELIGIOUS SOCIETIES.

SECTION 2. That William Slay, Edward Lord, Moses S. Van Burkalow, and Robert Wilson, of Camden circuit; Charles M. Wharton and Isaac Jump, of Dover station; William Broadaway, of Wyoming circuit, within the bounds of the Wilmington Annual Conference of the Methodist Episcopal Church, and Thomas C. Nesbit and Richabell Allaband, of St. Paul's Methodist Episcopal Church, of the city of Philadelphia, are hereby appointed trustees of said corporation, whose terms shall expire at the times specified in Section 3 of this act. The annual meeting of the Board of Trustees shall be held on the first Thursday in July in each year, unless otherwise ordered by a vote of at least two-thirds of the whole number of trustees fixing some other day for said meeting.

Trustees.

Expiration of term.

Time of holding annual meeting.

SECTION 3. The terms of the respective trustees named in Section 2 of this act shall expire as follows, viz: Isaac Jump, Charles M. Wharton, and William Broadaway at the annual meeting of the Board of Trustees in 1879; William Slay, Thomas C. Nesbit, and Richabell Allaband at the annual meeting of the Board of Trustees in 1880; and Edward Lord, Moses S. Van Burkalow, and Robert Wilson at the annual meeting of the Board of Trustees in 1881, and shall expire in the same order from year to year, one-third thereof in each year. Any person removing from the circuit or station for which he was elected, his place shall become vacant and shall be so declared by the remaining trustees.

Expiration of term of trustees.

Casual vacancies.

SECTION 4. Any vacancy occurring in said Board of Trustees by death, resignation, expiration of the term for which any trustee was elected, or removed from the circuit or station for which he was elected, shall be filled by the Board of Trustees from the circuit or station for which the person whose place has become vacant was elected. Any vacancy occurring by death, resignation, or removal from the circuit or station for which he was elected, his successor shall be elected to fill the remainder of the unexpired term.

Vacancies, how supplied.

Unexpired terms, how filled.

SECTION 5. The Board of Trustees shall fill vacancies occasioned by the expiration of the the term for which they were elected, by electing person to fill said vacancies as follows, viz: from Camden and Wyoming circuits or charges, person or persons nominated by the quarterly conferences of the circuits or charges, next preceding the annual meeting of the Board of Trustees, from Dover station, by the election of persons to fill said vacancies, nominated by a meeting of the male members, at said station called for that purpose, by notice read from the pulpit in the church at said station, on the Sabbath next preceding such meeting, and from Philadelphia by the election

Vacancies, how filled.

Notice of meetings.

OF RELIGIOUS SOCIETIES.

of persons nominated by a meeting of the male members of churches in Philadelphia, which have contributed to the purchase of the camp ground held at St. Paul's Methodist Church, in Philadelphia. In case the quarterly conferences of Camden and Wyoming circuits or charges, and the meetings of the male members of Dover station and of the churches of Philadelphia, at a meeting held at St. Paul's Methodist Episcopal Church, as aforesaid, or either or any of them shall refuse or neglect to nominate as aforesaid, then the remaining trustees may elect a person or persons to fill such vacancy from the circuit, charge or station, so neglecting or refusing to nominate. Any trustee shall be eligible to re-election, and shall be members of the Methodist Episcopal Church.

President, Secretary and Treasure, when chosen. Time of holding annual meeting. Occasional meetings. Notice. Quorum. Books and papers. By whom kept. Minutes of meetings. Inspection of books. Bond of treasurer.

SECTION 6. The trustees shall choose one of their number as President and another as Secretary and Treasurer, at each annual meeting. The time for holding said annual meeting shall be the first Thursday in July, or such other time as shall be fixed by the Board of Trustees. Occasional meetings may be called at any time by the President and Secretary; said meetings shall be held at Camden, Dover, or on the camp ground, as a majority of the trustees may determine. Four weeks notice of the annual meeting shall be published by the Secretary in two newspapers published in Kent County, Delaware, and such other papers as shall be determined by the Board of Trustees. A majority of the trustees shall constitute a quorum to transact business. The Secretary and Treasurer shall have charge of the books and papers; shall keep the minutes of the meetings and the accounts of the corporation: any trustee shall have a right at all times to inspect the books. The treasurer shall be required to give bond with surety, to be approved by the Board of Trustees, in such sum as may be fixed by them, for the faithful discharge of his duties, and shall render his accounts annually to the board, and oftener if required.

By-laws. Managers. Duties of managers. Nomination of managers.

SECTION 7. The Board of Trustees shall have full power to enact all necessary by-laws for the good government of said corporation, not inconsistent with the Constitution and laws of this State or of the United States. They shall, at their annual meeting, appointed eighteen managers, whose duty it shall be to preserve order on the camp ground and within one half mile of the camp ground; to manage the police arrangements thereof, and shall have all the power given by the laws of this State to managers of camp meetings. Each trustee shall have the right to nominate to the Board of Trustees two managers, and if any one or more be rejected by the board, he may nominate another or others, until his nominations are confirmed by the board. In

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case any trustee shall neglect or refuse to nominate to the board the number which he is authorized to nominate, the President of the Board of Trustees shall make the nominations in his stead, for the confirmation of the board, and if the nominations of the President shall be approved by a majority of the board present, [it] shall be final, or if rejected, the President may make other nominations until they are confirmed. Any trustee shall be eligible to the office of a manager. The Board of Trustees shall, at their annual meeting, appoint some person as a police officer, whose duty it shall be to arrest all persons during the time of the camp meeting, who shall be found within one half-mile of said camp meeting violating any of the rules adopted by the Board of Trustees or by the Board of Managers, for the good government of the camp meeting, or who shall be guilty of any breach of the peace or disorderly conduct, and shall take such person before some Justice of the Peace of the county, whose duty it shall be to hear the case, and if in his judgment it is necessary, he shall hold the person so offending to bail for his appearance at court, or to keep the peace in such sum as in his judgment may seem just and proper; and in default of such bail, shall commit such person to the jail of Kent County for such number of days as will extend beyond the time of the camp meeting: *Provided*, such number of days shall not exceed fifteen. The person authorized to make such arrest may do so upon view or upon the oath or affirmation of same person made before the person authorized to make such arrests. The person authorized by the Board of Trustees to make such arrests, is authorized to administer the oath required by this section. All fees and expenses incurred by the person making the arrests shall be paid by the corporation primarily. If the person arrested shall be convicted of the offence charged, the expense of the arrest shall form a part of the cost as now provided by law.

Who eligible for managers.
Police officers.
Power to arrest for violations of rules and breaches of the peace.
Penalty.
Proviso.
Power to make arrests.
Expenses of making arrests. How paid.

SECTION 8. The provisions of Section 10 of Chapter 39 of the Revised Statutes of this State are applicable to the corporation hereby created. The yearly rents and profits of the whole real estate held by said corporation, clear of all expenses, incident to the holding of camp meetings, shall not exceed the sum of one thousand dollars, and said clear yearly rents shall be applied to beautifying [and] improving the camp ground, and for such other purposes as the Board of Trustees may deem proper.

Section 10, of Chap. 39 of the Revised Statute, applicable to corporation
The clear annual rents and profits not to exceed $1,000.

SECTION 9. It shall not be lawful for the keeper of any regularly established tavern or store, or for any person regularly established with a license to sell intoxicating liquor alone, under the provisions of any law now in force, or that may hereafter be enacted, regulating the sale of intoxicating liquors within this

Provisions in relation to the sale of intoxicating liquors and other things.

State, located between the boundaries of said Camden Camp Ground and the limits of the town of Camden, as now laid out in the direction of said town, or within one-half mile of said camp ground, in any other direction, to sell, offer for sale, or dispose of, or offer to dispose of, any intoxicating liquor, bread, food or other provisions or articles during the continuance of the camp meetings there held, or on the day before the commencement, without a written permission, signed by a majority of the managers. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than fifty dollars, nor more than five hundred dollars.

Penalty.

Penalty provided by Section 9 cumulative

SECTION 10. That nothing herein contained shall in any way affect the provisions of Section 3 of Chapter 131 of the Revised Statutes of this State, but the penalty provided by Section 9 of this act shall be cumulative.

Failure to elect officers shall not work a dissolution of the corporation.

SECTION 11. The failure of the Board of Trustees to meet and perform the duties required of them at the time prescribed by the charter, or such other time as shall be fixed by the board, shall not work a dissolution of the corporation, but a special meeting may be called by one or more of the trustees, at which the Board of Trustees may do all acts that they could have done at the annual meeting. A notice mailed to the nearest post-office shall be sufficient notice under this section.

Public act.

SECTION 12. This act shall be deemed and taken to be a public act.

SECTION 13. Power is hereby reserved to the Legislature to revoke this act of incorporation.

Passed at Dover, February 19, 1879.

CHAPTER 26.

OF RELIGIOUS SOCIETIES.

AN ACT relating to the Saint Paul's Methodist Episcopal Church 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:)

St. Paul's M. E. Church authorized to elect trustees.

SECTION 1. That "the Saint Paul's Methodist Episcopal Church of Wilmington," a religious corporation organized on

the 1st day of March, 1844, under the Statutes then in force relating to religious societies, be and the same is hereby authorized to elect trustees, not less than three nor more than twelve, who shall be elected and all vacancies filled in the manner now prescribed by law. And all the estate, right, and title which said corporation may have in any property, real and personal, shall vest in said trustees as prescribed by law relating to religious societies.

Number.

Property to vest in trustees.

Passed at Dover, February 24, 1879.

CHAPTER 27.

OF RELIGIOUS SOCIETIES.

A Further Supplement to the act entitled "An Act to incorporate the Rehoboth Beach Camp Meeting Association of the Methodist Episcopal Church," passed at Dover, January 27, 1873.

Volume 14. 360.

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 Section 1 of the act to which this is a supplement be amended by striking out all of said Section 1 after the word "of" in the fifteenth line, and insert in lieu thereof the following, viz: "The Rehoboth Beach Association" for the purpose of providing and maintaining a permanent seaside resort, where everything inconsistent with christian morality as taught by the Methodist Episcopal Church shall be excluded and prohibited; and by that name shall have perpetual succession, and be able to sue and be sued, plead and be impleaded in all courts of law and equity, and to purchase, receive, have, hold, lease, and enjoy property, real and personal, and the same from time to time to sell, mortgage, demise, grant, alien, or dispose of in parcels or otherwise, on such terms, conditions, and restrictions, not repugnant to the laws of this State or of the United States, as they may see fit.

Section 1, of Chapter 392, of Volume 14, amended.

Purpose of the association.

Corporate powers.

SECTION 2. That the directors shall have power and authority to make, establish, and publish such ordinances as they may deem beneficial for the good government of the corporation within its present limits, at any meeting of the Board of Directors.

Ordinances

Passed at Dover, February 26, 1879.

OF PUBLIC EDUCATION.

CHAPTER 28.

OF RELIGIOUS SOCIETIES.

Volume 4. AN ACT to amend Chapter (CLXXVI) (176) of Volume 4, Delaware Laws.

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

Section 1, of Chap. 176, amended.

SECTION 1. That Section 1 of Chapter 176 of Volume 4, Delaware laws, be amended by inserting after the word "Paulson," and before the word "shall" in the fifth line thereof, the following: "Rev. W. D. Hanson, William Jenks Fell, J. Poulson Armstrong, Thomas Brackin and John M. Newbold."

Names.

Passed at Dover, February 11, 1879.

CHAPTER 29.

OF PUBLIC EDUCATION.

AN ACT transferring the home and mansion farm of Robert Lambden: also all his other lands on the north side of the public road leading from Laurel to Millsboro, from School Districts Nos. 45 and 83, in Sussex county, to United School Districts Nos 44 and 150, in said county.

Certain real estate transferred from School Districts Nos. 45 and 83, to Nos. 44 and 150.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:* That the home and mansion farm of Robert Lambden, also all his other lands on the north side of the public road leading from Laurel to Millsboro, in School Districts Nos. 45 and 83, in Sussex county, shall hereafter be and form a part of United School Districts Nos. 44 and 150, in Sussex county aforesaid, and that the said Robert Lambden, and all his lands above mentioned, shall enjoy all the advantages and privileges, and be subject to all duties and liabilities of taxables in said United School Districts Nos. 44 and 150, in Sussex county, and he and his lands as aforesaid are hereby relieved and discharged from the same in School Districts Nos. 45 and 83, in said county. This act shall be deemed and taken to be a public act.

Advantages and liabilities thereof.

Passed at Dover, February 5, 1879.

OF PUBLIC EDUCATION.

CHAPTER 30.

OF PUBLIC EDUCATION.

AN ACT to create an additional School District in New Castle County.

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

New School District laid off from Nos. 71, 72, and 80, of N. Castle county.

Limits.

SECTION 1. That there shall be and hereby is laid off from School Districts Nos. 71, 72, and 80, of New Castle County, the following parts thereof included within these lines, to wit: Beginning at a point in Appoquinimink Hundred where the line dividing this State from the State of Maryland crosses the road leading from Smyrna to the Head of Sassafras; thence along the said road to a road known as the Murphy road; thence with said Murphy road to Wilson's Corner; thence down the road known as the Levels road to a new road known as the Caulk road; thence with said Caulk road to the road leading from the Sassafras road to Blackbird mill; thence in a direct line through lands of James V. Crawford, James T. Taylor, Columbus Watkins, and the devisees of Zacharias McD. Roberts, deceased, to the main branch of Blackbird Creek, the dividing line between Appoquinimink and Blackbird Hundreds, at a corner for lands of the said Roberts and for lands of Edward Edwards; thence up the said branch to the road leading from Smyrna to the Head of Sassafras; thence with said road to a corner for lands of John Scaggs and lands of Philip Landis, the beginning point of a new road laid out but not opened; thence with the line of said new road to a road known as the Ganges road; thence with said Ganges road to a newly laid out road leading from the Ganges road to the State line aforesaid; thence with the line of the said new road to the said State line; and thence with the said State line to the place of beginning. And the parts included within the said limits shall be a separate school district, that is to say, School District No. 71½, in New Castle County, and shall have and enjoy all the powers, rights and privileges of an original school district in New Castle County, and all the laws of this State applicable to the school districts of the State generally, shall apply to the said District No. 71½ so laid off; *Provided, however,* That the school voters of the said district shall meet on the first Saturday of April next at the storehouse of Jacob C. Vandyke and choose a clerk to serve for three years, and two commissioners, one to serve for two years and one to serve for one year, or until their successors are duly elected, and may do and perform any other act or acts that the voters of any school district in the said county may lawfully do.

Name.

Powers and privileges of new district.

OF PUBLIC EDUCATION.

Secretary of State to notify Clerk of the Peace of N. C. county.

SECTION 2. That the Secretary of State be and is hereby directed to notify the Clerk of the Peace of New Castle County of the passage of this act.

Passed at Dover, February 19, 1879

CHAPTER 31.

OF PUBLIC EDUCATION.

AN ACT transferring the house and farm of Mrs. A. G. Woodruff, from School District No. 75, in Sussex county, to School District No. 91, in Sussex County.

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

Certain property transferred to School District No. 91, in Sussex county. Rights and duties of persons.

That the house and farm of Mrs. A. G. Woodruff now situate and lying in School District No. 75, in Sussex County, be and the same is hereby transferred to and the same shall hereafter form a part of School District No. 91, in Sussex County aforesaid, and every person residing upon the premises within named, or who may hereafter reside thereon, shall enjoy all the rights and privileges and be subject to all the liabilities of taxables of said School District No. 91.

Passed at Dover, March 5, 1879.

OF PUBLIC EDUCATION.

CHAPTER 32.

OF PUBLIC SCHOOLS IN WILMINGTON.

A Further Supplement to an act entitled "An Act to amend an act entitled 'An additional supplement to the act entitled 'An act for the benefit of the Public Schools of Wilmington.'"

Volume 15, 546.

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 Chapter 453 of Volume XV, Delaware Laws, entitled "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 and the same is hereby amended by striking out of Section 3, after the word "current," in the twenty-fifth line from the top, to and including the word "therefor," in the thirtieth line of said section, the following words to wit: and if the said debts and liabilities shall not be paid, the same shall bind personally those members of said board who shall have voted in the affirmative when the order of proceeding under which the debt or liability arose was passed or had, making them jointly and severally responsible therefor, and inserting in lieu therefor the following: no money shall be paid from the treasury of the board unless the same shall have been appropriated as aforesaid. If the treasurer of the board shall pay out of the treasury any money or draw any order for the payment of any money contrary to this provision, he shall forfeit and pay a fine of five hundred dollars, and he and his sureties shall be liable to the board upon his official obligation for any money so paid out by him.

Section 3, of Chap. 453, of Vol. 15, amended.

Personal liability of members of School Board.

When money shall be paid from the treasury of the Board.

Penalty.

SECTION 2. Strike out all after the figures "1878" at the end of the 24th line of Section 4 of said chapter, and insert in lieu thereof as follows: "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, in twelve equal installments, on the first Monday in each and every month during the year, by the city treasurer, upon orders drawn by the aforesaid board, under the hand of the president and attested by the secretary; *Provided, however*, that the amount appropriated by the City Council for the year A. D., 1879, shall be paid in nine equal installments, commencing with the first Monday in April, A. D., 1879."

Section 4 of said Chapter amended.

Appropriations.

How paid.

Orders How drawn

Proviso.

SECTION 3. Strike out of Section 4 of Chapter 73, Revised Statutes, page 441, the words "twelve members shall form a quorum," and insert as follows: "ten members shall form a quorum."

Section 4 of Chapter 73, Revised Statutes, page 441, amended.

Quorum.

OF PUBLIC EDUCATION.

Same section and chapter of Revised Statutes, page 422, amended. Warrant of attorney.

SECTION 4. Strike out of Section 4 of Chapter 73, Revised Statutes, in the third and fourth lines from the top of page 442, the following words, to wit: "with warrant of attorney for the confession of judgment thereto annexed."

Passed at Dover, March 6, 1879.

CHAPTER 33.

OF PUBLIC EDUCATION.

AN ACT to divide School District No. 21, New Castle County.

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

Commissioners.

SECTION 1. That John W. R. Killgore, William R. Flinn and John R. Lyman, Sr., 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 number twenty-one, (No. 21,) in New Castle County aforesaid, and, if necessary, take with them a skillful surveyor, and divide the said district into two parts in such 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 Appeals of said county at its next session after the said plot and return or after proceedings shall have been made as aforesaid, for confirmation by said court. The said return to be signed by a majority of the said commissioners, and the said plot or other proceedings shall designate the division line of the said districts, and the additional district created by this act shall be numbered in continuation of the school districts in said county, and the part in which the school house is located shall be the original School District No. 21.

School District No. 21, in N. C. county, to be divided.

Plot and return.

Division line.

How numbered. Original School District.

Oaths or affirmations of Commissioners.

SECTION 2. The commissioners appointed by this act shall, before entering upon their duties, be sworn or affirmed to perform said duties with fidelity, and shall receive one dollar for

each day's services under this act. The surveyor, if any shall be engaged, shall also receive a proper compensation for his services, to be allowed by the Levy Court aforesaid. Compensation.

SECTION 3. The additional school district to be formed under this act shall have all the rights, authority, and privileges of the 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. Rights and privileges of New School District.

Passed at Dover, March 10, 1879.

CHAPTER 34.

OF PUBLIC EDUCATION.

AN ACT to transfer the farm and mansion of R. E. Deimer from School District No. 75, to School District No. 91, in Sussex County.

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

SECTION 1. That the farm and mansion of R. E. Deimer now situate and lying in School District No. 75, Sussex County, be and the same is hereby transferred, and shall hereafter constitute a part of School District No. 91, in Sussex County. Certain property transferred to School District No. 91, in Sussex county.

SECTION 2. That from and after the passage of this act, the aforesaid farm and mansion shall be assessed for school purposes in School District No. 91, in Sussex County. Where assessed.

Passed at Dover, March 11, 1879.

OF PUBLIC EDUCATION.

CHAPTER 35.

OF PUBLIC EDUCATION.

AN ACT to consolidate School Districts Nos. 56 and 162, in Nanticoke and Broad Creek Hundreds, in Sussex County, into one school district.

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

Consolidation of School Districts Nos. 56 and 162.

SECTION 1. That School Districts Nos. 56 and 162, in Nanticoke and Broad Creek Hundreds, in Sussex County, be and the same are hereby formed and consolidated in one school district; which said school district shall be No. 56 in said county, with power to draw only the dividend of one school district, and to raise the tax of one school district under the school law of this State.

Powers.

Passed at Dover, March 12, 1879.

CHAPTER 36.

OF PUBLIC EDUCATION.

AN ACT to change the hours for holding the annual school meeting in School District No. 8, in New Castle County.

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

Time for holding annual meeting of school voters in School District No. 8.

SECTION 1. That from and after the passage of this act the hours for holding the stated annual meeting of the school voters in School District No. 8, in New Castle County, shall be from 4½ o'clock to 6 o'clock in the afternoon of the day now appointed by law for such stated annual meeting.

Passed at Dover, March 17, 1879.

OF PUBLIC EDUCATION.

CHAPTER 37.

OF PUBLIC EDUCATION.

AN ACT authorizing and requiring the School Committee of School District No. 91, in Sussex county, to raise one hundred dollars annually for school purposes.

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

SECTION 1. That it shall be lawful for the school committee of School District No. 91, in Sussex county, and they are hereby required annually to levy, assess and collect the sum of one hundred dollars for the support of a free school in said district, in lieu of the sum of sixty dollars now required to be raised according to the requirements of Section 1, Volume 13, of the Laws of Delaware, as published in 1874; said sum shall be levied, assessed and collected in the manner now provided by law for the levying, assessing and collecting 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.

School District No. 91, in Sussex county authorized to assess and collect $100.

Passed at Dover, March 19, 1879.

CHAPTER 38.

OF PUBLIC SCHOOL IN LEBANON.

AN ACT to unite School Districts Nos, 27 and 122, in Kent County, into one School District under the title of Lebanon Public Schools.

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

SECTION 1. That School Districts Nos. 27 and 122, in Kent County, as now formed, or may hereafter be formed, under the laws of this State, be and they are hereby united, and shall be known as the Lebanon Public Schools, and shall have the same rights, privileges and powers as any other united School Districts under the general law of this State.

Consolidation of School Districts Nos. 27 and 122, in Kent county. Name. Powers.

OF PUBLIC EDUCATION.

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 Lebanon Public Schools the full proportion to which they are now entitled as two districts in Kent County.

Terms of acting school commissioners. Shall expire. When.

SECTION 3. That the terms of the School Commissioners now acting as such, in Districts Nos. 27 and 122, in Kent County, shall expire on the first Saturday in April, A. D., 1879.

Terms of school commissioners. When elected.

SECTION 4. It shall be the duty of the school voters, and they are hereby empowered to vote for and elect, by ballot, on the first Saturday in April next, A. D. 1879, one commissioner for the term of one year, one for the term of two years, and one for the term of three years; and that at every annual meeting thereafter, the said school voters shall, as aforesaid, elect one member of the Board of Commissioners to serve for the term of three years, as the successor of the member whose term shall expire.

Vacancies.

SECTION 5. That if at any time any vacancy shall happen in the Board of Commissioners, either by death, resignation, removal, or from refusal to serve or otherwise, the remaining member or members of the Board of Commissioners shall, within ten days thereafter, fill said Board of Commissioners, which Commissioner or Commissioners so appointed as aforesaid, shall hold his or their office or offices until the next annual meeting, at which meeting the school voters shall elect a commissioner or commissioners to fill the unexpired term or terms made vacant as aforesaid.

How filled.

Taxes already levied.

SECTION 6. That all taxes levied under and by virtue of any assessment or valuation made by the commissioners now acting as commissioners for the said School districts Nos. 27 and 122, in Kent County, shall be binding upon the taxpayers and property owners of the said United School Districts Nos. 27 and 122, in Kent County, under the title of the Lebanon 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 and law to collect said taxes as any commissioner 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.

How collected.

Taxes already levied.

To whom they belong.

SECTION 7. That all taxes heretofore assessed and levied upon either of the School Districts Nos. 27 and 122, in Kent County, and not yet collected, shall belong to, and shall be due and owing to the districts united by virtue of this act as The Lebanon Public Schools, and the said commissioners of the said The Lebanon

Public Schools, or some one duly authorised 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, go into, and form a part of the fund of the said The Lebanon Public Schools, to be applied for general school purposes, as other monies belonging to United School Districts are applied.

Debts due School Districts Nos. 27 and 122. To whom they belong. Power to collect such debts.

SECTION 8. That all debts due and owing to either of said School Districts Nos. 27 and 122, in Kent County, shall belong to, and be due and owing to the said "The Lebanon Public Schoals," and the said commissioners of the said "The Lebanon 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. 27 and 122, in Kent County, before said districts were united.

Property of School District Nos. 27 and 122, to vest. Where. Suits. Powers.

SECTION 9. That all the rights, credits, property, real or personal, belonging to either of said School Districts Nos. 27 and 122, in Kent County, shall be the property of and shall be vested in the said The Lebanon Public Schools, and the commissioners of the said The Lebanon Public Schools shall have the control of and management of the same, and may maintain suits either in the name of the commissioners or the name of The Lebanon Public Schools for the recovery of any such property, or for any damage done to any property, real or personal, formerly belonging to either of said School Districts Nos. 27 and 122, in Kent County, or to any property, real or personal, belonging to "The Lebanon 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 Nos. 27 and 122, in Kent County, as is now provided by law.

Qualification of voters.

SECTION 10. The right of all persons to vote at school elections in said School Districts Nos. 27 and 122, in Kent County, shall not be impaired or altered by virtue of this act, but such persons, being in all other respects duly qualified as voters, shall have a right to vote at the meetings or elections in said united districts.

Committee. Site for a new school house.

SECTION 11. That Moses S. Van Burkalow, John W. Wright, A. H. Carey, John J. Conner, and William Slay be, and they are hereby appointed a committee to select a piece of land to be in area one acre, for the purpose of erecting thereon a school house for said district united under this act as the Lebanon Public Schools, and that the selection of such site, by a majority of said committee, to be valid, and in assessing damages the law in relation to free

OF PUBLIC EDUCATION.

Proviso. schools shall apply; *Provided,* That said site or location shall not be more than two hundred yards from the centre of the road at "Five Points," and that when said site has been selected the said location shall not be changed or altered.

Vacancies. SECTION 12. That in case any vacancy should occur in the foregoing committee appointed by this act, the remaining member or members of said committee shall fill such vacancy or vacancies by selecting some suitable person or persons for that purpose, said person or persons to be selected, if any, not being voters or property holders in either of said districts 27 and 122 united by virtue of this act.

What laws applicable to United school district. SECTION 13. 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 district under the title of the Lebanon Public Schools.

Passed at Dover, March 19, 1879.

CHAPTER 39.

OF PUBLIC EDUCATION.

AN ACT to dissolve School District No. 121, in Kent County.

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

Dissolution of certain School District. SECTION 1. That School District No. 121, in Kent County, be and the same is hereby dissolved, and the persons and the territory embraced within the limits of the same be and they are hereby remitted and restored to the original school districts from which they were taken, except the farm held and occupied by William H. Dickerson, which farm and premises, together with himself, are hereby placed and set over into School District No. 94, in Kent County.

Farm set over into School District No. 94.

Passed at Dover, March 19, 1879.

OF PUBLIC EDUCATION.

CHAPTER 40.

OF PUBLIC EDUCATION.

AN ACT to amend Chapter 42 of the Revised Code.

Revised Code, 207.

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

That Chapter Forty-two of the Revised Statutes, be and the same is hereby amended by striking out the word "five" in the third line of Section ten and inserting the word "six" instead thereof, and again by striking out the word "five" in the fourteenth line of third clause of Section eleven, and inserting "six" instead thereof.

Section 10, of Chap. 42, of the Revised Statutes, amended. Minimum school age 6 years.

Passed at Dover, March 20, 1879.

CHAPTER 41.

OF PUBLIC EDUCATION.

AN ACT transferring the farm now belonging to Daniel Short, and situate in School District No. 94, in Sussex County, from said District 94 to School District No. 122, in said county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That the farm and land now belonging to Daniel Short, situate in School District No. 94, in Sussex County, shall hereafter be and form a part of School District No. 122, in Sussex County aforesaid; and all and every the persons residing on the said land and farm herein mentioned, and all persons who may hereafter reside thereon, shall enjoy all the advantage and privilege, and that the said Daniel Short and the person or persons hereafter owning said land and farm, or living on the same, shall be subject to all the duties and liabilities of taxables of said School District No. 122; and further, that they are hereby relieved and discharged from the same in said School District No. 94 in Sussex County aforesaid.

Certain property of Daniel Short transferred to School District No. 122, in Sussex county. Privileges and duties.

Passed at Dover, March 21, 1879.

OF PUBLIC EDUCATION.

CHAPTER 42.

OF FREE SCHOOLS.

AN ACT to transfer the lands and mansion farms of Samuel Kinney, Sr., and Samuel Kinney, Jr., from School District No. 48 to School District No. 148, in Sussex county.

Houses and mansion farms in No. 48, transferred to School District No. 148, in Sussex county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (both House concurring,)* That the houses and mansion farms and so much of the lands of Samuel Kinney, Sr., and Samuel Kinney, Jr., as are in the limits of School District No. 48, Sussex county, be, and the same are hereby transferred, and shall hereafter form a part of School District No. 148, in Sussex county aforesaid, and the said Samuel Kinney, Sr., and Samuel Kinney, Jr., and all and every other person or persons residing on said farms or lands, or who may hereafter reside thereon, shall enjoy all the advantages and privileges, and shall be subject to all the duties and liabilities of taxes of said School District No. 148, in Sussex county, and they are hereby relieved and discharged from the same in School District No. 48, in Sussex county; *Provided,* that nothing in this act shall relieve the property or persons therein named, from school taxes and assessments now due and unpaid.

Advantages and liabilities.

Who and what it does not relieve.

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

Passed at Dover, March 25, 1879.

CHAPTER 43.

OF FREE SCHOOLS.

AN ACT to extend the limits of School District No. 53, 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:*

Farm in No. 88, transferred to School District No. 53, in N. Castle county.

SECTION 1. That the farm and mansion of Joab S. Alston, now situate and lying in School District No. 88, in New Castle County, be and the same is hereby transferred, and shall hereafter constitute a part of School District 53, in the county aforesaid.

OF PUBLIC EDUCATION.

SECTION 2. That from and after the passage of this act the aforesaid farm and mansion shall be assessed for school purposes in School District No. 53, in New Castle County. Where to be assessed.

Passed at Dover, March 27, 1879.

CHAPTER 44.

OF FREE SCHOOLS.

AN ACT to transfer the house and lands of William C. Hern and Edward R. Hern from School District No. 126, to School District No. 38, in Sussex County.

SECTION 1. *Be it enacted by the Senate and House of Representatives, of the State of Delaware, in General Assembly met:* That the houses and mansion farms and all the lands now lying in School District No. 126, Sussex County, of William C. Hern, and Edward R. Hern shall hereafter be and form a part of School District No. 38, in Sussex County aforesaid, and the said William C. Hern and Edward R. Hern, and all and every the persons residing on said lands 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. 38, in Sussex County, and are hereby relieved and discharged from the same in said School District No. 126, in said county. Farms in No. 126, transferred to School District No. 38, in Sussex county.

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

Passed at Dover, March 28, 1879.

OF PUBLIC EDUCATION.

CHAPTER 45.

OF FREE-SCHOOLS.

AN ACT to amend an act entitled "An act in relation to Free Schools in this State," passed at Dover, March 25, 1875.

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

Original act amended. Distribution of forms. To contain. What. When auditor shall not settle.

1. Section two of said original act shall be amended by adding these words to the end thereof: They shall also prepare and distribute the proper forms, to be signed by the School Commissioners of each district respectively, certifying under their hands that they have adopted and used, in their respective districts, the text-books directed to be used by the State Board of Education, and no other, except in branches in which said board has given no direction; and the Auditor of Accounts shall neither settle with, nor give any order or certificate to, any school district, its clerk or commissioners, until such certificate shall be presented and filed with him.

Section 5. How amended. What shall be necessary for a first grade certificate. Certificate to be signed by superintendent, and countersigned by president. Good for 3 years unless revoked for cause. Who shall have second grade certificate. Good for 2 years. Third grade certificate good for one year.

2. Section five of said act shall be amended by striking out all after the word "teach" in the tenth line, and before the word "any" in the twelfth line, and inserting the following instead thereof: Orthography, reading, writing, mental arithmetic, written arithmetic, geography, history of the United States, English grammar, elements of rhetoric, algebra, geometry and natural philosophy, shall be recommended to the State Board of Education for a first grade certificate; and the said board, approving the same, shall authorize and direct such certificate to issue, signed by the superintendent, and countersigned by the President of said board; and the certifiicate so issued shall be good for three years, unless sooner revoked by the Superintendent for cause, to be approved by said board. Every applicant, who is of good moral character, and who shall, in examination, answer ninety per centum of all questions asked in orthography, reading, writing, mental arithmetic, written arithmetic, geography, history of the United States and English grammar, shall receive, from the Superintendent, a second grade certificate, which shall be good for two years, unless sooner revoked for cause to be approved by said board. If any such applicant fail to answer ninety per centum of the questions asked, in examination, in the branches mentioned for a second-grade certificate, but shall* certificate answer at least sixty per centum thereof, he shall receive from the Superintendent a third-grade certificate, which shall be good for one year, unless sooner revoked for cause.

* So in the enrolled bill.

OF PUBLIC EDUCATION.

3. Section nine shall be amended by adding to the end thereof: And any one, so employed, shall receive no compensation whatever; but the Superintendent may issue temporary permits to teach for a period not exceeding thirty days, when in his judgment, the interests of education require it. 9th section amended. No compensation. Temporary permits.

4. Section twelve shall be amended by striking out the word "month" in the third and fifth lines thereof respectively, and inserting the word "quarter" instead thereof; and by striking out the word "November," in the eleventh line, and inserting the word "April" instead thereof. 12th section amended. How.

5. The said original act, as hereby amended, shall be published with the other acts passed at the present session of the Legislature. How to be published.

SECTION 6. That all teachers receiving certificates for a longer time than one year, shall pay at the rate of two dollars per year for said certificate. How certificates shall be paid for.

Passed at Dover, March 29, 1879.

CHAPTER 46.

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:

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 in 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. State superintendent to be appointed. When. Qualifications. Term of office. Vacancy. How filled.

SECTION 2. That the Secretary of State, President of Delaware College, State Auditor and the State Superintendent 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 Who shall constitute State Board of Education. Time and place of annual meeting.

OF PUBLIC EDUCATION.

CHAPTER 45.

OF FREE SCHOOLS.

AN ACT to amend an act entitled "An act in relation to Free Schools in this State," passed at Dover, March 25, 1875.

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

Original act amended. Distribution of forms. To contain. What. When auditor shall not settle.

1. Section two of said original act shall be amended by adding these words to the end thereof: They shall also prepare and distribute the proper forms, to be signed by the School Commissioners of each district respectively, certifying under their hands that they have adopted and used, in their respective districts, the text-books directed to be used by the State Board of Education, and no other, except in branches in which said board has given no direction; and the Auditor of Accounts shall neither settle with, nor give any order or certificate to, any school district, its clerk or commissioners, until such certificate shall be presented and filed with him.

Section 5. How amended. What shall be necessary for a first grade certificate. Certificate to be signed by superintendent, and countersigned by president. Good for 3 years unless revoked for cause. Who shall have second grade certificate. Good for 2 years. Third grade certificate good for one year.

2. Section five of said act shall be amended by striking out all after the word "teach" in the tenth line, and before the word "any" in the twelfth line, and inserting the following instead thereof: Orthography, reading, writing, mental arithmetic, written arithmetic, geography, history of the United States, English grammar, elements of rhetoric, algebra, geometry and natural philosophy, shall be recommended to the State Board of Education for a first grade certificate; and the said board, approving the same, shall authorize and direct such certificate to issue, signed by the superintendent, and countersigned by the President of said board; and the certificate so issued shall be good for three years, unless sooner revoked by the Superintendent for cause, to be approved by said board. Every applicant, who is of good moral character, and who shall, in examination, answer ninety per centum of all questions asked in orthography, reading, writing, mental arithmetic, written arithmetic, geography, history of the United States and English grammar, shall receive, from the Superintendent, a second grade certificate, which shall be good for two years, unless sooner revoked for cause to be approved by said board. If any such applicant fail to answer ninety per centum of the questions asked, in examination, in the branches mentioned for a second-grade certificate, but shall* certificate answer at least sixty per centum thereof, he shall receive from the Superintendent a third-grade certificate, which shall be good for one year, unless sooner revoked for cause.

* So in the enrolled bill.

OF PUBLIC EDUCATION.

3. Section nine shall be amended by adding to the end thereof: And any one, so employed, shall receive no compensation whatever; but the Superintendent may issue temporary permits to teach for a period not exceeding thirty days, when in his judgment, the interests of education require it. 9th section amended. No compensation. Temporary permits.

4. Section twelve shall be amended by striking out the word "month" in the third and fifth lines thereof respectively, and inserting the word "quarter" instead thereof; and by striking out the word "November," in the eleventh line, and inserting the word "April" instead thereof. 12th section amended. How.

5. The said original act, as hereby amended, shall be published with the other acts passed at the present session of the Legislature. How to be published.

SECTION 6. That all teachers receiving certificates for a longer time than one year, shall pay at the rate of two dollars per year for said certificate. How certificates shall be paid for.

Passed at Dover, March 29, 1879.

CHAPTER 46.

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:

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 in 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. State superintendent to be appointed. When. Qualifications. Term of office. Vacancy. How filled.

SECTION 2. That the Secretary of State, President of Delaware College, State Auditor and the State Superintendent 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 Who shall constitute State Board of Education. Time and place of annual meeting.

OF PUBLIC EDUCATION.

Who shall be secretary.

Who president.

Powers and duties of Board.

Shall determine what text books are to be used.

Who shall issue blanks.

Returns.

Shall prepare and distribute forms.

To contain. What.

When the auditor shall not settle.

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. 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. 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. They shall also prepare and distribute the proper forms, to be signed by the school commissioners of each district respectively, certifying under their hands that they have adopted and used in their respective districts, the text books directed to be used by the State Board of Education, and no other, except in branches in which said Board has given no direction; and the Auditor of Accounts shall neither settle with, nor give any order or certificate to, any School District, its clerk or commissioners until such certificate shall be presented and filed with him.

No compensation.

Exception.

Quorum.

Duties of secretary.

His salary.

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.

Duties of State superintendent.

When he may withdraw certificates.

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. 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.

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 orthography, reading, writing, mental arithmetic, written arithmetic, geography, history of the United States, English grammar, elements of rhetoric, algebra, geometry and natural philosophy, shall be recommended to the State Board of Education for a first grade certificate; and the said Board approving the same, shall authorize and direct such certificate to issue, signed by the Superintendent, and countersigned by the President of said Board, and the certificate so issued, shall be good for three years, unless sooner revoked by the Superintendent for cause, to be approved by said Board. Every applicant who is of good moral character and who shall, in examination, answer ninety *per centum* of all questions asked in orthography, reading, writing, mental arithmetic, written arithmetic, geography, history of the United States, and English grammar, shall receive, from the Superintendent, a second grade certificate, which shall be good for two years, unless sooner revoked for cause, to be approved by said Board. If any such applicant fail to answer ninety *per centum* of the questions asked, in examination, in the branches mentioned for a second grade certificate, but shall* certificate answer at least sixty *per centum* thereof, he shall receive from the Superintendent a third grade certificate, which shall be good for one year, unless sooner revoked for cause. 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

Who shall be examined.

Mode of examination.

Where and when held.

Who shall be recommended for a first grade certificate.

When certificate shall issue.

How signed.

Good for, how long.

Who shall receive second grade certificate.

How long good

Who shall receive third grade certificate.

How long good.

Who may appeal.

Superintendent shall keep list of certificates, which shall contain.

What is necessary for holder to do.

When treasurer shall countersign certificate.

*So in amendment.

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To whom treasurer shall apply the money.

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 said Superintendent.

Salary $1,800. 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.

When the school commissioners of Kent and N. Castle shall levy a tax.

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 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.

How much. In Sussex. How much. How applied. To be in lieu of. What.

When persons not holding certificates, shall not be employed. Superintendent to issue temporary permits. When. How long.

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. And any one so employed, shall receive no compensation whatever; but the Superintendent may issue temporary permits to teach for a period not exceeding thirty days, when, in his judgment the interests of education require it.

Not applicable to incorporated schools. Exception.

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.

Teachers Institute. When held. Duties of teachers. Duties of superintendent.

SECTION 11. The Superintendent shall hold a teacher's 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 quarter, a report, setting forth the whole number of pupils attending school during the quarter, 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 April, by the clerks of the several districts, to the State Superintendent.

Quarterly reports. What to contain. When salary shall be withheld. When such reports shall be forwarded to the 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.

When superintendent may re-district or consolidate any district in Sussex county.

Passed at Dover, March 25, 1875.

Amended at Dover, March 29, 1879.

TITLE SEVENTH.

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

CHAPTER 47.

OF THE INSANE.

AN ACT to authorize Henry Pratt, Executor of Joseph Foreaker, deceased, to pay over certain moneys in his hands to the Treasurer of the Poor of Kent County.

WHEREAS Margaret Foreakers, one of the legatees under the last will and testament of the said deceased, is entitled to the sum of one hundred and four dollars and forty-six cents, with interest thereon from the nineteenth day of September, A. D.,

Preamble.

1866, which sum of money, with the interest, is now in the hands of the said Henry Pratt, executor of said deceased, and

WHEREAS the said Margaret Foreakers has been supported in the Almshouse of Kent County for several years, at the expense of said County, by reason of her mental infirmity; now therefore,

Executor empowered to pay certain money to the treasurer of the Poor.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:* That the said Henry Pratt, executor as aforesaid, be and he is hereby authorized and empowered to pay over the whole of the said sum of one hundred and four dollars and forty-six cents, with the interest thereon from September 19, 1866, to the Treasurer of the Poor of Kent County, or so much thereof as may be necessary to reimburse the Trustees of the Poor of said County, in maintaining the said Margaret Foreakers as aforesaid, in the Almshouse of said County. The receipt of the said Treasurer of the Poor shall be a sufficient acquittal to the said Henry Pratt, as executor of said deceased.

For what purpose.

Executors acquittal.

Passed at Dover, March 4, 1879.

TITLE EIGHTH.

Of the General Police.

CHAPTER 48.

OF THE REGISTRY OF DOGS.

AN ACT to allow the Registry of Dogs, in Kent County.

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

Procurement of a book by the Clerk of the Peace of Kent county for registry of dogs.

SECTION 1. That the Clerk of the Peace in and for Kent County be and is hereby directed to procure a suitable book for registry of any dog which any person resident in Kent County may desire to register; and upon the application of any person resident in Kent County, the Clerk of the Peace aforesaid, shall, upon the payment of the fee hereinafter named, register said dog, giving the name and description of the dog and the name of the owner thereof.

Registration fee.

Name and description of dog.

Name of owner.

OF THE GENERAL POLICE.

SECTION 2. That any dog so registered shall be deemed and taken to be personal property, and the subject of larceny. Dogs registered, personal property.

SECTION 3. That the fee for registering any dog shall be one dollar, one half of which shall be held by the said Clerk of the Peace as his fee for registering said dog, and the remainder of said fee shall be turned over to the Treasurer of Kent County, for the use of said County. Fees. How applied.

Passed at Dover, February 25, 1879.

CHAPTER 49.

OF THE SALE OF INTOXICATING LIQUORS.

A Supplement to the "Act Regulating the Sale of Intoxicating Liquors."

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

SECTION 1. That cider made from apples or pears alone, and unmixed with any intoxicating fluid, or substance, shall not be held or taken to be intoxicating liquors within the meaning of the act aforesaid, or any other law of this State. Pure cider not intoxicating within the meaning of Chap. 418, Volume 14.

SECTION 2. That the 20 Section of the act aforesaid, be and the same is hereby amended by strikidg out therefrom the word "cider," and by transposing the "wine" and "or," so that the said section shall hereafter be read and printed as follows: "The provisions of this act shall not apply to the manufacturers of domestic liquors or wine; but no such manufacturer shall sell such liquors in less quantity than one quart, not to be drunk on the premises. Revised Code, Chap. 53—259. Section 20, Chap. 418, of Vol. 14, amended.

Passed at Dover, March 19, 1879.

OF THE GENERAL POLICE.

CHAPTER 50.

OF STRAYS.

AN ACT to prevent stock from running at large in School District No. 61, 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 stock to run at large in School District No. 61.

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 within the limits of School District No. 61, in New Castle County.

Impounding stock.

Fees.

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.

Damages.

Appointment of freeholders to estimate damages.

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, upon the 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.

When stock impounded shall be advertised for sale.

Sale.

Proceeds of sale, less costs.

How deposited.

How applied.

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 such 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 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 aforesaid, to be devoted to the school purposes of said District.

Non-interference with laws concerning estrays.

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

Passed at Dover, February 18, 1879.

OF THE GENERAL POLICE.

CHAPTER 51.

OF STRAYS.

AN ACT to prohibit live stock from running at large in School District No. 35, 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 at large on the public highways within the bounds of School District No. 35, in New Castle County. Unlawful for stock to run at large in School District No. 35, in N. C. county.

SECTION 2. It shall be lawful for any person within the said School District, to take up any live stock found running at large upon the public highways 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 legal charges are paid. Impounding stock. Fees.

SECTION 3. That in case any damages may have been sustained by reason of such stock running at large upon the public highways 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. Damages. Appointment of freeholders to estimate damages. Damages and costs. By whom paid.

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 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 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 School District. When stock impounded, shall be advertised for sale. Sale. Proceeds of sale, less costs. Where deposited. How applied.

Passed at Dover, February 25, 1879.

OF THE GENERAL POLICE.

CHAPTER 52.

OF STRAYS.

AN ACT prohibiting live stock from running at large in School District No. 65, 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 stock to run at large in School District No. 65, in N. C. 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 highways in School District No. 65, in New Castle County.

Impounding stock.

Fees.

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.

Damages.

Appointment of freeholders to estimate damages.

Damages and costs.

By whom 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 the same is delivered.

When stock impounded shall be advertised.

How advertised.

Sale.

Proceeds of sale.

Where deposited.

How applied.

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 such 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 School 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 such Justice, 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 said School District, to be devoted to the school purposes of said District.

Passed at Dover, March 5, 1879.

OF THE GENERAL POLICE.

CHAPTER 53.

OF STRAYS.

AN ACT prohibiting live stock from running at large in School District No. 38, 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. thirty-eight (38), New Castle County.

Unlawful for stock to run at large in School District No. 38, in N. C. county.

SECTION 2. It shall be lawful for any person in said District to take up any 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.

Impounding stock.

Fees.

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.

Appointment of freeholders to estimate damages.

Damages and costs.

How paid.

SECTION 4. In case said stock is not claimed, and all charges are not paid in accordance with this act, 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 Newport National Bank, 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.

When stock, impounded, shall be advertised for sale.

How advertised.

Sale.

Proceeds of sale, less costs.

Where deposited.

How long.

When paid to owners of stock.

When applied to School purposes.

Passed at Dover, March 24, 1879.

OF THE GENERAL POLICE.

CHAPTER 54.

OF STRAYS.

AN ACT prohibiting live stock from running at large in School Districts Nos. 177 and 74, and such part of School District 118, as lays in North-West Fork Hundred, 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 District No. 118, Sussex 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. 177 and 74, and such part of School District 118, as lays in North-west Fork hundred, Sussex county.

Impounding stock.

Fees.

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 the legal charges are paid.

Damages.

Appointment of freeholders to estimate damages.

Damages and costs.

By whom 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, February 6, 1879.

CHAPTER 55.

OF STRAYS.

AN ACT to prohibit live stock from running at large in School Districts Nos. 125, 171, 66, 92, 77 and 78, in Sussex County.

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

Where it shall be unlawful for live stock to run at large.

SECTION 1. It is hereby declared unlawful for live stock to run at large within School Districts Nos. 125, 171, 66, 92, 77 and 78, Sussex county.

OF THE GENERAL POLICE.

SECTION 2. Any person who has been damaged, or whose property or interests are endangered by any such stock running so at large, may lawfully impound the same, and hold it until all damages and charges authorized by this act are paid, or damages may be recovered and collected without possession of the stock causing the same, as per Section 3, or by suit at law.

Who may impound the same.

Charges.

SECTION 3. If damages cannot be agreed upon by the parties interested, nor they agree upon a man or men to assess the same, any Justice of the Peace of the County shall, on application of the parties or party damaged, assess the same by a commission of three suitable men, who shall examine and investigate the case, and report to him on oath, which report shall be the measure of damage in the case.

How damages shall be assessed.

SECTION 4. Any one impounding stock as per this act, shall, within twenty-four hours (Sunday's not included), give or send written notice thereof to its owner, if known, and if owner be not known shall, within five days, post in four conspicuous public places in the vicinity of such impounding, plain and clear notice thereof, with brief description of said stock.

When and how owner shall be notified.

SECTION 5. Twenty days after notice so given or posted, if no owner appears to claim such stock and pay all penalties, charges and costs as per this act, the person holding the same shall, by plain clear notices, posted in four conspicuous public places in the vicinity of where said stock is held, advertise the same for public sale, stating the place, day and hour, which shall be not less than six nor more than ten days thereafter, and if any surplus remain, after satisfying damages, penalties, charges and costs, it shall be deposited with the collector of the School District in which the impounding and sale occurred, to be paid on a just and satisfactory claim, within one year; or if not so claimed to be added to the school monies of said District, and for which money he shall be liable on his official bond.

When and how such stock shall be sold, and what shall be done with the proceeds of sale.

SECTION 6. The fees and charges under this act shall be (besides damages) for impounding each animal, one dollar: for keeping each, twenty-five cents per day; for each notice given, sent or posted, twenty-five cents; to the Justice of the Peace, for appointing and receiving report of commissioners, and to each commissioner serving, one dollar; for selling, ten per cent. on the first ten dollars or under, five per cent. on the second ten dollars or fraction thereof, and three per cent. on all exceeding twenty dollars.

Fees and charges.

Passed at Dover, February 6, 1879.

OF THE GENERAL POLICE.

CHAPTER 56.

OF STRAYS.

AN ACT prohibiting live stock from running at large in School District No. 76, in Sussex County.

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

No live stock to run at large in School District No. 76, in Sussex 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. 76, Sussex county.

Impounding the same.

Fees and costs.

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.

Damages.

Charges.

Fees.

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, February 10, 1879.

CHAPTER 57.

OF STRAYS.

AN ACT prohibiting live stock from running at large within the limits of School District No. 47, in Sussex County.

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

No live stock to run at large in School District No. 47, 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 District No. 47, in Sussex County.

OF THE GENERAL POLICE.

SECTION 2. That it shall be lawful for any person within the limits of said School District, 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.

Impounding stock.

Costs.

By whom paid.

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 agents, 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 animals, 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.

Damages.

Appointment of freeholders to estimate damages.

Damages and fees to be paid before stock is delivered

SECTION 4. That in case any such animal be not claimed, 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 animals, if known, or at his place of abode if known, and the time fixed in said advertisement; 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 the 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

When advertised for sale to pay costs.

How advertised.

What to contain.

How to discontinue sale.

How proceeds shall be applied.

Where deposited.

OF THE GENERAL POLICE.

CHAPTER 56.

OF STRAYS.

AN ACT prohibiting live stock from running at large in School District No. 76, in Sussex County.

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

No live stock to run at large in School District No. 76, in Sussex 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. 76, Sussex county.

Impounding the same.

Fees and costs.

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.

Damages.

Charges.

Fees.

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, February 10, 1879.

CHAPTER 57.

OF STRAYS.

AN ACT prohibiting live stock from running at large within the limits of School District No. 47, in Sussex County.

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

No live stock to run at large in School District No. 47, 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 District No. 47, in Sussex County.

OF THE GENERAL POLICE.

SECTION 2. That it shall be lawful for any person within the limits of said School District, 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.

Impounding stock.

Costs.

By whom paid.

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 agents, 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 animals, 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.

Damages.

Appointment of freeholders to estimate damages.

Damages and fees to be paid before stock is delivered

SECTION 4. That in case any such animal be not claimed, 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 animals, if known, or at his place of abode if known, and the time fixed in said advertisement; 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 the 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

When advertised for sale to pay costs.

How advertised.

What to contain.

How to discontinue sale.

How proceeds shall be applied.

Where deposited.

OF THE GENERAL POLICE.

When money can be claimed.

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.

When and for what freeholders may be appointed.

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 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 summons and all subsequent proceedings, be entitled to the same fees as 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 now allowed by law in civil cases for the performance of them of similar duties.

Report of said freeholders.

Proceedings.

Fees.

Unlawful to remove cattle so impounded

SECTION 6. That any person or persons who shall wilfully, 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 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.

Fine therefor.

For whose use.

How collected.

Passed at Dover, February 13, 1879.

OF THE GENERAL POLICE.

CHAPTER 58.

OF STRAYS.

AN ACT to prevent live stock from running at large in School District No. 143, Sussex County.

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

No live stock to run at large in School District No. 143, Sussex 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 highways in School District No. 143, Sussex County.

Impounding stock.

Fees.

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 the legal charges are paid.

Damages.

Appointment of freeholders to estimate damages.

Damages.

Costs.

By whom 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, February 13, 1879.

CHAPTER 59.

OF STRAYS.

AN ACT to prohibit live stock from running at large in School District No. 71, 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 District No. 71.

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. 71, Sussex County.

OF THE GENERAL POLICE.

Impounding stock. Fees.

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.

Damages. Appointment of freeholders to estimate damages. Damages and costs. By whom 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, February 21, 1879.

CHAPTER 60.

OF STRAYS.

AN ACT to prohibit live stock from running at large in School District No. 176, 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 District No. 176

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 within the bounds of School District No. 176, in Sussex County.

Impounding stock. Fees.

SECTION 2. It shall be lawful for any person within the said School District to take up any live stock found running at large upon the public highways or unenclosed lands within the aforesaid limit, 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.

OF THE GENERAL POLICE.

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 limit, 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.

Damages. Appointment of freeholders to estimate damages. Payment of damages and costs. By whom.

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.

When stock, impounded, shall be advertised for sale. How advertised. Sale. Proceeds of sale, less costs, deposited in the hands of constable. Official bond liable. How proceeds shall be applied.

Passed at Dover, February 20, 1879.

CHAPTER 61.

OF STRAYS.

AN ACT to prevent live stock from running at large in School District No. 163, Sussex County.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (both Houses concurring,)* That it shall not be lawful, from and after the passage of this act, for any stock to run on the public highways and unenclosed lands and premises within the limits of School District No. 163, in Sussex County.

Unlawful for live stock to run at large in School District No. 163 in Sussex county.

OF THE GENERAL POLICE.

Impounding stock.

Fees.

SECTION 2. It shall be lawful for any person in such School District to take up and impound any stock running on the highways and unenclosed lands and premises, and said person shall have the right to demand and receive one dollar for every animal so taken up, and twenty-five cents per head for each and every day such animals are kept, and may retain the animals until all legal charges are paid, as authorized by this act.

Damages.

Appointment of freeholders to estimate damages.

Payment of damages and costs.

By whom paid.

SECTION 3. In case any damage may have been sustained by reason of such stock running at large within the limits of said [School] District No. 163, any Justice of the Peace of the County, when complaint is made to him, may appoint three suitable freeholders to go upon the premises and estimate the damages; and the damages so estimated, together with the costs of the freeholders and Justice, and all legal charges for the same, shall be paid by the person claiming the same before said stock can be taken away.

When stock shall be advertised for sale.

How advertised.

Sale.

Proceeds of sale, less costs.

Where deposited.

How applied.

To whom applied.

Public act.

SECTION 4. In case said stock is not claimed, and all charges are not, in accordance with this act, satisfied within ten days from the taking up, the person having said stock in charge shall advertise the same at public sale, in five public places of the District, for five days previous to said sale; at the expiration of which time the holder shall proceed to sell said stock; the proceeds of said 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 he is or was the real owner of said stock: If not so claimed, it shall be subject to and paid over by an order on said clerk of the School District in which said stock was taken up; to be devoted to the use of the school in said District. This act shall be deemed and taken to be a public act.

Passed at Dover, February 20, 1879.

OF THE GENERAL POLICE.

CHAPTER 62.

OF STRAYS.

AN ACT to repeal the act entitled "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, passed at Dover, March 15, 1877.

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 repeal so much of the stock law as applies to that part of School District No 72, lying in Nanticoke Hundred, Sussex County, passed at Dover, March 15th, 1877, be and the same is hereby repealed. Chap. 396, Vol. 15, repealed. 460.

SECTION 2. *And be it further enacted,* That all, and so much, and such parts of the act or acts of Assembly in force at the time of the passage of the repealing act mentioned in Section 1 of this act, be and the same are hereby revived and re-enacted in all respects. Acts repealed by Chap. 396, Vol. 14, revived.

Passed at Dover, February 24, 1879.

CHAPTER 63.

OF STRAYS.

AN ACT prohibiting live stock running at large in School District No. 50, Sussex 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 or unenclosed premises in School District No. 50, in Sussex County. Unlawful for live stock to run at large in School District No. 50, in Sussex county.

SECTION 2. It shall be lawful for any person in said District to take up any stock running at large 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. Impounding stock. Fees.

SECTION 3. In case any damage may have been sustained by reason of such stock running at large in aforesaid District No. 50, any Justice of the Peace of the County may appoint three Damages.

Appointment of freeholders to estimate damages. Damages and costs. By whom paid.

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 all 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, February 25, 1879.

CHAPTER 64.

OF STRAYS.

AN ACT prohibiting live stock from running at large in School District No. 137, 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 District No. 137.

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. 137, in Sussex County.

Impounding stock. Fees.

SECTION 2. It shall be lawful for any person in said School 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 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. Appointment of freeholders to estimate damages. Damages and costs. By whom 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, and shall also pay a fee of one dollar each to the Justice and the freeholders appointed by said Justice.

Stock claimed, charges paid within 30 days. Advertisement. Notices.

SECTION 4. In case such 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 five notices, posted for at least ten days previous to said sale, in five 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 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 said School District, to be devoted to the purposes of said School District.

Sale. Proceeds of sale, less costs. Where deposited. How long held. To whom paid.

Passed at Dover, February 27, 1879.

CHAPTER 65.

OF STRAYS.

AN ACT prohibiting live stock from running at large in School District No. 79, 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 District No. 79, in Sussex county.

SECTION 1. That it shall not be lawful from and after the passage of this act for any live stock to be wilfully allowed to run at large in School District No. 79, in Sussex County.

SECTION 2. It shall be lawful for any person in said School 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 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.

Impounding stock. Fees. Retention of stock.

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.

Damages. Appointment of freeholders to estimate damages. By whom paid.

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

Stock claimed. charges paid within thirty days. Advertisement. Notices.

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 School District.

Sale.

Proceeds of sale.

Where deposited.

How applied.

Passed at Dover, February 28, 1879.

CHAPTER 66.

OF STRAYS.

AN ACT to prohibit live stock from running at large in School District No. 122, 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 District No. 122, Sussex 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. 122, Sussex 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.

Impounding stock.

Fees.

Damages.

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.

Appointment of freeholders to estimate damages.

Damages and costs.

By whom paid.

Stock claimed, charges paid within thirty days

SECTION 4. That in case the said stock is not claimed, and all just charges are, in accordance with the 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 con-

Advertisement.

Notices.

spicuous 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 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 school purposes of said District.

Sale. Proceeds of sale. Where deposited. How long. How applied.

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 inconsistent with law concerning strays.

Passed at Dover, March 11, 1879.

CHAPTER 67.

OF STRAYS.

AN ACT to prevent live stock from running at large in School District No. 6, 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 District No. 6, 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 within the limits of School District No. 6, in Sussex County.

SECTION 2. It shall be lawful for any person in the said School District to take up any live stock running on the highways 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.

Impounding stock. Fees. Retention of stock.

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

Damages. Appointment of freeholders to estimate damages.

stock, shall be paid by the person claiming the same before the same is delivered.

Stock claimed, charges paid within thirty days

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 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 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.

Advertisement. Notices. Sale. Proceeds of sale. Where deposited. How applied.

Passed at Dover, March 25, 1879.

CHAPTER 68.

OF STRAYS.

AN ACT to prevent live stock from running at large within certain parts of 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 the lands of Rehoboth Beach Association.

SECTION 1. That it shall not be lawful for any live stock to run at large in that part of Lewes and Rehoboth Hundred, in Sussex County, within the limits of the grounds, known as the grounds of "The Rehoboth Beach Association."

SECTION 2. That it shall be lawful for any person to take up any live stock running at large within the limits of said grounds, known as the grounds of the said "The Rehoboth Beach Association," 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

Impounding stock. Fees.

OF THE GENERAL POLICE.

paid. It shall be the duty of the person impounding any such animals to give notice in writing to the owner, if known, on the same or the next succeeding day. Notice of impounding to the owners.

SECTION 3. That in case the owner is not known, or, if known, shall neglect or refuse to claim any such animals so impounded, and pay all legal charges in accordance with this act, within thirty days from the day when such animals were so impounded, the person having such stock or animals in charge shall advertise the same to be sold at public sale, by not less than five written or printed notices, posted in five public places in the neighborhood, 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 or animals in the same manner as before directed. The proceeds of said sale, (after deducting all legal charges for impounding and keep of such animals), one dollar and fifty cents for advertisement, and five per cent of the gross proceeds for making said sale, shall be deposited with the Clerk of the Peace, 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 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 such stock was taken, to be devoted to the school purposes of said District.

Stock claimed, charges paid within thirty days. Advertisement. Notices. Sale. Re-advertisement. Proceeds of sale after deducting costs. Where deposited. How long held. How applied.

SECTION 4. That it shall be lawful for the citizens of Lewes and Rehoboth Hundred, or any one or more of them to go upon the grounds of "The Rehoboth Beach Association" and erect a wire fence on the northern line of the lands of said corporation, and the land of William A. Dodd, running with the northern line of lands of said corporation to the Atlantic Ocean; and also to erect a wire fence on the southern line of the lands of said corporation from the fence of William P. Thompson now standing, running with said southern line of the lands of the corporation to the Atlantic Ocean, with at least two openings for carriages in each of the wire fences hereby authorized to be made; the location of the openings in said fences to be fixed by the President of the corporation. Gates shall be placed at said openings, with proper hangings, to open and shut with ease, and the same shall be hung and put in proper order to open and shut. The said corporation is to erect and place in position, wire fences, one-half of the distance, and at the locations mentioned in this act, and to erect two of the gates named at the ex-

Erection of fences. Openings for carriages in fences. Gates. Location of fences and gates.

stock, shall be paid by the person claiming the same before the same is delivered.

Stock claimed, charges paid within thirty days

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 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 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.

Advertisement. Notices. Sale. Proceeds of sale. Where deposited. How applied.

Passed at Dover, March 25, 1879.

CHAPTER 68.

OF STRAYS.

AN ACT to prevent live stock from running at large within certain parts of 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 the lands of *Rehoboth* Beach Association.

SECTION 1. That it shall not be lawful for any live stock to run at large in that part of Lewes and Rehoboth Hundred, in Sussex County, within the limits of the grounds, known as the grounds of "The Rehoboth Beach Association."

SECTION 2. That it shall be lawful for any person to take up any live stock running at large within the limits of said grounds, known as the grounds of the said "The Rehoboth Beach Association," 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

Impounding stock. Fees.

OF THE GENERAL POLICE.

paid. It shall be the duty of the person impounding any such animals to give notice in writing to the owner, if known, on the same or the next succeeding day.

Notice of impounding to the owners.

SECTION 3. That in case the owner is not known, or, if known, shall neglect or refuse to claim any such animals so impounded, and pay all legal charges in accordance with this act, within thirty days from the day when such animals were so impounded, the person having such stock or animals in charge shall advertise the same to be sold at public sale, by not less than five written or printed notices, posted in five public places in the neighborhood, 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 or animals in the same manner as before directed. The proceeds of said sale, (after deducting all legal charges for impounding and keep of such animals), one dollar and fifty cents for advertisement, and five per cent of the gross proceeds for making said sale, shall be deposited with the Clerk of the Peace, 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 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 such stock was taken, to be devoted to the school purposes of said District.

Stock claimed, charges paid within thirty days

Advertisement.

Notices.

Sale.

Re-advertisement.

Proceeds of sale after deducting costs.

Where deposited.

How long held.

How applied.

SECTION 4. That it shall be lawful for the citizens of Lewes and Rehoboth Hundred, or any one or more of them to go upon the grounds of "The Rehoboth Beach Association" and erect a wire fence on the northern line of the lands of said corporation, and the land of William A. Dodd, running with the northern line of lands of said corporation to the Atlantic Ocean; and also to erect a wire fence on the southern line of the lands of said corporation from the fence of William P. Thompson now standing, running with said southern line of the lands of the corporation to the Atlantic Ocean, with at least two openings for carriages in each of the wire fences hereby authorized to be made; the location of the openings in said fences to be fixed by the President of the corporation. Gates shall be placed at said openings, with proper hangings, to open and shut with ease, and the same shall be hung and put in proper order to open and shut. The said corporation is to erect and place in position, wire fences, one-half of the distance, and at the locations mentioned in this act, and to erect two of the gates named at the ex-

Erection of fences.

Openings for carriages in fences.

Gates.

Location of fences and gates.

OF THE GENERAL POLICE.

Expense of erecting fences and gates. By whom borne. Repairs of fences, &c. By whom kept up. Act to go into effect. When.

pense of the corporation, and the citizens or one or more persons of Lewes and Rehoboth Hundred are to erect the other half of said wire fences and two gates mentioned at the locations named, without any cost or expense to said corporation. The fences and gates so erected shall be kept up and in good repair by the parties erecting them respectively.

SECTION 5. This act shall not go into effect until the said "The Rehoboth Beach Association" shall have erected and put in place one-half of the fences authorized by this act.

Penalty for injury to gates and fences. Before whom recoverable. How distributed.

SECTION 6. Any person who shall open any of said gates, and leave the same open, or shall willfully injure any of said gates or fences authorized by this act, shall pay to any person who shall sue for the same, in his own name, the sum of five dollars, to be recovered before any Justice of the Peace in and for Sussex County, together with costs; one-half for the use of the informer, and the other half for the use of "The Rehoboth Beach Association," to be used in repairing the gates and fences authorized by this act.

Penalty for letting and driving live stock into the limits of the association. One-half of penalty for informer, the other for association. Recoverable before Justice of the Peace. Impounding stock trespassing. Disposition of same. Prima facie evidence of guilt. What.

SECTION 7. That if any person shall open any gate belonging to "The Rehoboth Beach Association," or shall pull down any fence surrounding the grounds of the said Association, for the purpose of driving any live stock into or across the grounds of the said Association, for the purpose of placing any such live stock on the marshes either north or south of the grounds of the Association, or for the purpose of letting any live stock pass into the grounds of the said Association, he shall be liable to pay to any person who will sue for the same, the sum of five dollars, one-half for the use of the person suing and the other half for the use of the said Association, to be recovered in the name of the person suing, together with costs, before any Justice of the Peace of Sussex County, in the same manner as debts of like amount are recoverable. Any live stock being driven across the grounds of the said Association for the purpose of placing the same on the said marshes, either north or south of the grounds of the Association, may be taken up and impounded by any person, and the same may be retained, kept and disposed of in the same manner as is provided in the foregoing sections, and shall be liable to all the provisions of this act as though the same had been found running at large within the limits of the grounds of said Association. The driving any live stock through the grounds of the Association shall be *prima facie* evidence of an intention to place the same upon said marshes.

Passed at Dover, March 25, 1879.

OF THE GENERAL POLICE.

CHAPTER 69.

OF STRAYS.

AN ACT to prevent live stock from running at large in District No. 155, in Sussex County.

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

No live stock to run at large in School District No. 155, Sussex county.

SECTION 1. That no horse, mare, colt, mule, cattle, sheep or swine, shall be allowed to run at large within the limits of School District No. 155, in Sussex County, in this State.

Persons allowing live stock to run at large shall be liable for. What.

SECTION 2. That if any person or persons shall wilfully 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 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 schools in said District; and the owner or owners of said live stock, so running at large, 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.

How costs shall be recovered. By whom. How applied. Damages. Time for commencing suit.

Impounding stock. Notice. Advertisement. Sale. To whom balance shall be paid. When constable shall sell.

SECTION 3. 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. 155, 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. 155. If the said 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 owners of such impounded stock. If the owner or owners of such stock be unknown, and said notices of said stock be posted as aforesaid, and no one appears to claim the same, the Justice of the Peace, residing in Broadkiln 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 ex-

With whom balance shall be deposited, and for how long.

penses 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 keep the same for the benefit of the owner or owners for one year, if said 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. 155, for the benefit of the free school in said District: *Provided* that the damages awarded against the 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. 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 the said stock had escaped from his enclosure without his knowledge, then such stock shall be delivered to such owner without any fine or charges for said impounding, except for the keeping.

To whom the money shall finally be paid.

Appointment of referees.

When stock shall be delivered to the owner free of charge.

Unlawful to take impounded cattle.

SECTION 4. 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 hereinafter 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 benefit 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.

When tried therefor by Justice of the Peace.

Fines.

Benefit for whom.

Not to interfere with the law concerning strays.

SECTION 5. That nothing in this act shall be construed to interfere with or prevent parties from proceeding with such stock as is provided in the law concerning strays.

Passed at Dover, March 26, 1879.

OF THE GENERAL POLICE.

CHAPTER 70.

OF ROADS AND BRIDGES.

AN ACT to re-affirm and legalize the acts of a majority of the commissioners appointed to lay out a public road in Indian River and Georgetown Hundreds, in Sussex County, and the provisions of Chapter 111, Vol. 15, of the Laws of Delaware. Volume 15. 170.

WHEREAS James Rust, one of the commissioners named in said Chapter 111, Vol. 15, of the Laws of [Delaware,] has died; Preamble.

AND WHEREAS the other two commissioners named in said act have laid out said road named in said act, the Levy Court of Sussex County having accepted said road as a public road; now therefore,

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

SECTION 1. That the act or acts of said surviving commissioners, and the act or acts of the Levy Court Commissioners of Sussex County, in relation to the laying out said public road, assessing damage, and adopting the same as a public road, be and the same are hereby ratified and legalized as though all of said commissioners were alive. Acts of surviving commissioners legalized.

Passed at Dover, February 17, 1879.

CHAPTER 71.

OF ROADS AND BRIDGES.

AN ACT to authorize James D. Sipple to place a gate across a certain public road leading from Frederica to Webb's Landing, 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 James D. Sipple, be, and he is hereby authorized to erect a gate across a certain public road leading from Frederica to Webb's Landing, at or near where the line of said Sipple's land and land of James Postles crosses said road. J.D. Sipple authorized to erect a gate across a certain road.

SECTION 2. That all acts authorizing the erection of any other gate or gates across the public road mentioned in the first Section of this act, other than the one provided for in this act, are hereby repealed. Certain acts repealed.

Passed at Dover, February 26, 1879.

OF THE GENERAL POLICE.

CHAPTER 72.

OF ROADS AND BRIDGES.

AN ACT to repeal an act entitled "An act to lay out a new public road in Dover Hundred, Kent County."

Repealing Chap. 114, Volume 15, page 174.

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 lay out a new public road in Dover Hundred, Kent County," passed at Dover, March 25th, 1875, be and the same is hereby repealed, and any road laid out under and by authority thereof is hereby declared to be vacated.

Passed at Dover, February 11, 1879.

CHAPTER 73.

OF ROADS AND BRIDGES.

AN ACT to amend Sections 13 and 17 of Chapter 60, of the Revised Statutes.

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

Sections 13 and 17, Chapter 60, Revised Statutes, amended.

Collector.

Duty of the same.

SECTION 1. That Section 13 of Chapter 60, of the Revised Statutes, be, and the same is hereby amended as follows, viz: Strike out the words, "a fit person" in line 12 of said section and insert in lieu thereof the words, "the person who is collector of county rates;" also add at the end of line 21 of said section the following words, viz: "It is hereby made the duty of collectors of county rates to collect all such taxes as shall be lawfully laid by the Road Commissioners of their respective hundreds."

Percentage for collecting taxes reduced.

SECTION 2. That Section 17 of Chapter 60 of the said Revised Statutes, be, and the same is hereby amended as follows, viz: Strike out the word "ten" in the ninth line of said section and insert in lieu thereof the word "six."

Passed at Dover, February 26, 1879.

OF THE GENERAL POLICE.

CHAPTER 74.

OF ROADS AND BRIDGES.

AN ACT to establish the breadth of a certain road in Kent County.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That the road leading from Leipsic to Moorton Station, on the Delaware Railroad, in Little Creek Hundred, Kent County, and the State of Delaware, shall be of the breadth of thirty feet, to be measured fifteen feet on either side of the centre line of said road which was located by a survey made in the year A. D. 1878, by Alexander J. Taylor, Esq., under the direction of the Levy Court of Kent County.

To widen the Leipsic and Moorton road. Thirty feet

SECTION 2. *And be it further enacted,* That the centre line of said road as laid down and established by the survey mentioned in the first section of this act is hereby established as the centre line of said road.

Establishment of centre line.

Passed at Dover, March 3, 1879.

CHAPTER 75.

OF ROADS AND BRIDGES.

AN ACT to authorize William C. Burton to change a public road through his own land in Indian River Hundred, Sussex County.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:* That William C. Burton, be, and he is hereby authorized to change a certain public road in Indian River Hundred, in Sussex County, as follows, to wit: commencing in the middle of the public road leading from Long Neck to St. George's Chapel, opposite a dwelling-house owned by him and running a northerly direction some two hundred yards till it strikes a point near Ivy Branch, then in a northwesterly direction till it intersects said Long Neck and St George's Chapel road near a bridge crossing said Ivy Branch.

William C. Burton, authorized to make changes in a public road. Courses and distances.

SECTION 2. That the said William C. Burton, shall change, make and lay out at his own expense, the said road, and put the

At whose expense.

Width.

Shall be kept up as other public roads. When.

same in good order for public travel, making the said road the width required by law, and after said road is made, opened and put in good order for public travel as aforesaid, that then and from thenceforth the said road shall be repaired and kept up at public expense, as other roads in said county.

When Burton is authorized to close the old road.

SECTION 3. That after the said road shall have been laid out, opened and made and put in good order for public travel as aforesaid, it shall and may be lawful for the said William C. Burton to stop up and enclose so much of the old road as lies between the said dwelling-house and where the new road intersects the same near the bridge over said Ivy Branch, that part of the old road being hereby vacated.

Passed at Dover, March 7, 1879.

CHAPTER 76.

OF ROADS AND BRIDGES.

AN ACT to authorize Isaac G. Phillips to place two gates across a certain public road leading from Portsville to Cod Creek Mill.

Isaac G. Phillips, authorized to erect two gates across 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 Isaac G. Philips be and he is hereby authorized to erect two gates across a certain public road running through his farm leading from Portsville to Cod Creek Mill, and keep the same in repair at his own cost and expense.

Passed at Dover, March 11, 1879.

OF THE GENERAL POLICE.

CHAPTER 77.

OF ROADS AND BRIDGES.

AN ACT to authorize John C. Dolby to straighten a certain piece of road in Nanticoke 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 it shall be lawful for John C. Dolby, at his own expense, to straighten a certain part of the public road leading from the public road from Millsboro to Laurel to the road leading from the residence of the said John C. Dolby to Georgetown, in said County, which lies between a scrub white oak on said road to the point where the same intersects said Georgetown road, and when that part of said road shall be so straightened and put in good condition, it shall be thereafter part of said road, and the part thus supplied shall be vacated.

John C. Dolby authorized to straighten a certain road in Sussex county, at his own expense.

Vacation of original road.

Passed at Dover, March 12, 1879.

CHAPTER 78.

OF ROADS AND BRIDGES.

AN ACT to authorize the laying out a public road in Broadkiln 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 Alfred Russel, John J. Marris and John B. Donnan, 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 Broadkiln Hundred, to be of the same width as other public roads, beginning at a point on the eastern side of the public road leading from Waples' mill to Milton, at an old road running an easterly course with said old road through the lands of David E. Wolf, and on and with the line of the lands of John T. Conwell, Joshua Hanlow, and the lands of Abraham Reed; thence through the lands of Samuel M. Lofland until it reaches the said Lofland's gate at his residence; thence a southeasterly course across the lands of said Lofland and John

Commissioners.

Public road.

Width of road.

Place of beginning.

OF THE GENERAL POLICE.

C. Hazzard's lands to a gate that leads up to said Hazzard's farm house, then intersects with the old road, then by and on the line with said old road between John C. Hazzard and the heirs of Thomas Robinson, dec'd; thence with said old road on said Hazzard's land to the Deep Branch bridge; thence with the line of David Nailor, Robert Brion, Hettie Conwell and David A. Wiltbank, and terminating at its intersection with the public road leading from Milton through Broadkiln Neck to the Delaware Bay at or near Zion Church; and if said commissioners, or a majority of them (being first duly sworn or affirmed) shall determine that there is need of a new public road as above mentioned, then they shall with the assistance of a surveyor, to be by them employed, (and who being first duly sworn), proceed to lay out said road in the manner and form as aforesaid, as will be the most advantageous to the public, and least injury to individuals of the lands through which the same shall pass, and shall cause a draft thereof to be made, having respect to the nature of the ground, the shortness of the distance, and all circumstances of a public or private convenience or detriment, and shall assess damages to the owner or owners of land through which the same shall pass, if, in their judgment they are entitled, and shall in their return set forth a description of said road and their determination that there is need for the same to the Levy Court and Court of Appeals for said County, representing the courses and distances thereof, and when said road shall be adopted by the Levy Court and Court of Appeals as aforesaid, the said road shall then be deemed and taken as a public road, and shall be maintained and supported as other public roads in said County.

Place of ending.

Surveyor.

Draft.

Damages.

Return. What set forth therein.

Levy Court

Adoption.

When deemed a public road.

SECTION 2. That the pay of the commissioners, surveyor and chain carrier may be such as the Levy Court shall deem proper: *Provided*, that no part of the expense or any charges or costs of opening and constructing said road shall be incurred or paid by the County.

Fees of commissioner, &c. How paid.

Passed at Dover, March 12, 1879.

OF THE GENERAL POLICE.

CHAPTER 79.

OF ROADS AND BRIDGES.

AN ACT to change the course of 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:

SECTION 1. That Reuben Ross and Gen. A. T. A. Torbert are hereby authorized to change the course of the public road leading from Harrington to Bearsville, as follows: To begin at a point in a bend of said public road on a line between lands of Reuben Ross and Jesse Ward; thence with said line a distance of thirty-five perches, crossing lands of Gen. A. T. A. Torbert, to a line between lands of Hooper Ross and Spence lands; thence from a point in a southern branch of said public road in a northerly direction with said Spence line a distance of forty-seven and one-half perches to an intersection of said public road at the mouth of the road leading to Robert Raughley's gate. Reuben Ross and A. T. A. Torbert, authorized to change the course of a certain road in Kent Co. at their own expense. Location.

SECTION 2. That when the said Reuben Ross and Gen. A. T. A. Torbert, named in the first section of this act, shall, at their own expense, have made said change and opened the road hereby authorized of the width of forty feet, and put the same in such order for travel as the Levy Court of Kent County may deem sufficient, it shall be lawful for them to vacate the road superceded by the road authorized by this act, and the party or parties owning the lands on which the road hereby vacated runs to enclose the same. When said road is changed. Vacate old road.

Passed at Dover, March 13, 1879.

CHAPTER 80.

OF ROADS AND BRIDGES.

AN ACT to authorize the laying out of a public road in Mispillion 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 Nimrod Harrington, Henry C. Wolcott and John P. Curtis, three judicious and impartial citizens, be and they are hereby appointed to go upon and view the premises Commissioners. Duties.

OF THE GENERAL POLICE.

Place of beginning.

Place of ending.

Plot.

Damages.

Compensation for opening, &c., of road

and determine if there is need of a public road in Mispillion Hundred, Kent County, and State aforesaid, beginning at a point in the end of a public road which leads from the public road leading from Farmington to Houston, towards the public road leading from Harrington to Milford, but stopping before reaching that road and following a private road between lands of William H. Dickerson and lands of the heirs of S. M. Harrington and lands of Joseph Wolcott, until it reaches the aforesaid public road leading from Harrington to Milford, and if they 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, they shall, with the assistance of some skillful surveyor, after being duly sworn or affirmed, lay out such new road as they deem proper, and shall cause a plot thereof to be made, representing the courses and distance 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 road.

Return of Commissioners.

Appropriation.

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, that they may make appropriation for the opening and making of the same as a public road.

Administration of oath.

SECTION 3. That the commissioners are hereby authorized to administer oaths to each other and to the surveyor by them employed.

Passed at Dover, March 17, 1879.

CHAPTER 81.

OF ROADS AND BRIDGES.

Supplement to an act in relation to the Road Commissioners of Appoquinimink Hundred, New Castle County, Delaware.

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

Road Commissioner not appoint overseers for a term exceeding one year.

SECTION 1. That the said Road Commissioners shall not appoint more than six overseers for said Hundred during one year.

OF THE GENERAL POLICE.

SECTION 2. That the said Road Commissioners shall not divide the hundred into districts, but they shall exercise their authority as commissioners over the entire hundred as a body. They shall each have two dollars per day, but the whole sum received by any one commissioner for one year's services shall not exceed twenty dollars.

Division of hundred.

Compensation.

SECTION 3. The Road Commissioners in said hundred shall not be allowed to act as overseers to superintend the making or repairing of any road or bridge in said hundred. To procure lumber or materials and keep a sufficient supply on hand for any new or old road or bridge in said hundred, public notice shall first be given by the said commissioners in five public places in said hundred, for not less than two weeks, for proposals to furnish the same. The proposal of the lowest bidder with good security, shall be accepted by the said road commissioners. The collector of the road tax in Appoquinimink Hundred shall deposit in some bank to be designated by the road commissioners in said hundred, all the moneys collected by him as such collector to the credit of said hundred, subject to the orders of said road commissioners by check drawn upon said fund, signed by at least two of said road commissioners. In drawing checks for labor or materials furnished by any person, said road commissioners shall deduct from the amount due for such labor or material, the road tax due from such person.

Road Commissioners not allowed to act as overseers.

Procurement of materials.

Notice.

Proposals.

Acceptance of proposals.

Moneys deposited by collector.

Where.

By whom designated.

Checks.

How drawn

Road tax deducted.

Passed at Dover, March 18, 1879.

CHAPTER 82.

OF ROADS AND BRIDGES.

AN ACT authorizing Joseph Tatnall to change the course and direction of an old road leading from the Hare's Corner road to the Christiana Creek.

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

Jos. Tatnall authorized to change the course of a certain road in N. Castle Co.

SECTION 1. That Joseph Tatnal be and he is hereby authorized and empowered to change the course and direction of an old road running through his lands and leading from the Hare's

Corner road from a point nearly opposite the residence of Randolph Peters to the Christiana Creek in New Castle Hundred, New Castle County, by closing up said road from its present intersection with the said Hare's Corner road to a point distant ten hundred and eighty feet from said intersection, and by opening in place thereof a new road of the width of forty feet through his the said Tatnall's lands, from the point where the old road shall be closed, and running to and at right angles with the said Hare's Corner road. Whenever the said portion of the old road shall be closed as herein authorized the same shall be vacated.

Width of road.

Vacation of old road.

SECTION 2. This act shall be deemed and taken to be a public act.

Passed at Dover, March 20, 1879.

CHAPTER 83.

OF ROADS AND BRIDGES.

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

Freeholders.

SECTION 1. That Robert H. Davis, Henry J. Pierce, and James H. Deputy, three judicious and impartial citizens and freeholders of Cedar Creek Hundred, Sussex 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 at or near the corner of the lands of Stephen W. Ennis and William Watson, near the dwelling-house of said Ennis, to run from thence through or on the lines of lands of the said Ennis, Watson, Isaac H. Laws, Joseph V. Titus, James Reed, William Daniel, and John A. Bogart to the public road leading from Milford to Delaware Bay at said Reed's straw stacks; 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 (if any) and cost of making said road, and cause a plot to be made with a return to the Levy Court of said county, that they may make appropriation for opening the same as a public road.

Duties.

Public road

Place of beginning.

Place of ending.

Damages.

Plot and return.

Appropriation by Levy Court

OF THE GENERAL POLICE.

SECTION 2. *Be it enacted,* That the commissioners be sworn or affirmed by each other before entering upon their duties hereby assigned them to perform them faithfully and impartially. Oath or affirmation.

SECTION 3. *Be it enacted,* That the pay of commissioners shall be two dollars each, and the surveyor ten dollars for survey, plot and return, and that the Levy Court shall cause the same to be paid. Fees of commissioners and surveyor.

Passed at Dover, March 24, 1879.

CHAPTER 84.

OF ROADS AND BRIDGES.

AN ACT to amend Section 27, of Chapter 60, of the Revised Statutes, as amended in 1874. Revised Code, 328.

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

SECTION 1. That Section 27, of Chapter 60, of the Revised Statutes of this State, be and the same is hereby amended by adding to said section the following paragraph: "The provisions of this section, and the powers therein conferred on any overseer of the roads, shall apply to and be conferred upon every Levy Court Commissioner of New Castle County for a Hundred in which any road, causeway or bridge is or may be maintained by the said County, and which said commissioner may have in charge to erect or repair, except that the certificates of the appraisers provided for in this section shall, when made, be delivered one to the commissioner for the Hundred and the other to the County Treasurer of said County, who shall pay or tender the amount thereof to the owner or his guardian before the materials are removed. Section 27, Chap. 60, Revised Statutes, amended. Powers of Levy Court Commissioner. Certificates of appraisers. Tender of amount of damages.

Passed at Dover, March 26, 1879.

OF THE GENERAL POLICE.

CHAPTER 85.

OF ROADS AND BRIDGES.

AN ACT in relation to the Road Commissioners of Red Lion Hundred.

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

Amount of annual road tax for Red Lion Hd.

SECTION 1. The road commissioners of Red Lion Hundred, in New Castle County, shall not in any one year levy or collect for the maintenance of public roads and bridges a greater sum than ten cents on every hundred dollars on the tax duplicate of their hundred, which shall have been approved by the Levy Court in March previously; *Provided, however*, To pay land damages for the opening of new roads authorized by the Court of General Sessions of the Peace and Jail Delivery in and for New Castle County, they are hereby authorized and empowered to levy and collect a special tax for that purpose, but shall not exceed in any one year a rate greater than five cents on every hundred dollars on the aforesaid duplicate. It shall not be lawful for the said commissioners to contract or leave unpaid any debt greater than one hundred dollars at the expiration of their term of office, except in the case of damages for the opening of new roads. Any violation of this act shall be deemed a misdemeanor, punishable by fine at the discretion of the court. This act shall take effect from the day of its passage.

How ascertained.

Proviso.

Special tax

Violation of this act a misdemeanor. Penalty.

Passed at Dover, March 26, 1879.

CHAPTER 86.

OF ROADS AND BRIDGES.

AN ACT in relation to public roads and highways in White Clay Creek Hundred, in New Castle County.

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

Duties of Road Commissioners of White Clay Creek Hd. New Castle Co.

SECTION 1. That it shall be the duty of the road commissioners of White Clay Creek Hundred, New Castle County, to sell out or dispose of the public roads and highways in said

OF THE GENERAL POLICE.

Hundred on the second Thursday of April following the passage of this act, for the purpose of keeping them in good and proper repair in the manner and form hereafter provided.

Disposal of the roads in said Hd.

SECTION 2. That the said public roads or highways shall be sold out or disposed of for a term of three years from and after the second Thursday of April next, after the passage of this act.

Roads disposed of for term of years.

SECTION 3. That it shall be the duty of the said road commissioners, within thirty days preceding the day of sale, as directed by the first section of this act (and within the same period of time preceding the expiration of each and every term of three years thereafter,) to lay out and divide the public roads and highways in the said Hundred into sections not exceeding one mile in length, and as near one-half mile as practicable, or in such lengths as the road commissioners may think best to suit the convenience of the farmers who may live along the line of roads and who could, if divided into convenient sections, be able to do the repairs on said roads at a much lower rate than those persons who live at a greater distance therefrom: and that no person shall be allowed to buy any section of road laying more than one mile distant from the residence of the bidder. All sections shall be numbered and described in a book to be kept for the purpose by the road commissioners. They shall also distinctly specify therein what they deem necessary for the improvement and keeping in good repair the said public roads and highways, with an estimate in the judgment of the road commissioners of the amount of money that will be required to improve and keep in good repair each and every section of said public roads or highways respectively, for the term of three years, as provided in Section 2 of this act.

Division of roads into sections.

Length of section.

Who not allowed to purchase sections.

Sections numbered and described in a book

Specification of improvements

Estimation of improvements.

SECTION 4. And it shall be the duty of the said road commissioners to give at least ten days notice, by ten or more handbills, put up in the most public places in said Hundred in which the roads to be sold are located, and they shall also advertise said notice for two weeks in the newspaper published in the town of Newark at least ten days previous to the time of sale of said roads or highways, giving the time or designating a place for the taxable inhabitants of the said hundred to meet, at which time and place it shall be the duty of said road commissioners to attend and sell at public sale, for the term of three years, to the lowest bidder of the taxable inhabitants of the said Hundred, the said sections of the public roads and highways according to the term therein specified, one section at a time, until they shall all be disposed of, but no section shall be sold for more than the sum estimated thereon by the road commissioners, and if any section or sections shall then remain unsold on ac-

Notices.

Mode of advertising sale of roads.

Place of meeting.

Qualification of bidders.

No sale to be made above the estimated cost.

count of no bid having been made, or on account of their having been bid for at a higher rate than the account estimated by the road commissioners, they shall be again be set up and sold to the lowest bidder not exceeding the estimate aforesaid, and if any section or sections shall still remain unsold, the road commissioners shall afterwards let out such section or sections on private contract. The building or repairing of bridges or culverts that shall cost over fifty dollars shall be built or repaired by contract. All contracts for bridges and culverts shall be made by sealed proposals received by the road commissioners, and shall be given to the lowest bidder under the same conditions in regard to security as is required for contracts for repairing the roads. All bridges or culverts to be built or repaired, costing fifty dollars or less, the road commissioners shall proceed at once to repair or build the same: *Provided*, That the said road commissioners shall not be allowed, either directly or indirectly, to purchase or contract for any section of road so sold or let out, or bridge or culvert to be built or repaired: *Provided also*, That only one annual proportion of the amount of said sales or contracts shall be paid to the respective purchasers and contractors in any one year, but such proportion shall be paid by the said road commissioners on the expiration of the year, in each and every year except in such cases as are hereinafter provided for.

Re-sale.

Unsold roads let out on private contracts.

Bridges and culverts.

When repaired by private contract.

Proposals.

How made.

Bridges and culverts.

When repaired by commissioners.

Proviso.

SECTION 5. Any person or persons who shall purchase or contract for a section of road as aforesaid, shall write his, her or their names respectively in the road commissioner's book opposite to the section or sections so purchased or contracted for, together with the amount of purchase or contract money, which shall be deemed and taken as sufficient evidences of the contract or contracts, and in addition shall give judgment bond, with satisfactory surety, in not less than double the amount of the contract or contracts for the faithful performance of his, her or their contracts; such bond shall be drawn in the name of the road commissioners of the Hundred, and their successors in office, who are expressly authorized to take and receive the same, and maintain any and all actions proper to be maintained thereon, and recover for the use of the roads of the Hundred such damages as may be sustained by the breach of the contract for which such bond has been given.

Names of purchasers and contractors.

How kept.

Evidence of contract.

Bond.

Condition of bond.

SECTION 6. It shall be the duty of the contractors to keep their sections in good and substantial repair, in the same manner as has been done by the overseers, by keeping open ditches and drains of sufficient depth and width to carry off the water. All loose stones shall be removed or covered with earth. Should any person neglect or refuse to make the improvements and keep

Duty of contractors

Neglect or refusal to make improvements

his or her section or sections of road in good repair as purchased or contracted for as aforesaid, upon complaint of any of the citizens of the said hundred or of the adjoining hundreds made to the road commissioners, or either of them, it shall be the duty of the said the road commissioners to examine the section or sections complained of as soon as practicable, and if they deem the complaint well founded to give notice to the party or parties complained of to make the improvements and put his, her or their section or sections of road in good order or repair according to the terms specified therein within five days, thereafter, and if he, she, or they neglect or refuse to comply with said notice until the expiration of the said five days, it shall be the duty of the road commissioners to have said section or sections improved and repaired according to the terms specified in his, her or their purchase or contract, and the costs of improving and repairing the same shall be recoverable by the road commissioners (in the same manner as is laid down in section five for like purpose) of such person or persons so neglecting or refusing with costs of suits. (It shall be the duty of the road commissioners, upon having occasion to notify persons of neglect, to notify them also of the consequences of their delinquency, and in case said road commissioners shall wilfully neglect to perform the duties required by this section, and fail to procure the repair of all sections of the public roads neglected by the purchasers thereof, within ten days after notice given to the purchaser neglecting to perform his duty, that then and in that case the said commissioners shall become liable to a fine of twenty-five dollars and costs for each and every section so left unrepaired; said fine to be collected as debts of like amounts are collected by any Justice of the Peace in New Castle County before whom complaint and due proof of willful neglect shall be laid by any citizen; one-half of said fine to be paid to the complainant and the other half thereof to the collector of said hundred for the benefit of the public roads therein.)

How provided for.

SECTION 7. It shall be lawful for any purchaser or purchasers, contractor or contractors, who may remove out of said hundred, to yield up to the said commissioners the unexpired portion of his, her or their term by giving due notice thereof to the road commissioners in writing, at least thirty days preceding the second Thursday of April, and the unexpired term of such purchase or contract so yielded up shall be sold at public sale or let on private contract, and also all new roads to be opened in the said hundred in the manner and form provided in the preceding sections of this act; *Provided*, That in case of death, or removal out of the hundred, the road commissioners shall pay the repre-

Contractor or purchaser or removing from hundred. Surrender his term. Notice. Surrendered term sold or let on private contract. Proviso.

sentatives of persons so deceased, and to persons so removing, such portions of the money specified in the respective contracts as they shall believe them justly entitled to.

Inspectors of roads, &c.

SECTION 8. The public roads and highways in the said hundred shall be inspected by one at least of said road commissioners every three months, and if they shall at any time find that any of the purchasers or contractors have neglected or refused to keep in good repair any section or sections of road purchased or contracted for by him, her or them, according to the terms specified, they shall give notice to such purchaser or purchasers, contractor or contractors, as is directed in the sixth section of this act; and if any of them shall neglect or refuse to comply with said notice they shall proceed as directed in the aforesaid section of this act, and force payment in like manner.

Proceedings in case of neglect or refusal of contractors or purchasers.

SECTION 9. In time of heavy snow storms, by which the public roads become filled with snow so as to prevent the traveling public from passing over the roads or highways, it shall be the duty of the road commissioners to at once provide teams, men, and such other appliances as may be needed to at once make the said roads or highways passable. When in the opinion of the road commissioners any piece [of] road requires graveling or turnpiking, they may proceed to have it done by contract, under the same provisions of this act as is done under Section 6 of this act in relation to building bridges and culverts.

Duty of commissioners when roads are rendered impassable by storms, &c.

Graveling or turnpiking.

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

Inconsistent laws repealed.

Passed at Dover, March 27, 1879.

CHAPTER 87.

OF ROADS AND BRIDGES.

AN ACT to lay out a new public road in Kenton Hundred, Kent County.

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

Appointment of commissioners.

SECTION 1. That Ephraim Garrison, William Surgen and David Boggs, three judicious and impartial citizens of Kent County, be and they are hereby appointed commissioners to go

upon and view the lands and determine whether there is need of a public road in Kenton Hundred, to begin at the public road leading from Bethel Methodist Episcopal Church to Seven Hickories, and on the west side of the Delaware railroad and without the limits of the lands of said railroad, and running from thence northward outside of the limits of the lands of said Delaware railroad, and with the western line of said railroad through the lands of whomsoever the same may pass until it intersects the public road leading from the State road to Green's mill. If they, or a majority of them, shall determine that there is need of a new public road, they shall, with the assistance of a surveyor, to be selected by them, lay out a new public road of the width of thirty feet, and shall cause a plot thereof to be made, representing the courses and distances thereof through whose land the same shall pass, and they shall assess the damages of every owner of said lands, taking into consideration all the benefit as well as injury which will accrue to each of the owners, and they shall make a computation of the costs of opening and making said road, the bridges and causeways included, setting down the several items of costs, and shall make return of all their proceedings to the Clerk of the Peace in and for Kent County, and shall be by him filed in his office as a record of a public road in Kent County. The report shall be under the hands of said commissioners or a majority of them.

Place of beginning and courses. Place of ending. How and when to lay out said road. Width. Plot. Assessment of damages. How. Costs. Return of proceedings. Report. By whom made.

SECTION 2. It shall be the duty of the Clerk of the Peace, at the next regular or adjourned session of the Levy Court of Kent County, after the return has been made to him, and by him filed in his office, to lay the same before the Levy Court that an appropriation may be made for opening the same as a public road, and when opened shall in all respects be a public road in Kent County.

Clerk of the Peace to lay the return before the Levy Court. When to be considered a public road.

SECTION 3. That the commissioners shall be sworn or affirmed to perform their duties faithfully and impartially. Any commissioner neglecting or refusing to serve, or dying before the duties required of him under this act shall be fully completed, the associate judge residing in Kent County may appoint some person or persons to fill the vacancy or vacancies so occurring upon the application of three citizens of Kent County by petition preferred to said judge.

Commissioners to be sworn. Vacancies. How filled.

SECTION 4. That the commissioners shall be allowed one dollar per day for each and every day employed in the performance of their duties; and the surveyor shall be allowed such compensation as shall be fixed by the Levy Court. The fees of the commissioners, surveyor and other persons employed shall be paid by Kent County.

Fees. Surveyor's compensation. Fees to be paid by the county.

Passed at Dover, March 27, 1879.

OF THE GENERAL POLICE.

CHAPTER 88.

OF ROADS AND BRIDGES.

AN ACT to vacate part of a certain public road in Little Creek Hundred, in Kent County.

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

Certain part of a certain old road to be vacated.

SECTION 1. That so much of the old public road commencing at or near Daniel Heitschu's gate, on the public road leading from Bethel Methodist Episcopal Church to Green's mill, and running through the lands of John Bailey, Elihu Jefferson, and others, to a point where it intersects the new road leading from the State road to Green's mill, be and the same is hereby vacated, and that John Bailey, Elihu Jefferson, and such other persons as are the owners or possessors of the land through which said piece of road hereby vacated passes, be and they are hereby authorized and empowered to enclose said road, and occupy, use, and enjoy said land as fully and completely as though the same had never been used as a public road; *Provided, nevertheless,* That this act shall not take effect, and the said piece or parcel of road herein mentioned shall not be vacated, and the same shall not be enclosed, occupied, used and enjoyed as aforesaid, until after the Levy Court of Kent County shall have made an appropriation for opening the new public road mentioned in an "Act to lay out a new public road in Kenton Hundred, Kent County," according to the provisions of Section 2 of last mentioned act passed at the present session of the Legislature.

Persons owning land authorized to enclose and use the road so vacated.

Proviso.

When to take effect.

Passed at Dover, March 27, 1879.

CHAPTER 89.

OF ROADS AND BRIDGES.

AN ACT to vacate part of an old road known as the "S. D. Duncan Road," and lay out in lieu thereof a new road in Mispillion Hundred, Kent County, Delaware.

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

Certain commissioners appointed.

SECTION 1. That Alexander Johnson, John Booth, and Joseph Booth, three judicious and impartial citizens of Kent County, be

OF THE GENERAL POLICE.

and they are hereby appointed commissioners, who are hereby authorized, empowered, and directed to go upon the premises and determine whether that part of said public road known as the "S. D. Duncan" road, in Mispillion Hundred, in Kent County, beginning at an angle of the said old road between lands of David Harrington and Duncan and Jellison, and running along the east side of a prong of Brown's branch, through lands of David Harrington, a southerly course to the public road leading from Harrington to Frederica, shall be vacated and a new road laid out in lieu thereof, beginning at the first above-mentioned point in said old road, and to run from thence across said prong of Brown's branch, and on the west side thereof, across lands of Nimrod Harrington, a southerly course to intersect the aforesaid public road leading from Harrington to Frederica. And if the said commissioners, or a majority of them, shall determine that the public convenience requires that the said part of the old road shall be vacated and the said new road laid out, they shall 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 assess the damages of every the owners of said lands on occasion of vacating said old road and laying out said new road. And shall make a computation of the costs of making and opening said new road, and cause a plot thereof to be made, with a return of the same to the Levy Court of said county. The Levy Court may make appropriations for 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 said part of the old road be vacated, and the laws applicable to public roads in Kent County are hereby extended to and shall apply to said road.

Duties.

When to vacate old road and lay out a new one in lieu thereof

Assessment of damages.

Costs to be calculated.

Plot and return.

Appropriations.

When taken to be a public road.

Road laws.

SECTION 2. That the commissioners be sworn or affirmed before entering upon their duties assigned them to perform them faithfully and impartially.

Commissioners to be sworn.

SECTION 3. That the pay of the commissioners, surveyor and chain carriers shall be such as the Levy Court may deem proper.

Levy Court to determine the pay of commissioners, &c.

Passed at Dover, March 29, 1879.

OF REGULATIONS CONCERNING TRADE.

CHAPTER 90.

OF DITCHES.

Revised Code, 315.

AN ACT to amend Chapter 59 of the Revised Code, entitled, "An act concerning ditches, &c."

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

Chap. 59, Section 2 of the Revised Code, amended.

SECTION 1. That Section 2 of said Chapter 59, of the Revised Code, of the laws of this State, be amended by adding at the end of said Section 2, the following to wit: *Provided, however,* That the said commissioners shall give at least ten days' written notice to each person who may be thus liable to tax upon said ditch of the time and place of the meeting of said commissioners on some part of said lands, before the final assessment of such taxes and before the return of said orders; and if the person or persons liable to such tax do not reside in the county where such ditch is to be cut, it shall be sufficient to give such notice or notices to the tenant or tenants residing upon the lands to be taxed, and if there be no tenant residing upon said lands, then such notice may be posted on some public place upon said lands; *Provided further,* That there shall be allowed a fee of two dollars a day for serving such notices, to be paid to the party who performs the service.

Notice to contain. What.

When notices shall be served on tenant.

When notices may be posted on lands.

Fees for serving notices.

By whom paid.

Passed at Dover, March 25, 1879.

TITLE NINTH.

Regulations Concerning Trade.

CHAPTER 91.

OF PRINCIPAL AND SURETY.

A Supplement to Chapter 65, of the Revised Statutes, of this State, as published in the Revised Code, as amended, &c., in 1874, "Of Principal and Surety."

Supplement to Chap. 65, of the Revised Statutes

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:* That the following section be and the same is hereby enacted and added to Chapter 65, of the Revised Statutes of this State, as

the same is published in the Revised Code, as amended, &c., in 1874, entitled, "Of Principal and Surety," and the same shall hereafter be deemed and taken to be a part of said chapter, to wit:

SECTION 8. Upon the payment of any judgment under and according to the provisions of this chapter, the right or power of the creditor or plaintiff therein to enter satisfaction upon the record of such judgment shall, *eo instanti*, cease and determine, and this whether the said assignment or transfer of such judgment shall have been made or not, the fact of the payment thereof shall be sufficient. And if any creditor or plaintiff in such judgment, after payment of any judgment to him as aforesaid, shall enter, or cause to be entered, satisfaction of said judgment upon the record thereof, without the express consent, in writing, of the person entitled, under the provisions of this chapter, to its assignment or transfer, the court in which such judgment is shall, upon application of the person so entitled and upon sufficient proof of the facts, strike from the record the said entry of satisfaction; whereupon the said judgment shall be and remain in full force and virtue, and as valid and binding upon the defendant therein as it was or could have been had such entry of satisfaction never been made. Said application shall be in writing, and sworn or affirmed to by the applicant, and shall contain a general statement of the facts; *Provided, however,* That nothing in this section shall be construed to divest or interfere in any way with any rights which may have been acquired by innocent third persons who, in good faith, and without notice, may have relied and acted upon the protection and security of the said entry of satisfaction; *And provided also,* That no defendant shall be debarred of any remedy against the plaintiff, or his representatives or assigns, by any legal or equitable course of proceedings whatever.

Unlawful for a judgment creditor to enter satisfaction upon the record after payment thereof by surety.

Satisfaction entered contrary to the provisions of this act.

How taken off.

Application.

How made

Proviso.

SECTION 2. *And be it further enacted as aforesaid,* That Section 8, of Chapter 65, of the Revised Statutes as herein and hereby enacted shall have a retroactive as well as prospective effect.

Retroactive effect.

Passed at Dover, March 10, 1879.

OF REGULATIONS CONCERNING TRADE.

CHAPTER 92.

OF THE SALE OF MINERAL WATERS, &C.

AN ACT to revive and continue in force Chapter 665, Volume 11, Laws of Delaware, entitled "An act for the Protection of Manufacturers and Vendors of Mineral Waters, Porter, Ale, and other beverages in Bottles," passed at Dover, February 25th, 1859, amended March 5th, 1861.

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:)

Revival of Chap. 665, Volume 11, Laws of Delaware.

Description of bottles containing mineral waters, &c.

Where filed.

Publication of description.

SECTION 1. That all manufacturers and venders of mineral waters, porter, ale, and other beverages in bottles, upon which their names or their mark or marks shall be respectively impressed, may file in the office of the Secretary of State description of such bottles and of the name or mark thereon, and shall cause the same to be published for six weeks successively in a public newspaper in the county wherein the same shall be manufactured or sold.

Unlawful to sell mineral waters &c., in bottles marked with names of owners, &c. without permission.

Penalty.

Fines.

How collectable.

SECTION 2. That it is hereby declared to be unlawful for any person or persons hereafter, without the permission of the owner thereof, to fill with mineral waters, porter, ale, or other beverages, any such bottle so marked, or to sell, dispose of, or to buy, or to traffic in any such bottles so marked and not bought by him or her of such owner thereof; and any person so offending shall be liable to a penalty of fifty cents for every bottle so filled, or sold, or used, or disposed of, or bought or trafficed in, for the first offence, and of five dollars for every subsequent offence, to be recovered before the mayor of any city or any Justice of the Peace as fines and penalties are by law recoverable for the use of the State.

What prima facie evidence of guilt.

How process may be obtained against offending parties.

Search.

Arrest of parties and seizure of bottles.

SECTION 3. That the fact of any person other than the rightful owner thereof, using any such bottles for the sale therein of any beverages, shall be prima facie proof of the unlawful use or purchase of such bottles as aforesaid; and any such owner, or agent of the owner, who shall make oath or affirmation before any mayor of a city or any Justice of the Peace that he has reason to believe and does believe that any of his bottles, stamped and registered as aforesaid, are being unlawfully used or concealed by any person or persons selling and manufacturing mineral waters, porter, ale, or other beverages, that the said mayor or Justice of the Peace shall issue a process in the nature of a search warrant directed to any constable commanding him to search the premises, wagons, carts, or other places of the offender or said offenders where said bottles are alleged to be, and if, upon such search, any bottles so marked shall be found,

to bring the same, together with the body of the person in whose possession they may be found, before said mayor or Justice of the Peace, there to be dealt with according to law.

SECTION 4. That the following form shall constitute the warrant to carry out the provisions of the foregoing sections:

Form of Warrant.

——— County, ss. The State of Delaware.

To any constable of the said ——— greeting:

Whereas due proof has this day been made before me, ——— ———, Mayor, or Justice of the Peace, for ————, on oath of ————, of said ————, that one ———— is unlawfully using and now has concealed on his or (her) premises, or in his (her) wagons, the bottles of said deponent, obtained by purchase, traffic or gift from others than the rightful owner thereof. These are therefor in the name and by the authority of the State of Delaware, and in virtue of the powers and duties attaching to me under the act of the General Assembly in such case made and provided, to authorize you, the said constable, with necessary and proper assistance, diligently to search for the said bottles on the premises of the said ————, and if the same be found, upon search, you do bring the same before me to be dealt with according to law.

Witness the said ———, who hath hereunto set his hand and seal the ——— day of ———, A. D. 18—.

Public act. Continue in force 20 years.

SECTION 5. That this act shall be taken and deemed to be a public act, and shall continue in force for twenty years.

Passed at Dover, March 5, 1879.

TITLE TENTH.

Of Corporations.

CHAPTER 93.

OF BANKS.

AN ACT requiring the Directors of the Farmer's Bank of the State of Delaware and its branches on the part of the State to make an annual report.

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

State Directors of the Farmers' Bank to report to the Gov. Report. To show what.

SECTION 1. That it shall be the duty of the Directors of the Farmer's Bank of the State of Delaware and its branches on the part of the State, to make a report in writing to the Governor, showing the resources and liabilities of said bank and its branches during the month of January in each year; which report shall embrace the following particulars:

First. The amount of loans and discounts, embracing notes, bonds and mortgages, and also the amount of loans secured by collaterals.

Second. The amount of protested, waived or suspended paper and the interest due thereon in the aggregate.

Third. A statement in detail of each parcel of all the real estate owned and held by the said bank and its branches, exclusive of banking houses and premises connected therewith respectively; its cost value and the annual income derived therefrom.

Fourth. The actual cost value of each parcel of real estate used by the said bank and its branches, for banking purposes.

Fifth. The amount of over drafts in said bank and its branches.

Sixth. The cash and cash items in said bank and its branches.

Seventh. The amount due from other banks and bankers.

Eighth. The amount of capital stock, number of shares and the par value of each share.

Ninth. The amount on deposits in said bank and its branches.

Tenth. The amount due from said bank and its branches to other banks or bankers.

Eleventh. The amount of out-standing circulation.

Twelfth. The amount of undivided profits and the amount of unpaid dividends.

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SECTION 2. That a failure upon the part of the Directors mentioned in the first section of this act to perform the duty therein imposed, shall work a forfeiture of the office of Director. What shall work a forfeiture of office.

SECTION 3. That any vacancy occurring in the directorship of said bank and its branches on the part of the State, shall be filled by the Governor. Vacancies. How filled.

SECTION 4. That the said Directors shall not, in their report required to be made under this act, disclose the names of the persons indebted to the said bank or its branches. No names to be disclosed in in report.

Passed at Dover, March 14, 1879.

CHAPTER 94.

OF THE WILMINGTON NAVIGATION COMPANY.

AN ACT to re-enact, revive and continue the charter of the Wilmington Navigation Company, passed at Dover January 20, 1859.

WHEREAS by an act entitled "An act to incorporate 'The Wilmington Navigation Company,'" passed at Dover, January 20, 1859, a corporation was created by the corporate name of The Wilmington Navigation Company, which said corporation was duly organized in pursuance of the said act, and Preamble.

WHEREAS the said company so organized has continued to pursue the purposes and business for which it was incorporated, and

WHEREAS by inadvertance the said charter has been permitted to expire by lapse of time, now, therefore,

Be it enated by the Senate and House of Representatives of the State of Delaware, in General Assembly met, (two-thirds of each branch thereof concurring herein,) as follows:

SECTION 1. That the act entitled "An act to incorporate The Wilmington Navigation Company," passed at Dover, January 20, 1859, be and the same is hereby re-enacted, revived and continued, and that all the provisions therein contained for the management and government of the said corporation thereby created and hereby re-created, revived and continued, shall be and they are hereby revived, re-enacted and restored, and that all amendments to said charter shall be and they are hereby made a part of this act of re-enactment. Chap. 500, Volume 11, Laws of Delaware, revived. 582.

OF CORPORATIONS.

Revived.

Corporate name.

Powers.

SECTION 2. That the said The Wilmington Navigation Company, organized in pursuance of the act aforesaid, and which is hereby re-created, revived and continued, shall be and the same is hereby declared to be a body politic and corporate under the name, style and title of The Wilmington Navigation Company, with all the rights, privileges and franchises conferred by the act aforesaid, which is hereby re-enacted, and by all amendments to the act aforesaid, which may hitherto have been passed which are hereby now re-enacted.

Stockholders.

New corporation to succeed to all powers of original corporation

SECTION 3. That the stockholders of The Wilmington Navigation Company, created by the act aforesaid, shall be the stockholders in the same proportion of the capital stock of The Wilmington Navigation Company hereby re-created, revived and continued, and the corporation hereby re-created, revived and restored shall succeed to and be possessed of all the property and rights of property, privileges, rights and franchises which belonged or appertained to the said The Wilmington Navigation Company, created under the act aforesaid, and all the amendments thereto which have since been enacted.

Public act.

SECTION 4. The corporation hereby re-created, revived and restored shall continue for twenty years, and this act shall be a public act.

Passed at Dover, February 6, 1879.

CHAPTER. 95.

OF THE AGRICULTURAL SOCIETY OF KENT COUNTY.

A supplement to an act entitled, "An act to incorporate the Agricultural Society of Kent County," passed at Dover, March 14, 1877.

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):

Chap. 426, Volume 15, Laws of Delaware. 495.

Name changed.

Period of continuation.

Powers.

SECTION 1. That the name of the corporation created by this act to which this is a supplement, be changed from that of "The Agricultural Society of Kent County, at Dover," to that of "The Agricultural Society of the State of Delaware," and by the name last aforesaid shall continue for the period of twenty years from the passage of this act, and by the name last aforesaid shall have and enjoy all the rights, property, privileges, powers and franchises granted by the act to which this is a supplement,

OF CORPORATIONS.

except as hereinafter altered or changed, and with such additional powers, rights, privileges and franchises as may be granted and conferred by this act.

SECTION 2. That Thomas H. Denney, John Moore, J. Frank Denney, Edward Bailey, Daniel P. Barnard, Joseph McDaniel, John D. Burton, William P. Seward, John Wharton and such other persons as are now associated as the Agricultural Society of Kent County, at Dover, be and they are hereby ordained and declared to be a body corporate and politic, by the name of "The Agricultural Society of the State of Delaware," in the place and stead of the Agricultural Society of Kent County, to be located at or near Dover, the Capital of said State, for the purpose of encouraging and promoting agriculture, horticulture, mechanic 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, implead 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, alien 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.

Commissioners.
Incorporation.
Name.
Purpose.
Powers.
Hold real estate.
By-laws.
Restriction.

SECTION 3. 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 fifty thousand dollars. The said capital stock to be divided into shares of ten dollars each. Each share of said capital stock shall be personal estate, and the same shall be certified, held and assigned according to such regulations and conditions as may be provided in the by-laws; and the property of the said association shall not be subject to, but shall be held by, the said corporation, free and exempt from any and all manner of municipal, county and State assessment and taxation whatsoever, and the said corporation shall not be and is hereby declared not to be subject to the operations of the attachment laws of the State of Delaware, and the said corporation shall not be summoned as garnishee as provided in other attachment cases.

Capital stock.
Limitations of capital stock.
Division of shares.
Shares personal property.
How held and assigned.
Exemption from taxation.
Non-liability to attachment laws.

OF CORPORATIONS.

Subscription. How paid.

Subscription to the capital stock shall be paid at such times and 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.

Annual meeting of stockholders. Special meetings.

SECTION 4. That there shall be an annual meeting of the stockholders on the first Tuesday of May 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 prodided 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.

Questions. How decided. Votes.

Board of directors. Quorum. Directors. How and when elected. Term of office. Vacancies. How filled. By-laws. Repeal and alteration of by-laws. The Board of Directors to continue in office. How long.

SECTION 5. That the stock, property and business concerns of the corporation shall be managed and conducted by a President, Secretary and twenty-seven directors, all of whom must be stockholders. The said officers and directors shall constitute a Board of Directors, ten 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 votes cast, according to the provisions of Section 4 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 Directors 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 the said The Agricultural Society of Kent County, at Dover, shall continue in office and constitute the Board of Directors provided for in this act until their successors shall be elected.

Board of Managers. Powers and restrictions

SECTION 6. That the Board of Directors, upon their election, shall choose from their number nine directors, who, with the President and Secretary, shall constitute a Board of Managers of the corporation; the said Board of Managers, subject to the general control of the Board of Directors and the by-laws of the Association, shall manage and conduct the affairs of the Association.

Books of managers. What they shall contain. Open to inspection. To whom. Statement of managers.

SECTION 7. That the Board of Managers shall also keep, or cause to be kept, proper books, in which shall be regularly entered 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 meetings, 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 dividend shall be made or declared except from the surplus funds of the Association.

Dividends.

Proviso.

SECTION 8. 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-fourth 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.

Employment of officers, &c. by managers.

Duties of officers, &c.

Police.

Duties of police.

Powers of police.

Jurisdiction of police.

Arrest of offenders.

Trial.

Compensation of police.

How removed.

SECTION 9. 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 grounds 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; *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

Sale of live stock, &c., by auctioneer within the limits of fair ground

When.

Exhition of live stock, &c., on the grounds of society.

Sale of same.

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, wine, 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.

Eating houses.

Sale of intoxicating liquors prohibited.

Feed pens prohibited.

License.

To keep any booth, &c., or sell any spirituous liquors, &c., within one quarter of a mile, a misdemeanor.

SECTION 10. If any person shall make or keep any booth, stall, tent or other 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, confectionary, cigars, tobacco, refreshments or other provisions or articles, within one-quarter mile of the fair grounds of the association incorporated by this act, during the continuance of any fair or exhibition held by said association, except 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 9 of this act.

Penalty.

Proviso.

SECTION 11. The said association is hereby authorized to give and hold public fairs or other public exhibitions, and at such fair or exhibition it is hereby declared lawful for this association to institute, give and hold trials of speed, but it is hereby declared unlawful and a misdemeanor, punishable with fine or imprisonment, for any person concerned in or present at such trial of speed, to bet, or wager money or other valuable thing upon the result thereof.

Trials of speed.

Betting disallowed.

Acts of the Agricultural Society of Kent County, declared to be acts of the corporation created by this act.

Agricultural Society of the State of Delaware to succeed to all property of the Agricultural Society of Kent Co.

SECTION 12. That all the acts and doings of the said, The Agricultural Society of Kent County, at Dover, since its organization, are hereby legalized and confirmed, and shall be taken any deemed in law and equity to be the acts and doings of the corporation hereby created, and that all property, rights, creditd effects, securities and other estate, real, personal and mixed, shall immediately, upon the passage of this act, become the properts, of the said the Agricultural Society of the State of Delaware. And the rights 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 the said the Agricultural Society of Delaware.

OF CORPORATIONS.

SECTION 13. That this act shall be deemed and taken to be a public act, and the power to revoke the same is hereby reserved to the Legislature. Public act. Revocation.

Passed at Dover, February 11, 1879.

CHAPTER 96.

OF ODD FELLOWS CEMETERY, CAMDEN.

AN ACT amendatory of and supplement to the act entitled "An act to incorporate the Odd Fellows Cemetery of Kent County, near Camden," passed at Dover, March 28, 1873.

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 Section 4 of said act be and the same is hereby amended by striking out the words "and treasurer" in the sixth line thereof. Section 4, Volume 14, Laws of Delaware, amended. 491.

SECTION 2. That all certificates of burial lots made and delivered by the President and Secretary of the Board of Directors under said act of incorporation to the several holders of burial lots thereunder, are hereby declared valid and good for the purposes for which they were made and signed. Certificates of burial lots declared valid.

Passed at Dover, February 11, 1879.

OF CORPORATIONS.

CHAPTER 97.

OF THE PREVENTION OF CRUELTY TO CHILDREN.

AN ACT to incorporate the Delaware Society for the Prevention of Cruelty to Children.

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 Edward Bringhurst, Dr. D. W. Maull, Wm. M. Canby, Austin Harrington, P. N. Brennan, C. B. Lore, George H. Bates, Z. James Belt, James H. Ray, E. G. Challenger, John C. Corbit, Emmett M. Robinson, Wm. Canby, F. N. Buck, C. G. Rumford, Henry S. McComb, James Robinson, Ashton Richardson, Joseph T. Heald, George G. Lobdell, George Z. Tybout, Wm. D. Clark, George W. Bush, J. Taylor Gause, Joshua Maris, Samuel H. Dixon, Dr. J. P. Chandler, Wm. Dean, Rev. J. B. Spottswood, Dr. F. S. Dunlap, Manlove Hayes, Wm. Cummins, Robert W. Todd, George V. Massey, T. B. Coursey, J. Colby Smith, James R. Clements, J. W. Hall, J. T. Jakes, Jacob Moore, C. S. Layton, John M. Houston, Harbeson Hickman, D. W. Brereton, Hugh Martin, Chas. C. Stockley, Dr. J. S. Prettyman, S. Pennewill, Dr. W. A. Gumm, Benj. Burton, P. F. Causey, Sarah Bringhurst, Elizabeth W. Smith, Ann Simple, 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, style and title of "The Delaware Society for the prevention of Cruelty to Children," and they and their successors are 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 this State and elsewhere, in all manner of suits, complaints, pleas, causes and demands whatsoever, with all the legal incidents of a corporation aggregate, including the right to use a common seal, the same at their pleasure to alter and renew, to receive legacies and donations, and to hold real estate not exceeding in value the sum of one hundred thousand dollars, 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.

Commissioners.

Incorporation.

Name.

Powers.

SECTION 2. The objects of this society are to provide effective means for the prevention of cruelty to children throughout the State of Delaware, and for the enforcement of all laws heretofore or hereafter enacted for the protection of children, and to purchase, print, publish and circulate such tracts and books as

Objects.

OF CORPORATIONS.

are fitted to promote the objects of the society, and to appoint or employ such agents as the Board of Managers may from time to time deem necessary.

Duty of corporators

Notice.

Meeting.

Organization.

Board of Managers.

Powers of Managers

SECTION 3. It shall be the duty of the corporators whose names are mentioned in the first section of this act or any ten of them, after notice published for five days in two newspapers printed in the city of Wilmington, to meet together and elect a President, fifty Vice-Presidents, a Secretary, a Treasurer, and twenty persons who shall constitute a Board of Managers, in whom shall be vested the control and management of affairs of the said corporation. And the Board of Managers may appoint such other officers as may be necessary for the transaction of the business of the society.

Annual election.

When held

Notice of election.

Term of office.

Qualifications of voters.

Each member entitled to one vote.

SECTION 4. In the month of January of every subsequent year, an election for officers and managers of the said society shall be held in the city of Wilmington, at such time and place, and after such notice as the managers for the time being may deem proper, and the said officers and managers shall continue to act until their successors have been duly elected. At all such elections every person who shall have been elected by the Board of Managers a member of the society, and who shall within one year have paid the annual dues as provided in the by-laws of this society shall be entitled to give one vote.

By-laws.

SECTION 5. The said society, for fixing the terms of admission of its members for the government of the same, for electing its officers and members, and for the general regulation and management of its affairs, shall have power to form a code of by-laws, not inconsistent with the laws of this State or of the United States, which code, when formed and adopted at a regular meeting, shall, until modified or rescinded, be equally binding as this act upon the society, its officers and members.

Sheriffs, constables, &c., of this State to assist society in the enforcement of laws for protection of children.

SECTION 6. The sheriffs and constables of the several counties of this State and the police force of the city of Wilmington as well as all other places in the State of Delaware where police organizations exist, shall, as occasion may require, assist the society, its members or agents in the enforcement of all laws which are now or may hereafter be enacted for the protection of children.

Location of principal office.

Location of branch office.

SECTION 7. The principal office of the society shall be located in the city of Wilmington with full power on the part of the society to establish and locate branches at any place or places within the boundaries of the State.

Public act.

SECTION 8. *And be it further enacted,* That this act shall be deemed and taken to be a public act, and the same shall be pub-

Publication of same.

lished with the other public acts of this Legislature without the charge required in Section 3, of Chapter 1, of Vol. 13, of Delaware Laws, and the power to revoke the same is hereby reserved to the Legislature.

Passed at Dover, February 26, 1879.

CHAPTER 98.

OF THE WILMINGTON COAL GAS COMPANY.

Volume 10, 575.

A Further Additional Supplement to the act entitled "An act to incorporate the Wilmington Coal Gas 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) as follows:

Additional powers conferred on the Wilmington Coal Gas Company.

SECTION 1. That in addition to the powers now conferred by any law or statute of this State upon The Wilmington Coal Gas Company, the said The Wilmington Coal Gas Company is hereby authorized and empowered to erect the necessary buildings, apparatus and machinery for making and distributing gas for heating and culinary purposes, and for supplying power for engines and motors of all kinds, and also for making steam for heating and all other purposes aforesaid; and also for making, furnishing and distributing light or heat from electricity, with as full and ample power and authority to lay the necessary pipes, wires and other conductors of gas, steam, heat and electricity within the city of Wilmington, and also in New Castle Hundred, Christiana Hundred and Brandywine Hundred, in New Castle County, as the said corporation now has or possesses under any law or statute of this State, to lay pipes and other conductors of gas for light, and to make, supply and distribute gas, steam, heat and electricity within the limits aforesaid, for the purposes aforesaid, and to estimate, ascertain and measure the same by means which it may adopt, and to sell and dispose of the same at such reasonable and fair price or prices as it may determine, subject, nevertheless, to the provisions contained in the fourth section of the supplement to the act incorporating the said company, passed at Dover, January 30, 1867, which declares that the prices shall be

Powers to extend. How far.

Disposal of gas, &c. Price. How regulated. Provisions of supplement.

so regulated as that the dividends upon the capital stock of said company shall never exceed twelve per cent. per annum, and in the collection of said price or prices the said corporation shall have, enjoy and exercise all the rights, powers and privileges which are now by law conferred upon it for the collection of the price of gas for light, and in the exercise of any or all of the additional powers conferred upon the said The Wilmington Coal Gas Company by this act, the said corporation shall have, use, enjoy and possess all the rights, powers, privileges, franchises and immunities which it now has, possesses and enjoys under any law or statute of this State.

Dividends not to exceed twelve per cent.

Collection of debts.

Powers and privileges.

SECTION 2. That the capital stock of the said The Wilmington Coal Gas Company may be increased to a sum not exceeding six hundred thousand dollars, either at one time or from time to time, as the directors may determine, and the directors of said company shall have power to issue the additional stock in shares of the same par value as those already issued, and to dispose of the same in such manner and at such time or times as in the discretion of said directors it may be necessary to enlarge the operations of said company to meet the public wants and to carry into effect and operation the additional powers conferred upon said corporation by this act.

Capital stock increased.

Power to issue additional stock and the value and disposal of the same.

SECTION 3. That it shall not be necessary that the Treasurer and Secretary of the said "The Wilmington Coal Gas Company" shall be a director of said company, but the directors of the said company shall have power to elect any person or persons Treasurer and Secretary of said company who may or may not be a director or directors of said company. The Treasurer and the Secretary of said company shall hold their offices during the will and pleasure of the directors.

Treasurer and secretary need not be a director.

Power of directors to elect treasurer and secretary.

Term of office.

SECTION 4. The Board of Directors of said company shall declare dividends not exceeding twelve per centum per annum of so much of the net profits of the company as shall appear to them advisable, on the first day of February and of August of each year, except when such first day of February and of August shall be Sunday, and then on Monday following, which dividends shall be paid to the stockholders on demand ten days after the same shall have been declared.

Dividends not to exceed twelve per cent.

When declared.

SECTION 5. That this act shall be deemed and taken to be a public act, and shall be published with the other public acts passed at this session of the Legislature; *Provided*, that the said The Wilmington Coal Gas Company shall pay the expense of publishing this act in the laws and pay to the Secretary of State the same fees and taxes for this act as though it had been a private act.

Public act.

Publication.

Proviso.

Fees to be paid to the secretary.

Passed at Dover, March 4, 1879.

OF CORPORATIONS.

CHAPTER 99.

OF THE GREEN BRANCH DITCH COMPANY.

Volume 11. 692. AN ACT to revive and re-enact the act entitled "An act incorporating the Green Branch Ditch Company," passed at Dover, February 21, 1859.

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):

Act revived

SECTION 1. That the act entitled "An act incorporating the Green Branch Ditch Company," passed at Dover, February 21, 1859, be and the same is hereby revived and re-enacted.

What constitutes the right to vote.

SECTION 2. That each voter or taxable in said company shall be entitled to cast one vote at every election hereafter to be held under said charter, for every one hundred dollars and fractional part thereof, represented by his or her assessment. Each voter or taxable shall have the right to cast one vote at such elections, though his or her assessment may not amount to one hundred dollars.

Passed at Dover, March 18, 1879.

CHAPTER 100.

OF THE CATTAIL MARSH COMPANY.

Volume 11. 753. AN ACT to revive and re-enact the act entitled "An act re-incorporating the Cattail Marsh Company," passed at Dover, February 25, 1859.

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):

Act revived

SECTION 1. That the act entitled "An act re-incorporating the Cattail Marsh Company, passed at Dover, February 25, 1859, be and the same is hereby revived and re-enacted.

Regulations concerning voting.

SECTION 2. That each voter or taxable in said company shall be entitled to cast one vote for every dollar of tax which he or she may pay at every election which may hereafter be held under said charter.

Passed at Dover, March 26, 1879.

OF CORPORATIONS.

CHAPTER 101.

OF THE DIAMOND STATE BEET SUGAR COMPANY.

AN ACT to incorporate the Diamond State Beet Sugar Manufacturing 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):

SECTION 1. That Samuel B. Cooper, Joseph Burchenal, Richard M. Cooper, Thomas Holcomb, Henry Clayton, Joseph Roberts, William M. Ross, William Tam and William P. Jones, their associates and successors, be and are hereby created a body politic and corporate by the name, style and title of the Diamond State Beet Sugar Manufacturing Company, by which name the said corporators and their successors shall have successions for twenty years and no longer, and for that period shall have and enjoy all the powers and privileges incident to a corporation; and the corporators herein named shall have the right to organize and establish the said corporation and manage the affairs of the same until an election of directors as herein provided for.

Various persons to form a company.

Entitled the Diamond State Beet Sugar Company.

Powers and privileges.

Organization and management of its affairs.

SECTION 2. That the capital stock of said company shall be at least fifty thousand dollars, divided into shares of ten dollars each, and may be increased to any amount not exceeding five hundred thousand dollars, in shares of ten dollars each, such increase and all transfers of stock to be made at such times and in such manner as shall be provided in the by-laws.

Capital stock, at least $50,000.

Division of shares.

Transfers of stock.

How regulated.

SECTION 3. Said company may acquire and hold real estate not exceeding one thousand acres.

Real estate not to exceed 1,000 acres.

SECTION 4. That said company shall be managed and conducted by a Board of Directors, to consist of nine stockholders, one of whom shall be President. They shall be elected by ballot within one year after the passage of this act, and annually thereafter, at such times and places as the by-laws may prescribe, and if for any cause the election shall not take place at the time fixed, it shall be lawful to elect at any other time, after two week's public notice; and in the meantime, until their successors are duly qualified, the acting directors shall exercise their powers; and in case of a vacancy for any cause the remaining directors shall supply such vacancies by appointing others in their stead to serve until the next annual election, and in all elections by stockholders each share of stock shall be entitled to one vote, in person or by proxy.

Management of company.

By whom.

President.

Election of directors.

Times and places of election.

In case no election.

What.

Directors to exercise powers, &c.

Vacancies.

How supplied.

How to vote

SECTION 5. That the stockholders, or in case they omit to do so, the directors shall have power to enact and establish by-laws,

Power to establish by-laws.

Number and duties of officers. Compensation. Dividends. Rules and regulations Common seal. Legal powers.

and to alter and amend the same, prescribing the number and duties of its officers and agents, and their compensation, and fixing the amounts, times and manner of declaring dividends, and to make all needful rules and regulations for the government of the company, and not inconsistent with the constitution and laws of this State or of the United States; and also to have and use a common seal, and the same to change at will, and by the style and title aforesaid to sue and be sued in law and equity in any court of this State.

Employment of capital stock.

SECTION 6. The capital stock of the said company shall be employed in the erection of the necessary works, the purchase of requisite machinery, materials and supplies for the manufacture of beet sugar, and for the transportation and marketing of the same, from time to time, as occasion may require, and in such other legitimate ways as will best subserve the object of its creation.

Transfers of stock entered on the books of company Inspection of books. What.

SECTION 7. All transfers of stock in said company shall be entered on the books thereof, and all the books of said company shall be open to the inspection of any stockholder of said company, and provision may be made in the by-laws for the transfer of stock.

Property exempt from taxation.

SECTION 8. The capital stock, as well as all other property of the said company shall be exempt from all taxes from the period of ten years.

Powers of revocation.

SECTION 9. The power to revoke this act of incorporation is hereby reserved to the Legislature.

Public act.

SECTION 10. This act is hereby declared to be a public act, and shall be published with other public acts of the present session.

Passed at Dover, March 26, 1879.

OF CORPORATIONS.

CHAPTER 102.

OF THE SILVER RUN MARSH COMPANY.

A further supplement to the act entitled "An act to enable the owners and possessors of the meadow marsh and cripple lying on both sides of Silver Run fronting on the River Delaware effectually, to embank and drain the same, and keep the banks, dam, sluices, canals and drains in repair, and to raise a fund to defray the expenses thereof." Volume 11. 700.

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

SECTION 1. That any person who shall be chosen manager of the corporation created by and existing under and by virtue of an act of the General Assembly of this State, entitled "An act to enable the owners and possessors of the meadow marsh and cripple, lying on both sides of Silver Run, fronting on the River Delaware, effectually to embank and drain the same, and keep the banks, dam, sluices, canals and drains in repair, and to raise a fund to defray the expenses thereof, and the amendments thereto, or who shall be the managers for the time being shall at all times keep in repair the banks, dam, sluices, canals and drains of said company, and shall levy and collect sufficient tax for that purpose, in the manner now authorized by law for the assessing, levying and collecting the same. Manager to keep in repair banks, &c., of said company. Power to levy and collect tax.

SECTION 2. That if any manager or managers, for the time being, shall neglect or refuse to repair any bank, dam, sluice, or canal of said company, or shall neglect or refuse to put the same in good order for the space of thirty days after the said bank, dam, sluice, or canal shall become broken, or in any other manner become in such bad order or repairs as not to effectually embank and drain the same, or shall neglect or refuse to put in good repair any bank, dam, sluice, or canal now out of repair for the space of thirty days from and after the passage of this act, said managers shall be personally liable to any member of said company in double the amount of damages sustained by him, her or them, by reason of the refusal or neglect to make the said repairs, and the same may be recovered as debts of like amount are now recovered by law in this State; and shall be liable for a like amount for each and every sixty days that he or they shall neglect or refuse to make the repairs required by this act, after the expiration of the thirty days aforesaid, to be recovered in the same manner as above provided. Managers personally responsible for not making repairs. When. Liable in double the amount of damages. Recovery of damages. Liable for a like amount for neglect. How recovered.

SECTION 3. That any member of the company who is damaged by reason of the neglect or refusal of said managers to repair said banks, dam, sluices, or canals, may give notice in writing to said managers that said banks, dam, sluices, or canals Neglect to repair damages. Notice.

are out of repair, and that he, she, or they are being damaged thereby, and if the same shall not be repaired within thirty days from the day such notice is given, the person or persons thus giving notice may apply to the Superior Court of the State of Delaware, in and for New Castle County, or to the Associate Judge of said county in vacation, by petition, whose duty it shall be to appoint three judicious and impartial freeholders of the county, not members of the company, who shall go upon and examine the banks, dam, sluices and canals, and if the same shall be found to be in bad repair or condition, they shall assess the damage the person so applying has sustained by reason of the neglect or refusal to repair the said banks, dam, sluices, or canals, and the amount so assessed shall be final, and double the amount may be recovered as provided in Section 2 of this act.

Remedy for neglect.

Appointment of freeholders

Examination.

Assess damages.

Recovery of damages

SECTION 4. That if any public road or highway shall be damaged by reason of the neglect or refusal of the managers for the time being, to repair any bank, dam, sluice or canal of the company incorporated and existing under this act entitled "An act to enable the owners and possessors of the meadow, marsh and cripple lying on both sides of Silver Run, fronting on the river Delaware, effectually to embank and drain the same, and keep the banks, dam, sluices, canals and drains in repair, and to raise a fund to defray the expenses thereof," and the amendments thereto, that are now out of repair, or that may hereafter become out of repair, the road commissioners of St. Georges' Hundred, in New Castle County, for the time being, shall give notice in writing to said managers that said banks, dam, sluices or canals are out of repair, and that the public road or highway is being damaged thereby, and if said managers shall neglect or refuse to repair said banks, dam, sluices or canals of said company for the space of thirty days after notice given as aforesaid, it shall be the duty of said commissioners, and they are hereby required to apply to the Superior Court of the State of Delaware, in and for New Castle County in vacation,* by petition, whose duty it shall be to appoint three judicious and impartial freeholders of New Castle County, not residents of St. Georges' Hundred, in said county, who shall go upon the said meadow, marsh and cripple of the said company, and examine the banks, dam, sluices and canals, and if found in such order or condition as not to effectually embank and drain the same, and if by reason of said failure to embank and drain said meadow, marsh or cripple of said company the public road or highway is damaged thereby, the said freeholders shall assess the damages done to said public road or highway, which said assessment shall be

Neglect or refusal of managers to repair banks.

Road commissioners shall give written notice to managers. When.

Commissioners to apply to the Superior Court.

Appointment of freeholders

Damages estimated.

Assessment of damages

* So in the enrolled bill.

final, and the managers shall be personably liable to the county of New Castle in double the amount of the damages so assessed by said freeholders, to be recovered in the same manner as debts of like amount are now recovered by law in this State. It shall be the duty of the road commissioners of St. George's Hundred, in New Castle County, for the time being, to sue for and recover the same in their own name, for the use of New Castle County.

To be final. Managers to be personally liable. How recovered. Duty of road commissioners.

SECTION 5. If any freeholder, appointed under this act, shall neglect or refuse to serve, or shall die before performing and completing the duties required of him under this act, the said Superior Court, or Judge in vacation, shall make another or other appointments until the duties are completed. The said freeholders shall make two reports, under their hands of a majority of them, setting forth the damages, if any, and shall deliver one to the person applying and the other to the Prothonotary of New Castle County, to be by him filed in his office. The freeholders shall receive for their services two dollars each for each and every day employed in making said examination and assessment. The fee to the Prothonotary shall be fixed by the court or judge appointing freeholders. The compensation to the freeholders and the fees to the Prothonotary shall form a part of the costs of the case. The freeholders shall be sworn or affirmed before entering upon the duties required by this act, and they are hereby authorized to administer the oath or affirmation to each other.

Appointment of other freeholders. Freeholders to make two reports. To contain what. To whom delivered. Fees of freeholders. Fee of prothonotary. Costs. Freeholders to be sworn.

Passed at Dover, March 20, 1879.

CHAPTER 103.

OF DITCH COMPANIES.

AN ACT to incorporate "The Hudson 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 concurring therein:)

SECTION 1. That the owners and possessors of certain swamp and low ground, situate, lying, and being in South Murderkill Hundred, Kent County, and State of Delaware, contiguous to and draining into what is commonly known as "Hudson Branch"

Owners of low ground contiguous to Hudson Branch, constituted a company.

First meeting. Annual meeting.

shall compose a company to be called "The Hudson Branch Ditch Company," and shall hold a meeting on the second Saturday in May next, and on the second Saturday in May in each and every year thereafter, at the hotel in the town of Felton, in said hundred, or at such other place as such company shall determine by a resolution to be adopted at any annual meeting of said company, at which annual meetings said company shall choose by ballot and by a plurality of the votes cast, one treasurer, one secretary, and two managers, and may do all such matters and things as the said company may deem requisite for effectually draining and reclaiming the said swamp and low grounds, and such and every annual meeting of said company may be adjourned from time to time by said company, and occasional meetings may be called from time to time by the managers for the time being, or either of them, at such times and places as the managers may appoint by giving ten days' public notice by advertisements put up in five public places of the neighborhood, and at such other places as the managers for the time being may think advisable, and if the treasurer, secretary, or managers shall not all, or any of them, be chosen at the stated or annual meeting for the current year or for any year thereafter, or if any of them shall die, resign, or neglect or refuse to act, such vacancy or vacancies may be filled at any adjourned or occasional meeting of said company by ballot and plurality of votes cast, and if any treasurer, secretary, or managers shall remove from the neighborhood and dispose of his interest in said low grounds, the said company may at any meeting declare the place of such officer vacant, and elect another to fill such vacancy. At all meetings of said company every owner of any swamp or low grounds ratable and assessed by virtue of this act may vote if present, or if absent, by proxy duly attested under their hands and seals, and every person so assessed shall be entitled to one vote for every ten dollars or fractional part thereof for which he shall stand assessed.

Organization of company. Adjourned meetings. Occasional meetings. How called. Notice. Vacancies. How and when filled. Removal or disposal of interest to work a vacancy. Qualifications of voters. Proxy.

SECTION 2. That the treasurer, secretary and managers chosen in pursuance of this act at the first meeting of said company shall continue in office until the next annual meeting of said company, and until successors, shall be duly chosen, and the same rule shall apply to all officers elected at any meeting of said company.

Term of office.

SECTION 3. That Thomas Gooden, Alfred O. Clifton and Uriah Sipple be and they are hereby appointed commissioners to make valuation of all said swamp and low ground, and the said commissioners, or a majority of them, are hereby authorized and empowered to enter upon all the swamp and low ground

Commissioners. Valuation of low grounds.

OF CORPORATIONS.

lying and being contiguous to or draining into said Hudson Branch, and view, examine, ascertain and determine the width, depth and location of one or more ditches or drains necessary and sufficient to drain said swamp and low grounds, the quantity held by each owner or owners, and shall appraise and determine the benefit and advantage which each owner or owners aforesaid will derive by reason of the cutting or making of such ditch or ditches, drain or drains, having due regard and taking into consideration the benefit and advantage to said company that any ditch or ditches now cut, either by a company or by private individuals, that shall be used by said company, may be to said company, and the said commissioners, or a majority of them, shall make two certificates under their hands, or the hands of a majority of them, containing the names of the respective owners of said swamp or low grounds, the quantity held by each owner or owners, and the appraisement of the benefits and advantages to be derived by each owner or owners as aforesaid, of said swamp and low grounds so by the said commissioners to be made as aforesaid, and shall deliver one of said certificates to the secretary of said company, and shall return the other of said certificates into the office of tne Recorder of Deeds in and for Kent County, to be therein recorded by the Recorder of Deeds of Kent County, which certificate shall be final and conclusive upon all parties, and shall be and remain the true appraisement and valuation upon which all and every the tax or taxes which may be necessary to effect the purpose of this act shall be assessed, levied and collected, and a copy of the record thereof certified by the said Recorder, under his hand and seal of office, shall be good and sufficient evidence in all courts of Justice, and before all Justices of the Peace in this State. Each commissioner, before he enters upon the duties required of him by this act, shall be sworn or affirmed before some judge or Justice of the Peace to faithfully, according to the best of his skill and judgment, perform the duties required by this act. If either of said commissioners shall die, resign, refuse or neglect to act before all or any of the duties assigned the said commissioners under this act are performed, any judge of the Superior Court of the State of Delaware shall, upon the application of any two persons having swamp or low ground affected by this act, fill said vacancy which may be occasioned as aforesaid, and so as often as it may be necessary, until all the duties of the commissioners under this act may be completed.

Width, depth and location of ditches.

Assessments.

Mode of determining assessments.

Certificates of commissioners.

What to contain.

Certificates When to be delivered.

Recorded.

Conclusiveness of certificates.

Levying of taxes.

Certified copy of record evidence.

When.

Oath or affirmation of commissioner.

Vacancy in the commission.

How filled.

SECTION 4. That the commissioners aforesaid shall commence the main ditch to be laid out under this act at a point in Hudson Branch not less than one hundred yards east of the Delaware

Beginning of main ditch.

Courses and distances.

Railroad, and shall follow the courses and distances of the main ditch now existing by virtue of an order of the Superior Court, made at the October term of said court, A. D. 1858, and which order was returned to said Superior Court at the April term thereof, A. D. 1859, by John Gruwell, R. W. Reynolds, and Henry Cowgill, commissioners appointed by said Superior Court, and said return was duly approved by said court on the second day of May, A. D. 1859, and the said commissioners appointed under this act shall lay out a new ditch, beginning at a point on the old ditch near the line between the lands of Elias S. Reed, Esquire, and the lands of Thomas Draper, Esquire, and thence running through swamp and low grounds in the direction of the public road leading from Felton to Sandtown, and to terminate at a bridge over cow marsh ditch, near the short turn in the said road, near the farm of Samuel Shultz.

New ditch. Beginning.

Terminus.

SECTION 5. That the said company shall have authority at any annual meeting to be hereafter held, to direct by a majority of the votes cast at such meeting, that a new appraisment or valuation of all the marsh or low grounds within the bounds of said company shall be made.

New appraisement or valuation.

SECTION 6. That whenever at any such meeting the said company, by a majority of votes cast, shall have determined to make such new appraisement or valuation, they shall, at the same meeting, elect three commissioners who shall be freeholders of Kent County, and not members of said company, to make such new appraisement or valuation, shall be made, certified and returned in the same manner as is hereinbefore provided for the certificate and return on the original assessment within sixty days after their election aforesaid, and the said appraisement and valuation upon which all and every the tax or taxes which may be necessary for the purposes of this act shall be levied, until the same is altered and supplied by a new valuation and appraisement under the provisions of this act.

New appraisement By whom made. How made, certified and returned. Continuation of new appraisement.

SECTION 7. That for the purpose of raising the sum of money necessary to carry into execution the provisions of this act, it shall and may be lawful for the managers for the time being, and they are hereby authorized and required, after the appraisement and valuation aforesaid shall be made and returned to the secretary and recorder as aforesaid, to lay and assess, upon the value of the swamp and low grounds benefitted by said ditches and drains and mentioned in said certificates according to and upon the value of the benefits and advantages of the respective quantities or parcels of the swamp and low grounds held by the several owners thereof, a certain rate upon each and every dollar of said valuation and appraisement so as to raise a sum of money

Assessments.

OF CORPORATIONS.

sufficient to cut and make all the ditches and drains necessary and proper to drain and reclaim all the said swamp and low grounds intended to be drained and reclaimed by virtue of this act, and at any annual meeting of said company after the said ditch or ditches, drain or drains shall have been cut and made as aforesaid, the said company, by a majority of the votes cast, may determine what sum or sums of money ought to be raised by way of tax as aforesaid for the purpose of keeping the said ditch or ditches, drain or drains, in good and sufficient order to drain said swamp or low grounds, which said sum of money shall be levied and assessed according to the provisions hereinbefore mentioned, and the said managers shall from time to time make out duplicate lists under their hands of all the assessments and taxes by them made and levied as aforesaid, which shall contain a minute of all the changes of ownership and transfers of any of said swamp or low grounds known to said managers, and one of the lists shall be delivered to the secretary and the other shall be delivered to the treasurer, and such assessments and lists shall be final and conclusive upon all the parties, and the said lists so delivered to the treasurer shall be a sufficient warrant to him or his successors for levying and collecting all and every the sums of money and taxes in said lists mentioned. And it shall be the duty of the said managers to cut and open all such ditch or ditches, drain or drains, prong or prongs of said ditch or ditches as the said commissioners by their return as aforesaid shall direct to be cut and opened or cause the same to be done, and cause the same to be kept open and in good repair, and generally the managers shall carry into full effect all the directions of the company from time to time given them in relation to their said trusts, for which purpose the said managers shall have power to employ such workmen as they may deem necessary to complete the work assigned to them at the common expense of the company, and all the wages and expenses in and about said work shall be paid by orders drawn by the managers on the treasurer. Every order shall specify the services, wages, or expense for which it is drawn, and an exact account shall be kept by the managers for all orders drawn by them, specifying the services or expenses for which each order was drawn, and said accounts shall be laid before the annual meeting of said company as the said company may direct. Each manager, before he enters upon the duties assigned him by the requirements of this act, shall be sworn or affirmed before some Justice of the Peace to perform the same faithfully and impartially according to the best of his skill and judgment, of which oath or affirmation a certificate of the same under the hand or hands of the

Cutting of ditches, &c.

Assessments for repairing of ditches.

Duplicates.

Delivery of lists to secretary and treasurer.

Such lists final.

Warrant for laying and collecting taxes.

Duty of managers to cut ditches and keep the same in repair.

Employment of workmen.

Orders.

What shall be specified in orders.

Account of orders kept by managers.

Oaths or affirmations of managers.

person or persons making said oath or affirmation duly certified by the Justice of the Peace before whom it was taken shall be returned to the secretary of the company, to be by him recorded in the books of said company.

Bond of treasurer. Approval.

Conditions of bond.

SECTION 8. That the treasurer for the time being, and every treasurer for the time being, before entering upon the duties of his office, shall give bond in sufficient sum with surety or sureties to be approved by the managers for the time being, to and for the use of the company by the name of "The Hudson Branch Ditch Company," upon condition to be void if he shall pay all orders drawn on him by the managers for the time being so far as he shall have funds in his hands for that purpose, and shall use due diligence in the collection of taxes placed in his hands for collection, and shall well and truly account for all money that shall come into his hands as such treasurer at any annual or other meeting of said company, or otherwise as the said company may direct, and shall pay over any balance or sum that shall be due to his successor in office, and shall deliver all books and papers belonging to said company held by him as such treasurer, and shall perform all the duties of his office with fidelity.

Time for payment of taxes.

Powers of treasurer to collect taxes.

SECTION 9. That the said managers, when they lay and assess taxes, shall appoint the time for the payment of the same, and it shall be the duty of the taxables respectively to pay to the treasurer of said company for the time being the sum or sums levied and assessed as aforesaid at the time appointed by said managers as aforesaid for such payment, and in case of negligence or non-payment as before directed, the treasurer and every treasurer for the time being shall have full power and authority to demand and receive, levy and make all and every the tax or taxes which shall be levied and assessed in pursuance of this act by the managers according to the list of assessments delivered to such treasurer by the said managers in the same manner and by the same means as is prescribed by law for the recovery and collection of county rates and taxes, and every treasurer for the time being shall have power in the same manner to collect all taxes upon any list delivered to any former treasurer any time within five years after the same shall have been due and payable.

Copy of this act, certificates &c., recorded by secretary.

SECTION 10. That the secretary shall procure a correct copy of this act, and record the same among the records of said company, and record the certificate to be delivered to him by the commissioners as aforesaid, and the lists delivered to him from time to time by the managers, and all other proceedings of said company which they shall direct to be recorded in a suitable book, which said secretary shall provide for that purpose, and he shall properly file all papers belonging to said company which shall come to

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his hands, and the same shall be a public record for the company to examine at any time, under the supervision of the secretary, and he shall deliver all papers and records of said company which may be in his hands to his successor in office, when demanded, and shall be paid by the treasurer of said company the amount of all fees he may have to pay in procuring the aforesaid copy of this act, and a suitable book as a record for the company, and reasonable compensation for his trouble in procuring the same; and every secretary, for the time being, shall receive compensation for his services, to be fixed by the company, not exceeding one cent for every twelve words recorded by him for said company; and every commissioner shall receive two dollars for each and every day's service, and every manager a sum not exceeding two dollars for each and every day's service, (to be fixed by a majority of the votes cast at each annual meeting) in which he or they shall be employed about the business of the said company; and every treasurer shall be allowed a commission not exceeding five per centum (to be fixed by a majority of the votes cast at each annual meeting), on all moneys by him collected, except moneys paid to him by his predecessor in office. All expenses, attending the passage of this act shall be paid out of the funds of the company, by orders drawn by the managers upon the treasurer. The secretary shall give notice of all meetings by advertisement, posted in five public places of the neighborhood, stating the day, hour and place, at least ten days before the meeting.

Inspection of public records.

Delivery of papers and records by secretary to successor in office.

Expenses of procuring copies of this act and books.

How paid.

Compensation of secretary.

Compensation of commissioners.

Compensation of treasurer.

Expenses of procuring act by company.

Notice of meetings.

SECTION 11. That suits may be brought and prosecuted in the name of the said "The Hudson Branch Ditch Company," upon any bond given to the said company, or for any damage done to the ditch or ditches, drain or drains of the said company, and by the name and title of "The Hudson Branch Ditch Company" shall be able to sue and be sued, plead and be impleaded in all courts of law and equity in this State or elsewhere, and shall have all the rights and privileges of a corporation aggregate, but nothing in this act shall give to this corporation any banking powers.

Suits.

How prosecuted.

Powers of company.

Restrictions.

SECTION 12. That if any person or persons shall willfully fill up or obstruct the ditch or ditches, drain or drains of said company, or shall willfully obstruct or impede the course of the water from running down the same, every person so obstructing said ditch or ditches or impeding the course of the water shall be liable to pay to the treasurer of said company, or his successor in office, for the use of said company, the sum of one hundred dollars, to be recovered by said treasurer by a suit in the name of the company, before the Superior Court of the State

Penalty for obstructing ditches, &c.

Fines.

How recovered and collected.

of Delaware, in and for Kent County, or before any Justice of the Peace in and for Kent County.

Right of owners of low ground ratable and assessed to cut lateral ditches.

SECTION 13. That every owner of swamp or low grounds ratable and assessed by virtue of this act, shall have the right and privilege to discharge the water from their respective lands into the ditches or drains of the company, by ditches or drains to be cut and opened through the swamp or low grounds of other owners or possessors in such place or places, and at such width and depth as the commissioners for the time being shall lay out and prescribe, such owners or possessors shall contribute such portion of the expenses of cutting, opening and keeping open said ditch or ditches as the commissioners shall direct to be recovered in the same manner as is hereinbefore provided for the recovery of the damages for filling up or obstructing ditches or drains, and the commissioners so laying out said ditch or ditches shall make return of all their proceedings in and about the said service to the secretary of said corporation, to be by him recorded, and such owners and possessors to whom such ditch or ditches will be advantageous, shall pay to each commissioner so employed the sum of two dollars for each and every day's service in laying out said ditch or ditches, and pay the secretary one cent for every twelve words for recording the same. Every owner or owners of swamp or low grounds referred to in this section, shall have the privilege to cut, open and keep in repair any ditch or ditches through his, her or their own swamp or low ground into any ditch or ditches of said company. The commissioners appointed by this act or the commissioners elected at any annual meeting, shall continue in office until successors are chosen, and any and all vacancies occurring in the commissioners shall be filled as hereinbefore provided. Any person having swamp or low grounds ratable and assessed, and coming within the provisions of this section, may require the services of the commissioners, but before any ditch or ditches shall be laid down, cut or opened under this section, the person or persons through whose lands it shall pass, shall have notice in writing of the application to the commissioners, and the day of the meeting of the commissioners.

Width and depth of lateral ditches.

Contribution of expense.

Recovery of expense.

Return of commissioners to secretary.

Recording of said return.

Fees of commissioners.

By whom paid.

Fees of secretary.

Lateral ditch through low ground of owners.

Term of office of commissioners.

Vacancies.

How filled

Notice of Application.

Low lands belonging to the company, not liable to taxation in any other company.

SECTION 14. That the low lands adjudged by the commissioners appointed under this act to be benefitted by the ditch or ditches authorized by this act, shall not be subject to or liable for taxes in any other ditch company.

Notice of first meeting to be held under this act.

When.

SECTION 15. That the commissioners appointed under this act shall give notice by advertisements posted in five public places of the neighborhood, signed by them or a majority of them, stating the hour and place of the meeting to be held on

the second Saturday in May next, shall be conducted by and under the government of the commissioners appointed under this act, and said commissioners shall exhibit at said meeting the certificate of their proceedings, accompanied by a plot of said ditch or ditches, drain or drains, made by a skillful surveyor by them named, and who shall have been sworn or affirmed by one of said commissioners or by a Justice of the Peace, to make a true and faithful plot of said ditch or ditches, drain or drains. The expense attending any survey made, and plot of said ditch or ditches, drain or drains, shall be allowed and approved by said commissioners and paid out of the treasury of said company. If, in the opinion of the commissioners, it is deemed unnecessary to make a new survey of so much of the old ditch as has been heretofore laid out and surveyed under the order of the Superior Court and approved by said court as hereinbefore stated, they may order and direct the surveyor to copy and use said survey, plot and return in making the plot of the ditch or ditches under this act.

Certificates and plot to be exhibited at said meeting.

Qualification of surveyor.

Expenses of plot and survey paid out of the treasury.

New survey.

SECTION 16. That this act shall be deemed and taken to be a public act.

Public act.

Passed at Dover, March 17, 1879.

CHAPTER 104.

OF DITCH COMPANIES.

"A further supplement to the act entitled 'An act to incorporate 'Culbreth's Marsh Ditch Company.'"

WHEREAS it having been represented to this General Assembly that a considerable portion of the lands situated in the upper portion of Culbreth's Marsh Ditch Company is not represented at the meetings of said company, said lands being tenanted out, and the owners thereof living at a great distance, and there being no provision in the law incorporating said company to enable them to vote by proxy;

Preamble.

OF CORPORATIONS.

AND WHEREAS FURTHER it being deemed detrimental to the interests of the various districts of the aforesaid company to be deprived from electing each their respective managers; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch of the Legislature concurring therein,)* That every owner or possessor of any marsh or low ground ratable and assessed in "Culbreth's Marsh Ditch Company" shall have the right to vote by proxy at all the meetings to be held hereafter by said company.

Right to to vote by proxy.

Election of manager in the lower district.

SECTION 2. That the owners and possessors of the marsh and low grounds situated in the limits of the lower district of said company shall elect a manager, at each annual meeting, for said district, and the owners and possessors of the marsh and low grounds situated in the middle district of said company, shall, at each annual meeting, elect a manager for said district, and the owners and possessors of the marsh and low grounds situated in the upper district of said company shall, at each annual meeting, elect a manager for said district.

Middle district.

Upper district.

Expenses of procuring this act

SECTION 3. That the expenses of procuring this act shall be borne by the company, and shall be repaid by the said company by order on the treasurer to the person or persons who may in the first instance pay for the same.

Passed at Dover, March 27, 1879.

CHAPTER 105.

OF DITCH COMPANIES.

"AN ACT to incorporate the Kirk Branch Ditch Company."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch of the Legislature concurring therein):* That the owners and possessors of certain swamps and low grounds situate, lying and being in Mispillion Hundred, Kent County and State of Delaware, contiguous to and draining into what is commonly known as "Kirk Branch," shall compose a company to be called "The Kirk Branch Ditch Company," and shall hold a meeting on the last Saturday in May next, and on the last Saturday in May of every year thereafter, at school house in School

How borne.

Owners of low ground in Mispillion Hd. to compose a company.

Meetings.

When held

Where held.

OF CORPORATIONS.

District No. 34, in said hundred, or at such other place as such company shall determine, by a resolution to be adopted at any annual meeting of said company, at which annual meeting said company shall choose by ballot, and a plurality of the votes present, one treasurer, one secretary, and three managers, and may do all such matters and things as the said company may deem requisite for effectually draining and reclaiming the said swamps and low grounds; and such and every annual meeting of said company may be adjourned from time to time by said company, and occasional meetings may be called from time to time by [the] managers for the time being, or a majority of them, at such times and places as the managers may appoint, by giving ten day's public notice, by advertisements put up at five of the most public places of the neighborhood, and at such other places as the managers for the time being, may think advisable; and if the treasurer, secretary or managers shall not all or any of them be chosen at the stated or annual meeting of the current year, or for any year thereafter, or any of them shall die, resign or neglect to act, such vacancy or vacancies may be filled at any adjourned or occasional meeting of said company, by ballot and plurality of votes present; and if any treasurer, secretary or manager shall remove from the neighborhood and dispose of his interest in said low grounds, the said company may, at any meeting, declare the place of such officer vacant, and elect another to fill such vacancy. At all meetings of said company every owner of any swamp or low grounds ratable and assessed by virtue of this act, may vote, if present, or, if absent, by proxy, duly attested under their hands and seals, and every person so assessed shall be entitled to one vote for every ten dollars, or fractional part thereof, for which he shall stand assessed.

Time and manner of choosing treasurer, secretary and three managers.

Powers.

Adjournment of annual meetings.

Occasional meetings.

When and where.

How called

Filling of places and vacancies.

When company may declare the offices vacant.

Voting.

Number of votes.

How determined.

SECTION 2. *And be it further enacted,* That the treasurer, secretary and managers, chosen in pursuance of this act at the first meeting of said company, and until [their] successors shall be duly chosen; and the same rule shall apply to all officers elected at any meeting of said company.

SECTION 3. *And be it further enacted,* That Zebulon Hopkins, Nathaniel Powell and Thomas Dorman, be and they are hereby appointed commissioners to make valuation of all said swamp and low grounds, and the said commissioners or a majority of them, are hereby authorized and empowered to enter upon all the swamp and low grounds lying and being contiguous to or draining into said Kirk Branch, and view, examine, ascertain and determine the width, depth and location of one or more ditches or drains necessary and sufficient to drain said swamp and low grounds, the quantity held by each owner or owners, and shall

Appointment of commissioners to make valuation of swamp, &c.

appraise and determine the benefit and advantage which each owner or owners aforesaid will derive by reason of the cutting or making of such ditch or ditches, drain or drains; and the said commissioners, or a majority of them, shall make two certificates under their hands, or under the hands of a majority of them containing the names of the respective owners of said swamp or low grounds, the quantity held by each owner or owners, and the appraisement of their benefits, profits and advantages to be derived by each owner or owners as aforesaid of said swamp and low grounds so by the said commissioners to be made as aforesaid, and shall deliver one of said certificates to the secretary of said company, and shall return the other of the said certificates to the office of the Recorder of Deeds in and for Kent County, to be therein recorded by the Recorder of Deeds for said County, which certificate shall be final and conclusive upon all parties, and shall be and remain the true appraisement and valuation upon which all and every the tax or taxes which may be necessary to effect the purposes of this act, shall be assessed, levied and raised, and a copy of the record thereof, certified by the recorder under his hand and seal of office, shall be good and sufficient evidence in all courts of justice and before all Justices of the Peace in this State. Each commissioner, before he enters upon the duties required of him by this act, shall be sworn or affirmed before some judge or Justice of the Peace in and for Kent County, to faithfully, according to the best of his skill and judgment, exercise the duties assigned him by this act. If either of the said commissioners shall die, resign, refuse, or neglect to act before all or any of the duties assigned the commissioners under this act are performed, any Judge of the Superior Court of the State of Delaware shall, upon the application of any two persons having swamp or low ground affected by this act, fill said vacancy which may be occasioned as aforesaid and so as often as it may be necessary, until all the duties of the commissioners under this act may be completed.

Certificates of commissioners. To contain what.

To deliver certificates to the secretary of said company.

Second certificate to the recorder of deeds.

Certificate final.

Appraisement upon which taxes shall be assessed

Certified copy of the record to be evidence.

Commissioners. Duties of.

Vacancies in commissioners.

How filled.

SECTION 4. *And be it further enacted,* That the said company shall have authority, at any annual meeting to be hereafter held, to direct, by a majority of the votes cast at such meeting, that a new appraisement or valuation of the marsh or low grounds within the bounds of said company, shall be made.

Company empowered to direct a new appraisement of marsh.

SECTION 5. *And be it further enacted,* That whenever, at any such meeting, the said company, by a majority of the votes cast, shall have determined to make such new appraisement or valuation, they shall at the same meeting elect three commissioners, who shall be freeholders of Kent County and not members of

New commissioners. When elected.

said company, to make such new appraisement or valuation, which appraisement or valuation shall be made, certified, and returned in the same manner as is hereinbefore provided for the certificate and return on the original assessment, within sixty days after their election as aforesaid, and the said appraisement and valuation shall be the appraisement and valuation upon which all and every the tax and taxes which may be necessary for the purposes of this act shall be levied until the same is altered and supplied by a new valuation and appraisement under the provisions of this act.

Appraisement certified and returned. How. Time.

Taxes to be levied and collected on the same How long.

SECTION 6. *And be it further provided,* That for the purpose of raising the sum of money necessary to carry into execution the provisions of this act, it shall and may be lawful for the managers for the time being, and they are hereby authorized and required, after the appraisement and valuation aforesaid shall be made and returned to the secretary and recorder as aforesaid, to lay and assess upon the value of the swamp and low grounds benefited by said ditches and drains, and mentioned in said certificates, according to and upon the value of the benefits, profits, and advantages of the respective quantities or parcels of the swamp and low grounds held by the several owners thereof, a certain rate upon each and every dollar of said value, so as to raise a sum of money sufficient to cut and make all the ditches and drains necessary and proper to drain and reclaim all the said swamps and low grounds intended to be drained and reclaimed by virtue of this act, and at any annual meeting of said company after the said ditch or ditches, drain or drains, shall have been cut and made as aforesaid, the said company, by a majority of the votes cast, may determine what sum or sums of money ought to be raised by the way of taxes as aforesaid for the purpose of keeping the said ditch or ditches, drain or drains, in good and sufficient repair, which said sum of money shall be levied and assessed according to the provisions hereinbefore mentioned; and the said managers shall, from time to time, make out duplicate lists, under their hands or a majority of them, of all the assessments and taxes by them made and levied as aforesaid, which shall contain a minute of all changes of ownership and transfers of any of said low grounds or swamps, and one of the lists shall be delivered to the treasurer for the time being, the other shall be delivered to the secretary, and such assessments and lists shall be final and conclusive upon all the parties, and the said lists so delivered to the treasurer shall be a sufficient warrant to him or his successors for levying and collecting all and every the sums of money and taxes in said list mentioned. And it shall be the duty of the said managers to cut and open all

Managers to lay and assess rates

For what purpose.

Order of business at any annual meeting relative to the sum of money which ought to be raised.

Said sum. How levied

Duplicates of assessments.

To contain what.

To whom delivered.

Final.

Warrant to treasurer for levying and collecting tax.

Duty of managers.

such ditch or ditches, drain or drains, and prong or prongs of said ditch or ditches, as the said commissioners by their return as aforesaid shall direct to be cut and opened, or cause the same to be done, and cause the same to be kept open and in good repair, and generally the managers shall carry into full effect all the directions of the company from time to time given them in relation to their said trust, for which purpose the said managers shall have power to employ such workmen as they may deem necessary to complete the work assigned to them at the common expense of the company, and all the wages and expenses in and about said work shall be paid by orders drawn by the managers on the treasurer; every order shall specify the services, wages, and expenses for which it is drawn, and an exact account shall be kept by the managers for all orders drawn by them, specifying the services or expenses for which each order was drawn, and said accounts shall be laid before the annual meeting of said company as the said company may direct. Each manager, before he enters upon the duties assigned him by the requirements of this act, shall be sworn or affirmed before some justice of the peace of Kent County to perform the same faithfully and impartially, according to the best of his skill and judgment, of which oath or affirmation a certificate of the same, under the hand or hands of the person or persons making it, shall be returned to the secretary, to be by him recorded in the books of said company.

Managers to obey the directors of company.

Managers to employ workmen.

Expenses.

Wages, &c.

Order.

To contain what.

Managers to keep account of orders.

Accounts shall be laid before meeting.

What.

Manager sworn.

When and by whom.

Certificate of the same to be returned by the secretary.

SECTION 7. *And be it further enacted,* That the treasurer for the time being, and every treasurer for the time being, before he enters upon the duties of his office, shall give bond, with surety or sureties, to be approved by the managers for the time being, to and for the use of the company, by name, upon condition to be void if he shall pay all orders drawn on him by the managers for the time being, so far as he shall have funds in his hands for that purpose, and shall well and truly account for all money that shall come into his hands as such treasurer, at any annual meeting or other meeting of said company, or otherwise, as said company may direct, and shall pay over any balance or sum that shall be due, to his successor in office, and shall perform all the duties of his office with fidelity.

Treasurer to give bond.

Sureties.

By whom approved.

When void.

To account for all moneys.

When.

Balance.

How disposed of.

SECTION 8. *And be it further enacted,* That the said managers, when they lay and assess taxes, shall appoint the time for the payment of the same, and it shall be the duty of the taxables respectively to pay to the treasurer of said company, for the time being, the sum or sums levied and asssessed as aforesaid, for such payment, and in case of negligence or non-payment as before directed, the treasurer, and every treasurer, for the time

Time for payment of taxes.

being, shall have full power and authority to demand and receive, levy and make all and every the tax or taxes which shall be levied and assessed in pursuance of this act by the managers, according to the list of assessments delivered to such treasurer by the said managers, in the same manner and by the same means as is prescribed by law for the recovery of county rates. And every treasurer, for the time being, shall have power in the same manner to collect all taxes upon any list delivered to any former treasurer any time within five years after the same shall have been due and payable.

Authority in relation to collection of taxes.
How collected.
Power to collect former taxes.

SECTION 9. *And be it further enacted,* That the secretary shall procure a certified copy of this act from the Secretary of State, and record the same among the records of said company, and record the certificate to be delivered to him by the commissioners as aforesaid, and the lists delivered to him from time to time by the managers, and all other proceedings of said company which they shall direct to be recorded in a suitable book which said secretary shall provide for that purpose; and properly file all papers belonging to said company which shall come to his hands, and the same shall be public records for the company to examine at any time under the supervision of the said secretary, and he shall deliver all papers and records of said company which may be in his hands, to his successor in office when demanded, and shall be paid by the treasurer of said company the amount of all fees he may have to pay in procuring the aforesaid copy of this act, and a suitable book in which to record the same, and a reasonable compensation for his trouble in procuring the same; and every secretary for the time being shall receive one cent for every twelve words recorded by him for said company, and every commissioner shall receive two dollars for each and every days' service, and every manager a sum not exceeding two dollars for each and every days' service (to be fixed by a majority of the votes cast at each annual meeting) in which he or they shall be employed about the business of the said company, and every treasurer shall be allowed a commission not exceeding five per centum (to be fixed by a majority of the votes cast at each annual meeting) on all moneys by him collected, except moneys paid to him by his predecessor in office. All expenses attending the passage of this act, shall be paid by the managers out of the funds of the company by orders upon the treasurer.

Certified copy for record.
How obtained.
To record.
What.
Book to be provided.
Filing of papers.
Records for examination.
Shall deliver all papers and records to his successor.
Certain fees to be returned.
Fees of secretary.
Fees of commissioner and manager.
Commission of treasurer.
Expenses attending the passage of this act.
By whom paid.

SECTION 10. *And be it further enacted,* That suits may be brought and prosecuted in the name of the said "The Kirk Branch Ditch Company," upon any bonds given to the said com-

Suits.
How brought.

pany, or for any damages done to the ditch or ditches, drain or drains of said company.

Unlawful to fill up or obstruct ditches, &c.

SECTION 11. *And be it further enacted,* That if any person or persons shall willfully fill up or obstruct the ditch or ditches, drain or drains of said company or shall willfully obstruct or impede the course of the water from running down the same; every person so offending shall be liable to pay to the treasurer of the said company or his successor in office for the use of said company, the sum of one hundred dollars, to be recovered by said treasurer by suit in the name of the said company before the Superior Court of the State of Delaware in and for Kent County, or before any Justice of the Peace in and for said Kent County.

$100 may be recovered therefor.

Privileges of owners of swamps, &c.

SECTION 12. *And be it further enacted,* That every owner of swamp or low grounds ratable and assessed by virtue of this act shall from time to time have the right and privilege to discharge the water from their respective lands into ditches or drains of the company, by ditches or drains to be cut and opened through the swamp or low grounds of other owners or possessors in such place or places, and of such width and depth as the commissioners for the time being shall lay out and prescribe; such owner or possessors shall contribute such portion of the expenses of cutting, opening, and keeping open, said ditch or ditches, as the commissioners shall direct, to be recovered in the same manner as is hereinbefore provided for the recovery of damages for filling up or obstructing ditches or drains, and the commissioners so laying out said ditch or ditches, shall make return of all their proceedings in and about the said service to the secretary of said company, to be by him recorded, and such owners or possessors, to whom such ditch or ditches will be advantageous, shall pay to each commissioner so employed, the sum of two dollars per day for each and every day's service in laying out said ditch or ditches, and pay the secretary one cent for every twelve [words] for recording the same. Every owner or owners shall have free privilege to cut, open and keep in repair any ditch or ditches through his, her or their own swamp or low grounds into any ditch or ditches of said company.

Width and depth. How determined. Such owner or owners to contribute. What. How recovered. Commissioners to make returns, &c. By whom recorded. Commis. to be paid $2.00 per day. By whom. Owners shall pay Secretary. What. Powers to open ditches, &c.

SECTION 13. *And be it further enacted,* That the election to be held under this act, on the last Saturday in May next, shall be conducted by and under the government of the commissioners named in the third section of this act, and said commissioners shall exhibit at said meeting the certificate of their proceedings under this act, accompanied by a plot of said ditch or ditches, drain or drains, and the lateral branches thereof, made by a skilful surveyor, by them named, and who shall have been sworn by one of the said commissioners to make a true and faithful

May election. By whom conducted. Duty of commissioners at meetings. Plot. By whom made. Surveyor to be sworn.

plot of said ditch or ditches, drain or drains and lateral branches thereof. The expenses attending the survey and plot of said ditch or ditches, drain or drains, and lateral branches thereof, shall be allowed and approved by said commissioners, and paid out of the treasury of said company. Exponses of survey.

SECTION 14. *And be it further enacted,* That the act entitled "An act to incorporate the Kirk's Branch Ditch Company," passed at Dover, February 25, 1859, is hereby repealed. Volume 11. 753. Repealed.

SECTION 15. *And be it further enacted,* That this act shall be deemed and taken to be a public act. Public act.

Passed at Dover, March 27, 1879.

CHAPTER 106.

OF THE TRUSTEES OF MARKET SQUARE IN THE CITY OF NEW CASTLE.

AN ACT to authorize the Trustees of Market Square, in the City of New Castle, to donate lands for public purposes.

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

SECTION 1. That the trustees of Market Square in the city of New Castle, be and they are hereby authorized to donate and convey any land or part thereof, in their tenure as trustees, for public use. Trustees of Market Square in the city of N. Castle, authorized to donate certain lands.

SECTION 2. That whenever the lands so donated or conveyed shall cease to be used for the purposes intended and expressed by the deed of conveyance, the same shall revert to the trustees aforesaid, or to the citizens of the City of New Castle. Reversion of said lands. When.

Passed at Dover, March 28, 1879.

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CHAPTER 107.

OF THE TOWN OF DOVER.

AN ACT to re-incorporate the town of Dover.

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

Limits of the town of Dover.

SECTION 1. That the limits of the town of Dover be and the same are hereby established and declared to be as follows, that is to say: beginning at a point in the eastern line of the Delaware Railroad where said eastern line would be intersected by the southern line of South street, as heretofore fixed and established, extended to said railroad and running thence in an easterly direction with the southern line of said South street to the western water edge or line of St. Jones' Creek or river; thence in a northerly direction and with the western water edge or line of St. Jones' Creek or river to a point in the southern edge or line of the mill-pond now owned by James L. Heverin, at the western side of the waste gates as now fixed in said mill-pond; thence in a westerly direction with the southern water edge or line of said mill-pond and in a northerly direction with the water edge or line of said mill-pond to a point in the northern line of Madison street, as the same is laid down in a plot of lots surveyed and laid out for Rev. Thomas B. Bradford in October A. D. 1869, and recorded in the Recorder's office in and for Kent County, in Record Book H, Vol. 5, page 132; thence in a westerly direction and with the northern line of said Madison street and in the same course thereof across State street to a point in the western line of State street; thence in a southerly direction and with the western line of State street to a point where the western line of State street intersects the northern line of Clara street, as the same is laid down on a plot of lots surveyed and laid out for Rev. Thomas B. Bradford in August and September A. D. 1870, and recorded in the aforesaid Record Book H, Vol. 5, page 133; thence in a westerly direction and with the northern line of said Clara street to a point where the northern line of said Clara street intersects the eastern line of the Delaware Railroad; thence in a southerly direction and with the eastern line of the Delaware Railroad to a point where the eastern line of said Delaware Railroad intersects the northern line of Division street; thence in a westerly direction with the northern line of said Division street to a point three hundred feet beyond the western line of the said Delaware Railroad; thence in a southerly direction and parallel with the western line of said Delaware

Beginning.

OF CORPORATIONS.

Railroad to a point in the southern line of the public road leading from Dover to Hazletville; thence in an easterly direction and with the southern line of the said public road leading from Dover to Hazletville to a point where the southern line of said public road intersects the eastern line of the said Delaware Railroad; thence in a southerly direction and with the eastern line of the said Delaware Railroad to a point where the eastern line of said Delaware Railroad intersects the southern line of South street extended to place of beginning: *Provided*, that no farm land hereby included within these extended limits shall be subject to any town tax or charge for five years, unless the same shall be laid out and sold as building lots. The Council of the town of Dover may, at any time hereafter, cause a survey and plot to be made of the said town, and the said plot, when so made and approved by the said Council, shall be recorded in the Recorder's office in and for Kent County, and the same or the record thereof, or a duly certified copy of said record, shall be evidence in all courts of law and equity in this State.

Ending.
Proviso.
Survey and plot.
Recorded.
Where.
What shall be evidence of plot and survey.

SECTION 2. There shall be a Council of the town of Dover to be composed of nine members, to wit, eight Councilmen and one President of Council. The Councilmen and President of Council, now constituting the Town Council, shall hold their offices for the residue of term for which they have been previously elected, that is to say, the four members of the said Council who were elected on the first Monday in March, A. D. 1877, for the term of two years shall continue in office until the first Monday in March in the present year of 1879, and until their successors shall be duly elected, and the four Councilmen who were elected on the first Monday in March, A. D. 1878, shall continue in office until the first Monday in March, A. D. 1880, and until their successors shall be duly elected, and the President of aid Council who was elected on the first Monday in March, A. D. 1878, shall continue in office until the first Monday in March of the present year of 1879, and until his successor shall be duly elected. On the first Monday in March next following the passage of this act, and on the first Monday in March annually thereafter, there shall be held an election in the Levy Court room in Dover for four Councilmen of the town of Dover, and one President of Council to succeed those whose term of office will then expire. The Councilmen shall be elected for the term of two years, and until their successors shall be duly elected, and the President of the Council shall be elected for the term of one year, and until his successor shall be duly elected, but any Councilman or the President may be re-elected. The Councilmen and the President of the Council shall be resident free-

Town council.
How composed.
President.
Term of present town council to continue until expiration thereof.
Annual election.
Where held.
Election of president and four councilmen
Term of office of councilmen
Term of office of president.
Re-election of president.

Qualifications of councilmen and president.

holders of the town of Dover at the time of their election, but any married man resident of said town whose wife is a freeholder of said town may be elected a member of said Council, or the President of the said Council, although he may not be the owner in his own right of any real estate within the said town. The election shall be opened at one o'clock p. m. 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 districts, and two of the said Councilmen shall be residents of each district. That portion of the town lying on the south of North street shall be the first district; that portion of the town lying north of North street and east of State street shall be second the district; that portion of the town lying north of North street and between State street and Governor's avenue shall be the third district; and that portion of the town lying north of North street and west of Governor's avenue shall be the fourth district. Whenever a majority of the legal voters of a district shall, by a writing under their hands to be delivered to the Alderman by ten o'clock of the morning of the day of holding any election, submit the names of three persons at least, resident within the district, and having the other qualifications to be voted for as councilmen for such district at such election, then this election by the whole body of persons voting at the town election shall be one of that number for that district, and such one as has the most votes. 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 districts, 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 Alderman shall receive the ballots and deposit them in a box to be prepared for that purpose, and the assisting Councilmen 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 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

Opening and closing of elections

Qualifications of voters.

Districts.

Residence in districts a qualification of councilmen

First district.

Second district.

Third district.

Fourth district.

Mode of nominating persons for councilmen to be voted for. When.

Counting of votes.

Who shall be declared elected.

Officers of election.

Ballots.

List of voters.

Drawing and reading of tickets.

Tally of votes.

Term of president.

Residence of president

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. Before entering upon the duties of their respective offices, the Councilmen elect and President elect shall be sworn in at said meeting, or any subsequent meeting, by the Alderman or one of the Councilmen holding over. 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 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. If any vacancy shall occur in the said Council by the death, resignation, removal from the town, refusal to serve or otherwise, of any member thereof or of the President thereof, the remaining Councilmen and the President, if there be no vacancy in the office of President, and if there be, the remaining Councilmen, shall have power to fill such vacancy or vacancies for the residue of the whole term for which the person or persons whose vacancy or vacancies is or are to be supplied was or were elected.

Casting vote.

Certificates of election.

Oaths and affirmations of president and councilmen.

When the voters shall designate persons to hold elections.

Minutes of elections. How kept.

Vacancies. How filled.

SECTION 3. The town Council at the meeting next after each annual election as hereinbefore provided for, or as soon thereafter as convenient, shall proceed to elect, by ballot, some suitable person, resident in the town, to be Alderman of the town of Dover, who may or may not be a Justice of the Peace, resident in said town, to serve as such for one year, or until his successor shall be duly elected, subject, however, to be removed from office at any time by a vote of two-thirds of all the members composing the Town Council. Before entering upon the duties of his office he shall be sworn or affirmed by the President of the Town Council, or by any one of the councilmen, to perform the duties of his office honestly, faithfully and diligently. 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

Election of alderman.

Term of office. Removal.

Oath of office.

Duties of alderman.

Powers of alderman.

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 also of 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 also 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 exceeding twenty 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, 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. If any vacancy shall occur in the office of Alderman of the town of Dover by death, resignation, removal from office, or otherwise, such vacancy may be supplied by the Town Council at any meeting thereof for the residue of the term. If any Alderman shall be removed from his office by the Town Council as hereinbefore provided, he shall deliver to his successor in office, within two days after the election of his successor, all the books and papers belonging to his office, and shall pay over to the treasurer of the town all moneys in his hands belonging to the town within five days after his removal. Upon his neglect or failure to deliver to his successor in office, within the time aforesaid, all the books and papers belonging to his office, or upon his neglect or failure to pay over to the treasurer of the town within the time aforesaid, all moneys belonging to the town, he shall be deemed guilty of a misdemeanor, and upon conviction thereof by indictment shall be fined not less than twenty nor more than one hundred dollars.

Proviso.

Vacancy in office of alderman. How filled.

Duties of alderman towards his successor.

Penalty for neglect of duty.

Monthly report of alderman.

SECTION 4. The Alderman shall, at every monthly meeting of the Town Council, report to the Council all fines and penalties imposed by him during the preceding month, and pay to the treasurer of the town of Dover all such fines and penalties received by him during said time, and in default of making such report or paying such fines and penalties for a period of twenty days after such report should be made, and such fines and penalties should be paid as aforesaid, he shall be deemed guilty of a misdemeanor, and upon conviction thereof by indictment, shall be fined not less than twenty nor more than one hundred dollars.

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 infraction or violation of the law or ordinances as require immediate action to cause the same to be proceeded on before the Alderman. He shall issue and sign all licenses for every exhibition within the Town of Dover, which, by Section 1, of Chapter 51, of the Revised Code, a license therefor is required; he shall sign all warrants on the treasurer for the payment of any money, and shall perform such other duties as may be prescribed by any ordinance or ordinances of the Town Council. Duties of president of council.

SECTION 6. The Councilmen and the President of Council, as hereinbefore provided for, shall be and they are hereby created a body politic and corporate in law and equity, and shall be able and capable to sue and be sued, plead and be impleaded in courts of law and equity in this State, by the corporate name of "The Town of Dover," and shall have a corporate seal, which they may alter, change or renew at their pleasure; 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 alien, grant, demise and dispose of the same as they may deem proper, and may do all other things which a body politic and corporate may lawfully do to carry out and effect the object and 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, or hereafter to be opened, within the limits of said town, and no overseer of any such 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 two hundred and fifty dollars, and shall make an order for the payment thereof to the Treasurer of the Town of Dover for the use of said town. The said Council, by their Treasurer, shall account to the Levy Court for the said* survey. Incorporation. Corporate powers. Hold real estate, &c. Superintendence of streets, &c. Appropriations of Levy Court for use of streets.

SECTION 7. The Town Council shall have power upon the application of ten or more citizens of the town, by petition for the purpose, to locate, lay out, and open or widen any new street or streets, lane or lanes, or alley or alleys, or widen any street, lane or alley heretofore laid out or hereafter to be laid out in said town, or re-open any old street or streets, lane or lanes, or alley or alleys now closed or which may hereafter be closed, which ten or more citizens may desire to be located, laid out Location of new streets &c. Re-opening of old streets, &c.

* So in the enrolled bill.

and opened, or widened, or reopened, allowing to the persons respectively, through or over whose lands such street or streets, lane or lanes, or alley or alleys 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 order of the Council aforesaid.

Compensation for damages.

SECTION 8. Whenever the Town Council shall have determined to locate and lay out, or widen any street, lane or alley, and shall have fixed the compensation therefor, it shall be their duty immediately after the survey and location of the said street, lane or alley, to notify, in writing, the owner or owners of the real estate through or over which such street, lane or alley may run, of their determination to open and widen 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 or tenant of said real estate, but if there be no holder or tenant resident in said town, the said notice may be affixed to any part of the premises. If any owner be dissatisfied with the amount of the compensation or damages allowed by the Town Council, as aforesaid, he or she may, within ten days after such notice, as aforesaid, appeal from the said assessment of compensation or damages 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, three of whom shall be residents of said town of Dover, and two of whom shall be non-residents of said town, commanding them to assess the damages which the owner of the real estate through or over whose lands said street, lane or alley 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 Associate Judge at a time therein appointed. The freeholders named in such commission being first sworn or affirmed, as in said commission shall be directed, shall view the premises, and they, or a majority of them, shall assess the damages as aforesaid, and shall make return, in writing, of their proceedings in the premises to the said Associate Judge, who shall deliver said return to said

Notice to owners of real estate concerning the opening of streets, &c.

Notice to tenant.

Appeal.

Appointment of a commission.

Qualification of freeholders.

Assessment of damages.

Return of freeholders to whom,

Re-assessment of damages.

Return.

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Town Council, which shall be final and conclusive. The said Associate Judge shall have power to fill any vacancy in the commission. 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 of the State of Delaware, at Dover, within said time, and thereupon the said property or land may be taken or occupied for the uses aforesaid. In the ascertainment and assessment of damages by the freeholders appointed by the Associate Judge aforesaid, if the damages shall be increased, the costs of the appeal shall be paid by the treasurer of the town out of any money in his hands belonging to the town, but if said damages shall not be increased, the costs of the appeal shall be paid by the party appealing. The fees to the freeholders shall be two dollars per day to each which shall be taxed as part of the costs. After the damages shall be fixed and ascertaind by the freeholders as aforesaid, the Town Council shall have the option to pay the damages assessed, within the time aforesaid, and to proceed with the said improvements, or upon the payment of the costs only may abandon the proposed improvements.

Vacancy in commission How filled.

Payment of damages.

Deposit of damages.

By whom costs of appeal shall be paid.

Fees of freeholders

Prosecution of improvement, &c.

SECTION 9. The Town Council shall have power to enact ordinances to prevent nuisances, 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, and the drainage thereof, to direct the paving or graveling of footways, and to prescribe the width thereof, to regulate and provide for the making of gutters, and the placing of gutter stones or plates therein, and for curbing wherever, in their opinion, such paving or graveling, making of gutters and the placing of gutter stones or plates therein, and curbs may be necessary or proper; to prescribe the extent of steps, porches, cellar doors, and other inlets to lots and buildings; to regulate the construction and repair of chimneys, and to provide for keeping the same cleaned and in good order; to regulate the storage of gun-

Nuisances, infectious, diseases, &c.

Jurisdiction.

Definition of nuisances, and ascertainment of boundaries &c.

Ascents and descents of streets, &c.

Paving and graveling.

Gutters and curbing.

Steps, porches, &c.

Chimneys.

Gunpowder.

Breadth of foot ways.

Mode of changing grade.

Ordinances concerning dogs.

Fines.

Surveys. Plot.

powder or any other dangerous or combustible materials, and to provide against casualties by fire. No person shall be obliged to pave any footway to a greater breadth than four feet in front of any vacant lot or lots not near or adjoining a dwelling-house, and no grading, curbing or widening of sidewalks shall, after the same has once been established, be directed to be altered or changed for a period of ten years, except upon the petition of a majority of the property owners holding land on such street or part of street where such alteration or change is proposed to be made, and upon such petition, the Town Council shall have the option to make such change or alteration, or not. The Town Council shall also have power to enact ordinances in relation to the keeping or harboring of dogs, to provide for the registering of the same, and to regulate their running at large, and may impose an annual tax not exceeding one dollar on every male dog, or two dollars on every female dog, and may provide for the collection of the same from each and every person owning or harboring any dog or dogs; and also shall have power to impose fines and penalties for the enforcement of any of said ordinances. 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 to do and perform all such matters and things as they may deem necessary for carrying into effect the provisions in this section contained.

Notice to owners of real estate of their duty to pave, &c.

Failure to comply with notice for 30 days Council may proceed with work

Presentation of bill of costs.

SECTION 10. Whenever the said Town Council shall have determined that any paving, graveling, guttering, placing of gutter stones, or plates in any gutter and curbing, or any or either or all of them, shall be done, they shall notify the owners of the land in front of whose premises the same is to be done, particularly designating the nature and character thereof, and thereupon it shall be the duty of such owner to cause such paving, graveling, guttering, placing of gutter stones or plates in any gutter and curbing 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 when done, the treasurer of the town shall, as soon as convenient thereafter, present to the said owner or owners of such lands, a bill showing the expense of such paving, graveling, guttering, placing of gutter stones or plates in any gutter and curbing: if such owner or owners be not resident in the town of Dover, such bill may be presented to the occupier or tenant of said land, or if there be no occupier or tenant resident in the said town of Dover, such bill may be sent by mail to such owner or owners, directed to him or them at the

postoffice nearest his or their residence. If such bill be not paid by the owner or owners of such lands within thirty days after the presentation thereof as aforesaid, then it shall be the duty of said Town Council to issue a warrant in the name of the Town of Dover under the hand of the President of the Town Council, and the seal of the said corporation, directed to the treasurer of the Town of Dover, commanding him that of the goods and chattels, lands and tenements of such owner or owners, he should cause to be levied and made the amount of the said bill together with all costs. It shall be the duty of the treasurer of the said Town of Dover, as soon as convenient after the said warrant shall be delivered to him, and after ten days notice to the owner or owners of such lands, and after posting five or more notices of sale in at least five of the most public places in the Town of Dover, at least ten days before the day of sale, to sell the goods and chattels of such owner or owners at public auction, or so much thereof as may be necessary to pay the amount of said bill with all costs. If no goods and chattels of such owner or owners can be found within said town sufficient to satisfy the amount of said bill with all costs, then it shall be the duty of the said treasurer of the said Town of Dover, after ten days' notice to such owner or owners aforesaid, and after posting five or more notices of sale in at least five of the most public places of the Town of Dover, for at least ten days before the day of sale, and after causing such notice of sale to be published twice in one newspaper printed in the said Town of Dover, (or, if there be no newspaper printed in the said Town of Dover, then in a newspaper printed anywhere in Kent County,) to sell the lands and tenements of such owner or owners in front of which such paving, graveling, guttering, placing of gutter stones or plates in any gutter, and curbing, or either of them, have been done, or so much of said lands and tenements as may be sufficient to satisfy the amount of said bill with all costs, and a deed from the treasurer of the said Town of Dover shall convey to the purchaser or purchasers of such lands and tenements as full and complete title, in fee simple or otherwise, as if the same were executed by the owner or owners thereof. The claim for paving, graveling, guttering, placing of gutter stones or plates in any gutter, and curbing, shall be a lien on the premises in front of which the said work was done, and shall have priority over any lien, incumbrance, or conveyance suffered or made by the owner or owners after the presentation of the said bill as aforesaid. It shall be the duty of the treasurer of said town, out of the purchase money of the said goods and chattels, or lands and tenements, sold as aforesaid, to pay all

Upon non-payment of costs warrant for collection of same.
How to be issued.
To whom directed.
Levy.
Treasurer to sell goods
When.
Amount necessary.
When there are no goods of such owner to sell, lands to be sold.
Notice.
Time of notice.
Publication.
Sale of lands.
When.
How much of such lands to be sold.
Deed.
Kind of title.
Claim.
Priority over what.
When.
Costs.
By whom paid.

costs arising from the said proceeds and sale to the parties entitled thereto, and to retain for the use of the said town the amount of the said bill as aforesaid, and the residue of the said purchase money, if any, shall immediately be deposited in the Farmers' Bank of the State of Delaware at Dover, to the credit of the said owner or owners. The treasurer of the said town shall be entitled to receive five dollars for every sale of personal property under this section, and ten dollars for every sale of real estate under this section, together with such additional sum as may be reasonable and proper for the keeping and taking care of such personal property, for selling the same and for advertising, all of which shall be part of the costs to be paid out of the purchase money as aforesaid. Any notice required by this section to one co-owner shall be notice to all, and in case no owner shall reside in the said town, notice served upon the occupier or tenant shall be sufficient, or if there be no owner or occupier or tenant of said premises resident in the said town, it shall be sufficient to send notice by mail to any owner of said premises directed to him or her at the postoffice nearest his or her place of residence. The provisions hereinbefore contained in this section shall apply to any order made by the Council of said town in respect to any pavement, sidewalk, gutter, placing of gutter stones or plates in any gutter, or curb heretofore made or done, which the said Council may deem insufficient or to need repairing. The said Council, in addition to the provision of this section hereinbefore contained, shall have power and authority to enforce, by ordinance, all the requirements of this section by imposing such fines and penalties as shall, in the judgment of said Council, be necessary and proper.

Residue of purchase money to be deposited.
Where and for whom.
Fees of treasurer.
Costs to include what.
What shall be sufficient notice
Notice served on tenants.
When.
Notice to owner by mail.
When.
Foregoing provisions to apply to what.
Power of council to enforce ordinances and impose fines.

SECTION 11. The Council of said town shall have power and authority to make, establish and publish such ordinances as they may deem beneficial for the good government of the said town, at any regular monthly meeting. Such regular meeting shall be held on the first Monday evening of every month. They shall have and are hereby vested with power and authority to prescribe the fines or penalties for violations of any of the provisions of this act, or of the ordinances which they may enact in pursuance hereof, 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 enacted as aforesaid, may be collected before the Alderman of said town or any Justice of the Peace of said town, and in default of payment, said Alderman or Justice of the Peace may commit for any time not exceeding thirty days.

Power of council to establish ordinances.
When.
Time of holding regular meeting.
Power to impose fines.
Collection of fines.
Alderman to commit to jail.
When and for how long.

SECTION 12. The Council of said town may appoint such

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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 Council of said town shall also have power and 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.

Appointment of town constables. Police. How constituted Removal of constables.

SECTION 13. The Council of said town shall cause a statement of their receipts and expenditures to be published once a year in at least one newspaper printed in said town.

Annual statement of receipts, &c.

SECTION 14. The Council of said town shall have power and authority to make such regulations and enact such ordinances relative to the traveling over and upon the streets, lanes or alleys in said town, and to the use thereof, and the standing or placing of carts, carriages or other vehicles or obstructions in and upon the public square or any of said streets, lanes, alleys, or side walks, as they shall deem proper to secure the free and uninterrupted use and enjoyment thereof, and if any person shall violate the regulations and ordinances of the said Council in that behalf, every person so offending shall forfeit and pay to the treasurer of said town, for the use of said town, a sum not exceeding ten dollars, to be recovered, with costs, by the treasurer of said town, in the name of the town of Dover, before the Alderman of said town or before any Justice of the Peace residing in said town, in the same manner as debts of like amount are recoverable by law.

Council to make ordinances concerning streets. Fine for violation of ordinances. Recovery of fine and costs.

SECTION 15. It shall and may be lawful for the Council of said town 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, and it shall be the duty of the keeper of said jail to receive and lock up in said jail any person committed to his custody under the provisions of this act, or under the provisions of any ordinance of the Council of said town.

Jail to be used by the town council. Duty of keeper of the jail.

SECTION 16. The Council of said town shall have the power and authority to use the money in the treasury of said town, or any portion thereof, 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 Council of said town shall be as good and binding as the acts, doings and determinations of the whole. In case of a vacancy or vacancies in the Council of said town, the remaining members, until such vacancy or vacancies shall be filled as hereinbefore provided, shall have the same power and authority as the whole.

Power of council to use money of the town for certain purposes. A majority necessary to make acts legal. Vacancies. How filled.

OF CORPORATIONS.

Duty of town officers to suppress unlawful assemblages.

SECTION 17. It shall be the duty of the Alderman of said town and Council of said town, 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 or about any buildings used for any fair, festival, concert or any other social, literary, or religious meeting, or any entertainment whatsoever, or in the streets, lanes, squares or alleys of said town at any time or season whatever, to prevent all gatherings whatever which may obstruct or interfere with the free use of the streets or side walks, 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 of said town, whose duty it shall be to hear and determine the case, and upon conviction before him the Alderman shall sentence any such person so convicted to pay a fine not exceeding ten dollars, and may commit the party to prison for a period not exceeding thirty days, or until said fine and costs shall be paid. It shall be the duty of the Alderman of said town, 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 arrest and bring any such person so offending as aforesaid before him for trial. Any constable arresting any person so 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 Alderman of said town. It shall be the duty of the constable 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 of said town who shall proceed forthwith to hear and determine the case, and upon conviction before him he shall sentence such person in the same manner and to the same punishment provided in this section for the punishment of persons brought before him for the offences in this section first enumerated. If, upon view of the person or persons who may be brought before the Alderman of said town for violation of this section, it shall appear to the 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 wait 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 the Monday morning following. The fee to the Alderman of said town for the trial of any cause

Duty of constables to arrest.

Duty of alderman.

Fine and imprisonment.

Alderman to issue warrants.

Persons arrested after 10 o'clock, p. m.

How disposed of.

Drunken or disorderly person.

Sentence.

Proceedings.

Fees.

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 said jail shall be entitled to a like fee of fifty cents for each commitment whether by a constable or by the Alderman of said town, 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 prisoners: *Provided*, The town shall pay for the board of all prisoners committed to the jail for violation of the charter or by-laws of the town of Dover.

Town to pay for the board of all prisoners committed to jail.

SECTION 18. The Alderman of said town, the Council of said town, and the 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 setting off of fire crackers or other fire works, or the making and throwing of fire balls within the limits of said town, and the Council of said town may by ordinance or ordinances impose fines and penalties upon the persons violating the provisions of this section, and may provide for the collection of such fines and penalties so imposed.

Fire-works bon-fires, &c., prohibited.

Fines.

SECTION 19. The Council of said town 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 on the public square, or in the streets, lanes or alleys. or on the side walks, or in any other place within the limits aforesaid, to be removed and abated. The Council of said town 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 the obstruction or nuisance, and where the same exists. If the Council of said town 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, signed by the President of said Council, 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, to remove or abate such obstruction or nuisance, the Council of said town shall have power and authority to cause such obstruction or nuisance to be removed or abated; and for this purpose the Council. of said town may issue a warrant in the name of the Town of Dover, under the hand of the President of the Council and the seal of the said corporation, and directed to any constable of the Town of Dover, commanding him forthwith to remove or abate such obstruction or nuisance; whereupon the constable to whom

Nuisances and obstructions abated and removed.

Notice.

By whom signed.

Council to issue warrant.

Directed to whom.

Constable to abate such nuisance.

Constables' authority therein.

the said warrant may be delivered, shall forthwith proceed to remove or abate the same, and for this purpose he shall have full power and authority to enter into and upon any lands and premises within the Town of Dover, and to take with him such assistants, implements, horses, carts, wagons or other things, as may be necessary and proper, and do and perform all matters and things, right and proper to be done, for the removal of such obstruction or the abatement of such nuisance. The costs and damages of all the proceedings shall be determined and adjudged by the Council of said town, and if the same be not paid to the treasurer of said town for the use of the town by the person causing the obstruction or nuisance, or who is responsible for its existence or continuance, within ten days after a bill stating the amount of such costs and damages shall have been presented to such person, then the Council of said town may proceed to collect the same out of the goods and chattels of such person by warrant issued to the treasurer of said town in the same manner as is provided in Section 10 of this act for the collection of the expense of any paving, graveling, &c., and the treasurer of said town, upon the receipt of such warrant, shall have all the powers to sell the goods and chattels of such person conferred, and shall proceed in the same manner as directed by said Section 10 of this act on warrants directed to him under said section to collect the expense of paving, graveling, &c., except that nothing in this section contained shall confer any power upon the treasurer of said town to sell any lands and tenements. If the person causing such obstruction or nuisance, or who is responsible for its existence or continuance, shall neglect or refuse to remove or abate the same for the space of two days after such notice as aforesaid, he shall, in addition to the provisions hereinbefore in this section in that behalf contained, forfeit and pay to the treasurer of said town for the use of the town the sum of five dollars, and one dollar additional for each and every day such obstruction or nuisance shall continue unremoved or unabated after the expiration of the two days' notice as aforesaid, to be recovered with costs of suit in the name of the Town of Dover before the Alderman of said town or any Justice of the Peace residing in said town, as debts of like amount are recoverable. In ascertaining the amount of the judgment the person before whom the case is heard and determined, shall compute the time beginning with and including the day following the expiration of the said two days' notice up to and including the day on which judgment is rendered if the obstruction or nuisance be then not removed or abated, or if then removed or abated up to and exclusive of the day on which such obstruction or nuisance

Costs and damages.

Costs. How collected.

No power to sell lands and tenements.

Additional costs.

Recovery of such costs.

Time to be computed and included.

OF CORPORATIONS.

was removed or abated, and one dollar for every such day shall be added to the five dollars and judgment rendered accordingly. If the amount of the judgment, exclusive of costs, will exceed one hundred dollars, the case shall not be cognizable before the Alderman or a Justice of the Peace, but in such case suit in the name of the town of Dover may be brought in the Superior Court of the State of Delaware in and for Kent County. These last provisions shall be cumulative and additional to the provisions hereinbefore in this section contained.

Further costs.

When not cognizable before alderman.

Where suit may be brought.

Cumulative provisions.

SECTION 20. If any constable shall neglect or refuse to perform any of the duties required of him by this act, he shall be deemed guilty of a misdemeanor, and it shall be the duty of the Council of said town to present him to the Grand Jury of Kent County, and upon conviction thereof, by indictment, he shall be fined in a sum not less than ten nor more than one hundred dollars, and may be imprisoned in the discretion of the court for any term not exceeding one year, and upon such conviction he shall *ipso facto* forfeit his office.

Misdemeanor; when constable shall be guilty of.

Presented to the grand jury.

Fine and imprisonment.

Forfeiture of office.

SECTION 21. It shall be the duty of the Council of said town, as soon as conveniently may be after each annual election of members of said Council on the first Monday in March of every year as hereinbefore provided, to elect by ballot a treasurer, clerk, and assessor for said town, who shall hold their offices for the term of one year, and until their successors shall be duly elected. The treasurer and clerk may or may not be the same person. The assessor shall be a freeholder resident in said town, and may or may not be a member of said Council. The said Council shall also have authority to elect, by ballot, a collector of taxes in any year they may think proper to do so. The treasurer, before entering upon the duties of his office, shall be sworn or affirmed faithfully, honestly and diligently to perform the duties of his said office, which oath or affirmation may be administered to him by the President of said Council or by any member thereof, or by any Judge, Justice of the Peace or Notary Public. He shall also, before entering upon the duties of his office, give bond to the town of Dover, with sufficient surety to be approved by the Council of said town, in the penal sum of three thousand dollars conditioned for the faithful discharge of the duties of his said office, and for the payment to his successor in office of all sums of money belonging to said town which may remain in his hands upon the settlement of his accounts, to which said bond and condition there shall be annexed a warrant of attorney for the confession of judgment for said penalty. The said treasurer shall pay all orders drawn on him by order of said Council and signed by the President thereof

Election of officers.

Time of.

Term.

Who shall be eligible.

Collector.

Oath of treasurer.

Oath administered.

By whom.

Bond.

Sureties approved.

By whom.

Penal sum.

Conditions.

Warrant of attorney.

Orders.

How drawn and paid.

out of any moneys in his hands belonging to said town. He shall settle his accounts with the said Council annually in the month of February, and oftener and at such other times as the said Council may require. The said treasurer shall also, in any year when no collector of taxes shall be elected by the Council of said town, and when required to do so by said Council, collect all the taxes assessed in said town as hereinafter provided. It shall be the duty of the clerk of said town to keep a true and faithful record of all the proceedings of the Council of said town at all meetings held by them, and to do and perform such other matters and things as may be required of him by this act, or which may be prescribed by any ordinance or ordinances enacted by said Council. The treasurer, clerk, and assessor of said town shall each receive a reasonable compensation for their services to be determined by the Council of said town: *Provided*, The compensation of the said treasurer as such shall not exceed three per cent. in all moneys received by him belonging to said town, and of the treasurer acting as collector shall not exceed ten per cent. on the taxes collected by him.

Settlement of accounts

Treasurer to collect taxes.

when.

Record of proceedings kept by clerk.

Duties of.

Compensation of treasurer, clerk and assessor.

Proviso.

SECTION 22. It shall be the duty of the assessor of said town annually 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 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 taxation. The said assessor shall make such assessment and return the same to the Council of said town within six weeks next after the election of said assessor. The Council of said town shall assess the real estate and person and taxable personal property of the assessor. The Council of said town shall, within five days next after receiving said assessment list cause a full and complete transcript of said assessment list, to be hung up in the postoffice in said town, there to remain for the space of ten days thereafter, for public inspection; 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 p. m., till four o'clock, p. m., of said day, when they shall hear and determine appeals from the said assessment, and may make correction of, additions to, or alterations in, the said assessment. Notice of the hanging up of the said assessment list, and also, at the same time, notice of the time and place of hearing appeals shall be given by posting such notices in at least six public places in the town of Dover. The determination of the Council of said town upon any appeal, or upon any

Assessors duties.

Return of assessment to council.

When.

Property of assessor.

By whom assessed.

Assessment list to be hung up

Where.

How long.

Court of appeal.

When held

Proceedings.

Notice.

Determination final

matter relating to such assessment shall be final and conclusive. No member of Council of said town shall sit upon his own appeal, but the same shall be heard and determined by the other members of said Council. After the said valuation and assessment shall be examined and adjusted by the Council of said town, all taxes shall be levied, assessed and raised on the real estate, personal property and persons thus valued and assessed, in just and equal proportions and rates. The said assessor, before entering upon the duties of his office, shall be sworn or affirmed diligently, faithfully and impartially to perform the duties of his office to the best of his ability, knowledge and judgment, which oath or affirmation may be administered to him by the President of said Council, or by any member thereof, or by any judge, Justice of the Peace or Notary Public.

Adjournment of assessment.

Taxes. How levied

Assessor to be sworn.

By whom.

SECTION 23. The Council of said town, after having ascertained the sum 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, clear of all delinquencies and expenses of collection, and after having apportioned the same on the assessment and valuation aforesaid, shall annually, in the month of April, or as soon thereafter as convenient, cause to be delivered to the collector of taxes, if there be one elected by the Council of said town in said year, or if there be none, to the treasurer of said town, a list containing the names of the taxables, as well the owners of real estate as those not owning real estate, and opposite the name of each the amount of the real estate, his poll and assessable personal property, and the tax on the whole valuation and assessment, and the rate per hundred dollars, and which list shall be signed by the President of said Council. The collector of taxes, or if there be none elected in said year, the treasurer of said town, immediately after receiving said list, shall proceed to collect the taxes rated and contained in said list, and in collecting the same shall have all the powers conferred by law on the collectors of county rates and levies by the provisions of Chapter 12, of the Revised Code of 1852. In the collection of said taxes, the Council of said town shall have the power and authority to order the collection of taxes, or if there be none, the treasurer, to deduct five per cent. from the amount of the tax assessed against the person or property of any one who will pay such tax by the first day of July in any year following the assessment of the said tax, and if the tax assessed against any person, or the property of any person, be not paid by the first day of January in any year next after the assessment of the same, to order the collector of taxes, or if there be none, the treasurer, to add five per cent. to the amount of any tax then unpaid, and

Taxes not to exceed two thousand dollars.

List of assessment, when and to whom delivered.

What to contain.

By whom signed.

Collectors and treasurers powers in collection of taxes.

Power of council to make deduction for the payment of taxes within a certain time.

Power to make additions.

Increased amount. How collected. Bond of collector. Condition. such increased amount shall be collected out of any taxable, liable for the same in the same manner as though said tax had not been increased. The collector of taxes, before entering upon the duties of his office, shall give bond to the Town of Dover, with sufficient surety to [be] approved by the Council of said town, in the penal sum of three thousand dollars, conditioned for the faithful performance of the duties of his office and the payment to the treasurer of said town of all moneys collected by him belonging to said town, and for the settlement of his accounts with the treasurer of said town in the month of February next following his election as collector of taxes, and at such other times as the Council of said town may require, to which said bond and condition there shall be annexed a warrant of attorney for the confession of judgment for said penalty. The collector of taxes shall receive a reasonable compensation for his services to be determined by the Council of said town: *Provided*, that he shall not receive more than ten per cent. on the taxes collected by him.

Warrant of attorney. Compensation. Proviso.

Present officers continued in office. SECTION 24. The present Alderman, treasurer, clerk, assessor, collector and town constables shall continue and hold their respective offices for and during the term for which they were respectively elected or appointed, and until their successors shall be duly elected or appointed under the provisions of this act.

Volume 15, 575, repealed; also all other inconsistent acts. Exception. Town ordinances declared legal Acts of council legalized. Debts, fines &c., declared valid. Powers of collector in relation to certain taxes. SECTION 25. The act entitled "An act re-incorporating the Town of Dover," passed at Dover, March 2, 1877, and the several acts and parts of acts therein and thereby repealed, and all acts or parts of acts inconsistent with or supplied by this act are hereby repealed and made null and void; saving and excepting, however, from the effect of such repeal, and hereby expressly declaring that all the ordinances of the Town of Dover, heretofore enacted or adopted, and now in force in pursuance of any law of this State, shall continue in full force and effect until repealed, altered or amended by the Council of said town. That all the acts and doings of the Council of said town, or of any officer of said town, lawfully done or performed under the provisions of any law of this State, or of any ordinance of the Council of said town, are hereby ratified and confirmed. That all debts, fines or penalties and forfeitures due to said Town of Dover, and all debts due from said Town of Dover to any person or persons whomsoever, or to any corporation, are hereby declared to be unaffected and unimpaired by this repeal, and all laws of this State for the collection and enforcement thereof, shall continue in full force until the same shall be fully paid and discharged. That all the powers now conferred by law upon the collector for the collection and enforcement of all taxes in

said town heretofore assessed and uncollected, shall continue in full force and effect until all of said taxes shall be fully collected and paid: that the official bond of said collector shall be unaffected and unimpaired by this repeal, and that he and his sureties therein shall continue liable for any breaches of any of the conditions of said bond. That the official bond of the treasurer of said town shall not be affected or impaired by this repeal, and that he and his sureties therein shall continue liable for any breaches of any of the conditions of said bond; and that all proceedings heretofore commenced for the collection of any penalty, fine, forfeiture or debt due to said town under any law or ordinance, shall not be affected or impaired by this repeal, but the same may be prosecuted to judgment and execution until the same be fully paid, liquidated and discharged.

Collector's bond unaffected.

Treasurer's bond unaffected.

SECTION 26. This act shall be deemed and taken to be a public act.

Public act.

Passed at Dover, February 27, 1879.

CHAPTER 108.

OF THE TOWN OF ST. GEORGES.

A Supplement to the act entitled "An act to incorporate the town of St. Georges," passed at Dover, March 6, 1877.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, that Chapter 460, *Laws of Delaware, be supplemented as follows:*

SECTION 1. That the Town Council shall have power and authority to make and establish such ordinances as they deem beneficial for the government of the town, at any regular meeting.

Ordinances

SECTION 2. That it shall be the duty of the Town Council to direct their assessor in making out his assessment general, to include in a separate column therein all dogs kept or owned in said town, and the owner or keeper of any dog or dogs so included shall pay an annual tax of fifty cents (50) for each and every male dog, and one dollar (1.00) for each and every female dog, said tax to be collected as provided in Section 24 of the act of incorporation.

Assessment of dogs.

Tax.

OF CORPORATIONS.

Appointment of special deputy. Duties. Penalty.

SECTION 3. That the Justice of the Peace of the said town, at the request of any one of the Town Council or President, shall appoint a special deputy to execute any of the duties required to be performed by the said town constable, and in the event of said deputy failing to act in the discharge of such duties, shall pay a fine of one dollar (1.00) and be committed until such fines are made satisfactory to the discretion of the Justice of the Peace.

Apportionment of road tax. How expended. Supervision of the streets. Proviso. Limit of liability of council.

SECTION 4. That the road commissioners of Red Lion Hundred be and they are hereby directed to make an apportionment of the road tax of said hundred amounting to the sum of two hundred and fifty dollars ($250) for each and every year to be paid to the Council of the town of St. George's to be by them expended in making, repairing, and maintaining in proper order the streets, side-walks, and trunks of said town, and the said Town Council shall have the sole supervision of said streets, side-walks and trunks within the bounds of incorporation: *Provided always,* That the said Town Council shall have free access to earth necessary to repair said streets and side-walks from the roads in said hundred, as customary usages do or will permit: *And be it hereby further provided,* That nothing in this act shall be construed to require the Town Council to assume any liability to construct, repair, or maintain any roads, bridges, or trunks now required by law to be maintained and kept in repair by the Chesapeake and Delaware Canal Company.

When the canal company shall pave and curb in certain places. Notice to president of canal company. Neglect of company to pave. Council to pave and curb.

SECTION 5. That whenever the Town Council shall decide to pave and curb, or to curb without paving, the side-walks of the town of St. George's which intersect or connect with the side-walk over or along the street or road known as the road over St. George's mill-dam (which road is now required by law to be maintained and repaired by the Chesapeake and Delaware Canal Company); the said Canal Company shall also pave and curb the said sidewalk along the satd street, road or mill-dam, with the same kind of material, and of the same width and manner that the sidewalks therewith intersecting or connecting may be done; and when the said Town Council shall so decide to pave and curb, or to curb without paving, any sidewalk so intersecting or connecting with the said sidewalk along the street or road known as the St. George's mill-dam, they shall give notice to the President of the Chesapeake and Delaware Canal Company, and if the said company shall refuse or neglect to pave, or curb without paving (as the case may be) the said sidewalk along the said street or road known as the road over St. George's mill-dam, within thirty days after such notice, then the said Town Council, without further process, may proceed to pave and curb, or to curb

without paving, as the intersecting or connecting sidewalks may be done, and to charge the cost and all expense of such paving and curbing, and all necessary material required to do the same, to the said Chesapeake and Delaware Canal Company, and to collect the same as other debts are recovered.

Cost and expense. To whom chargable.

Passed at Dover, March 4, 1879.

CHAPTER 109.

OF THE TOWN OF HARRINGTON.

A Supplement to the Act entitled "An act to incorporate the Town of Harrington," passed at Dover, March 23d, 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 of the Legislature concurring therein,) as follows:

SECTION 1. That the town commissioners of the town of Harrington be and they are hereby authorized and empowered to extend the limits of the said town of Harrington, and when they shall have so extended them, they shall cause a plot to be made of the said town, so extended, showing the boundaries thereof, and shall lodge the same in the office of the Recorder of Deeds, &c. in and for Kent County at Dover: *Provided, however,* That the authority hereby conferred to extend the limits of said town shall only authorize an extension of said town in a westerly direction as far as the westerly side of the street known as "West street": *And provided further,* That the "northern" and "southern" boundaries of said town "shall remain as they are" now established.

Volume 13, Laws of Delaware, 514. Extension of limits. Plot. Recorded. Proviso.

SECTION 2. That the commissioners of the said town are hereby authorized to extend any and all streets in the said town wherever they shall deem it advisable to do so, allowing to land owners whose lands shall be crossed by any such extended streets such damages as shall be assessed by the said commissioners, which shall be first paid or tendered before work is commenced thereon; and in case such owner be a minor or non-resident, such sum as shall have been assessed as damages shall be deposited to the credit of such owner in a bank in the town of Milford as provided in Section 10 of the charter of said town.

Authority to extend established streets. Damages.

Passed at Dover, March 25, 1879.

OF CORPORATIONS.

CHAPTER 110.

OF THE TOWN OF MILFORD.

Volume 13, Laws of Delaware. 169.

AN ACT to amend an act entitled "An act to incorporate the Town of Milford."

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 9 of Chap. 176, amended.

SECTION 1. That Section 9 of the act entitled "An act to incorporate the Town of Milford," passed at Dover, February 25, 1867, be and the same is hereby amended by striking out of the twenty-third line of said section, the words "three months," and inserting in lieu thereof the words "thirty days," and that said section be further amended by adding to said section the following, to wit: "upon the petition of five or more freeholders of said town, the said commissioners or a majority of them shall have power and authority to cause to be curbed and graveled the sidewalks of any street of said town, and for that purpose they shall give notice to the owner or owners of the property fronting on any street of said town so to be curbed and graveled, to curb and gravel the same within thirty days from the date of such notice; and in case the owner or owners aforesaid shall neglect or refuse to curb and gravel the sidewalks specified in such notice, the said commissioners shall cause the same to be done, and the cost of the same shall be recovered in the same manner as is provided in this section for the collection of the cost" and expenses for curbing and paving.

Curbing and graveling of sidewalks, &c. Notice.

Expenses. By whom paid.

Passed at Dover, March 27, 1879.

OF CORPORATIONS.

CHAPTER 111.

IN RELATION TO GAME.

AN ACT to incorporate the Delaware Game Protective Association.

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 I. N. Mills, Anthony Higgins, J. Jackson Pearce, George Churchman, E. T. Walton, William R. Cochran, Edward Bringhurst, Jr., Richard Townsend and John C. Higgins, of New Castle County; Thomas H. Denney, John C. Pennewill, Peter Lindale, Richard Harrington, William M. Bell, Charles Harrington and J. Frank Denney, of Kent County; Charles Stockley, Chas. M. Cullen, J. G. Cannon, Harbeson Hickman, Thomas Curry, Wm. M. Ross, John Causey, Jehu F. Derrickson and John A. Gum, of Sussex County, and their successors, are hereby constituted a body corporate by the name of the Delaware Game Protective Association, and to continue for the space of twenty years next ensuing. Commissioners. Corporate name.

SECTION 2. That the said corporation shall have the power to make and adopt a constitution and by-laws and regulations for the admission of its members: for the safe keeping of its property and funds, and from time to time to alter and repeal such constitution, by-laws and regulations. Constitution and by laws.

SECTION 3. That the affairs of the said association shall be managed by a President, Secretary, three Vice-Presidents and twenty-seven (27) Directors, nine of said directors to be chosen from each county in the State. The incorporators named in this act shall constitute the Board of Directors, and hold their offices until the first Tuesday in April next, and until their successors are elected and qualified. Organization. Locality of directors. Incorporators to constitute a board of directors.

SECTION 4. That the incorporators may call a meeting of the association on the first Tuesday of April next, for the purpose of electing the President, Secretary, three Vice-Presidents and twenty-seven Directors, and to adopt a constitution and by-laws regulating said society. Meeting. Election of officers.

SECTION 5. That at any election of officers and directors, each member shall be entitled to one vote, to be given either in person or by proxy, and that the officers and directors so elected shall hold their offices until the next annual election, and until their successors are duly qualified: and if for any cause the annual election shall fail, the officers and directors in office shall continue to hold their places until an election shall be had. Voting. Term of office.

SECTION 6. That hereafter any person or persons, non-resi-

OF CORPORATIONS.

Non-residents not permitted to kill certain animals contrary to by-laws of association.

dents of this State, who shall kill, destroy, hunt or take any doe, buck or fawn or any sort of deer whatsoever, or shall kill, destroy, hunt or take any partridge, moor fowl, ruffed grouse, commonly called pheasant, pinnated grouse or prairie chicken, or any kind of grouse, quail, woodcock, Wilson or gray snipe, reed-bird, rail-bird, black duck, gray duck, sprig-tail, teel duck, mallard or any other kind of wild duck, or any wild goose, swan, brant or other wild fowl, or any hare or rabbit, at any time, or shall catch any speckled brook trout, or speckled river trout, or any black bass or other game fish at any time within this State, without complying with the by-laws of this game protective society, then the person or persons so offending shall forfeit and pay the sum of fifty ($50) dollars each for each and every offence, and may be proceeded against in any county of this State, wherein such person or persons may be arrested, or wherein such offence shall have been committed, and in default of the payment of the forfeit money, with costs of prosecution, any person or persons shall lie in the common jail until the same shall be paid; one-half of the forfeit money shall be for the benefit of the person prosecuting for the same, and the remainder paid to this Game Protective Association, and all acts or parts of acts inconsistent with this act, are hereby repealed: *Provided*, that nothing in this act shall prevent residents of this State from taking game or fish, subject to existing laws of this State. Justices of the Peace in and for this State shall have jurisdiction to hear and determine offences against the provisions of this act.

Penalty.

Imprisonment.

Inconsistent acts repealed.

Proviso.

Fees for membership.

SECTION 7. The fee for membership in this society for non-residents shall be five dollars for the first year, and for each succeeding year two dollars. For residents of this State the membership fee shall be two dollars for each and every year; and no resident of this State shall have a vote or voice in the deliberations of this society who shall not have paid to the secretary or treasurer his membership fee. Any member of this society who permits his indebtedness to the society to accumulate for more than one year, shall be dropped from the roll of membership: *Provided*, he shall have received notice, in writing, of such indebtedness from the secretary or treasurer, and ten day's written notice of the intention of the secretary or treasurer to offer a motion for such action at the next meeting. No member so dropped shall be re-instated except by a vote of two-thirds of the members present at any meeting, and on the payment of dues. All officers of this society may be removed from office upon the vote of a majority of the members present for any improper conduct or for violation of the constitution or by-laws of this society.

Qualifications of voters.

Determination of membership.

Proviso.

How members are re-instated.

Removal from office.

OF CORPORATIONS.

SECTION 8. That the secretary may admit persons to membership by letter or otherwise, upon payment of the membership fee, and shall issue to the person becoming a member of this society a certificate of membership, which shall hold good for one year from the date of the certificate.

Admission to membership.

Certificates of membership.

SECTION 9. That every member of this society shall be empowered to make arrests without warrant of any person or persons who may be found violating any of the provisions of this act or infringing upon any laws made for the protection of game and fish in this State, and bring him or them before a magistrate for examination.

Arrest for violations of this act.

SECTION 10. That the secretary of this society shall, on or before the first day of July and the first of November of each and every year, furnish to each of the directors in the several counties named herein, twenty-five printed lists, containing the names of non-resident members of this society within their places of residence.

Lists of names of non-resident members.

SECTION 11. That it shall be the duty of the secretary of this association to leave at least two copies of the lists of non-resident members of the association at the times named in the foregoing section, with each Justice of the Peace in the several counties, and it shall be the duty of the Justices of the Peace to file one list of non-resident members with their records, and to publicly post the other list at their offices or places of business as soon as they may receive them.

Justices of the Peace to be supplied with lists.

Their duty in relation thereto.

SECTION 12. That any person loaning, transferring or giving away his certificate of membership shall forfeit the same, and shall not be re-admitted to membership in this society, except upon payment of the sum of twenty dollars to the treasurer for a renewal of his certificate; and any person using a certificate of membership (not his own) for the purpose of enabling him to kill or take any game or fish mentioned in this act, the person so offending shall be subject to a fine of one hundred dollars for each and every offense, to be collected in the same way and manner as prescribed in the 6th Section of this act, and any person [using] a false or forged certificate of membership, or forging or using a false certificate of membership shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined and imprisoned in the discretion of the court.

Causes for forfeiture of membership.

How re-admitted.

Penalty for use of certificate by a person not a member.

False certificates.

SECTION 13. That whenever the funds of this society shall amount to three hundred dollars, the said directors, together with the President and Secretary, may, at such times as they think proper, employ an agent or agents to purchase game birds or fish to be placed at such points in the State as they may determine.

Purchase of game. When.

OF CORPORATIONS.

Funds obtained from non-resident members. How applied.

SECTION 14. That the funds obtained from non-residents for certificates of membership shall be used for no other purpose than to pay the legitimate expenses of the society, and for the purpose of stocking the State with game or fish, as the directors may from year to year determine.

Salaries.

SECTION 15. There shall be no salaries attached to the offices of this association; but the directors may compensate the secretary, and pay such agents or employees as they may deem proper.

Public act.

SECTION 16. 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 28, 1879.

CHAPTER 112.

RAILROADS.

Volume 14. 191 and 531. Volume 15. 245.

AN ACT to amend Chapter 144 of the fifteenth Volume of the Laws of the State of Delaware.

Chap. 144, Volume 15, amended.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (with the concurrence of two-thirds of each branch of the Legislature:)* That Chapter 144 of the fifteenth Volume of the Laws of the State of Delaware, entitled "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, be and the same is hereby amended, as follows: strike out of the sixth line thereof the words "third Saturday in April," and insert in lieu thereof "first Wednesday after the last Tuesday in May."

Passed at Dover, March 18, 1879.

OF CORPORATIONS.

CHAPTER 113.

RAILROADS.

AN ACT to amend an act entitled "An act to incorporate the Junction and Breakwater Railroad Company," passed at Dover, February 13, 1857. Volume 11. 365.

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 Section 4, of said act be and the same is hereby amended, as follows: strike out the words "second Monday in January, every year, in the town of Milford," from the second and third lines of said section, and insert in lieu thereof, the words "first Thursday after the last Tuesday in May, every year, in the town of Georgetown." Chap. 354, Volume 11, amended.

SECTION 2. That this act shall not go into operation until the first Thursday after the last Tuesday in May of the year one thousand eight hundred and eighty. Time of going into operation.

Passed at Dover, March 19, 1879.

CHAPTER 114.

RAILROADS.

A bill entitled "An act to amend an act to incorporate the purchasers of the Wilmington and Reading Railroad," passed February 22, A. D. 1877.

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:)* That the Wilmington and Northern Railroad Company may, in addition to the powers heretofore granted, locate and construct a railroad not exceeding three miles in length from some point on its road to a point at or near the Rockland paper mills, belonging to the Jessup and Moore Paper Company, and may make connections with the said road and operate the same, and may also make such lateral roads and side tracks as may be required for the purpose aforesaid, and for such purposes the said corporation is hereby invested and clothed with all the rights, powers, franchises and privileges granted by or contained in the Chap. 435, Volume 15, amended. 519. Location and construction of a railroad. Beginning. Lateral roads, &c. Powers of corporation in relation to such railroads.

acts heretofore passed in relation to the Wilmington and Brandywine Railroad Company, the Wilmington and Reading Railroad Company and the Wilmington and Northern Railroad Company: *Provided,* that the said railroad or any lateral road or side track thereof hereby authorized to be constructed, be made, located and constructed so that the same or any part thereof shall not run or be laid down within the distance of one half mile of any powder mill, powder yard or powder magazine or any building used for the making or storing of gunpowder, and which now or at the time of the location and construction of the said road belong to the firm of E. I. DuPont, de Nemours and Company without the written consent of the said firm of E. I. DuPont, de Nemours and Company first being had for that purpose.

Proviso.

Restrictions.

SECTION 2. *And be it further enacted,* That the said "The Wilmington and Northern Railroad Company" may borrow money at a rate not exceeding six per cent. per annum for the purpose of building the road hereby authorized, and for that purpose may make a mortgage of the said road.

Borrowing money.

Passed at Dover, March 25, 1879.

CHAPTER 115.

RAILROADS.

AN ACT to amend the act entitled "An Act to incorporate the Junction and Breakwater Railroad Company, passed at Dover, Feb. 13th, 1857.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch of the Legislature concurring therein,)* That the act entitled, an act to incorporate the Junction and Breakwater Railroad Company, passed at Dover, February 13th, 1857, be, and the same is hereby amended by adding in Section 13, line 18 of said section, between the words same and on, in said 18th line of said section, the words "and keep such fences in good repair."

Chap. 354, Volume 11, amended. 365.

Passed at Dover, March 26, 1879.

OF CORPORATIONS.

CHAPTER 116.

RAILROADS,

AN ACT to incorporate the purchasers of the Pennsylvania and Delaware Railroad.

WHEREAS proceedings are intended to be taken in the Circuit Court of the United States for the District of Pennsylvania, or for the District of Delaware, for the forclosure of a mortgage executed by the Pennsylvania and Delaware Railroad Company, a corporation existing under concurrent laws of this State and the State of Pennsylvania, under which proceedings it is expected that the property and estate, real and personal, of the said corporation, will be sold in execution of a decree of the said court; Preamble.

AND WHEREAS in the event of such sale and the purchase thereat 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 reorganize a corporation and operate the said railroad in the State of Delaware, and thereby protect their own interest and also to preserve and promote the general interests which are involved in the said railroad as a public improvement.

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 railroad of the Pennsylvania and Delaware Railway 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 Eastern District of Pennsylvania, or for the District of Delaware, in any proceedings hereafter instituted 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 of this Commonwealth 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 to such lien or liens as are paramount to said

Purchasers of the Penna. & Del. Railway Co. incorporated.

Powers, &c. of parties purchasing same.

Subject to what.

mortgage 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 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, and of the corporate rights, powers, privileges and franchises of such corporation, or of either or any part or parts thereof.

Meeting of purchasers

Notice of meeting.

Organization.

Term of office.

Annual meeting.

Corporate name.

Capital stock certificates.

Preferred stock.

Borrow money on bond and mortgage.

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 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 said 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, &c.

Filed in the office of secretary.

Recorded.

Evidence of organization, &c.

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, and at its option, to merge and consolidate its capital stock, franchises and property into and with the capital stock, fran-

Authority to merge, &c.

chises and property of such railroad 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 Pennsylvania and Delaware Railroad Company, which is situated in 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, but if such merger and consolidation shall not take place the corporation hereby authorized shall have all the powers necessary to operate, or at their discretion dispose of, by lease, that portion of the Pennsylvania and Delaware Railway lying in the State of Delaware.

How such consolidation may be effected.

SECTION 4. *And be it further enacted,* That such consolidation as is provided for in the next foregoing section, may be made under the conditions, provisions, restrictions and with the powers hereinafter mentioned and contained, that is to say:

Joint agreement of directors of respective corporation.

I. 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 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 its 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 of 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.

Submission of agreement to stock holders.

Time and place of meeting of stockholders.

Notice.

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 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 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.

Certificate of adoption of agreement by stockholders.

Where filed and recorded.

What shall be evidence of existence of consolidated corporation.

Effect of the completion of such consolidation.

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 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.

Franchises &c., of the consolidated companies vested in the consolidated corporation.

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 upon 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

Real estate not to revert.

Preservation of debts, &c.

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 thenceforward 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.

SECTION 7. *And be it further enacted,* That such consolidated company shall, as soon as convenient after such consolidation, establish their general office at such place as may be deemed most desirable, and may change the location of the same at pleasure, giving public notice thereof in some newspaper published on the line of said road.

General office. Where held.

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 railroad corporations herein. If at the time of such consolidation there shall be pending against either of the corporations 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 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.

Suits against consolidated company. Consolidated company may be made party to suits pending at the time of consolidation.

SECTION 9. *And be it further enacted,* That so much of the railroad of such consolidated company, together with all others, 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, that it shall not be lawful for this company to charge more than four cents per ton per mile for freight, nor more than three cents per mile for transporting passengers over their road or any part thereof, and further the Legislature shall always have power to change, alter, amend or revoke this charter.

Liability of consolidated company to taxation. Freightage Power to change charter, &c.

SECTION 10. *And be it further enacted,* That the Legislature reserves to itself the power to revoke the corporate franchises

Reservation of power of revocation.

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 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.

Certificate of adoption of agreement by stockholders.

Where filed and recorded.

What shall be evidence of existence of consolidated corporation.

Effect of the completion of such consolidation.

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 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.

Franchises &c., of the consolidated companies vested in the consolidated corporation.

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 upon 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

Real estate not to revert.

Preservation of debts, &c.

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 thenceforward 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.

SECTION 7. *And be it further enacted,* That such consolidated company shall, as soon as convenient after such consolidation, establish their general office at such place as may be deemed most desirable, and may change the location of the same at pleasure, giving public notice thereof in some newspaper published on the line of said road.

General office. Where held.

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 railroad corporations herein. If at the time of such consolidation there shall be pending against either of the corporations 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 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.

Suits against consolidated company. Consolidated company may be made party to suits pending at the time of consolidation.

SECTION 9. *And be it further enacted,* That so much of the railroad of such consolidated company, together with all others, 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, that it shall not be lawful for this company to charge more than four cents per ton per mile for freight, nor more than three cents per mile for transporting passengers over their road or any part thereof, and further the Legislature shall always have power to change, alter, amend or revoke this charter.

Liability of consolidated company to taxation. Freightage. Power to change charter, &c.

SECTION 10. *And be it further enacted,* That the Legislature reserves to itself the power to revoke the corporate franchises

Reservation of power of revocation.

of any company which may at any time be organized under the provisions of this act.

SECTION 11. *And be it further enacted,* That this act shall be deemed and taken to be a public act.

Passed at Dover, March 27, 1879.

CHAPTER 117.

OF RAILROADS.

AN ACT to incorporate the Elkton and Middletown 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):

Commissioners.

SECTION 1. That J. B. Foard, S. M. Reynolds, Henry Clayton, William R. Cochran, J. Thomas Budd, Nathaniel Williams, J. B. Cazier, Sam'l Pennington, Dr. Charles M. Ellis, Thomas Trennen, William H. Gilpin, Jacob Tome, Dr. Richard C. McKall, David Scott, James B. Groome, Dr. John Jamar, Thomas J. Cleaver, Henry H. Brady, and Dr. Henry H. Mitchell, 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 second day of April, Anno Domini 1880, or at such other time as the commissioners may deem expedient, (prior to the second day of April, A. D. 1883), procure a sufficient number of suitable books, which shall be opened at such time or times, place or places as they shall think proper, in which the following entries shall be made:

Duty.

Form of subscription.

We, whose names are hereunto subscribed, do promise to pay to the President and Directors of the Elkton and Middletown Railroad Company, the sum of fifty dollars for every share of stock set opposite to our respective names, in such manner and proportions, and at such times as shall be determined by the President and Directors of said Company, in pursuance of an act of the General Assembly of the State of Delaware, entitled

OF CORPORATIONS.

"An act to incorporate the Elkton and Middletown Railroad Company." Witness our hands this——day of—— A. D. 18——. 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 their own names, or in the names of any other person or company who shall authorize the same, for any number of the shares of the said stock.

SECTION 2. That the capital stock of the said company shall not exceed the sum of one hundred and fifty thousand dollars, which shall be divided into shares of fifty dollars each as aforesaid; and that when and as soon as two hundred shares shall be subscribed, the subscribers, their successors and assigns, shall be and they are hereby declared to be incorporated by the name, style and title of "The Elkton and Middletown Railroad Company," and by that name shall have perpetual succession, and be able to sue and be sued, plead and be impleaded in all courts of law and equity, and to purchase, receive, have, hold and enjoy, to them and their sucessors, lands, tenements and hereditaments, goods, chattels and all estate, real, personal and mixed, of what kind and quality soever, and the same from time to time, to sell, mortgage, grant, alien or dispose of, and to make dividends of such portion of the profits as they may deem proper; and also to make and have a common seal, and the same to alter or renew at pleasure; and also to ordain, establish and enforce such by-laws and regulations as shall be deemed necessary and convenient for the government of the said corporation, not being repugnant to the constitution and laws of this State or 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 weil 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 but those which are properly incident to such a corporation.

Capital stock.

Company incorporated. When.

Name.

Powers.

Banking powers prohibited.

SECTION 3. That the commissioners aforesaid shall, within ten days after two hundred shares shall be subscribed for as aforesaid, call a meeting, in Middletown, New Castle County, Delaware, of the subscribers aforesaid, by at least twenty days' notice in two newspapers published in the city of Wilmington, and in such other newspapers and in such other manner as they deem proper, in order to organize the said company and to choose, by a majority of the votes of the said subscribers by ballot to be given in person or by proxy, nine directors, all of whom shall be subscribers as aforesaid, and a majority of whom shall be residents of this State. At the election so held each

Meeting of subscribers

Where held.

Notice of meeting.

Organization.

Directors.

Residence of directors

Qualifications of voters.

Election of president, treasurer and secretary.

Business of the company.

By whom directed.

subscriber shall be entitled to one vote for each share of stock subscribed for. The directors shall elect a president from their own number, and shall elect or appoint a treasurer and secretary; and the president and directors aforesaid, being sworn or affirmed well and faithfully to discharge the trust reposed in them, shall conduct the business of the said company until the second Tuesday of January next succeeding the said election, and until their successors shall be duly chosen.

Annual meeting of stockholders.

Where held.

Elections.

How held.

Officers.

Term of office.

Occasional meetings.

SECTION 4. That the stockholders shall meet on the second Tuesday of January aforesaid, and on the same day in every year thereafter, at Middletown aforesaid, of which meeting at least twenty days' notice shall be given by the secretary in the newspapers before mentioned, and choose, by a majority of the votes present, their officers for the ensuing year as prescribed in the preceding section, who shall continue in office until their successors are duly chosen, and the stockholders shall meet at such other times as they may be summoned by the directors in such manner and form as shall be prescribed by the by-laws, at which annual or special meeting they shall have full power and authority to make, alter, or repeal, by a majority of votes in manner aforesaid, all such by-laws, rules and regulations as aforesaid, and to do and perform every corporate act. In all such meetings and elections such stockholders shall be entitled to one vote for each share of stock held by him, her or it, but no share shall confer a right to vote which shall not have been held three 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 the 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. In all voting by proxy the attorney shall be constituted under the hand and seal of the seal of the principal, and the authority attested by the signature of two witnesses to its execution.

Power and authority at such annual meeting of stockholders.

Qualification of voters at such meetings.

Proxy.

How to vote by.

Election of directors.

How conducted.

Oath or affirmation of judges of election.

Duty.

SECTION 5. That the election of directors, 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 or Justice of the Peace, well and truly and according to law to conduct the said election; and the said judges shall decide upon the qualifications of the voters, and when the election is closed

OF CORPORATIONS.

shall count the votes and declare who has been elected; and if it shall at any time happen that an election of directors 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 on the same day, or any day thereafter by giving at least ten days' notice, signed by the president or secretary, in the newspapers before mentioned, of the time and place of holding such election. 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 shall not operate to vacate his office 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.

Not dissolved in case of no election. Subsequent election. How held. Vacancy in office. How filled. Proviso. President and directors to be sworn.

SECTION 6. That the said president and directors shall hold their meetings in Middletown aforesaid, or such other place as the directors shall deem expedient, and when met six shall be a quorum, who, in the absence of the president, may choose a chairman. And the said directors shall require their secretary to keep minutes of their transactions fairly entered in a book, and a quorum of said directors being formed they shall have full power and authority to appoint all such surveyors, engineers, superintendents, and other artizans and officers as they shall deem necessary to carry on the intended work, and to fix their salaries and wages, to draw orders on the treasurer for the same, which shall be signed by the president, or, in his absence, by a majority of the directors present, and countersigned by the secretary. The said president and directors shall have authority to ascertain and fix the times, manner and proportions in which the stockholders shall pay the money due on their respective shares, and generally to do all such other acts, matters and things as by this act and by the by-laws and regulations of the company they are authorized to do.

Meetings of directors. Where held. Quorum. Chairman. Minutes. Power of directors to appoint surveyors, &c. Salaries. How fixed and drawn. Installments. How paid.

SECTION 7. That the President and Directors aforesaid, shall demand and require of, and from the said Treasurer, and may demand and require of and from 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 and regulations for the faithful performance of their several duties and trusts to them, or any of them, respectively committed.

Bonds to be required of officers.

SECTION 8. That the President and Directors first 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

Certificates of stock.

To whom delivered.

Stock.

How transferable.

Rights and privileges of assignee.

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 the books aforesaid, shall be a member of the said corporation, and for every certificate assigned to him as aforesaid, shall be entitled to such share of the capital 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 to be 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.

Liability for omission to pay installments.

SECTION 9. That if after thirty day's notice in the public papers aforesaid, of the time and place appointed for the payment of any proportion or installment of the said capital stock, any stockholders shall neglect to pay such proportion or installment at the place appointed, for the space of thirty days after the time so appointed, every such stockholder, or his or her assignee shall, in addition to the installment so called for, pay at the rate of two 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 as 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 with the penalty aforesaid: *Provided*, that no stockholder shall be entitled to vote at 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 said election or meeting.

Shares.

When forfeited.

Sale of forfeited shares.

Company may sue for installment

Proviso.

Dividends declared.

SECTION 10. That dividends of so much of the profits of the company as shall appear advisable to the directors shall be declared at least twice a year in every year, and be paid to the stockholders on demand at any time after the expiration of ten days therefrom, but they shall in no case exceed the amount of the net profits actually acquired by the company, so that the

When.

Not to exceed.

What.

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 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: *Provided*, That whenever the earnings of the said corporation shall amount to a sum which will enable it to declare a dividend of six per cent. per annum the said corporation shall pay to the State Treasurer a tax of one-half of one per cent on the capital stock, and furthermore, when the earning shall amount to a sum which enables it to declare a dividend of nine per cent. per annum, the said corporation shall pay to the State Treasurer a further tax of one-half of one per cent. on the capital stock.

When directors shall be liable for impairing stock.

When adjudged as consenting to impairing of stock

Tax.

When paid.

Amount.

Further tax.

SECTION 11. That at each 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-fourth 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.

Annual report of directors.

Special meetings of stockholders.

When called.

Notice of.

No business to be transacted.

When.

SECTION 12. That the said company be and they are hereby authorized to survey, locate, construct, operate and maintain a railroad with one or more tracks to begin at some point on the Delaware Railroad between Middletown and Mount Pleasant, and terminate at some point on the line dividing the States of Maryland and Delaware between the Chesapeake and Delaware Canal and the public road leading from Middletown aforesaid to the village of Warwick, in Maryland, and for that purpose to enter upon any lands necessary for locating, laying out, or making the same, or to procure sand, gravel, earth, or wood for such use, and to obtain title or right to the same as herein provided, and shall have power to construct any bridge or bridges over any streams or waters on the route of the same: *Provided*, That when any bridge shall be erected over any canal or navigable river or creek, it shall be the duty of the said company to construct and keep in repair a sufficient draw in said bridge over the most navigable part of such canal, river, or creek for the purpose of letting vessels pass and re-pass: which draw shall

Company to construct and operate railroad.

Route of the same.

Powers relative thereto.

Proviso.

Draw-bridge.

at all times, by day and by night, on the approach of any masted vessel, be drawn at the cost of the said company, so as to admit the free passage of such vessel or vessels.

Allowed to pass over lands.

SECTION 13. That the said company, by their agents, officers and employees, for the purpose of surveying the route of the said railroad, may enter upon and pass through any private property without injury to the same, and 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 the said owner and the company, or when the owner or any of the owners is a *feme covert, non compos mentis,* or rests under any other legal disability, the company may apply to the Superior Court of the State of Delaware, or to any judge thereof in vacation, first giving the party at least five day's notice in writing of the intended application, if within the State, and the said court or judge shall appoint five judicious and impartial freeholders to review the premises and assess the damages which the owner or owners will sustain by reason of the said railroad passing through, taking and occupying the said land and taking said materials. 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 to them, and they shall give ten day's 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 a 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 New Castle 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 being deposited in the Citizen's National Bank of Middletown, to the credit of such party, whether they be under disability, or in or out of the State, the title of 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 prothonotary in all such proceedings shall be fixed by the court, and in all cases shall be paid by the company.

How to obtain gravel, &c.

When repaired.

Notice to party.

Freeholders to ascertain damages.

Freeholders to be sworn.

When.

Notice to owners and to the company.

Report.

Proceedings in case of the dissatisfaction of either party.

Inquiry to be final.

Land vested in the company.

When

Fees.

OF CORPORATIONS.

SECTION 14. That it shall be the duty of said company to construct and keep in repair, good and sufficient passages across such railroad where any public road shall cross or intersect the same, so that persons, carriages, horses 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 railroad for the use of said farm; it shall also be the duty of the said company whenever the said railroad shall pass through any enclosed lands, to fence the same on each side of the said railroad, and keep the same in good repair, unless by agreement between the company and the owner or owners of the land, the former shall be released from the duty of fencing.

Duty of company to maintain passages across railroad.

When to maintain private passages.

Fences.

SECTION 15. That if any person or persons shall willfully and knowingly break, injure, or destroy the railroad, or any part thereof, to be erected by the said company in pursuance of this act, or shall in any manner obstruct the free passage along the said railroad, he, she, or they, shall forfeit and pay to the said company three times the actual damages so sustained, to be sued for and recovered, with costs of suit, before any Justice of the Peace, or in any court having any cognizance thereof, by action of debt or on the case, in the name and for the use of said company.

Obstructions, &c.

Treble damages.

How recovered.

SECTION 16. That if the entire stock of the said company provided for in the second section of this act, be not subscribed before the first election of Directors, as provided for in the third section of this act, the president and directors, for the time being, may, from time to time, in their discretion, open books for additional subscriptons to the said stock for as many shares as they may deem necessary, and announce their desire to have subscribed, and may receive subscriptions for the same, or sell the same at a price not below the par value, after giving twenty days notice of the opening of said books for subscription, or of their intention to sell said shares, as the case may be: *Provided*, That the said president and directors shall not increase the said capital stock beyond the said sum of one hundred and fifty thousand dollars.

When books for additional subscriptions shall be opened.

Stock.

How sold.

Proviso.

Capital stock not to be increased beyond $150,000.

SECTION 17. That the president and directors of the said company are hereby authorized and empowered to form a union with any company which is or may be incorporated in the State of Maryland, for the purpose of constructing a railroad in said State, to unite with the railroad contemplated in this act, so that the capital stock of the said companies respectively shall constitute a common stock, and the respective companies shall constitute one company, and be entitled to all the rights, privileges

Authorized to consolidate with any Maryland company.

Companies to constitute one company.

and immunities which each and all of them possess, have and enjoy under and by virtue of their respective charters; or this company may contract with any such company on any other terms for the conveyance of passengers and any articles whatsoever, or with any individuals whatsoever: *Provided*, Such contract be not prohibited by the laws of Maryland; and they shall have the same powers to unite with any railroad in the State of Delaware.

Transactions with such company.

Proviso.

Power of president and directors to borrow money.

SECTION 18. That the president and directors of the said company, with the consent and approval of the stockholders had and obtained at an annual or special meeting, shall have power from time to time to borrow money for the purposes of this act, not exceeding in the aggregate the sum of seventy-five thousand dollars, and to issue the bonds of the company therefor, in sums of not less than one hundred dollars, and to secure the payment of said bonds, and the interest thereon, by executing and delivering to such trustee or trustees as they may select, a mortgage or mortgages of the whole or any part of the said railroad, or of any of its property, rights, liberties or franchises, or may secure the payment of the said bonds in any other mode they may deem proper; and no bonds of the said company, issued in good faith under the provisions of this section, shall be abated or annulled because the same may have been disposed of by the said company at less than their par value. That the said company shall be subject to and shall pay to the State of Delaware any and all just taxes which may be assessed upon them, and it shall not be lawful for them to charge more than four cents per ton per mile for freight, nor more than three cents per mile for transporting passengers over their road, or any part thereof. *And further*, The Legislature shall always have the power to change, alter. amend or revoke this charter.

$75,000.

Bonds.

Mortgages. To whom and for what delivered.

Taxes.

Tariff.

Revocation &c., of charter reserved to the legislature.

SECTION 19. That the Governor of the State may fill any vacancy occurring by the death, resignation or otherwise of the commissioners named in the first section of this act.

Vacancies as to commissioners. How filled.

SECTION 20. That this act shall be deemed and taken to be a public act.

Public act.

Passed at Dover, March 28, 1879.

OF CORPORATIONS.

CHAPTER 118.

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."

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 Section 63, of Chapter 73, of the Revised Statutes of the State of Delaware, be and the same is hereby repealed, and the following inserted in lieu thereof, to wit: "it shall be lawful for the City Council, from time to time, and as occasion may require, by an ordinance or ordinances passed for the purpose, by a vote of two-thirds of all the members thereof for the time being; further to extend or to widen any street, square, lane, road or alley laid down upon the map, plan or ground plot of said city, and likewise to lay out all necessary new streets, squares, lanes, roads or alleys within said city."

Section 63 of Chap. 73 of the Revised Statutes, amended.

Authority to extend and widen streets, &c.

SECTION 2. That Section 48, of the said chapter be and the same is hereby amended by adding at the bottom of said section the words following, to wit: "the City Treasurer shall, in addition to the duties prescribed by this chapter, perform such other duties as the City Council shall by ordinance from time to [time] prescribe, and which are not inconsistent with the provisions of this chapter. The City Council may enforce, by suitable penalties, any duties enjoined by this chapter or by such ordinances as aforesaid."

Section 48 of same chapter, amended.

Additional duties of city treasurer.

Penalties.

Passed at Dover, March 6, 1879.

OF CORPORATIONS.

CHAPTER 119.

OF THE CITY OF WILMINGTON.

AN ACT concerning horses and other animals in 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:)

Taxation of horses, mules, &c.

SECTION 1. There shall be assessed and collected by the Mayor and Council of Wilmington for the use of the city an annual tax of one dollar upon each horse, mule, ass, or animal of the horse kind owned or kept within the limits of the city of Wilmington, and the City Council shall by ordinance prescribe the manner of assessing and collecting the same.

Passed at Dover, March 12, 1879.

CHAPTER 120.

OF THE CITY OF WILMINGTON.

AN ACT to further amend an act entitled "An act to amend the Charter of the City of Wilmington," passed at Dover, February 20, 1857.

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 28 of Chapter 376, Vol. 11, Laws of Delaware, amended.

SECTION 1. That Section 28 of the act entitled "An act to amend the charter of the city of Wilmington," passed at Dover, February 20th, 1857, being Chapter 376, Volume 11, Laws of Delaware, be and the same is hereby amended by striking out of the three last lines of said section the following words, to wit: "*Provided,* That the said ordinances shall be first sanctioned and approved by the citizens of the city in general meeting assembled;" and by inserting between the words "ordinance" and "regulate," in the twenty-second line of said section, the words, "to be passed by a vote of two-thirds of all the members thereof for the time being."

Proviso.

Passed at Dover, March 12, 1879.

OF CORPORATIONS.

CHAPTER 121.

OF THE CITY OF WILMINGTON.

AN ACT to amend Section 68 of Chapter 73 of the Revised Code, 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 1. That Section 68 of Chapter 73 of the Revised Code, entitled "Of the City of Wilmington," be and the same is hereby amended, by adding at the bottom of said section, the words following, to wit: "*Provided, however*, That any persons owning land on any street who may desire to fix curbstones in front of their property, may have the privilege of purchasing and fixing the same under the supervision of the Street Commissioner, upon application to the City Council, and the City Council may grant or refuse any such application in its discretion."

Section 68 of Chap. 73 of the Revised Code, amended.

Proviso.

Passed at Dover, March 18, 1879.

CHAPTER 122.

OF THE CITY OF WILMINGTON.

AN ACT to prohibit the City Council of Wilmington passing ordinances to prohibit farmers selling their products in said city.

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

SECTION 1. It shall not be lawful for the City Council of the city of Wilmington to ordain any ordinance restricting or prohibiting farmers from exposing and selling fresh meats or any other products raised and produced by the farmers and offered for sale in said city, in any street which may at any time be appointed or used as a curbstone market for the sale of farm products.

Ordinances in relation to selling meats, &c.

Passed at Dover, March 20, 1879.

OF CORPORATIONS.

CHAPTER 123.

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."

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:)

Authority of city council to borrow money.

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 thereof for the time being, to borrow a sum or sums of money not exceeding in the aggregate the sum of one hundred and forty-five thousand dollars, which shall be in addition to the present funded debt of the city, and which shall be appropriated, applied and expended, or so much thereof as may be necessary for the purpose of paying the present floating and unfunded indebtedness, incurred by and for the city of Wilmington: and may issue bonds therefor at a rate of interest not exceeding five per centum per annum; which bonds shall not be subject to taxation for State, county, municipal or local purposes. The principal of said bonds shall be made payable at such time or times and in such manner as the ordinance shall prescribe.

Appropriation of money borrowed.

Bonds.

Rate of interest.

Bonds exempt from taxation.

Time of payment.

Surplus of money borrowed.

How applied.

SECTION 2. The surplus of any money borrowed under the authority of this act which shall remain after the payment of the present floating and unfunded indebtedness of the said city of Wilmington, for which purpose it is hereby specifically appropriated, shall be used and appropriated in the payment of bonds of the city of Wilmington, due or falling due, and the interest thereon and for no other purpose or purposes whatsoever.

Extraordinary appropriation.

How paid.

SECTION 3. Whenever, under the provisions of Section 46 of Chapter 73, of the Revised Code, any extraordinary appropriation shall be made by the City Council, the amount so appropriated shall be paid out of the taxes, rents or receipts of the year then current, if the same shall be sufficient; and in case the amount of any extraordinary appropriation shall be in excess of the taxes, rents or receipts of the city for the year in which such extraordinary appropriation shall be made, such excess shall be provided for and included in the appropriations made and taxes levied for the succeeding year.

Passed at Dover, March 21, 1879.

OF CORPORATIONS.

CHAPTER 124.

OF THE CITY OF WILMINGTON.

AN ACT to amend Chapter 452 of Volume 15, Delaware Laws.

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 Chapter 452 of Volume 15th, Delaware Laws, be and the same is hereby repealed, and that all assessments which were intended to be re-affirmed or restored by that act are hereby declared to be null and void.

Chap. 452, Volume 15, Laws of Delaware, amended.

What assessments declared void.

Passed at Dover, March 26, 1879.

CHAPTER 125.

OF THE CITY OF WILMINGTON.

AN ACT to exempt from taxation the bonds of the City of Wilmington.

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

SECTION 1. That all bonds of the city of Wilmington which have heretofore been issued, or which shall hereafter be issued under any ordinance of said city, and by authority of any law of this State, shall be exempt from taxation under any law of this State; and from and after the passage of this act no county tax shall be collected from any persons holding the bonds of said city for or on account of said bonds.

Bonds of the City of Wilmington exempt from taxation.

SECTION 2. All laws, or parts of laws, inconsistent herewith, are hereby repealed.

Inconsistent laws repealed.

Passed at Dover, March 27, 1879.

TITLE ELEVENTH.

Of the Domestic Relations.

CHAPTER 126.

OF MARRIED WOMEN.

Volume 15, 289.

AN ACT to amend the act entitled "An act for the protection of women," passed at Dover, April 9, 1873, as supplemented and amended by the acts passed March 17, 1875, and March 22, 1877, respectively.

Section 3, Chap. 165, Volume 15, Laws of Delaware, amended.

Married women authorized to give bond with or without warrant of attorney.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That Section 9 of the act entitled "An act for the protection of women," (the same being Section 3 of the act to amend the said act passed March 17, 1875,) be and the same is hereby amended by striking out after the word "where" and before the word "it," in line six of said section, the words "to secure such purchase money;" and also by striking out in line ten of said section after the word "of" and before the word "money" the words "such purchase," which said words hereby stricken out and expunged were incorporated in and made part of said section by the act passed March 22, 1877; and also that said section shall be and the same is hereby further amended by striking out after the word "case" in line six and before the word "provided" in line 8 of said section the words "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," and insert in lieu the words "a married woman above the age of twenty-one years may give a bond with or without a warrant of attorney, just as if she were a *feme sole.*"

Passed at Dover, February 27, 1879.

TITLE TWELFTH.

Of Titles to Real Property.

CHAPTER 127.

OF ALIENS.

AN ACT in Relation to the Estates of Aliens.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:* That all gifts, grants, bargains, sales, conveyances and devises of lands, tenements and hereditaments, within this State, made before the first day of January, A. D. 1879, to any person or persons who, at the time of making the same, was an alien, or were aliens, shall be good and effectual, and shall be construed and taken to be good and effectual to vest in the grantee or grantees, bargainee or bargainees, devisee or devisees, such estate and interest, and as good a right and title in and to the same as he or she or they could have taken by the same gift, grant, bargain, sale, conveyance or devise, if he or she or they had been legally naturalized at the time of making the same; and all deeds and conveyances made of any lands, tenements or hereditaments within this State, by any such alien or aliens, or his or her or their legal representatives, or by virtue of any legal process, directed to the sheriff or coroner, shall be as good and effectual and shall be construed to be as good and effectual to vest in the grantee or grantees, bargainee or bargainees, devisee or devisees, such estate, and as good a right and title in and to the same lands, tenements and hereditaments as such grantee, bargainee or devisee could have taken by the same if the grantor, bargainor or devisor had been legally naturalized at the time of making such grant, bargain, sale, conveyance or devise last mentioned.

Titles of aliens to certain property confirmed.

SECTION 2. *And be it further enacted as aforesaid,* That the widow, child or children respectively, of any alien, who died before the first day of January, A. D. 1879, shall be held to have acquired and taken the same interest, right and estate as they would have done if such alien had been a citizen at the time of his death. And all conveyances made by such widow, child or children, or of their or any of their rights or estates by legal proceeding, shall be as valid and effectual to convey such rights and estates as if such alien had been a citizen of this State at the time of his death.

Right of widow and children to inherit such property.

Authority to convey the same.

Passed at Dover, February 5, 1879.

OF TITLES OF REAL PROPERTY.

CHAPTER 128.

OF CONVEYANCES

AN ACT entitled an act to further 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:

When deeds delivered on or before Feb. 1st, 1881, shall be recorded and constitute evidence.

SECTION 1. That all deeds or letters of attorney concerning lands, tenements or hereditaments sealed and delivered on or before the first day of February, one thousand eight hundred and eighty-one, 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 February, in the year of our Lord one thousand eight hundred and eighty-one, and the said record or copy thereof shall be sufficient evidence, and from and after the first day of February, in the year of our Lord one thousand eight hundred and eighty-one, no deed or letter of attorney sealed before the first day of February, in the year of our Lord one thousand eight hundred and seventy-nine, shall be recorded.

When no deed sealed prior to 1879, shall be recorded

Passed at Dover, January 29, 1879.

CHAPTER 129.

OF CONVEYANCES.

AN ACT to render valid the acknowledgment of certain deeds, and for other purposes.

Preamble.

WHEREAS by an act of the General Assembly entitled "An act relating to the seals of Notaries Public and Commissioners of Deeds," passed at Dover, March 13, 1873, it is provided that every Notary Public and Commissioner of Deeds should, after the first day of July, 1873, use in the transaction of official

business a seal so engraved as to make an impression that will show "distinctly the name, official title, date of appointment, and term of office of such officer;"

AND WHEREAS many of the said officers, being ignorant of the requirements of the act aforesaid, have not in all respects complied with its provisions respecting their official seals, and the impressions of the official seals of said officers on the certificates of acknowledgment of the deeds, mortgages, and other papers proper to be acknowledged, and on certificates of protest and evidence of other notarial acts in many cases do not conform to the requirements of the said act;

AND WHEREAS it is intended to correct any such errors and to obviate any difficulty which might arise hereafter; therefore,

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

Certificates of certain officers not invalid. When.

Same made valid.

Recorders to admit papers to record. When.

What shall constitute evidence.

SECTION 1. That no official certificate of any Commissioner of Deeds or Notary Public shall be held to be invalid or defective because the impression of the official seal of such officer upon the said certificate does not strictly comport with the requirements of the act of Assembly recited in the preamble to this act; but all such certificates shall be held to be, and are hereby declared to be, and are hereby made good and valid in all respects; and in all cases where such certificates are annexed to papers proper to be recorded, it is hereby made the duty of the several Recorders of Deeds in the several counties of this State to admit such papers to record, and the record of the same, or a duly certified copy thereof, shall be competent evidence; and every such paper shall be as good and effectual in law as though the seal used by the officer certifying the acknowledgment of the same had been engraved in exact conformity with the provisions of the act aforesaid.

All official certificates of certain officers declared competent evidence.

SECTION 2. That all the official certificates of Commissioners of Deeds or Notaries Public made since the first day of July, A. D. 1873, shall be competent evidence in all courts of law and equity in this State notwithstanding the impression of the official seal of such officer appearing on such certificate shall not strictly comply with the requirements of said act of March 13, 1873.

Passed at Dover, February 5, 1879.

OF TITLES OF REAL PROPERTY.

CHAPTER 130.

OF CONVEYANCES.

AN ACT in relation to the recording of Deeds and Mortages.

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

Recorders to receive fees. When.

SECTION 1. The recorder in and for each and every county of this State may demand and require the payment of the fees for recording any deed, mortgage or other instrument of writing brought to his office for record as soon as he shall have noted the date of reception on such deed, mortgage or other instrument of writing.

Recorder to transcribe papers within 30 days after reception.

SECTION 2. Any recorder who has demanded and received the fees as allowed by this act, in every such case, it shall be his duty, and he is hereby required, under a penalty in each case of five dollars, to have such deed, mortgage or other instrument of writing transcribed on the proper book in his office within thirty days of the date of reception so as above noted.

Passed at Dover, March 25, 1879.

CHAPTER 131.

OF INTESTATES REAL ESTATE.

Revised Code, 519.

AN ACT to amend Chapter 85, of the Revised Statutes of the State of Delaware, relative to Intestates Real Estate.

Chapter 85 amended by adding at the end of Sec. 15. Administrator of intestate purchaser shall pay money into Court. When.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:* That Chapter 85, of the Revised Statutes, of the State of Delaware, relative to intestates real estate, be and the same is hereby amended by adding at the end of Section 15 thereof the following words, to wit: In case of the death of the purchaser intestate of any lands and premises sold under the provisions of this chapter, before the return and confirmations of such sale, it shall and may be lawful for the administrator of such deceased purchaser so dying intestate, to pay into court, at the term next after such sale, the purchase money thereof: or in case such de-

ceased purchaser should have paid to the trustee any part of said purchase money, the balance thereof, for the use of the parties entitled to the same; and upon the payment of such purchase money into court, the administrator of the deceased purchaser may petition to the court for the assignment of the lands and premises so purchased to the heirs-at-law of said deceased, and shall set forth in such petition the names of the heirs-at-law, and the share or part to which each of said heirs-at-law is entitled, and thereupon the said court shall assign to the heirs-at-law of such deceased purchaser, so dying intestate as aforesaid, the said lands and premises, to be held by them in the same manner as though said lands and premises had been assigned to such deceased purchaser in his life time, and he had since died intestate as to the same. The provisions of this amendment shall apply to the case of any purchaser of lands and premises sold under the provisions of this Chapter, who has heretofore died intestate, as well as to any who shall hereafter die intestate.

For whose use.

Administrator may petition for assignment of lands to heirs.

When.

Petition shall set forth.

What.

Court to assign.

When.

How assigned.

What the provisions of this amendment shall apply to.

Passed at Dover, March 10, 1879.

TITLE THIRTEENTH.

Of the Administration of Estates.

CHAPTER 132.

OF PERSONS PRESUMED TO BE DEAD.

AN ACT in relation to payments made to or by executors or administrators of persons presumed to be dead.

Payments made to or by administrators and executors of persons presumed to be dead, shall be valid.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:* That whenever letters testamentary or letters of administration have heretofore been or shall hereafter be granted by the Register of Wills, in and for either of the counties of this State, upon the estate of any person presumed to be dead, by reason of his or her absence from the State, and no intelligence concerning him or her for a period of seven years, any payment made to such executor or administrator by any debtor of the person presumed to be dead, or any payment by such executor or administrator to any creditor of the person presumed to be dead in the proper discharge of his office as such executor or administrator, shall be good and valid in law, and shall operate as a discharge to any party so making such payment, though it should afterwards appear that the person presumed to be dead be actually alive at the time of the granting of the said letters.

When distributions of personal estate shall be good and valid.

SECTION 2. *And be it further enacted,* That whenever distribution shall be made of the residue of the personal estate of any such person presumed to be dead as aforesaid, and payments shall be made in pursuance thereof, such payments shall be good and valid in law, and shall constitute in law a complete defence in behalf of the person so paying the same against any demand on the part of the person presumed to be dead, in case he shall be actually alive.

Passed at Dover, January 29, 1879.

TITLE FOURTEENTH.

Of Courts of Justice.

CHAPTER 133.

COURT HOUSE OF NEW CASTLE COUNTY.

AN ACT for the Removal of the Seat of Justice of New Castle County from the City of New Castle to the City of Wilmington.

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

SECTION 1. The Levy Court of New Castle County is hereby authorized and directed to select and acquire, by purchase or condemnation, as hereinafter provided, a lot or lots of land in the city of Wilmington, in said county, for the purpose of erecting thereon a court house and other county buildings.

Acquisition of site for Court House, &c., in N. Castle county.

SECTION 2. For the purpose of acquiring said land, and erecting said building or buildings, the said Levy Court is authorized and directed to borrow upon the credit of said county such sum or sums of money as may be necessary, not exceeding in the aggregate seventy thousand dollars, and for such purpose may issue certificates of indebtedness, of such denominations, in such form, payable at such time, and bearing such rate of interest not exceeding five per cent., as said Levy Court may deem expedient: *Provided*, That it shall not be lawful for the said Levy Court to expend for the acquisition of said land a sum exceeding one hundred dollars: *And provided further*, That it shall not be lawful for said Levy Court to expend, for the acquisition of said lands, and the erection of said building or buildings, a sum exceeding seventy thousand dollars.

Levy Court authorized to borrow money.

Certificates of indebtedness.

Rate of interest.

Maximum amount of money to be expended.

Proviso.

SECTION 3. Upon the selection and acquisition of said lot or lots of land, the said Levy Court shall erect thereon a building or buildings for the use of said county, which shall contain a court room or rooms, and suitable offices for the Prothonotary, Clerk of the Peace, Register of Wills, Clerk of the Orphans' Court and Register in Chancery, Recorder of Deeds and Sheriff, jury rooms and such other rooms and offices as may be necessary for the use of the courts and their officers, and also a jail for the temporary detention of prisoners. The work and materials for said building or buildings shall be furnished by contract or contracts; and it shall be the duty of said Levy Court to advertise for proposals, and to let the same to the lowest and best bidder

Erection of Court House.

Court room and offices.

Jury rooms

Temporary jail.

Work and materials furnished by contract

Proposals.

or bidders, subject to the approval of said Levy Court, who shall have power to reject any or all bids.

Certificate of allotments of building.

SECTION 4. That when the said building or buildings shall be erected, completed and ready for use, the said Levy Court shall make and certify an allotment of the portions of said building or buildings to be used and occupied by the Courts, and for the several offices and uses designated in the third section of this act, and such certificate shall be recorded in the Recorder's office for said county, and shall be conclusive as to the matters therein contained.

Record of certificate.

Removal of books, &c.

SECTION 5. Upon the recording of said certificate, the said Levy Court shall forthwith cause to be removed the books, papers, records and other property belonging to, or in anywise connected with, the county offices enumerated in the third section of this act, or with the courts of said county, from the city of New Castle to said building or buildings so erected and built in the city of Wilmington, whereof public notice shall be immediately given in such manner as said Levy Court shall direct; and from and after such removal the respective courts now held in the city of New Castle shall be held in said building or buildings in the city of Wilmington; and the said public offices mentioned in the third section of this act, shall be kept in said building or buildings in the city of Wilmington, and the said building or buildings shall be deemed and taken to be and used as and for the court house and seat of justice of New Castle County; and all the processes of the respective courts of said county shall be tested at, and be returnable to, the said court house in the city of Wilmington; and in all cases whereby any law of this State, any act, ministerial, judicial, or otherwise, having relation to the general administration of justice, is directed to be done in the said city of New Castle, such act shall thenceforth be done in the said city of Wilmington; and all laws of this State having reference to the general administration of justice in said county of New Castle, shall be read and construed accordingly.

Notice of removal.

Occupation of building.

Seat of justice in Wilmington.

Test of processes.

Administration of justice, &c.

Temporary jail to be in charge of sheriff.

SECTION 6. The portion or portions of said building or buildings which shall be designated as aforesaid for the use of the county as a jail for the temporary detention of prisoners, shall be in charge of the sheriff of said county, who shall keep the same securely, either personally or by keeper, to be by him appointed; and the county jail now in use at New Castle shall continue to be used as and for the jail of said county until otherwise provided by law.

County jail in N. Castle to be used as such.

SECTION 7. That in case the said Levy Court shall require said lands and premises by purchase, the same shall be conveyed

in fee-simple, to Thomas F. Bayard, Daniel M. Bates, J. Wilkins Cooch, Nathaniel Williams and George Z. Tybout, their heirs and assigns forever, in trust for the only proper use and behoof of the said county of New Castle; and in case either, or any of the persons so named as trustees, shall die before such conveyance, or shall refuse to except said trust, it shall be the duty of the Chancellor, upon the application of the said Levy Court, to appoint some other suitable person or persons, in lieu of him or them so dying or refusing to accept said trust.

Trustees of lands.

In case of vacancy in trustees the Chancellor to appoint.

SECTION 8. That in case the said Levy Court shall for any cause be unable to agree with the owner or owners, for the purchase of such lot or lots of land as may be selected as aforesaid, for the purpose aforesaid, the Associate Judge of the Superior Court, resident in said county, upon application of the said Levy Court, shall issue a commission under his hand, directed to five impartial freeholders of said county, commanding them to view the premises and assess the damages which said owner or owners, will sustain by reason of the taking of said land for the purposes of this act, taking into consideration all the circumstances of benefit and detriment to result to such owner or owners, and to make return in writing of their proceedings to said judge at a time in said commission appointed. The said freeholders, before entering on the premises, shall be sworn or affirmed, faithfully and impartially to perform the duty assigned them, and shall give not less than five days' notice in writing to the owner, occupier or agent in charge of said premises, and to the President of said Levy Court, of the time when they will meet on said premises for the purposes aforesaid, and they, or a majority of them, shall assess the damages as aforesaid, and make return of their proceedings as directed by said commission. Upon application of said Levy Court, or any owner or owners of such land, to said judge at any time within ten days after making of said return as aforesaid, said judge shall issue a commission of review, directed to five other freeholders as aforesaid, with like instructions, powers and duties as herein provided as to the first commission and the freeholders therein named. The said judge shall have the right to confirm either of said returns as he may deem proper, and upon the confirmation of such return, and the payment of the damages thereby assessed, the said land shall become the property of New Castle County; and in case the owner or owners of said land shall be incapable, unwilling, or neglect, or refuse to receive said damages, said Levy Court may deposit the same to the credit of such owner or owners in the Farmers' Bank at Wilmington, and such deposit shall operate as a payment of said damages. And upon the con-

In case of failure to procure a site for court house the associate resident judge to appoint a commission.

Freeholders.

Assessment of damages.

Rule for assessment of damages

Return.

Oaths or affirmations of freeholders.

Notices.

To whom given.

Return.

Review.

Confirmation of return.

Deposit of damages.

firmation of said return and the payment or deposit of said damages as aforesaid, the said judge shall cause to be recorded in the Recorder's office at New Castle, the application, commission and return under which said land may be condemned as aforesaid, together with the receipts and certificates for the payment of said damages.

Record of commission &c.

Donation of lands by council of Wilmington.

SECTION 9. The Mayor and Council of Wilmington is hereby authorized and empowered to donate the land which may be selected as aforesaid, for the purpose of erecting thereon said building or buildings; and for this purpose said corporation shall have full power and authority to grant and convey said land for the use and behalf of New Castle County as hereinbefore provided.

Passed at Dover, March 20, 1879.

CHAPTER 134.

OF THE COURT OF GENERAL SESSIONS OF THE PEACE AND JAIL DELIVERY IN NEW CASTLE COUNTY.

AN ACT appointing additional times for holding the Court of General Sessions of the Peace and Jail Delivery in New Castle County.

Times for holding said court.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That from and after the passage of this act, in addition to the days and times now appointed by law for the holding of said Court of General Sessions of the Peace and Jail Delivery, shall also commence and be held in New Castle County on the third Monday in September and the first Monday in February of each and every year, including the September term in the current year.

Grand Jurors to serve at the additional terms.

Petit Jurors of May terms to serve at September terms.

SECTION 2. *And be it further enacted as aforesaid,* That the persons selected, drawn and summoned to serve as Grand Jurors at the several courts, as they are now or hereafter may be holden, shall attend and serve as Grand Jurors at the additional terms of the Court of General Sessions of the Peace and Jail Delivery created by this act. That the persons last serving and in attendance, as Petit Jurors upon the May terms of court, as the same are now or hereafter may be held, shall attend and serve as the

Petit Jury at the September terms of the Court of General Sessions of the Peace and Jail Delivery created by this act; and that the persons last serving and in attendance, as Petit Jurors, upon the November terms of court, as the same are now or hereafter may be held, shall attend and serve as the Petit Jury at the February terms of the Court of General Sessions of the Peace and Jail Delivery created by this act. And it shall be the duty of the court, at the May and November terms, in discharging the said Petit Jurors, to discharge them until the first day of the next succeeding term of the said Court of General Sessions of the Peace and Jail Delivery to be held in September or February, as the case may be.

Petit Jurors of November terms to serve at February terms.

Discharge of Petit Jurors.

SECTION 3. *And be it further enacted as aforesaid,* That all acts or parts of acts inconsistent herewith are hereby repealed.

Inconsistent acts repealed.

Passed at Dover, March 18, 1879.

CHAPTER 135.

OF THE SUPERIOR COURT.

AN ACT authorizing the Superior Court in and for New Castle County, to make certain rules.

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

SECTION 1. Whenever the Superior Court sitting in and for New Castle County, may consider it necessary or proper, they shall have the power to appoint, by rule, any day during the terms of said court, which they may see fit, for the transaction of all such matters or things as are now required by law to be done on or before the last day of the term. And all matters or things which may be done in accordance with any rule, made as aforesaid, shall be as valid and binding as if done on the last day of said term, and shall have the same operation and effect.

Superior Court authorized to make certain rules.

When.

Transactions done in accordance with said rules valid.

Passed at Dover, March 27, 1879.

OF COURTS OF JUSTICE.

CHAPTER 136.

OF THE ORPHANS' COURT.

Revised Statutes, 580.

AN ACT to amend Chapter 96 of the Revised Statutes, entitled "Of the Orphans' Court."

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

Chap. 96, Section 19, Revised Statutes, amended.

Bonds and mortgages to be entered on being approved by court.

Penalty for neglect or refusal.

SECTION 1. That Chapter 96 of the Revised Statutes, entitled "Of the Orphans' Court," be and the same is hereby amended by adding at the end of Section 19, the following, viz: "that it shall be the duty of the Clerk of the Orphans' Court to cause such judgment to be entered and such mortgage to be recorded immediately upon such bond or mortgage being executed and approved by the court, and also shall cause all bonds in the office of said clerk not heretofore entered, and all mortgages not heretofore recorded, to be delivered in the proper office to be entered and recorded. Any neglect or refusal by the clerk so to do, shall be a breach of his official obligation."

Passed at Dover, February 14, 1879.

TITLE FIFTEENTH.

Of the Justices of the Peace.

CHAPTER 137.

OF JUSTICES OF THE PEACE AND CONSTABLES.

AN ACT in relation to Justices of the Peace and Constables.

WHEREAS it has long been a custom for the Justices of the Peace and Constables of the State to meet on the first day of the Court of Oyer and Terminer in the several counties, and as there is no advantage to the court by said meetings; therefore, Preamble.

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

SECTION 1. That from and after the passage of this act it shall not be required for any Justice of the Peace or Constable to attend such courts unless summoned by the order of said courts, and no fees shall be paid to any Justice of the Peace or Constable for attendance, unless he has regularly been summoned by order of said courts. Justices of the Peace and Constables not required to attend court of Oyer and Terminer unless summoned.

SECTION 2. That all acts or parts of acts, now in force, conflicting with the provisions of Section 1st be and the same are hereby repealed and made null and void. Inconsistent acts repealed.

Passed at Dover, February 18, 1879.

CHAPTER 138.

JUSTICES OF THE PEACE AND MAYORS OF CITIES.

AN ACT limiting the term of imprisonment of persons committed to jail upon a failure to pay fine and costs in cases before the Mayors of cities and Justices of the Peace.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:* That every person who shall be committed to either of the jails of the State, in default of the payment of any fine imposed and costs arising in any proceeding before a Mayor of a city or a Justice Persons committed by Justices and Mayors for fines be discharged. When.

of the Peace in this State, except fines for contempt, shall be discharged at the expiration of thirty days from the date of such commitment; and it shall be the duty of the keeper of the respective jails to write on the back of every such commitment the date of the delivery of the person to his custody, and at the expiration of thirty days therefrom, if the fine and costs be not sooner paid, to discharge such person from imprisonment. An entry of all such commitments, and the date of the discharge shall be entered on the lists which the sheriff and keeper of the jails of the several counties are required to make to the Court of General Sessions of the Peace and Jail Delivery and Attorney General at the respective term of said court.

Duty of keeper of jails.

Date of delivery to be endorsed on commitment

Entries made on lists to Court of General Sessions.

Passed at Dover, March 10, 1879.

CHAPTER 139.

JURISDICTION OF JUSTICES OF THE PEACE IN THE CITY OF WILMINGTON.

AN ACT in relation to the Jurisdiction of Justices of the Peace in the City of Wilmington, 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 the jurisdiction of the several Justices of the Peace now appointed, or to be hereafter appointed, in the city of Wilmington, in New Castle County, in all criminal and civil or other causes, shall not extend more than four miles from or beyond the incorporated limits of the said city, except for criminal offences committed within the said city limits; and no action shall be brought or maintained before any Justice of the Peace appointed for or residing in the city of Wilmington as aforesaid against any person who may reside more than four miles from or beyond the incorporated limits of said city for any cause or action arising from any obligation or express or implied promise or contract for the payment of money, or render of rent, or delivery of produce, chattels, goods, wares, or merchandise, or contract or agreement for personal labor, hire, or service, or for any penalty or forfeiture incurred under the provisions of any Statute, or of any by-law or ordinance authorized by Statute.

Limits of jurisdiction of Justices of the Peace in the city of Wilmington.

OF JUSTICES OF THE PEACE.

SECTION 2. Every judgment in any action that may be given or entered by any justice of the peace appointed for or living or residing in the city of Wilmington, against any person living or residing more than four miles from or beyond the incorporated limits of the said city, except for criminal offences committed within the said city limits aforesaid, shall be void; and any constable or other officer in New Castle County who shall serve any summons or other process whatever, issued by any justice of the peace in the city of Wilmington against any person living more than four miles from or beyond the incorporated limits of said city, except for criminal offences committed within the city limits as aforesaid, every such constable or other officer shall for every such summons or other process, forfeit and pay a fine of one hundred dollars to any person who shall sue for the same, and the official bond and sureties therein shall be liable for any judgment that may be obtained in pursuance of the provisions of this section.

Judgments rendered contrary to this act, void, except for criminal offences.

Constables forbidden to serve process beyond limited jurisdiction.

Penalty.

Liability of official bond of constable.

SECTION 3. Any justice of the peace appointed as aforesaid, or residing in the city of Wilmington, who shall willfully and knowingly issue, contrary to the provisions of this act, any summons or other process against any person living or residing more than four miles from or beyond the incorporated limits of the city aforesaid, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall forfeit and pay a fine of not less than fifty nor more than one hundred dollars, one-half for the use of the State and the balance for the person upon whom such summons or other process shall have been served, and such conviction shall of itself work a forfeiture of his office: *Provided*, That nothing in this act shall debar any bona fide resident of the city aforesaid who shall have resided therein for thirty days from bringing action before any justice of the peace aforesaid against any person residing in New Castle County for any action now authorized by law. This act shall take effect from and after its passage.

Misdemeanor for Justices of the Peace.

For what.

Fine.

Forfeiture of office.

Proviso.

Passed at Dover, March 28, 1879.

OF CIVIL ACTIONS IN GENERAL.

CHAPTER 140.

OF ATTACHMENT.

Volume 14, 100.

AN ACT to amend Chapter 90, of Volume 14, of the Laws of Delaware.

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

Chapter 90, Volume 14, amended.

That Chapter 90, Volume 14, entitled "An act concerning corporations," Revised Code as amended, page 379, be amended by inserting after the words "in the case of individuals," these words, "but insurance companies shall not be liable to attachment except only as to moneys due in consequence of the happening of the risk provided for in the policy of insurance."

Insurance companies not liable to attachment only on risks provided for in policy

Passed at Dover, March 26, 1879.

TITLE SIXTEENTH.

Of Civil Actions in General.

CHAPTER 141.

OF THE LIEN OF TAXES.

Volume 15, 614.

AN ACT to amend Chapter 476, Volume 15, Delaware Laws.

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

Section 1. Chap. 476, Volume 15, amended.

SECTION 1. That Section 1, Chapter 476, Volume 15, be and is hereby amended by striking out all the words after the word "estate," in the 27th line of said section.

Passed at Dover, March 18, 1879.

OF CIVIL ACTIONS IN GENERAL.

CHAPTER 142.

OF PLEADING AND PRACTICE IN CIVIL ACTIONS.

Revised Code, 645.

AN ACT to amend Chapter 106 of the Revised Code.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:* That Section 4 of Chapter 106 of the Revised Code, be and the same is hereby amended by adding at the end of said Section 4, the following: "In any affidavit to be made under this section by the plaintiff in any suit, it shall be sufficient that such affidavit be made by the party for whose use such suit was brought, or if there be more than one by any one of such parties."

Section 4 of Chap. 106, Revised Code, amended. Equitable plaintiff in a suit competent to make affidavit.

Passed at Dover, March 21, 1879.

CHAPTER 143.

OF EXECUTION.

AN ACT to amend an act entitled "An act to amend Chapter 111 of the Revised Code, in relation to sale of lands and tenements under execution process," passed at Dover, February 1, 1877.

Volume 15, 617.

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 478, Volume 15, Laws of Delaware, be and the same is hereby amended by striking out all of said section after the word "process," in line 27 thereof, and substituting therefor the following, namely: "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 to be settled by the sheriff: *Provided,* That not more than three insertions per week shall be made in any one newspaper: *And provided further,* That if there is only one newspaper published in said county at said time, the sheriff may select a newspaper in one of the other counties, and if there shall be no newspaper in said county he may select two in the other counties: *And provided further,* that the publishers of said newspapers shall not be paid for such advertising a higher rate than their ordinary charges for transient advertisements."

Section 1 of Chap. 478, Volume 15, amended. Advertisement of notice of sale of real estate in news papers.

Passed at Dover, March 8, 1879.

OF CIVIL ACTIONS IN GENERAL.

CHAPTER 144.

OF EXECUTION.

AN ACT to authorize the Sheriffs of the several Counties to make a Record in Certain Cases.

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

Procurement of books by sheriffs for record of disposition of certain monies.

SECTION 1. That the sheriffs of the respective counties of this State shall procure proper books and enter therein the disposition of all monies arising from the sale of property under execution process, when the same is applicable otherwise than to executions in their hands.

Books supplied by Levy Court Where kept.

SECTION 2. The said books shall be furnished by the Levy Court of each county, to the sheriff of each county, and shall be kept in the Prothonotary's office of such county, as other records are kept, to be taken from there only by the sheriffs respectively, when it is necessary to make entries therein, and his compensation for every such entry shall not be less than fifty cents, unless the said entry shall exceed five in number, when it shall be ten cents for every such entry, and such charge shall be included in the costs charged by the said sheriff.

Compensation to sheriff.

What Prothonotary shall note in said book.

SECTION 3. the Prothonotary of each County shall note upon the record of each judgment to which any application of money shall be made as aforesaid, a reference to the record so made by the sheriff.

Passed at Dover, March 28, 1879.

CHAPTER 145.

OF MECHANICS' LIEN.

AN ACT in Relation to Mechanics' Liens.

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

Who may obtain lien on building &c.

SECTION 1. It shall and may be lawful for any person or persons having performed or furnished work and labor or material, or both, to an amount exceeding twenty-five dollars in or for

OF CIVIL ACTIONS IN GENERAL.

the erection, alteration, or repair of any house, building, or structure, in pursuance of any contract, express or implied, with the owners of such house, building, or structure, or with the agent of such owner, or with any contractor who shall have contracted for the erection, alteration, or repair of the same, and for the furnishing of the whole or any part of the materials therefor, to obtain a lien upon such building, house, or structure, and upon the ground upon which the same may be situated or erected, subject, however, to the following restrictions, limitations, and qualifications, that is to say: That no contractor who shall have contracted for the erection of any building, house, or structure, in whole or in part, or for the repair or alteration of the same, and for the furnishing of the whole or any part of the materials therefor, shall be allowed to file any statement of his claim, as is hereinafter provided, until after the expiration of ninety days from the completion of such building, house, or structure so contracted for by him; but such contractor, in order to avail himself of the benefits of this act, shall file his statement in the manner hereinafter provided within thirty days after the expiration of the ninety days aforesaid, and all other persons embraced within the provisions of this act, and entitled to avail themselves of the liens herein provided for, shall file a statement of their respective claims, in the manner hereinafter designated, within ninety days from the completion of the work and labor performed or from the last delivery of materials furnished by them respectively; and every person or persons entitled to the benefits conferred by this act, and desiring to avail himself, herself, or themselves of the lien herein provided for, skall, within the time hereinbefore specified, file a statement of his, her, or their claims in the office of the Prothonotary of the Superior Court in and for the county wherein such building or structure is situated. The said statement shall contain and set forth:

Time for filing statement by contractor.

Time for filing statement by all other persons.

Place where the statement must be filed.

First. The names of the party, claimant and owner, or reputed owner of the building, house or structure, and also of the contractor, and whether the contract of the claimant was made with such owner or his agent or with such contractor.

Names of parties, &c.

Second. The amount, or sum claimed to be due, the nature and kind of the work and labor done, or a bill of particulars of the kind and amount of materials furnished.

Amount claimed to be due, &c.

Third. The time when the said work and labor or the furnishing of said materials was commenced and finished.

Time.

Fourth. The locality of the building, house or structure, with such description as may be sufficient to identify the same.

Locality of building.

Fifth. That the said work and labor were performed, or said

Work done &c.

materials were furnished, on the credit of the said building, house or structure.

Claim to exceed $25.

Sixth. That the amount of the said claim exceeds twenty-five dollars, and that the same has not been paid to the claimant.

Affidavit of claimant.

The claimant shall make affidavit to the truth and correctness of the said claim and of the facts stated therein.

Lien of judgment.

Any judgment obtained upon such claim, as hereinafter provided, shall become a lien upon such building, house or structure, and upon the ground upon which the same is situated, erected or constructed,

Relation back of lien

and shall relate back to the day upon which said work and labor was begun, or the furnishing of said material was commenced,

Priority of lien.

and shall take priority accordingly.

Claimant, in case of separate claim against separate building, to designate the liability of each building.

In every case in which one claim for work and labor or materials shall be filed by the same person or persons against two or more buildings, houses or structures owned by the same person or persons, for building, altering or repairing two or more buildings or structures owned by the same person or persons, the claimant shall, at the time of filing such joint claim, designate the amount which he claims to be due to him on each of such buildings, houses or structures.

Right to maintain personal action against owner, &c., not affected by this act.

Nothing herein contained shall be construed to impair or otherwise affect the right of any person to whom any debt may be due for work and labor done, or materials furnished, to maintain any personal action against the owner or contractor of such building, house or structure, to recover the amount of such debt,

Non-liability of property to liens for repairs, &c., done at the instance of tenants.

nor shall any thing herein contained be so construed as to render property liable to liens under this act for repairs, alterations or additions, when the same has been altered, added to or repaired by or at the instance of any lessee or tenant, without the written consent of the owner or owners, or his, her or their duly authorized agent first had and obtained:

When.

Provided, that the owner or owners of any building, house or structure built, repaired or altered by any contractor who shall have contracted to build, erect, alter or repair the same, and furnish the materials therefor, shall be, and he is hereby authorized and empowered,

Right of owner to retain sufficient money out of contract price to discharge liens obtained by such contractors.

in case any liens shall be entered under this act upon the said building, house or structure, upon any claim or claims for materials which, by the terms of his contract, the said contractor was bound to furnish, by any person or persons other than such contractor, to retain and withhold from such contractor so much of the moneys to be paid to him in pursuance of the contract made with such contractor, as may be necessary to liquidate and discharge such liens; and in case judgment be recovered by such lien creditors, then, in that event, to apply the said moneys, or such part thereof as may be necessary to satisfy the said judgment, to the payment and satisfaction thereof, and such pay-

ment shall be considered and treated as a payment *pro tanto* to the said contractor towards the moneys provided to be paid by the said contractors: *and provided further*, that no person or persons embraced within the provisions of this act, and entitled to avail themselves of the lien herein provided for, shall be considered as waiving the same by granting a credit, or receiving notes or other secureties, unless the same be received as payment, or the lien expressly waived, but the sole effect thereof shall be to prevent such person or persons from availing themselves of the liens herein provided for until the expiration of the time agreed upon.

Such payments pro tanto payment to the original contractor.

What shall not be regarded as a waiver of the provisions of this act.

SECTION 2. The proceedings to recover the amount of any claim as aforesaid shall be by a writ of *scire facias*, in the following form, to wit:

Proceedings for recovery.

Scire facias

——— County, ss. The State of Delaware.

Form of scire facias.

To the Sheriff of said county, greeting:

Whereas ——— hath filed a claim in our Superior Court for the county of ———, against ——— for the sum of ———, (for work and labor done or materials furnished as the case may be) (to or for) a certain building, to wit: (describing it as in the claim:) And whereas it is alleged that the said sum still remains due and unpaid to the said ———; now we command you that you make known to said ———, and to all such persons as may hold or occupy the said building, that they be and appear before the judges of our said court at ———, on the ——— day of ——— next, to show if any thing they know, or have to say, why the said sum of ——— should not be levied of the said building to the use of the said ——— according to the form and effect of the act of Assembly in such case made and provided. And have you then there this writ.

Witness (as in similar writs.)

No such *Scire Facias* shall be issued in any case within ten days previous to the return day thereof. The said writ shall be served in the same manner as other writs of *Scire Facias*, upon the defendant therein named, if he can be found within the county; and a copy thereof shall be left with some person residing in the building, if occupied as a place of residence; but if not so occupied, it shall be the duty of the sheriff to affix a copy of such writ upon the door or other front part of such building. Judgment by default may be entered upon motion by the plaintiff on the last day of the term to which said process is returnable, notwithstanding appearance by the defendant, unless said defendant shall have previously filed in the cause an affidavit

Time for issuance of scire facias.

Mode of serving said writ.

Judgment by default may be extended. When.

OF CIVIL ACTIONS IN GENERAL.

Affidavit of defence.

that he verily believes there is a legal defence to the whole or part of such cause of action, and setting forth the nature and character of the same; and if the defence be to a part only, then specifying the sum really due and judgment may be entered for the plaintiff at his election for the sum acknowledged to be due.

Proceedings in case of non-entry of judgment.

If such claim be not filed ten days before the return day of said writ, or if judgment be not so entered by default, then like proceedings shall be had as in other cases of *Scire Facias.*

Levari Facias.

The execution of every judgment under the foregoing provisions shall be by writ of *Levari Facias*, in the following form, to wit:

Form of Levari Facias.

——— County, ss. The State of Delaware

To the Sheriff of said county, greeting:

We command you that without any other writ from us of the following described building and lot of ground, to wit: (describing the same according to the record,) in your bailiwick, you cause to be levied as well a certain debt of ——— which ——— lately in our Superior Court for the county aforesaid, before the judges thereof, recovered against ——— to be levied of the said building and lot of ground, as also the interest thereon from the ——— day of ———, A. D. ——, and also the sum of ——— for the cost which accrued thereon, according to the form and effect of an act of the General Assembly in such cases made and provided, and have you there moneys before our Judges at ———, at our Superior Court in and for the county of ——— there to be held on the ——— day of——— next, to render unto the said ——— for his debt, interest and costs aforesaid, and have you then there this writ.

Witness (as in similar writs.)

Mechanics lien docket.

What shall be entered therein.

Amount claimed, date of filing claim description of property &c.

SECTION 3. It shall be the duty of the Prothonotary in each county of this State to procure and keep a docket, to be called "The Mechanics' Lien Docket," in which he shall make an entry of each claim so filed as aforesaid, setting down therein the names of the parties, plaintiff and defendant, the amount claimed, the day upon which the claim is filed, and of the issuing of the *Scire Facias*, a description of the property against which the claim is sought to be charged, amount for which judgment is rendered, the day on which the same is rendered, the party for and against whom it is rendered, and in case judgmant [be] for the plaintiff, the time to which the judgment relates back as a lien, and other entries necessary and proper to a full understanding of the case. The time to which the judgment shall relate back as a lien shall be ascertained in the same manner as the amount of the judgment is ascertained.

OF CIVIL ACTIONS IN GENERAL.

SECTION 4. The provisions of this act are hereby declared to extend to work and labor performed and furnished, or materials furnished in plumbing, gas-fitting, paper-hanging, paving, wharf building, and to iron works and machinery of every kind in mills and factories, and to bridges, and shall be as well by and against corporations as individuals.

What the provisions of this act shall extend to.

SECTION 5. This act shall also extend to work and labor or materials performed or furnished in the construction, alteration, furnishing, rigging, launching or repairing of any ship or vessel within this State: *Provided, nevertheless,* that no bill of particulars and affidavit as aforesaid shall [be] filed more than four days after such ship or vessel has been launched, rigged, furnished and ready for sea, or after such repairs have been completed. And the same shall contain the name of the ship or vessel, or a description thereof sufficient for identification. Upon filing said bill of particulars and affidavit, under the provisions of this section, the prothonotary may issue a writ of attachment, directed to the sheriff of the county in which the ship or vessel may be, commanding the sheriff to attach the defendant by such ship or vessel, together with the tackle, apparel and furniture, wheresoever the same be found in his bailiwick, so that he be and appear at the next term of the Superior Court to answer the plaintiff's demands. The sheriff shall, under such writ, seize and take possession of the said ship or vessel, and have the same inventoried and appraised, and shall be answerable therefor. If the defendant in the attachment shall at any time before judgment appear and enter into recognizance to the plaintiff in said writ of attachment in a reasonable penalty, and with surety to be approved by the Prothonotary, with condition to pay the condemnation money, and all costs, or otherwise abide the judgment of the Superior Court in the case, if he fail to make good his plea, then the attachment shall be dissolved, the ship or vessel shall be discharged and the case shall proceed as in other cases of assumpsit for work and labor or materials furnished.

What the provisions of this act shall further extend to.

Proviso.

Time of filing affidavit in relation to ships, vessels, &c.

What to contain.

Attachment as to ships, vessels, &c.

Seizure, inventory, appraisement of vessels, &c.

Recognizance of defendant.

Surety.

Condition of recognizance.

SECTION 6. On the return of said writ of attachment or summons, the court may, upon petition of any person or persons claiming to have performed or furnished work or labor or materials at the request of the plaintiff or plaintiffs in said attachment, appoint three suitable persons to audit and determine the claim or claims of the said plaintiff or plaintiffs, and also the claim or claims of the petitioner or petitioners, who shall adjust and ascertain all the demands, including that of the plaintiff in the writ. The auditors shall severally be sworn or affirmed to perform their duties according to the best of their skill and knowledge. They shall give ten days notice to the parties of the time

On return of attachment or summons the court may appoint auditors to determine claims in controversy

Oaths or affirmations of auditors.

Time, place and notice of first meeting of auditors.

Subsequent meetings by adjournment.

Mode of investigating claims.

On receipt of proceeds of sale auditors shall calculate dividends, &c.

Payment of proceeds to parties entitled.

and place of their first meeting by advertisement, posted at the Court House door, and at least five other public places in the county. Their subsequent sittings shall be by adjournment duly made and publicly announced. They may investigate any claim presented in any form they may judge best, and may examine any of the parties upon oath or affirmation. On receipt of the proceeds of the sale of the property attached or against which judgment is obtained or any part thereof, the auditors shall calculate and settle the proportions and dividends due the several parties, and shall make report to the next term of the court after such appointment, and upon confirmation of the report pay over to the several parties their respective share of the proceeds according to such apportionment. The court may hear exceptions to and correct such account and report, either in the calculations, dividends, apportionment, or otherwise.

On failure to dissolve the attachment judgment may be obtained at second term of court.

Sale of property attached. When.

Moneys therefrom to be paid to auditors.

Validity of sales.

SECTION 7. If the attachment shall not have been dissolved, as hereinbefore provided, judgment may be given for the plaintiff in the attachment, at the second term after issuing the writ, as in other cases of attachment, and thereupon the court may order that the sheriff shall sell the property attached, on due notice, and pay the proceeds, deducting legal costs and charges, to auditors for distribution; any balance remaining due from the defendant in the attachment to any of the parties after such distribution of the proceeds, may be collected as other debts, and any surplus after paying costs, shall be returned to the defendant or his executors, administrators or assigns. All sales made under this act shall be good against the defendant, his executors, administrators or assigns.

All inconsistent acts repealed.

SECTION 8. Chapter 117, Volume 12, of the Laws of Delaware, entitled "An act securing to mechanics and others payment for labor and materials in erecting or repairing any building or structure within the State of Delaware," passed at Dover, March 7th, 1861; Chapter 464, Volume 13, of the Laws of Delaware, entitled "An act to amend Chapter 117, Volume 12, of the Laws Delaware," passed at Dover, February 24, 1869; Chapter 95, Volume 14, of the Laws of Delaware, entitled "An act to amend an act entitled 'An act securing to mechanics and others payment for labor and materials in erecting and repairing any building or structure within the State of Delaware,'" passed at Dover, March 7th, 1861, as amended by the act entitled "An act to amend Chapter 117, Volume 12, of the Laws of Delaware, passed at Dover, February 24, 1869," passed at Dover, March 29th, 1871; Chapter 96, Volume 14, of the Laws of Delaware, entitled "An act securing to mechanics and others payment for labor and materials in erecting or repairing any building or structure

within the State of Delaware," passed at Dover, March 7th, 1861, amended February 24th, 1869, amended March 29th, 1871; Chapter 96, Volume 14th, of the Laws of Delaware, entitled "An act securing to mechanics and others payment for labor and materials in erecting or repairing any building or structure within the State of Delaware," as published in the Laws of Delaware, Revised Code 1852, as amended, &c., 1874, on pages 668, 669, 670, 671, and 672 of said Revised Code; and Chapter 184, Volume 15, Laws of Delaware, entitled "An act to amend an act entitled 'An act securing to mechanics and others payment for labor and materials in erecting or repairing any building or structure within the State of Delaware," passed at Dover, March 26th, 1875, and all other act or parts of acts inconsistent with or supplied by the provisions of this act are hereby repealed, made null and void: *Provided,* That no suit or suits instituted and now pending, under any of the acts herein repealed, shall abate by reason of this act, but the said acts herein repealed shall be and the same are 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 any proceedings commenced thereunder as fully and completely as though this act had not been passed: *And provided also,* That this act 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 act: *And provided further,* That nothing in this section shall in any way invalidate or disturb any liens heretofore recovered under the provisions of the acts herein repealed, but the said liens shall remain in force with the same power of execution as though said acts had not been repealed.

Proviso.

Suits pending shall not abate.

Acts repealed by this act to continue in force for certain purposes.

Certain contracts unaffected by this section.

Prior liens not invalidated by this section

Passed at Dover, March 20, 1879.

OF CIVIL ACTIONS IN GENERAL.

CHAPTER 146.

OF EXECUTION.

Volume 14, 652.

AN ACT in relation to the exemption from execution process of certain personal property.

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

Section 1 of Chap. 562, Volume 14, amended.

Amount of exemption reduced from $75 to $50, in Kent Co.

SECTION 1. That from and after the passage of this act, the amount exempted from execution process under the provisions of Section 1, Chapter 562, Volume 14, Laws of Delaware, be and the same is hereby reduced from the sum of seventy-five dollars to the sum of fifty dollars in and for the county of Kent.

Amount of exemption reduced from $200 to $150, in Kent Co.

SECTION 2. That from and after the passage of this act, the amount exempted from execution process under the provisions of Section 2, Chapter 562, Volume 14, Laws of Delaware, be and the same is hereby reduced from the sum of two hundred dollars to the sum of one hundred and fifty dollars, in and for the county of Kent, and the personal property exempted as therein provided, shall, in the said county of Kent, consist of household goods only.

Household goods only shall be exempt thereby.

Acts not applicable to Sussex county

SECTION 3. *And be it further enacted,* That Section 2 of this act or the act to which it is supplemental, shall not apply to the county of Sussex, but on the contrary the said county of Sussex is hereby expressly excepted from the operation of the provisions of Section 2 of this act, and the act to which it is a supplement.

Passed at Dover, March 28, 1879.

CHAPTER 147.

OF EXECUTION.

AN ACT to prefer wages of employees in case of execution and assignment.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:* "That from and after the passage of this act, all debts or claims that may become due or growing due for labor or services rendered

OF CIVIL ACTIONS IN GENERAL.

by any mechanic, laborer, clerk or other employee of any person or persons, chartered company or association employing laborers, clerks or mechanics in any manner whatsoever, shall be a first lien on all the real and personal property of such employer or employers, and shall be the first to be satisfied out of the proceeds of the sale of such property, whether made by an officer or an assignee of such employer or employers or otherwise: *Provided, however*, That the debt or claim secured to the mechanic, laborer, clerk or other employee under this act shall not exceed a sum equal to the wages of such mechanic, laborer, clerk, or other employee for one month: *And provided further*, That in no event shall such debt or claim exceed the sum of fifty dollars, though the wages for one month may be a greater sum. Notice of such claim or debt shall be given to the coroner, sheriff, constable, assignee, or other person who shall make or conduct the sale of property subject to the lien or preference provided for by this act.

Debts due for services of mechanic et. al., shall be a first lien on property of employer.
First to be satisfied.
Proviso.
Not to exceed a sum equal one months wages.
Further proviso.
Never to exceed fifty dollars.
Notice of debt.
To whom given.

SECTION 2. *And be it further enacted by the authority aforesaid*, That no such claim or debt for work, labor, or clerk hire as aforesaid shall be a lien upon any real estate as is provided for in Section 1 of this act, unless a copy of such claim or debt shall be filed in the Prothonotary's office of the county in which such real estate is situated within one month after the same shall have become due and owing or shall be growing due and owing. Any person presenting a copy of such claim or debt to be filed in the Prothonotary's office as aforesaid, shall accompany the same with an affidavit stating that such debt or claim is just and true. The fee to the Prothonotary for such service shall be fifty cents.

How made a lien.
Copy of claim accompanied with affidavit.
Fee of prothonotary.

SECTION 3. *And be it further enacted by the authority aforesaid*, That no lien of a judgment, recognizance, or mortgage which may hereafter be created shall operate to impair or postpone the lien or preference given and secured to debts or claims mentioned in the first section of this act.

No lien of a judgment &c., hereafter created shall impair the lien given in section 1.

SECTION 4. *And be it further enacted by the authority aforesaid*, That nothing in this act shall be construed so as to affect or impair any debts, contracts, or liens made or entered into prior to the passage of this act.

Debts, &c., prior to passage of this act, not affected.

SECTION 5. *And be it further enacted by the authority aforesaid*, That any person who shall make an affidavit to any debt or claim which is untrue shall be guilty of a misdemeanor, and shall forfeit and pay a fine of fifty dollars.

False affidavit.
Misdemeanor.
Fine.

SECTION 6. *And be it further enacted by the authority aforesaid*, That the parent, guardian, or next friend of any minors who

Certain persons authorized to proceed for minors, &c.

shall render such service as is mentioned in the first section of this act shall have the right to proceed under the provisions of this act to secure the debt or claim arising from the service or labor rendered by such minor as aforesaid.

Act not applicable to Kent and Sussex counties.

SECTION 7. *And be it enacted by the authority aforesaid,* That this act shall not apply to Kent and Sussex Counties.

Passed at Dover, February 25, 1879.

TITLE NINETEENTH.

Of the Fees of Public Officers.

CHAPTER 148

OF THE CORONER OF NEW CASTLE COUNTY.

AN ACT fixing the salary of the Coroner of New Castle County, and for other purposes.

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

Coroner of N. Castle Co. to receive salary of $800 in lieu of fees. Payable quarterly. Exception.

SECTION 1. That from and after the passage of this act the coroner in and for New Castle County shall receive an annual salary of eight hundred dollars, payable in quarterly installments of two hundred dollars each, by the County Treasurer, in lieu of all fees and perquisites now appertaining to said office, except when the said coroner shall perform the duties of sheriff, when he shall receive the same fees as now by law in such cases are made and provided.

Coroner to summon a panel of 6 or 9 jurors. When.

SECTION 2. When it shall be necessary for the said coroner to hold an inquest, as is provided in Chapter 33, of the Revised Statutes, of the State of Delaware, as published in 1874, he shall summon not less than six, and not more than nine, judicious men of his county, and shall impanel not less than six of them as a jury of inquest; and six of the jury so summoned and impaneled must concur, in writing, as in said Chapter 33 is provided and set forth.

Jury shall concur in writing.

OF FEES OF PUBLIC OFFICERS.

SECTION 3. In any case within the jurisdiction of the coroner where it shall be incumbent on the county to bury the person found dead, if the body of the deceased be within the limits of the city of Wilmington, or within a radius of two miles of the New Castle County Almshouse, the coroner shall give notice to the superintendent of the said almshouse to furnish a coffin, and to bury the person so found deceased. Place of burial of bodies in certain cases. Notice to furnish coffin. To whom given.

SECTION 4. A visiting physician, appointed by the Trustees of the Poor of New Castle County, shall be the coroner's physician in case of an inquest, and he shall receive for his services an annual salary of two hundred dollars, payable in quarterly installments of fifty dollars each, by the County Treasurer. Coroner's physician. Salary $200 How paid.

SECTION 5. The said coroner shall send a list of all jurors and witnesses, in case of an inquest being held, to the Levy Court of New Castle County, and in case he shall have paid the same their fees as now by law allowed, the Levy Court shall allow him the amount by him thus expended. List of jurors to be sent to the Levy Court Fees.

SECTION 6. All acts and parts of acts contrary to this act are hereby declared to be null and void. Contrary acts repealed.

SECTION 7. No part of this act shall extend to Kent or Sussex Counties, nor shall the provisions of this act extend to the present coroner. Restrictions.

Passed at Dover, March 4, 1879.

CHAPTER 149.

SECRETARY OF STATE.

AN ACT entitled an act to amend Chapter 188, Vol. 15, of Delaware Laws. Volume 15 313.

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 188, Volume 15, Laws of Delaware, be and the same is hereby amended by striking out all thereof after the "200," in the ninth line of said section, and substituting therefor the following, viz: the salary of the Secretary of State shall be two hundred dollars per annum, in addition to the amount now allowed by law, to take effect from January 21st, 1879. Chap. 188 of Vol. 15. amended. Salary increased.

Passed at Dover, March 19, 1879.

TITLE TWENTIETH.

Of Crimes and Punishments.

CHAPTER 150.

OFFENCES AGAINST THE LIVES AND PERSONS OF INDIVIDUALS.

AN ACT for the Prevention of Cruelty to Children.

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

Misdemeanor to cruelly treat children.

SECTION 1. Whoever shall willfully cause or permit any child to suffer, or who shall inflict thereon unjustifiable physical pain or mental suffering, and whoever, having the care or custody of any child, shall willfully cause or permit such child to be placed in such a situation that its life may be endangered or its health shall be likely to be injured, shall be guilty of a misdemeanor, and upon conviction thereof before any justice of the peace or court of record shall be fined not less than ten dollars or more than one hundred dollars for each and every offence.

Fine.

Unlawful to sell or apprentice children.

Unlawful to receive such children.

Unlawful to dispose of or to employ minor children to beg, &c.

Unlawful to employ children in or about a brothel.

Fine.

SECTION 2. Any person having the care, custody, or control of any minor child under the age of fifteen years who shall in any manner sell, apprentice, give away, or otherwise dispose of such minor, or any person who shall take, receive, or employ such child for the vocation or occupation of rope or wire walking or dancing, or as an acrobat or gymnast, or any person who, having the care, custody, or control of any minor child whatsoever, and shall sell, apprentice, give away, or otherwise dispose of such minor, or who shall take, receive, or employ such minor for begging or any obscure, indecent, or illegal exhibition or vocation, or any vocation injurious to the health or dangerous to the life or limb of such child engaged therein, or for the purpose of prostitution, or any person who shall retain, harbor, or employ any minor child in or about any assignation house or brothel, shall be deemed guilty of a misdemeanor, and upon conviction thereof before any justice of the peace or court of record shall be fined not less than twenty dollars nor more than one hundred dollars for each and every offence.

Affidavit of violation of this act. Before whom made. Warrant of justice.

SECTION 3. Whenever any person shall, before a justice of the peace, make oath or affirmation that the affiant believes that this act has been or is being violated in any place or house, such justice shall forthwith issue a warrant to a constable or other authorized officer to enter such place or house and investigate

OF CRIMES AND PUNISHMENTS.

the same, and such person may arrest or cause to be arrested all offenders and bring them before any justice or court of record for a hearing of the case, and it shall be the duty of all constables and policemen to aid in bringing all such offenders before said authorities for a hearing.

Arrest of offenders.

Hearing.

Duties of constables.

SECTION 4. Whenever any person, having the custody or control of any minor, shall be convicted of a violation of any of the provisions of this act, it shall be lawful for any person to apply to the Orphans' Court of the county wherein the offence has been committed for the appointment of a proper guardian of the person of such minor, and the said court may, in its discretion, make such appointment, having due regard in the selection of a guardian to the religious pursuasion of the parent or former guardian, or it may place such child in any asylum or house for children with the powers of a guardian of the person as may be most expedient: *Provided, however*, That the children of Roman Catholic parents shall be placed in asylums under the control and care of that denomination, and the said judges may order the parent to pay such a reasonable sum towards the maintenance of such child, and at such times and in such amounts as he may see fit, and such court may, at any subsequent time, upon being satisfied that the parent has become a fit person to resume the custody of said minor, and upon reasonable security, to be fixed by the court, being given for the faithful observance of the provisions of this act, remand such minor to the custody of such parent, subject, nevertheless, to the obligation of any indentures or legal engagements already entered into on behalf of said minor by his guardian.

Lawful to apply for guardian for such minor. When.

Court to appoint guardian. When.

Court may place such child in an asylum.

Proviso. Roman Catholic children.

Parent to contribute towards child's maintenance.

When parent may resume the custody of child.

Restrictions.

Passed at Dover, March 18, 1879.

OF CRIMES AND PUNISHMENTS.

CHAPTER 151.

OFFENCES AGAINST PRIVATE PROPERTY.

AN ACT for the protection of Farmers, Fruit growers and Truckers.

Preamble. WHEREAS the laws already existing seem to be insufficient to accomplish the above mentioned purpose; therefore,

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

Larceny to detach and carry away grain, cultivated fruit, &c., from land of another. Punishment.

SECTION 1. That from and after the passage of this act, every person who shall unlawfully detach or carry away from land of another, any grain, cultivated fruit, vegetable, plant or shrub, or induce any other person to commit such offence as his agent, shall be deemed guilty of larceny, and, upon conviction thereof in the Court of General Sessions of the Peace and Jail Delivery of the county in which such offence shall have been committed, shall be subjected to all the pains and penalties with which such offence is punishable by law.

Passed at Dover, March 13, 1879.

CHAPTER 152.

OFFENCES AGAINST THE LIVES AND PERSONS OF INDIVIDUALS.

Revised Code, 776. AN ACT repealing Section 20, of Chapter 128, of the Revised Code, and making other provisions therefor.

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

Substitution for Sec. 20, Chapter 128, Rev. Code. Felony to obstruct railroad tracks. Punishment.

SECTION 1. That Section 20 of Chapter 128 of the Revised Code, be repealed, and the following be substituted in lieu thereof, viz: If any person shall unlawfully place any obstruction upon a railroad track, or by any other unlawful means shall render such track unsafe for transportation of passengers or freight, he shall be deemed to have done so maliciously, and to be guilty of the offence of obstructing a railroad, and of felony, and shall, upon conviction by indictment, be sentenced to one year's imprisonment, a fine of one thousand dollars, confinement in the

pillory for one hour, and twenty lashes. And if any personal injury shall be done to any one, by reason of such conduct, the offender shall be answerable for the same by indictment as for like injury maliciously inflicted by any other means; and it shall not be necessary to describe the offence in the indictment with more particularity than shall be requisite for setting forth the crime, with reasonable detail. The repeal of the said Section 20 shall not affect any offence already committed in violation of the same, nor any judgment given upon a conviction under said section.

Answerable for personal injury occasioned thereby.

Description of offence in indictment.

Repeal not to affect acts previously committed.

Passed at Dover, March 25, 1879.

CHAPTER 153.

OFFENCES AGAINST PRIVATE PROPERTY.

AN ACT concerning embezzlement and defalcation by corporate officers and others.

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

SECTION 1. That every president, director, manager, cashier, teller, secretary, treasurer, clerk or agent of any incorporated bank, or of any banking association, savings fund society, loan company, benevolent society, charitable institution, insurance company, for the insurance of lives or of property, who embezzles, abstracts or willfully and fraudulently misapplies any of the moneys, funds, securities, or credits, belonging to any such bank, association, society, institution or loan company, and which may be under his charge, or in his custody, or to which he has access as an officer or agent of such bank, association, society, institution or loan company, shall be deemed guilty of a misdemeanor, and shall, on conviction thereof, be imprisoned for a term not less than two years or more than ten years.

Certain acts committed by corporation declared a misdemeanor.

Punishment.

SECTION 2. That the Treasurer of the State, or of any county, city, town, village, or borough, who embezzles, abstracts or willfully and fraudulently misapplies any of the moneys, funds, securities or credits of the State, county, city, town, village or borough, and which may be under his charge, or in his custody

Certain acts declared a misdemeanor if committed by officers of civil corporations.

as such treasurer aforesaid, shall be deemed guilty of a misdemeanor, and shall, on conviction thereof, be imprisoned for a term not less than two years or more than ten years.

Punishment.

Certain acts done with intent to defraud declared a misdemeanor.

SECTION 3. That every person or officer, mentioned in Sections 1 and 2 of this act, who in his official capacity, fraudulently issues any note, or fraudulently puts forth any certificate of deposit or any certificate of stock, draws any order or bill of exchange, makes any acceptance, assigns any note, bond, draft, bill of exchange, judgment or decree, or who makes any false entry in any book, report or statement, with intent in either case to injure or defraud the bank, association, society, institution or loan company, State, county, city, town, village or borough of which he is an officer, and every person who with like intent, aids or abets, any such officer in any violation of this section, shall be deemed guilty of a misdemeanor, and shall, on conviction thereof, be imprisoned for a term not less than two years or more than ten years.

Punishment.

Misapplication of monies by certain persons, declared a misdemeanor.

SECTION 4. Every receiver or collector of public taxes, belonging to the State, or to any county, city, town, village or borough, who fraudulently appropriates to his own use, or willfully and fraudulently misapplies any monies, funds, securities, or credits which shall be in his possession or custody as such receiver or collector, shall be deemed guilty of a misdemeanor, and shall, on conviction thereof, be imprisoned for a term not less than one year or more than five years.

Punishment.

Court of General Sessions. To have what. Limits of punishment.

SECTION 5. The Court of the General Sessions of the Peace and Jail Delivery shall have jurisdiction of all and every violation of this act, and the term of imprisonment within the limits herein prescribed, shall be determined at the discretion of the said court.

Passed at Dover, March 28, 1879.

OF CRIMES AND PUNISHMENTS.

CHAPTER 154.

GENERAL PROVISIONS CONCERNING CRIMES AND PUNISHMENTS.

AN ACT to regulate the manufacture and sale of Oleomargarine.

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

SECTION 1. It is hereby declared to be unlawful for any person, firm or corporation, in this State, to manufacture or offer for sale oleomargarine (or artificial butter), except it be so stamped or marked with its proper name that purchasers who are unacquainted with the article shall not by it be deceived. Also to better protect our farmers engaged in the manufacture of a genuine article of butter. Unlawful to manufacture or sell unstamped oleomargarine.

SECTION 2. Any person engaged in the manufacture or sale of oleomargarine, contrary to the provisions of Section 1, of this act, shall, on conviction before any Justice of the Peace of this State, forfeit and pay, one-half to be paid to the informer and one-half to the use of the State, the sum of fifty dollars for every violation of this act, together with the cost of prosecution, and in default of same shall stand committed until the fine and cost is paid. Fine for conviction. Costs.

Passed at Dover, February 10, 1879.

CHAPTER 155.

GENERAL PROVISIONS CONCERNING CRIMES AND PUNISHMENTS.

AN ACT concerning tramps.

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

SECTION 1. Any person without a home in the town or hundred in which he may be found wandering about without employment, and the regular and visible means of living, shall be deemed and taken to be a tramp, and shall be dealt with accordingly. Who shall be considered a tramp.

OF CRIMES AND PUNISHMENTS.

Duty of officers of cities and towns to arrest tramps. Tramps to be employed; how. Overseer.

SECTION 2. It shall be the duty of the corporate officers of every city and town in the State, to cause every tramp found within the limits of such town to be immediately arrested and put to work on the streets or other public works thereof, or to hire out such tramps to private persons; and for this purpose said officers may employ such overseer or overseers as may be necessary.

Food and lodging furnished. Expense of. Wages. When paid. Deductions from wages. Insubordination. How treated.

SECTION 3. When such tramps are worked on the streets or public works, they shall be provided with reasonable food and lodging by said officers, at the expense of the city or town, and shall be allowed such wages as the said officer shall deem reasonable, to be paid them at the end of their term of employment. But before any wages shall be paid them, a just deduction shall be made from the gross sum for whatever board, lodging or medicine they may have been furnished respectively; and also their just proportion of whatever may have been paid for overseeing their work, when an overseer has been employed. The said officer may also impose fines for insubordination or refusal to perform, in a proper manner, such work as may be provided.

Term of working tramps shall expire. When.

SECTION 4. The term of working such tramp on the streets or other public works, or of hiring them to private persons, shall not exceed one month at any one time, and at the end of their term they shall be discharged, but may be again rearrested and again put to work as before for like offending.

Jurisdiction of mayors and justices of the peace. Failure of officer to act.

SECTION 5. The Mayor of Wilmington, all Justices of the Peace throughout the State, in the several and respective cities, hundreds and districts, shall independently and respectively have the same jurisdiction and powers, to arrest, work, and hire out, as town commissioners have in the towns, and the failure of any such officer to act promptly in the premises shall be sufficient cause and authority for any other such officer to act; and it shall be the duty of any and all such officers to act promptly and efficiently, either on their own motion or when called upon by any citizen to do so.

Duties of sheriffs, constables, et. al., concerning tramps. Misdemeanor for such officer not to arrest. Tramps committed to jail temporarily.

SECTION 6. It shall be the duty of all sheriffs, coroners, constables, policemen, watchmen, to arrest and commit any tramp, and otherwise aid and assist any of the officers hereinbefore mentioned, in the discharge of their duties; and any such officer neglecting or refusing to do so shall be guilty of a misdemeanor, and punished accordingly; and the jails of the proper counties may be temporarily used for the confinement of tramps, when committed by any officer mentioned in the second or fifth sections of this act.

SECTION 7. Any person arrested as a tramp, under the pro-

visions of this act, shall be entitled to trial by jury, if he demand the same, upon entering into recognizance with one or more sureties, in the sum of five hundred dollars, conditioned for his appearance at the next session of the Court of General Sessions of the Peace, to answer the charge.

When person arrested shall have a trial by jury.

SECTION 8. Any tramp who shall enter any dwelling-house or kindle any fire in any public highway, on land of another without the consent of the owner or occupant thereof, or shall be found carrying any firearm or other dangerous weapon, or shall do or threaten to do any injury to any person or to the real or personal estate of another, shall be guilty of a misdemeanor, and punished accordingly.

Unlawful for tramp to build fires in certain places without consent, or carry firearms.

SECTION 9. This act shall not apply to any female nor to any minor the age of sixteen, nor to any blind person.

Act not to be applied to females, et. al.

Passed at Dover, March 27, 1879.

CHAPTER 156.

GENERAL PROVISIONS CONCERNING CRIMES AND PUNISHMENTS.

AN ACT for the protection of the aids to navigation established by the authority of the United States Light House Board within the State of Delaware.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, and it is hereby enacted by the authority of the same:* That any person or persons who shall moor any vessel or vessels of any kind or name whatsoever, or any raft or any part of a raft to any buoy or beacon or day-mark placed in the waters of Delaware by the authority of the United States Light House Board, or shall, in any manner, hang on with any vessel or raft or part of a raft to any such buoy, beacon or day-mark, or shall willfully remove, damage or destroy any such buoy, beacon or day-mark, or shall cut down, remove, damage or destroy any beacon or beacons erected on land in this State by the authority of the said United States Light House Board, or having, through unavoidable accident, run down dragged from its position or in any way injured any buoy, beacon or day-mark as aforesaid, and shall fail to give notice as soon as practicable of having done so to the Light House In-

Unlawful to moor any vessel, &c., to buoy or other mark placed in Delaware waters by the U. S. Light-house board.

Unlawful to cut down remove, damage or destroy such buoy or other mark.

Must notify Light-house inspector of damages, &c.

OF CRIMES AND PUNISHMENTS.

Conviction and punishment.

spector of the District in which said buoy, beacon or day-mark may be located, shall for every such offence be deemed guilty of a misdemeanor, and upon conviction thereof before any court of competent jurisdiction, shall be punished by a fine not to exceed two hundred dollars, or by imprisonment not to exceed three months; one-third of the fine in each case shall be paid to the informer and two-thirds thereof to the Light House Board to be used in repairing the said buoys and beacons.

Unlawful to anchor in range line of range lights.

Conviction and punishment.

SECTION 2. It shall be unlawful for any vessel to anchor on the range line of any range lights established by the United States Light House Board in this State, and the master of any vessel so anchoring shall be deemed guilty of a misdemeanor, and upon conviction thereof before any court of competent jurisdiction, shall be punished by a fine not to exceed fifty dollars; one-half of the fine in each case to be paid to the informer and one-half to the State.

Cost of replacing or repairing buoy to be a lien upon the vessel.

SECTION 3. The cost of repairing or replacing any such buoy, beacon or day-mark which may have been misplaced, damaged or destroyed by any vessel or raft whatsoever, having been made fast to any such buoy, beacon or day-mark, shall, when the same shall be legally ascertained, be a lien upon such vessel or raft, and may be recovered against such vessel or raft, and the owner or owners thereof in any action of debt in any court of competent jurisdiction in this State.

Act to take effect. When.

SECTION 4. This act shall take effect immediately.

Passed at Dover, March 26, 1879.

TITLE TWENTY-SECOND.

Miscellaneous.

CHAPTER 157.

AN ACT to amend an act entitled "An act to encourage the cultivation of Sugar Beets," passed at Dover, March 22, 1877. Volume 15. 628.

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

Section 1 of Chap. 487, amended. Appropriation increased from $300 to $1500.

SECTION 1. That Section 1 of said act be and the same is hereby amended by striking out the words "three hundred," in the fourth line of said section, and insert in lieu thereof the words "fifteen hundred."

Section 2, amended, in relation to expending certain moneys.

SECTION 2. That Section 2 of said act be and the same is hereby amended by striking out all after the word "years" in the second line of said section and before the word "for" in the third line of said section, as follows: "1877 and 1878," and insert in lieu thereof "1879 and 1880 for procuring and publishing information on the culture of sugar beets, for aiding in the introduction of special implements for planting and cultivating the same."

Section 3, amended. Fifteen hundred inserted for three hundred.

SECTION 3. That Section 3 of said act be and the same is hereby amended by striking out the words "three hundred" in the ninth line of said section and inserting in lieu thereof the words "fifteen hundred."

Passed at Dover, March 29, 1879.

MISCELLANEOUS.

CHAPTER 158.

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:

1.	To W. F. Townsend, for printing notices for Auditor and Treasurer, &c.	197 00
2.	To R. H. Lewis, for sundry grass-cloth, braids, cotton, &c.,	4 50
3.	To Every Evening Publishing Company, printing,	38 20
4.	To James & Webb, binding 46 vol. laws,	27 60
5.	To Hazel & Pennewill, for sun bill,	44 00
6.	To Cadmus & Benn, for restoring, tar and painting and work calcining,	8 25
7.	To *State Sentinel*, for notices school, auditor,	2 90
8.	To *State Sentinel*, for advertising teachers institute,	19 75
9.	To Every Evening Publishing Company, printing,	8 88
10.	To Scott & Way, printing and binding 200 copies of Governor's message,	21 00
11.	To T. K. Jones & Bro., to sundry State House,	70 00
12.	To Williams & Clark, copies of *Sussex Index*,	1 50
13.	To Susan Day, 8½ days work,	10 62
14.	To Lydia Dorsey, for work 10 days,	12 50
15.	To Brown & Wright, wheelbarrow,	8 00
16.	To F. F. Warren, upholsterer,	6 00
17.	To Wm. G. Kerbin, for papers,	46 35
18.	To Mrs. Thomas Collins, work cleaning House.	9 00
19.	To Mrs. John Kearn,	9 00
20.	To Mrs. C. C. Reilly,	4 00
21.	To *Delawarean*, for printing, message, and yea and nay book,	185 00
22.	To *News and Advertiser*, for paper 3 months,	50
24.	To Williams & Clark, Seaford *Index*,	12 50
25.	To Robert D. Hoffecker, printing notice,	2 00
26.	To James & Webb, printing books and papers,	18 29
27.	To William Hunter, for services,	33 00
28.	To William R. Rothwell, services as constable,	82 00
29.	To C. P. Johnson, printing,	315 10
30.	To Clarence J. McCollough, requisition of Gov.	150 00

MISCELLANEOUS.

31.	To Nathan Pratt, for books, &c.,	71 25
32.	To. I. H. D. Knowles, printing licenses,	82 50
33.	To Edward Reynolds, printing,	2 75
35.	To B. F. Blackiston, attending court,	16 50
36.	To *Delawarean*, for printing,	404 50
37.	To R. D. Hoffecker, printing,	123 80
38.	To Thomas Giles, stationery, &c.,	100 00
39.	To S. C. Letherbury, crier of court,	26 63
40.	To I. Grubb, serving requisition,	75 00
41.	To W. Scott Way, printing,	36 00
42.	To C. F. Thomas, printing,	12 50
43.	To W. A. Moore, to sundries,	6 26
44.	To James Frazier, attending court,	24 00
45.	To Caroline McCaulley, administratrix,	400 00
46.	To Henry S. Truitt, for serving requisition,	172 80
47.	To James Danboy, serving requisition,	54 27
48.	To *Peninsular News*, printing,	20 05
49.	To Truman Rose, requisition,	123 75
50.	To William P. Godwin, work,	56 81
51.	To *Delawarean*, printing summons,	1 50
52.	To *Every Evening*, printing summons,	15 00
53.	To *Newark Ledger*, printing summons,	10 00
54.	To Beniah W. Truitt, requisition,	100 00
55.	To Granville Worrell, matting,	45 00
56.	To C. J. Harrington, serving in purchasing,	103 23
57.	To Boughman, Thomas & Co., paper,	10 00
58.	To Hollowbush & Carey, stationery,	376 46
59.	To Hollowbush & Carey, stationery,	22 67
60.	To Hollowbush & Carey, stationery,	1 75
61.	To Hollowbush & Carey, stationery,	24 97
62.	To Hollowbush & Carey, stationery,	18 00
63.	To Stevenson & Slaughter,	213 63
64.	To Ignatius C. Grubb, for list of appointments,	100 00
65.	To James Cowgill & Co.,	42 15
66.	To Wm. H. Purnell, sundry expenses traveling,	58 55
67.	To James Kirk & Sons, printing,	2 25
68.	To F. M. Dunn, sheriff, requisition,	100 00
69.	To John D. Burton, attending court,	27 50
70.	To *State Sentinel*, paper, &c.,	2 40
71.	To T. T. Esling, papers, &c.,	2 50
72.	To James Kirk & Sons, printing, &c.,	320 00
73.	To James Whalen, serving requisition,	75 00
74.	To Robert D. Hoffecker, for papers,	60
75.	To George D. Vernon & Son, for papers,	2 30
76.	To Philadelphia and Baltimore Railroad Co.,	1 90

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77.	To J. M. Abbott, repairing pump,	1 00
78.	To Thomas Cox, for repairing locks,	65
79.	To Richardson & Robbins, gas bill,	322 70
80.	To Edward R. Wright,	3 25
81.	To Wm. Johnson,	2 50

Passed at Dover, March 29, 1879.

RESOLUTIONS.

CHAPTER 159.

Joint Resolution appointing a 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.

Governor to be informed of the organization of the Legislature.

Adopted at Dover, January 7, 1879.

CHAPTER 160.

Joint Resolution.

Resolved by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That when both Houses of the General Assembly adjourn, that they adjourn to meet on Monday next at 3 o'clock p. m.

Adjournment.

Adopted at Dover, January 8, 1879.

RESOLUTIONS.

CHAPTER 161.

Joint Resolution in relation to opening and publishing the Returns of the vote for Governor at the last election.

Both Houses to be present at the opening and publishing the election returns.

Tellers. Appointment.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the members of the Senate and the members of the House of Representatives assemble in the Hall of the House of Representatives at 11 o'clock, a. m., on Tuesday next, the 14th inst., to be present at the opening and publishing, acccording to the Constitution of this State, of the returns of the election held in the several counties of this 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.

Adopted at Dover, January 8, 1879.

CHAPTER 162.

Preparation of rules concerning intercourse 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 upon the part of the House be appointed to draft joint rules to regulate the intercourse between the two Houses during the present session.

Adopted at Dover, January 8, 1879.

CHAPTER 163.

Sergants-at-arms to raise U. S. flag. When.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the Sergeants-at-Arms be instructed to raise the national flag upon the State House during the sessions of the General Assembly.

Passed at Dover, January 13, 1879.

RESOLUTIONS.

CHAPTER 164.

Resolved, That a committee of two on the part of the House, and two on the part of the Senate be appointed to report joint rules for the government of the two Houses in their joint intercourse.

Preparation of rules for government of the two Houses

Adopted January 13, 1879.

CHAPTER 165.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That a joint committee consisting of two from the Senate and three from the House be and are hereby appointed to investigate certain charges of immorality and neglect of duty against William Fisk Townsend, the Clerk of the Peace in and for Sussex County, with power to send for persons and papers, to hear testimony, and if, in the judgment of the committee, it shall be necessary to appoint a commission to take depositions and employ counsel, and that they have leave to report at any time by resolution, bill, or otherwise.

Committee appointed to investigate W. F. Townsend's conduct.

Adopted at Dover, January 13, 1879.

CHAPTER 166.

Joint Resolution appointing a Joint Committee to make proper 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 a joint committee of three on the part of Senate and five on the part of the House of Representatives be appointed to make suitable preparation for the inauguration of Hon. John W. Hall, Governor elect.

Committee appointed to prepare for the inauguration of the Gov.

Adopted at Dover, January 13, 1879.

RESOLUTIONS.

CHAPTER 167.

Committee to examine State Treasurer's accounts.

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.

Adopted at Dover, January 13, 1879.

CHAPTER 168.

Wm. F. Townsend to be furnished with the charges against him.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That Wm. Fisk Townsend be furnished with a copy of the resolution entitled a joint resolution of two on the part of the Senate and three on the part of the House, to investigate charges of immorality and neglect of duty, which passed this House on Monday, 13th inst., and with a copy of the petition on which said resolution was based;

Testimony under oath or affirmation.

Resolved, That all testimony by the committee appointed to make the investigation mentioned in said resolution shall be under oath or affirmation, and before any testimony shall be taken by said committee, the said Wm. Fisk Townsend shall have at least five (5) days notice of the time and place [of] meeting of said committee, and shall be furnished with the names and residences of the witnesses to be examined against him, and that he shall have full opportunity by himself or counsel of summoning and examining any witness he may desire before said committee and of being heard by himself or counsel.

Five days notice of time and place of meeting to be given to Townsend.

Adopted at Dover, January 14, 1879.

CHAPTER 169.

Townsend investigation committee authorized to employ clerk.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the joint committee to whom was referred the resolution authorizing an investigation in reference to the conduct of William Fisk Townsend,

RESOLUTIONS.

Clerk of the Peace, in and for Sussex County, be and they are hereby empowered to employ a clerk and to report to the General Assembly a reasonable compensation for his services. Compensation.

And be it further resolved by the authority aforesaid, That the Speaker of the Senate and Speaker of the House of Representatives jointly, be and they are hereby authorized to issue subpœnas for witnesses to appear before the said joint committee, and that said subpœnas be directed to William Torbert, Sergeant-at-Arms of the Senate, to be by him served. Speakers to issue subpœnas. To whom directed.

Passed at Dover, January 15, 1879.

CHAPTER 170.

Joint Resolution convening the two Houses to attend his Excellency the Governor elect while the oaths of office are administered to him.

Resolved by the Senate and House of Representatives in General Assembly met, That the two Houses meet in joint meeting in the Kent County Court Room on Tuesday, the 21st inst., at 12 o'clock m., to attend his Excellency the Governor elect while the oaths of office are administered to him. Two Houses to meet in Court Room to attend inauguration of Governor.

Adopted at Dover, January 15, 1879.

CHAPTER 171.

Joint Resolution authorizing the Speaker of the Senate to make the proper disposition of the certificates of the election of John W. Hall for the office of Governor.

Resolved by the Senate and House of Representatives in General Assembly met, That one of the certificates of the election of John W. Hall Governor elect, 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 Disposal of certificates of election of Gov.

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 21st 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 15, 1879.

CHAPTER 172.

The part of Governor's message on insurance referred to committee.

Be it resolved by the Senate and House of Representatives in General Assembly met: That the portion of the Governor's message relating to insurance companies, savings banks, trust companies and other such corporations be referred to a committee of three on the part of the House and two on the part of the Senate.

Adopted at Dover, January 16, 1879.

CHAPTER 173.

Joint Resolution.

Committee appointed to examine Secretary States account in disposal of contingent fund.

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 and settle the accounts of the Secretary of State in relation to the contingent fund.

Passed at Dover, January 20, 1879.

RESOLUTIONS.

CHAPTER 174.

Joint Resolution concerning Volume 15 of the Laws of Delaware.

WHEREAS, the Secretary of State has closed and caused to be bound, with a general index, the fifteenth 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 15, viz: State treasury to pay charges in relation to Volume 15.

To James & Webb, for printing the index to Volume 15, the sum of three hundred dollars ($300). James and Webb, $300.

To Ignatius C. Grubb, Secretary of State, for his services in preparing the index, and for superintending the printing and the binding of said Volume 15, the sum of two hundred dollars, ($200). I. C. Grubb $200.

To James & Webb, for binding three hundred copies of said Volume 15, and for costs of transportation, the sum of one hundred and eighty dollars, ($180). James and Webb, $180.

And be it further resolved, That the Secretary of State shall retain in his office ten copies of said Volume 15, and deliver 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 Orphan's Court, Prothonotary, and Clerk of the Peace, and also deliver to the clerks of the House and Senate one copy for each member of their respective houses in the present General Assembly: 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 law directs. Disposal of the 15th Volume.

Adopted at Dover, January 21, 1879.

RESOLUTIONS.

CHAPTER 175.

Joint Resolution to remove William Fisk Townsend from the office of Clerk of the Peace in and for Sussex County.

Governor requested to remove Wm. F. Townsend from office.

Copy of resolution communicated to Governor.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met: That the Governor of this State be and he is hereby addressed and requested by both Houses of the Legislature of the State to remove William Fisk Townsend, Esq., Clerk of the Peace in and for Sussex County, from said office of Clerk of the Peace in and for Sussex County aforesaid, and that a copy of this resolution, duly enrolled and signed by the Speakers of the two Houses of the Legislature respectively, be communicated by the Speaker of the Senate to the Governor.

Adopted at Dover, January 23, 1879.

CHAPTER 176.

Joint Resolution appointing the Auditor of Accounts.

John F. Staats appointed auditor of accounts.

Resolved by the House of Representatives of the State of Delaware, by and with the concurrence of the Senate: That John F. Staats be and he is hereby appointed Auditor of Accounts.

Adopted at Dover. January 24, 1879.

CHAPTER 177.

Joint Resolution appointing State Treasurer.

R. J. Reynolds appointed State treasurer.

Resolved by the House of Representatives of the State of Delaware, by and with the concurrence of the Senate: That Robert J. Reynolds be and he is hereby appointed State Treasurer.

Adopted at Dover, January 24, 1879.

RESOLUTIONS.

CHAPTER 178.

Joint Resolution directing the State Treasurer to pay for certain incidental expenses connected with the inauguration of the Governor.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met: That the sum of one hundred and eighty-five and forty-five hundredths dollars be and the same is hereby appropriated for defraying the expense incidental to the inauguration of the Governor-elect John W. Hall, and that an order be drawn upon the State Treasurer for that amount, payable to H. Sharpley and Minos Connaway, and their receipt shall be his voucher therefor.

Certain money appropriated to defray incidental expenses at inauguration of Governor.

Adopted at Dover, January 28, 1879.

CHAPTER 179.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met: That a joint committee of three on the part of the House and two on the part of the Senate be appointed to consider all matters in reference to railroads which may be referred to them.

Committee appointed to consider railroad matters.

Adopted at Dover, January 28, 1879.

CHAPTER 180.

Joint Resolution appointing a Joint Committee of two on the part of the Senate and three on the part of the House of Representatives to whom shall be referred all petitions for the reduction of fees of officers of New Castle County.

Resolved, That the petitions of citizens of New Castle County asking that the county officers shall be paid a stipulated salary corresponding with the prices at which the product of the labor of our citizens at the present time will warrant and not be overburthensome to the people, be referred to said joint committee.

Petitions concerning salaries of certain officers referred to a committee.

Adopted at Dover, January 30, 1879.

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CHAPTER 181.

Joint Resolution.

Railroad committee allowed counsel.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met: That the joint committee to whom were referred railroad affairs, be allowed to employ council as the case may demand.

Passed at Dover, January 30, 1879.

CHAPTER 182.

Committee to be appointed to consider the proper mode of compensation of coroner.

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 take in consideration the advisability of making the office of coroner of New Castle County a salaried office; with power to report by bill or otherwise.

Passed at Dover, January 30, 1879.

CHAPTER 183.

Joint Resolution providing for the payment of the witnesses, Sergeant-at-Arms, Clerk and Council in the investigation of the charges against William Fisk Townsend.

Speakers authorized to draw warrants for certain persons connected with Townsend investigation.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met: That the Speaker of the Senate and Speaker of the House of Representatives be, and they are hereby authorized and directed to draw their joint warrants on the Treasurer of this State in favor of the following named persons, and for the sums respectively named, and the

RESOLUTIONS.

treasurer is hereby authorized and directed to pay the same out of any money in the treasury not otherwise appropriated, to wit:

To the order of Robert Rosenbaum, for the sum of six dollars and ninety-two cents.

To the order of Joseph A. Chipman, for the sum of six dollars and ninety-two cents.

To the order of William H. Wheatley, for the sum of six dollars and ninety-two cents.

To the order of Philip C. Penuel, for the sum of six dollars and ninety-two cents.

To the order of Joseph T. Adams, for the sum of six dollars and ninety-two cents.

To the order of Beniah W. Truitt, for the sum of five dollars and seventy-two cents.

To the order of John R. McFee, for the sum of six dollars and ninety-two cents.

To the order of Robert H. Davis, for the sum of five dollars and thirty-six cents.

To the order of Jehu F. Derrickson, for the sum of nine dollars and thirty-one cents.

To the order of Thomas Willen, for the sum of five dollars and sixty cents.

To the order of Thomas B. Giles, for the sum of six dollars and fifty-six cents.

To the order of Hiram T. Downing, for the sum of six dollars and ninety-two cents.

To the order of Greensbury Lynch, for the sum of six dollars and ninety-two cents.

To the order of George Harris, for the sum of [six] dollars and ninety-two cents.

To the order of Benjamin Hellings, for the sum of six dollars and ninety-two cents.

To the order of Charles T. Purnell, for the sum of six dollars and ninety-two cents.

To the order of Thomas W. Ralph, for the sum of seven dollars and sixteen cents.

To the order of Jacob P. Faucett, for the sum of six dollars and ninety-two cents.

To the order of William A. Torbert, Sergeant-at-Arms of the Senate, for the sum of seventeen dollars and twenty-three cents.

To the order of Henry H. Colclazer, clerk to the committee, for the sum of forty dollars.

To the order of John B. Penington, counsel to the committee, for the sum of seventy-five dollars.

Adopted at Dover, January 30, 1879.

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CHAPTER 184.

Joint Resolution to receive no new business after the 25th inst.

No new business received after February 25th.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met: That no new business will be received after the 25th inst.

Adopted at Dover, February 5, 1879.

CHAPTER 185.

Joint Resolution.

No divorce entertained or granted unless allegations are proven to committee.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met; That no petition or application for divorce shall be entertained or granted unless the allegation therein made shall be proven by a competent witness or witnesses who shall appear in person before the Standing Committee on Divorce on the part of the House and a special committe of three on the part of the Senate.

When allegations are matters of record. How received.

Resolved further, That where any cause of complaint, as set forth in the allegation, is a matter of record in this or any other State, that the record itself, or a certified copy thereof, shall only be received as evidence.

Adopted at Dover, February 5, 1879.

RESOLUTIONS.

CHAPTER 186.

Joint Resolution appointing a State Librarian and custodian of the State and Capitol Building.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met: That Richard R. Kenney be and is hereby appointed State Librarian, and custodian of Capitol building; and shall take charge of the library and State capital building on the ninth (9th) of April next ensuing, and continue to hold the position for two years, unless sooner removed. He shall, in company with a committee for that purpose, make 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, when it shall be kept open from 8 o'clock in the morning until 9 o'clock p. m. 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.

R. R. Kenney appointed State Librarian, &c.
Term of office.
Duties.
To make inventory of furniture &c.
Responsibility.
Register of books.
Books returned.
When.
Library open.
When.
Shall take charge of Governor and Secretary's offices.
When.
Compensation, $300.

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 State Librarian and custodian of the Capitol shall fail to perform his duties as such officer.

Power of Governor to remove.

Adopted at Dover, February 13, 1879.

RESOLUTIONS.

CHAPTER 187.

Joint committee appointed to settle with State treasurer and auditor.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That a joint committee of five be appointed on the part of the General Assembly to consist of the following two members of the Senate, viz: Messrs. J. Frank Denney and J. Wilkins Cooch, and the three following members of the House of Representatives, viz: James W. Ware, John W. Sharp and Shepherd P. Houston, whose duty it shall be it to meet at Dover, on the third Tuesday of January, 1880, for the purpose of settling the accounts of the State Treasurer and receiving the report of the Auditor of Accounts for the current year.

Statements 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.

Also of the Secretary of State.

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 State for superintending the printing of the acts of the present session, and for making index to the same, and make such allowance 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 said 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, February 13, 1879.

RESOLUTIONS.

CHAPTER 188.

Joint Resolution authorizing the collection from the United States of any claim this State may have for commutation money advanced for persons who paid commutation and were afterwards required to serve or furnish a substitute during the war of 1861-5, under the provisions of the act of Congress approved February 28, 1867, entitled "An act for the relief of certain drafted men."

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That Charles H. B. Day be and he is hereby authorized and empowered to collect any claim this State may have against the General Government under the provisions of the act of Congress, approved February 28, 1867, entitled "An act for the relief of certain drafted men," and he is further hereby authorized to receive from the commissioners appointed under the act of the General Assembly of this State, entitled "An act for the relief of persons subject to military duty," passed at Dover, February 12, 1864, or from their legal representatives, or from any person having the same in possession, any receipt, certificate or paper given by the receiver of commutation money, showing* and to receipt for the same for the purpose of filing said receipt, certificate or paper in the proper office at Washington, in order to draw said commutation money.

Chas. H. B. Day authorized to collect certain claims of this State against the United States.

Resolved further, That whenever any sum of commutation money shall have been collected which shall have been paid to said receiver of commutation, it shall be the duty of said Charles H. B. Day to pay over to the Treasurer of this State the proportion of said sum which was advanced by this State under the provisions of said act of the General Assembly of this State, less twenty per centum thereof, which twenty per centum he is hereby authorized and empowered to retain as compensation for his services in said collection, and to pay to the party for whom said advancement was made the residue of said sum so collected as aforesaid, less the per centum agreed upon by said party, and said Charles H. B. Day as compensation for his services in collecting the same for said party: *Provided,* That no charge shall be made by said Charles H. B. Day for any expense whatever incurred by him in the collection of any such claim against this State, it being the purpose and intent of these resolutions that said twenty per centum as commissions shall cover all said expenses incident to said collections.

Duty of Mr Day to pay over the money to State treasurer. When.

Compensation for collecting.

Proviso.

* So in the enrolled bill.

Adopted at Dover, February 13, 1879.

RESOLUTIONS.

CHAPTER 189.

Joint committee of 3 of the House and 2 of the Senate, be appointed to consider the memorial of Del. R. R. Co.

Be it 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 five, three on the part of the House and two on the part of the Senate, to whom shall be referred the memorial of "The Delaware Railroad Company" presented to this General Assembly, relating to the payment of certain bonds of the State, issued in aid of the said company, under the provisions of the act entitled "An act concerning the Delaware Railroad Company" passed at Dover, February 28, 1855, and the said committee are authorized to take such means as they shall consider advisable to verify the statements contained in the said memorial, and make a report thereof, together with such recommendation as to legislation in the premises as they shall deem proper.

Report.

Adopted at Dover, February 19, 1879.

CHAPTER 190.

Joint committee to consider the propriety of further legislation in the mode of assessing

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That there be appointed a joint committee, consisting of three members of the Senate and five members of the House of Representatives, to take into consideration the propriety of further legislation in relation to the mode of assessing.

Adopted at Dover, February 20, 1879.

CHAPTER 191.

Delaware R. R. Co. to pay State treasurer $216 for payment of coupons.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That when and as soon as "The Delaware Railroad Company" shall have paid into the treasury of this State the sum of two hundred and sixteen dollars in cash, to remain in the treasury for the payment, in case they shall ever be presented, of ten coupons belonging to certain

bonds issued under the act entitled "An act concerning the Delaware Railroad Company," passed at Dover, February 28, 1855, which said coupons have not been presented for payment, and shall also execute and deliver to the State Treasurer the bonds of the said company in the sum of two thousand dollars, guaranteed by "The Philadelphia, Wilmington and Baltimore Railroad Company," conditioned to indemnify the State against the payment of certain other coupons belonging to said first-mentioned bonds, amounting together to the sum of nineteen hundred and fifteen dollars (which it is alleged have been paid by the said company, but have been lost or destroyed, and cannot be produced by said company); and shall also deliver and surrender the bonds of the State issued under authority of the act aforesaid, amounting to the sum of one hundred and seventy thousand dollars, with all of the coupons now in the custody of the treasurer of the said company, it shall be and is hereby made the duty of the State Treasurer, and he is authorized and expressly empowered to surrender and deliver to the said "The Delaware Railroad Company," or its Treasurer, the certificate for 6800 shares of the capital stock of said company, and the bonds of the said company for $200,000, guaranteed by "The Philadelphia, Wilmington and Baltimore Railroad Company," which are now held by the State as security for the payment, by said "Delaware Railroad Company," of the aforesaid State bonds, and interest thereon. And the said State Treasurer is hereby expressly authorized, in the name of the State, to cause satisfaction to be duly entered of record on the mortgage of said company to the State for $170,000, recorded in the offices of the Recorder's of Deeds in each of the counties of this State, and to surrender the said mortgage to the said company. *And further*, To execute any and all papers necessary to carry this resolution into effect.

Said company to execute and deliver to treasurer a mortgage, guaranteed by the P., W. & B.

To indemnify the State against the payment of certain other coupons.

Said company to deliver the bonds of the State, amounting to $170,000, and all coupons.

State treasurer to deliver certificate for 6,800 shares of stock.

Also bonds amounting to $200,000.

State treasurer authorized to enter satisfaction of mortgage for $170,000.

Adopted at Dover, February 21, 1879.

RESOLUTIONS.

CHAPTER 192.

J. D. Burton to deliver nine copies of Rev. Code, to Levy Court.

Be it resolved by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That John D. Burton, Prothonotary of Kent County, be and he is hereby authorized to deliver to the Levy Court of Kent County nine copies of the Revised Code of the State of Delaware for the use of said court.

Adopted at Dover, February 24, 1879.

CHAPTER 193.

Reception of new business. Time extended to March 5th.

Resolved by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That the joint resolution concerning the reception of new business be amended by extending the time to include the fifth day of March next.

Adopted at Dover, February 25, 1879.

CHAPTER 194.

J. E. Collins to purchase supplies for next session of Legislature.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That John E. Collins, 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 John E. Collins, Esq., is hereby directed to present his accounts and vouchers to the Legislature at its next session for allowance.

Adopted at Dover, February 25, 1879.

RESOLUTIONS.

CHAPTER 195.

Joint Resolution in reference to the Militia.

Be it resolved by the Senate and House of Representatives in General Assembly met, That the Adjutant-General and Major Samuel A. Macallister be invited to address the General Assembly upon the provisions of the proposed militia now pending in the House of Representatives, on Wednesday evening, February 26, 1879, at half-past seven o'clock, in the hall of the House of Representatives.

Adjutant General and Maj. S. A. Macallister invited to address the Legislature on the militia bill.

Adopted at Dover, February 25, 1879.

CHAPTER 196.

Joint Resolution.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That a Joint Divorce Committee be empowered to send for persons and papers.

Divorce committee to send for persons and papers.

Adopted at Dover, February 26, 1879.

CHAPTER 197.

Joint Resolution.

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 visit the Delaware College and make a thorough investigation into the management of said College, and report to this Assembly in regard to the manner in

Joint committee to visit Delaware College and make investigation Report.

RESOLUTIONS.

President requested to make report.

Biennial report of President and Board of Trustees

Secretary of State to send certified copy of resolution to the president.

which the Trustees and Faculty are performing the trust reposed in them by the State. That the President and Board of Trustees of Delaware College be requested to report to the General Assembly the condition of said College financially, the number, and from what county and hundreds the scholars holding State scholarships are from, and upon whose nomination, and the President and Board of Trustees shall hereafter report biennially to the General Assembly.

Resolved further, That the Secretary of State be requested to send a certified copy of this resolution to the President of said Delaware College.

Adopted at Dover, February 26, 1879.

CHAPTER 198.

Joint Resolution for the relief of the Breakwater and Frankford Railroad Company, and for 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, executed and delivered under 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 at Dover, March 26, 1873, upon which it is represented to this Legislature in the late report of the State Treasurer that it has not paid the whole of the interest due thereon to the State, to the aggregate amount of twenty-three thousand eight hundred and eighty-six dollars and sixty-six cents ($23,886.66) accrued thereon, and the same has been called to the attention of the Legislature in the late message of the Governor at the commencement of the present session, and this General Assembly is well satisfied from the investigation of the matter by the committee of the House of Representatives, to which it was referred, that the said railroad company has hitherto been unable and is still unable to pay the said interest in full, amounting to six thousand dollars semi-annually, pursuant to the provisions of the said act and the condition of the said mortgage:

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AND WHEREAS it is provided in the said act, that if the said railroad company shall fail to pay to the State the whole amount of the said interest on the said mortgage as the same becomes due and payable as aforesaid, such default shall make the whole mortgage forthwith payable to the State, and also thereupon make it the duty of the State Treasurer to proceed to collect the same by due process of law; therefore,

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met: That upon the due payment to the State Treasurer for the use of the State by the said Breakwater and Frankford Railroad Company of all the receipts thereof, after deducting therefrom all the necessary expenses of the company to be applied to the interest on the said mortgage, provided the amount to be paid thereon shall not be less than three thousand dollars semi-annually, as the same shall become due and payable on the several days and dates provided for the semi-annual payments of the interest on the said mortgage in the said act, the State Treasurer, for the time being, shall not proceed to collect the whole of said mortgage by process of law, as provided for in the said act; but on the failure of the said railroad company to so pay the sum of three thousand dollars at least semi-annually on the interest upon the said mortgage as aforesaid, as the same so becomes due and payable, pursuant to the resolution, it shall be the duty of the State Treasurer on the written approval of the Governor, should he consider and deem it advisable, to proceed to collect the whole of the said mortgage by process of law, and it shall be the duty of the said railroad company hereafter to make an annual report of its receipts and expenses in writing to the Governor of the State. But nothing in this resolution contained shall have the effect to relinquish, remit or release to the said railroad company any balance of the interest now due or which may hereafter become due on the said mortgage, pursuant to the provisions of the said act, and the condition of said mortgage, or to abridge or impair in any measure or degree whatever the right and authority of the Legislature at any time hereafter to repeal and annul this joint resolution, or to make any and such further order and disposition in regard to any interest now due and payable, or which may hereafter become due and payable on the said mortgage, pursuant to the condition thereof, or to direct the foreclosure of said mortgage for the non-performance of any condition thereof; or to order and direct the State Treasurer to proceed to collect the whole of the said mortgage by process of law for the non-payment of said interest as aforesaid, or breach of the condition of the said

Receipts after deducting expense of B. & F. R. R.
To whom paid.
How applied.
Proviso.
State treasurer shall foreclose.
When.
State treasurer must have written approval of Gov.
Said railroad company to make an annual report to the Governor.
No balance of interest released.
Certain powers of the Legislature unabridged.

mortgage whenever it may be deemed proper by the Legislature, at any time hereafter to so order and direct.

Resolution to be null and void after two years.

Resolved, That this resolution shall be null, void and of no effect, after the expiration of two years from the adoption of the same.

Adopted at Dover, February 29, 1879.

Amended March 28, 1879.

CHAPTER 199.

Joint Resolution.

Contingent expenses 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 three hundred dollars be and the same is hereby appropriated as a contingent fund, to be expended by the Adjutant-General of the State, or so much thereof as may be necessary, in having the rolls and records of the Adjutant-General's office copied and properly arranged for convenience of reference, and their proper preservation in providing for the care and preservation of the State arms, &c., in his charge, and in payment of the necessary expenses of the office. And the Adjutant-General shall furnish the Legislature, at its next biennial session, with an account of the amounts expended, with the vouchers for the same.

Adopted at Dover, March 6, 1879.

CHAPTER 200.

Joint Resolution.

Letter of R. J. Reynolds in relation to payment of certain coupons referred to committee.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the letter of Robert J. Reynolds, Esq., State Treasurer, asking for instruction in regard to the payment of coupons on certain bonds of this State, be referred to the Committee of Ways and Means, on the part of the House, and the Finance Committee, on the part of the Senate, together with the explanatory letters therewith submitted.

Adopted at Dover, March 5, 1879.

RESOLUTIONS.

CHAPTER 201.

WHEREAS it appears from the report of the State Treasurer, dated Dec'r 22nd, 1874, it is shown on page 33 of the Journal of the House of Representatives, the total amount of the State indebtedness was $1,224,000, the interest on which at 6 per cent. would be 73,440 dollars, yet, in going over the items of interest paid according to the State Treasurer's report [it is found] to be 94,071.$\frac{45}{100}$ dollars, from which has to be deducted excess deposited in Philadelphia National Bank to pay interest of 5,220 dollars, leaving the amount actually paid as interest during the year, 88,851.$\frac{45}{100}$ dollars, to which must be added for coupons due during the year referred to and paid by the succeeding State Treasurer amounting to 750 dollars, which, added to the above, will make a total of interest due and paid for that year, 89,601.$\frac{45}{100}$ dollars; therefore, Preamble.

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 inquire into this apparent large excess of interest which was paid, and report the result of their inquiry to this General Assembly. Joint committee to be appointed to inquire into treasurer's report for 1874.

Adopted at Dover, March 18, 1879.

CHAPTER 202.

Joint Resolution in relation to Auditor's Report.

Be it resolved by the Senate and House of Representatives in General Assembly met, That the Clerks of the respective Houses be and they are hereby directed to omit the Auditor's Report from their journals, when they publish them. Clerks directed to omit auditor's report in their journals

Adopted at Dover, March 20, 1879.

RESOLUTIONS.

CHAPTER 203.

Joint Resolution.

Preamble. WHEREAS, the air of the State House is contaminated by reason of the water-closets being located in the basement of said building; therefore,

Certain duties imposed upon C. S. Pennewill, in respect to the State House, &c.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That C. S. Pennewill, Esq., be empowered to have the water-closets removed to the outside of the State House, and the well cleaned out and filled up, and also to have made cold air conductors, of proper size, to each of the furnaces for heating the said building, before the meeting of the next General Assembly; also to purchase such things as may be necessary for the use and protection of the Capitol, and he shall draw on the State Treasurer for the amount of the expenses of the same.

Adopted at Dover, March 24, 1879.

CHAPTER 204.

Joint Resolution appointing Directors for the Farmers' Bank of the State of Delaware.

Appointment of State Directors of the Farmers' Bank

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, agreeable to the act of the General Assembly in such case made and provided: For the principal bank at Dover, Dr. John A. Moore, 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, M. D., Thomas Giffin, and James T. Eliason; For the branch at Georgetown, Hugh Martin, Ebe W. Tunnell, and Charles B. Houston.

Adopted at Dover, March 25, 1879.

RESOLUTIONS.

CHAPTER 205.

Joint Resolution directing the State Treasurer to pay to Edward Ridgely one hundred dollars.

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 Edward Ridgely one hundred dollars for professional services rendered to the joint committee of both Houses of the General Assembly raised at the present session of the Legislature to consider such railroad matters as might be referred to it.

State treasurer directed to pay Edward Ridgely $100 for professional services.

Adopted at Dover, March 5, 1879.

CHAPTER 206.

Joint Resolution authorizing the collection from the United States of any and all claims this State may have and which arose prior to the year A. D. 1862.

Resolved by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That the Attorney-General of the State be and he is hereby authorized and directed to make a thorough examination of all accounts, settled and unsettled, between the United States and this State previous to the year A. D. 1862, and to take such steps and proceedings as may be necessary to collect from the United States such sums as may be found due and owing to this State. Upon the payment into the Treasury of this State of any money collected under this resolution, the Attorney-General may draw a draft on the State Treasurer for twenty-five per centum of the amount so paid in as compensation for the collection thereof, and the State Treasurer is hereby authorized and directed to pay said draft or drafts: *Provided,* That no claim shall ever be set up or made against the State for any service rendered under this resolution other than that which is expressly herein provided.

Attorney General to examine accounts between U. S. and this State prior to the year 1862.

Authorized to collect moneys.

Compensation.

Amount and manner of.

Proviso.

Adopted at Dover, March 27, 1879.

RESOLUTIONS.

CHAPTER 207.

Joint Resolution.

WHEREAS, the P. W. & B. R. R. Co. have tendered the members of the General Assembly two cars for their convenience and transportation to and from Washington City, therefore,

Invitation of P. W. & B. R. R. Co. accepted, and Speakers to inform their Att'y.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met: That we will accept, with pleasure, the privilege tendered by the P. W. & B. R. R. Company, and that the Hon. C. J. Harrington, Speaker of the Senate, and Hon. Swithin Chandler, Speaker of the House of Representatives, be requested to so inform said company, through their attorney, G. V. Massey, Esq.

Adopted at Dover, March 27, 1879.

CHAPTER 208.

Report of Ways and Means.

Addition report in relation to Breakwater and Frankford railroad.

State treasurer shall proceed to collect mortgage. When.

The Committee on Ways and Means, to whom were referred the preamble and resolution in relation to the Breakwater and Frankford Railroad Company, after having considered the same, deem it unadvisable to recommend the adoption thereof, and therefore beg leave to report adversely thereto. But the committee beg leave to report further, as there appears to be some question with reference to the meaning and construction of the terms of a joint resolution, entitled a "joint resolution for the relief of the Breakwater and Frankford Railroad Company and other purposes," adopted February 27, 1879, an amendment thereto by adding the following: "or to abridge or impair in any measure or degree whatever the right and authority of the Legislature at any time thereafter, to repeal and annul this joint resolution, or to make any and such further order and disposition in regard to any interest now due and payable, or which may hereafter become due and payable on the said mortgage, pursuant to the condition thereof, or to direct the forclosure of said mortgage for the non-performance of any condition thereof, or to order and direct the State Treasurer to proceed to collect the whole of the said mortgage by process of law for the non-

payment of said interest as aforesaid, or breach of the condition of the said mortgage whenever it may be deemed proper by the Legislature, at any time hereafter, to so order and direct," and the Secretary of State is hereby directed to publish the joint resolution as hereby amended in the laws of this State.

The Committee on Ways and Means, to whom were referred the preamble and resolution in relation to the Breakwater and Frankford Railroad Company, desire to make the following supplementary report: add after the words "to so order and direct," in line twenty, of said report, the following:

Resolved, That this resolution shall be null, void, and of no effect, after the expiration of two years from the adoption of the same.

Concurred in March 28, 1879.

CHAPTER 209.

Joint Resolution Appropriating Five 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 five hundred dollars be and the same is hereby appropriated and made payable to James L. Wolcott, Secretary of State, to defray the contingent expenses of his office for the present and ensuing years, 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 Secretary of State.

Adopted at Dover, March 28, 1879.

RESOLUTIONS.

CHAPTER 207.

Joint Resolution.

WHEREAS, the P. W. & B. R. R. Co. have tendered the members of the General Assembly two cars for their convenience and transportation to and from Washington City, therefore,

Invitation of P., W. & B. R. R. Co. accepted, and Speakers to inform their Att'y.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met: That we will accept, with pleasure, the privilege tendered by the P. W. & B. R. R. Company, and that the Hon. C. J. Harrington, Speaker of the Senate, and Hon. Swithin Chandler, Speaker of the House of Representatives, be requested to so inform said company, through their attorney, G. V. Massey, Esq.

Adopted at Dover, March 27, 1879.

CHAPTER 208.

Report of Ways and Means.

Addition report in relation to Breakwater and Frankford railroad.

State treasurer shall proceed to collect mortgage. When.

The Committee on Ways and Means, to whom were referred the preamble and resolution in relation to the Breakwater and Frankford Railroad Company, after having considered the same, deem it unadvisable to recommend the adoption thereof, and therefore beg leave to report adversely thereto. But the committee beg leave to report further, as there appears to be some question with reference to the meaning and construction of the terms of a joint resolution, entitled a "joint resolution for the relief of the Breakwater and Frankford Railroad Company and other purposes," adopted February 27, 1879, an amendment thereto by adding the following: "or to abridge or impair in any measure or degree whatever the right and authority of the Legislature at any time thereafter, to repeal and annul this joint resolution, or to make any and such further order and disposition in regard to any interest now due and payable, or which may hereafter become due and payable on the said mortgage, pursuant to the condition thereof, or to direct the forclosure of said mortgage for the non-performance of any condition thereof, or to order and direct the State Treasurer to proceed to collect the whole of the said mortgage by process of law for the non-

payment of said interest as aforesaid, or breach of the condition of the said mortgage whenever it may be deemed proper by the Legislature, at any time hereafter, to so order and direct," and the Secretary of State is hereby directed to publish the joint resolution as hereby amended in the laws of this State.

The Committee on Ways and Means, to whom were referred the preamble and resolution in relation to the Breakwater and Frankford Railroad Company, desire to make the following supplementary report: add after the words "to so order and direct," in line twenty, of said report, the following:

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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 and made payable to James L. Wolcott, Secretary of State, to defray the contingent expenses of his office for the present and ensuing years, 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 Secretary of State.

Adopted at Dover, March 28, 1879.

RESOLUTIONS.

CHAPTER 210.

Joint Resolution.

Sugar Beet Commissioners appointed.

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 Thomas B. Giles 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 28, 1879.

CHAPTER 211.

A Joint Resolution authorizing the State Treasurer to pay to Dr. Nathan Pratt forty dollars.

Dr. Pratt allowed $40.

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 Dr. Nathan Pratt the sum of forty dollars in addition to the allowance already made.

Adopted at Dover, March 29, 1879.

CHAPTER 212

Joint Resolution thanking the several Railroad Companies.

Thanks extended to the Railroad Companies for passes.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, 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 29, 1879.

RESOLUTIONS.

CHAPTER 213.

Joint Resolution.

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 Francis M. Dunn, Sheriff of Kent County, the sum of one hundred dollars for selling and cleaning arms.

F. M. Dunn allowed $100 for cleaning arms.

Adopted at Dover, March 29, 1879.

CHAPTER 214.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That both Houses of the Legislature adjourn on Saturday, the 29th day of March, *sine die.*

Adjourned sine die.

Adopted at Dover, March 29, 1879.

TITLES OF ACTS OF INCORPORATION

Excluded from publication by act of February 17, 1866.

CHAPTER 215.

An Act to incorporate the Ancient Order of Hibernians, of the city of Wilmington, Delaware.

Passed at Dover, January 23, 1879.

CHAPTER 216.

A supplement to the act entitled "An act to incorporate the Weccacoe Hose Company, No. 2, of Wilmington, Delaware, passed at Dover, January 24, A. D. 1871.

Passed at Dover, January 23, 1879.

CHAPTER 217.

An Act to incorporate the "Pusey & Jones Company."

Passed at Dover, January 28, 1879.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 218.

An Act to incorporate the New Castle Iron and Steel Company.
Passed at Dover, January 29, 1879.

CHAPTER 219.

An Act to revive Chapter DCX of the Eleventh Volume of the Laws of the State of Delaware, entitled "An act to incorporate the Delaware City, Salem and Philadelphia Steamboat Navigation Company."
Passed at Dover, January 29, 1879.

CHAPTER 220.

An Act to change the name of "The Mount Zion Cemetery Company," to "The Mount Zion Cemetery Association."
Passed at Dover, February 4, 1879.

CHAPTER 221.

An Act to incorporate "Windsor Lodge, No. 32, Beneficial Order Sons of St. George," of Wilmington, Delaware.
Passed at Dover, February 5, 1879.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 222.

An Act to incorporate the Betts Machine Company.
Passed at Dover, February 5, 1879.

CHAPTER 223.

An Act to incorporate the "Trump Bros." Machine Company.
Passed at Dover, February 11, 1879.

CHAPTER 224.

An Act to incorporate the "General Steamship Company."
Passed at Dover, February 11, 1879.

CHAPTER 225.

An Act to incorporate the Jefferson Democratic Club of Wilmington, Delaware.
Passed at Dover, February 11, 1879.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 226.

An Act to incorporate "The Delaware Wood and Lumber Vulcanizing Company."

Passed, February 13, 1879, at Dover.

CHAPTER 227.

An Act to re-enact and renew the act entitled An act to incorporate the Workingmens' Loan Association, of Wilmington, Delaware.

Passed at Dover, February 13, 1879.

CHAPTER 228.

An Act to incorporate the Stotsenburg Foundry Company.

Passed at Dover, February 13, 1879.

CHAPTER 229.

An Act to re-enact, revive and continue the charter of "The Smyrna Coal Gas Company," passed March 4, 1857.

Passed at Dover, February 18, 1879.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 230.

An Act to incorporate the Mutual Coal and Produce Association.
Passed at Dover, February 19, 1879.

CHAPTER 231.

An Act to incorporate the Fell Manufacturing Co.
Passed at Dover, February 20, 1879.

CHAPTER 232.

An Act to incorporate the Acrelius Improvement Co.
Passed at Dover, February 20, 1879.

CHAPTER 233.

An Act to amend the act entitled An act to incorporate the Wilmington Car Works Company, passed March 14, 1873.
Passed at Dover, February 20, 1879.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 234.

An Act to incorporate Wicomico Tribe, No. 13, Improved Order of Red Men, at Delmar, in Sussex County.

Passed at Dover, February 25, 1879.

CHAPTER 235.

An Act to incorporate the Rossakatum Tribe, No. 15, Improved Order of Red Men, of Laurel, Delaware.

Passed at Dover, February 25, 1879.

CHAPTER 236.

An Act to incorporate Brandywine Lodge, No. 15, K. of P., of the State of Delaware, at DuPont's Banks, Brandywine.

Passed at Dover, February 25, 1879.

CHAPTER 237.

An Act to incorporate the Kennebec Ice Company.

Passed at Dover, February 26, 1879.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 238.

A supplement to the act entitled "An act to incorporate the Delaware State Grange Mutual Fire Insurance Company," passed at Dover, March 13, 1877.

Passed at Dover, February 27, 1879.

CHAPTER 239.

Supplement to an act to incorporate the owners of the Strunkill and Long Island Marsh Company, of St. George's Hundred, New Castle County, passed at Dover, January 22, 1833.

Passed at Dover, February 28, 1879.

CHAPTER 240.

An Act to incorporate Washington Lodge, No. 1, Ancient Free and Accepted Masons, of Wilmington, Delaware.

Passed at Dover, March 3, 1879.

CHAPTER 241.

An Act to incorporate "The Dover Building and Loan Association."

Passed at Dover, March 4, 1979.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 242.

An Act to extend the act entitled "An act to incorporate Charity Lodge No. 27, of the Independent Order of Odd Fellows, of the State of Delaware, at Laurel."

Passed at Dover, March 5, 1879.

CHAPTER 243.

An Act to incorporate the "Perpetual Savings and Loan Association," of Wilmington, Delaware.

Passed at Dover, March 12, 1879.

CHAPTER 244.

An Act to incorporate Osceola Lodge, No. 5, Knights of Pythias, at Newark, Delaware.

Passed at Dover, March 12, 1879.

CHAPTER 245.

An Act to incorporate the Provident Society of Wilmington.

Passed at Dover, March 12, 1879.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 246.

An Act to amend an act entitled An act to incorporate the Vulcanized Fibre Company.

Passed at Dover, March 14, 1879.

CHAPTER 247.

An Act to amend Chapter 558, of Volume 15, of the Laws of Delaware, entitled "An act to incorporate the Panama Transit Steamship Company."

Passed at Dover, March 14, 1879.

CHAPTER 248.

An Act to incorporate Laurel Lodge, No. 1528, of the Grand United Order of Odd Fellows, at Laurel, Delaware.

Passed at Dover, March 17, 1879.

CHAPTER 249.

An Act to incorporate the Laurel Grange Co-operative Store Company.

Passed at Dover, March 17, 1879.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 250.

A supplement to the act entitled "An act to incorporate the Newark Grange Co-operative Store Company," passed at Dover, January 26, 1877.

Passed at Dover, March 18, 1879.

CHAPTER 251.

An Act to amend an act entitled "An act to incorporate the Delaware State Fire and Marine Insurance Company," passed at Dover, February 23, 1875.

Passed at Dover, March 25, 1879.

CHAPTER 252.

An Act to incorporate the Christiana Marsh Company, in the city of Wilmington.

Passed at Dover, March 25, 1879.

CHAPTER 253.

An Act to incorporate the "Delaware Beet Sugar Company."

Passed at Dover, March 25, 1879.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 254.

An Act to incorporate "The Wilmington Ice and Coal Company.
Passed at Dover, March 25, 1879.

CHAPTER 255.

An Act to incorporate the Farmers' Market Company, of Wilmington City, New Castle County.
Passed at Dover, March 25, 1879.

CHAPTER 256.

An Act to incorporate St. Peter's Conference Society of St. Vincent de Paul, of Wilmington, Delaware.
Passed at Dover, March 25, 1879.

CHAPTER 257.

An Act to incorporate the Moral Suasion Reform Association, of the city of Wilmington.
Passed at Dover, March 26, 1879.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 258.

An Act to incorporate the Delaware Trust and Safe Deposit Company.
Passed at Dover, March 26, 1879.

CHAPTER 259.

An Act to incorporate the "Harrington Canning Company," of Harrington, Delaware.
Passed at Dover, March 26, 1879.

CHAPTER 260.

An Act to incorporate the Delaware Commercial Improvement Company.
Passed at Dover, March 27, 1879.

CHAPTER 261.

An Act to incorporate the Cedar Creek Marsh Company, of Blackbird Hundred.
Passed at Dover, March 28, 1879.

CHAPTER 262.

An Act to incorporate the "Delaware Mining Company."
Passed at Dover, March 29, 1879.

TITLES OF PRIVATE ACTS.

CHAPTER 263.

An Act authorizing conveyance of certain land to and by Henry Sweitzer, an alien.

Passed at Dover, January 28, 1879.

CHAPTER 264.

An Act to divorce John T. Taylor from the bonds of matrimony with his wife Emeline Taylor.

Passed at Dover, February 6, 1879.

CHAPTER 265.

An Act to divorce William B. Ladoux and his wife Mary Emily Ladoux from the bonds of matrimony.

Passed at Dover, February 12, 1879.

TITLES OF PRIVATE ACTS.

CHAPTER 266.

An Act to divorce William M. Moore from Celia Emily Moore.
Passed at Dover, February 18, 1879.

CHAPTER 267.

An Act directing and authorizing B. E. Jester and W. S. A. Dickerson to vacate a part of a certain road.
Passed at Dover, February 18, 1879.

CHAPTER 268.

An Act entitled An act to divorce Rebecca Nordon from her husband, Edwin H. Nordon, and to give to Rebecca Nordon the custody of her child.
Passed at Dover, February 19, 1879.

CHAPTER 269.

A further supplement to the act entitled "An act in relation to the Town of Smyrna," passed at Dover, February 25, 1859.
Passed at Dover, February 19, 1879.

TITLES OF PRIVATE ACTS.

CHAPTER 270.

An Act to divorce John H. Bongs from Sarah E. Bongs.
Passed at Dover, February 19, 1879.

CHAPTER 271.

An Act to divorce Mary W. Spencer and William E. Spencer, her husband, from the bonds of matrimony.
Passed at Dover, February 20, 1879.

CHAPTER 272.

An Act to divorce Hester F. Truitt and John R. Truitt, her husband, from the bonds of matrimony.
Passed at Dover, February 26, 1879.

CHAPTER 273.

An Act divorcing Alvan W. Chormann and Isabella Chormann from the bonds of matrimony.
Passed at Dover, February 26, 1879.

TITLES OF PRIVATE ACTS.

CHAPTER 274.

An Act to enable Mina Leiberman to execute a deed or deeds for her real estate.

Passed at Dover, February 27, 1879.

CHAPTER 275.

An Act to divorce Katie E. Lysle and her husband, Frank B. Lysle, from the bonds of matrimony.

Passed at Dover, March 3, 1879.

CHAPTER 276.

An Act to divorce Ellen S. Crook and Richard W. Crook from the bonds of matrimony.

Passed at Dover, March 5, 1879.

CHAPTER 277.

An Act to divorce Mary E. Cummins and Alexander Cummins from the bonds of matrimony.

Passed at Dover, March 5, 1879.

TITLES OF PRIVATE ACTS.

CHAPTER 278.

An Act to divorce Lina Long from her husband, Edward W. Long.
Passed at Dover, March 5, 1879.

CHAPTER 279.

An Act to divorce Annie E. Simpson from her husband, George Simpson.
Passed at Dover, March 7, 1879.

CHAPTER 280.

An Act to divice Isabella B. McDowell from her husband, Morris McDowell.
Passed at Dover, March 10, 1879.

CHAPTER 281.

An Act to divorce Isaac Jester and Mary Jester from the bonds of matrimony.
Passed at Dover, March 11, 1879.

TITLES OF PRIVATE ACTS.

CHAPTER 282.

An Act to divorce Frank E. Hickox and Mary E. Hickox, his wife, from the bonds of matrimony.

Passed at Dover, March 17, 1879.

CHAPTER 283.

An Act to divorce Alexander Davidson and Mary E. Davidson, late Mary E. Thawley, from the bonds of matrimony.

Passed at Dover, March 17, 1879.

CHAPTER 284.

An Act for the relief of Edith M. Smyth.

Passed at Dover, March 20, 1879.

CHAPTER 285.

An Act to divorce Edwin Banta from his wife, Maggie H. Banta.

Passed at Dover, March 18, 1879.

CHAPTER 286.

An Act to divorce Lillie P. Pyle and Wm. W. Pyle.

Passed March 18, 1879, at Dover.

TITLES OF PRIVATE ACTS.

CHAPTER 287.

An Act to divorce Cassie Mearns from her husband, Robert Mearns.
Passed at Dover, March 18, 1879.

CHAPTER 288.

An Act to divorce George W. P. Rogers and Ruth A. Rogers from the bonds of matrimony.
Passed at Dover, March 18, 1879.

CHAPTER 289.

An Act to divorce Lewis S. Connaway and Sallie T. Connaway from the bonds of matrimony.
Passed at Dover, March 18, 1879.

CHAPTER 290.

An Act to divorce William J. Richards from his wife, Mary R. Richards.
Passed at Dover, March 18, 1879.

TITLES OF PRIVATE ACTS.

CHAPTER 291.

An Act to divorce Jeffrey Thompson from his wife, Mary A. Thompson.
Passed at Dover, March 19, 1879.

CHAPTER 292.

An Act entitled "An act divorcing Kate Boyd from her husband, Samuel Boyd, from the bonds of matrimony.
Passed at Dover, March 19, 1879.

CHAPTER 293.

An Act divorcing George R. Snelling and Mary E. Snelling from the bonds of matrimony.
Passed at Dover, March 20, 1879.

CHAPTER 294.

An Act to divorce Mary Wolf from her husband, Thomas Wolf.
Passed at Dover, March 20, 1879.

TITLES OF PRIVATE ACTS.

CHAPTER 295.

An Act to divorce Ruth H. Lodge from her husband, John K. Lodge.
Passed at Dover, March 21, 1879.

CHAPTER 296.

An Act for the relief of Henry C. Long.
Passed at Dover, March 24, 1879.

CHAPTER 297.

An Act to dissolve the bonds of matrimony now subsisting between Edward W. Taylor and Mariam W. Taylor.
Passed at Dover, March 24, 1879.

CHAPTER 298.

An Act to divorce Martha W. Ellis and John A. Ellis from the bonds of matrimony.
Passed at Dover, March 25, 1879.

TITLES OF PRIVATE ACTS.

CHAPTER 299.

An Act to authorize William S. Robinson, of Sussex County, to lay out a private road at his own expense.

Passed at Dover, March 25, 1879.

CHAPTER 300.

An Act to enable S. T. Jenkins, R. Williams, John A. Bickel, and George Thomas to lay out a private road in Milford Hundred, Kent County, Delaware.

Passed at Dover, March 26, 1878.

CHAPTER 301.

An Act to divorce Isaac H. Thompson from his wife, Maggie J. Thompson.

Passed at Dover, March 26, 1879.

CHAPTER 302.

An Act divorcing George W. Hushebeck and Tharessa H., his wife, from the bonds of matrimony.

Passed at Dover, March 27, 1879.

TITLES OF PRIVATE ACTS.

CHAPTER 303.

An Act entitled "An act to divorce Luther M. Hearn from his wife, Sarah E. Hearn, from the bonds of matrimony.
Passed at Dover, March 27, 1879.

CHAPTER 304.

An Act relating to the acknowledgment of a deed.
Passed at Dover, March 28, 1879.

CHAPTER 305.

An Act to divorce Virginia R. Gale from her husband, George Gale.
Passed at Dover, March , 1879.

SECRETARY'S OFFICE,

DOVER, July 10, 1879.

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 seventh day of January, A. D. 1879.

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.

On page 16, third line of Section 1 of Chapter 12, the word "stone" should be "store."

On page 34, fifth line of Section 7 of Chapter 25, the word "appointed" should be "appoint."

JAMES L. WOLCOTT,

Secretary of State.

LAWS

OF THE

STATE OF DELAWARE,

PASSED AT A SESSION

OF THE

GENERAL ASSEMBLY

COMMENCED AND HELD AT DOVER,

ON TUESDAY, THE FOURTH DAY OF JANUARY,

A. D. 1881,

AND OF THE

INDEPENDENCE OF THE UNITED STATES,
THE ONE HUNDRED AND FIFTH.

VOL. 16.—PART 2.

DOVER, DELAWARE:
PRINTED AT THE DELAWAREAN OFFICE,
1881.

Laws of the State of Delaware.

TITLE FIRST.

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

CHAPTER 306.

OF THE PASSING AND PUBLICATION OF LAWS.

AN ACT to revive and extend the time of Recording Private Acts. Title.

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; Preamble.

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,

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 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 Time for recording private acts extended.

OF THE REVENUE OF THE STATE.

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.

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

Passed at Dover, January 19, 1881.

CHAPTER 307.

OF THE REVENUES OF THE STATE.

Title. AN ACT to amend Chapter 21, of Volume 14, of the Laws of Delaware, entitled "An act to amend Chapter 390, of Volume 13, 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, Chapter 21, Volume 14, amended.

SECTION 1. That Chapter 21, of Volume 14, of the Laws of Delaware, be amended by inserting the words "husband or" before the word "wife" in the twenty-second line of Section 1, of said Chapter.

Passed at Dover, February 10, 1881.

TITLE SECOND.

Of the Public revenue; and the assessment, collection and appropriation of taxes.

CHAPTER 308.

OF THE REVENUES OF THE STATE.

AN ACT to exempt from taxation certain real estate in the city of Wilmington. Title.

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

SECTION 1. That the real estate of any person, or persons, or body corporate within the limits of the portions of the Second, Eighth and Ninth Wards of the City of Wilmington, hereinafter described, upon which any manufactory or other industrial improvements for the employment of labor shall be erected after the passage of this act, shall be exempt, for a period of ten years, after the same shall hereafter have been erected and be first assessable, from assessment and taxation for State, County or Municipal purposes. The said exemption to apply only to the land occupied by such manufacturing or other industrial improvements and necessary to their operation. In the event of any question as to the quantity actually necessary for this purpose it shall be determined by the City Council. The portions of said wards to be embraced within the provisions of this act are described as follows, to wit: In the second Ward beginning in the centre line of the Delaware Western Railroad, on the southeasterly side of the Christiana River; thence with the centre of said railroad in a southeasterly direction to the line of the west side of French Street; thence with the said side of French Street in a northeasterly direction to the southwest 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 southwesterly to the centre line of the said Delaware Western Railroad; thence with the centre line of said railroad to the easterly side of Heald Street; thence with said side of Heald Street southwesterly to the northeasterly side of D Street; thence by the said side of D Street, southeasterly to the northwesterly side of Goodman Street; thence by the said side of Goodman Street northeasterly to the easterly side of Christiana Avenue; thence by said side of said Avenue to the southerly side

Certain real estate in Wilmington exempt from taxation.

Location of property exempted.

OF THE REVENUE OF THE STATE.

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; thence down the Delaware River and binding thereon in a southerly direction to the city line; thence with said city line in a northwesterly direction, to the southeasterly side of the Christiana River; and thence down the Christiana River and binding thereon to the place of beginning. In the Eighth Ward, beginning at a point in the centre line of Eighth Street extended, at the distance of seven hundred and fifty-nine feet and eight inches easterly from the centre of Buttonwood Street; thence north twenty-one degrees and fifteen minutes east, one hundred and fifty-two feet and 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 fifteen minutes west; thence with the said bearing reversed (north twenty-one degrees and fifteen minutes east) to the place of beginning. And in the Ninth Ward, beginning at a point on the northeasterly side of Brandywine Creek and in the southeasterly side of Washington Street; thence northeasterly by the said side of Washington Street to the southwesterly side of Twenty-sixth Street; thence with the said side of Twenty-sixth street, southeasterly to the northwesterly side of Jessup Street; thence southwesterly, by the said side of Jessup Street to the southwesterly side of Vandever Avenue; thence by the said side of Vandever Avenue southeasterly to the division line between the lands now or formerly of Jessup & Moore and lands late of William Thatcher, deceased; thence with said division line southwesterly to the Brandywine Creek; thence down said creek and binding thereon, to the northeasterly side of Fourteenth Street; thence by said side of Fourteenth Street southeasterly to the northwesterly side of Thatcher Street; thence northeasterly by the said side of Thatcher Street, to the southwesterly side of Vandever Avenue; thence southeasterly by the said side of said Avenue to the Philadelphia, Wilmington & Baltimore Railroad; thence in a southerly direction by the several courses of the old Marsh Lane to Shellpot 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 southwesterly direction to the northeasterly

side of the Brandywine Creek and thence down the said Brandywine Creek by the several courses thereof to the place of beginning.

Passed at Dover March 3, 1881.

CHAPTER 309.

OF THE REVENUES OF THE STATE.

AN ACT to amend "An act to alter and amend the act entitled 'An act to raise revenue for State and County purposes,'" passed at Dover, February 9th, 1875. Title.

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

SECTION 1. That Section two of an act entitled "An act to alter and amend the act entitled 'An act to raise revenue for State and County purposes,'" passed at Dover, February 9th, 1875, be and the same is hereby amended by striking out the words "incorporated company," in the third and fourth lines of said section, and insert in lieu thereof the words "railroad and canal companies." Amendment to act to raise revenue for county purposes.

Passed at Dover March 14, 1881.

OF THE REVENUE OF THE STATE.

CHAPTER 310.

OF THE REVENUES OF THE STATE.

Title. AN ACT in relation to Fines and Forfeitures.

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

Appropriation of fines and forfeitures.

SECTION 1. That all fines and forfeitures, heretofore made under the provisions of Sections 5 and 6, of Chapter 7, of the Revised Statutes of this State, forming a part of the revenue of, and belonging to the State, and that shall not hereafter be otherwise appropriated, shall belong to the county in which any such fines or forfeitures may be imposed or incurred—and they shall be paid to the County Treasurer of such county by the officer collecting or being chargeable with them. If such officer neglect this duty for three months after he shall have received or become chargeable with any fine or forfeitures, he shall pay in addition to the amount thereof interest at the rate of twenty per centum, per annum, to be computed from the time said fine or forfeiture was received or he become chargeable with it; and the whole may be recovered in an action of debt in the name of the State for the use of the county to which the same may belong.

Penalty for neglect of official duty

Repeal of inconsistant acts.

SECTION 2. That all laws or parts of laws heretofore enacted inconsistent with the provisions of this act, be and the same are hereby repealed.

Passed at Dover, March 31, 1881.

CHAPTER 311.

OF THE REVENUES OF THE STATE.

Titel. A Further Supplement to the act entitled "An act in relation to oysters."

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

Unlawful for non-residents to dredge for oysters.

SECTION 1. That from and after the passage of this act it shall be unlawful for any person who is not a resident of this State to dredge for oysters on any of the natural oyster beds of

this State and shall only be lawful for a resident of this State to dredge for oysters on said beds during the months of April, May and June of each year. And any person who shall violate any of the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be fined one hundred dollars for each day's offence and shall forfeit the boat or vessel used by him or them in so doing and all and every thing in and belonging to her.

Time for residents to dredge.

Penalty.

SECTION 2. It shall be unlawful for any person to dredge for oysters or obtain the same by tongs, upon any pretense whatever, on any of the oyster plantations during the months of July and August of each year, under the same penalty prescribed in the first section of this act.

Prohibition for catching oyster by tongs, &c.

Passed at Dover, April 6, 1881.

CHAPTER 312.

OF THE REVENUES OF THE STATE.

AN ACT to alter and amend the act entitled "An Act to raise revenue for State and county purposes," passed at Dover, March 30, 1871.

Title.

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 assessor in this State to assess, and no tax shall be levied and collected on any debt or debts due from debtors residing outside of this State secured by or due on judgment, decree, recognizance, mortgage, deed of trust, or bond for any purpose whatever.

Debts due from non-residents to residents exempt from taxation.

Passed at Dover, April 8, 1881.

OF THE LEVY COURT.

CHAPTER 313.

OF THE REVENUES OF THE STATE.

Title. AN ACT to repeal Chapter 362, Volume 14, Laws of Delaware, entitled "An act for the relief of the Farmers' Mutual Insurance Company."

Section 1, Chapter 362 Volume 14, repealed.

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 362, Volume 14, Laws of Delaware, passed at Dover, March 19, A. D., 1873, be and the same is hereby repealed.

Passed at Dover, April 8, 1881.

CHAPTER 314.

OF THE LEVY COURT.

Title. AN ACT to amend Chapter 8, of the Revised Statutes, entitled, "Of the Levy Court."

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

Section 2, Chapter 8, Revised Code, amended.

SECTION 1. That Section 2, of Chapter 8, of the Revised Statutes of this State be, and the same is hereby amended by striking out all of said section between the words "years" in the fourth line thereof and "if" in the thirteenth line thereof, and by inserting in lieu of the words so stricken out the words following, to wit: "Commencing on the first day of February next after their election, and if a vacancy occur before the general election next preceding the expiration of such term, the Governor shall appoint a suitable person residing in the hundred where the vacancy happened, to supply it. The appointment thus made shall continue until the first day of February next after the next general election, when the voters of said county, qualified as aforesaid, if the regular term does not expire by the first day of February following, shall elect a commissioner for the residue thereof." The word "vacancy" as used in this section shall be held to apply to the case of a commissioner elect dying, resigning, or becoming incapacitated to act, before the commencement

Term of Levy Court commissioners.

Vacancies. How supplied.

of his term of office. And also by inserting in the nineteenth line of said section between the words "until" and "the" the words following, to wit: "The first day of February next after."

Passed at Dover, February 23, 1881.

CHAPTER 315.

OF THE LEVY COURT.

AN ACT to amend Section 6, of Chapter 8, of the Revised Code, entitled "Of the Levy Court." Title.

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

SECTION 1. That Section 6 (six) of Chapter 8 (eight) of the Revised Code of the State of Delaware, entitled "Of the Levy Court," be amended by adding thereto the following, to wit; "A special meeting of the Levy Court may be called in vacation by any five commissioners. The Clerk of the Peace, upon being directed by them in writing so to do, shall immediately give ten days written notice, to all of the commissioners of the special meeting, and of the day upon which it is to be held. Such special meeting shall be held at the usual place of meeting, and may be adjourned from time to time as occasion may require. The Levy Court may, at a special meeting, or at any adjourned meeting of a special or stated meeting, transact any business which may lawfully be done at a stated meeting unless it is otherwise provided by law."

Section 6, Chapter 8, Revised Code, amended.

Special meetings provided for.

How called.

Where held

Adjourned meetings.

Passed at Dover, March 1, 1881.

OF THE LEVY COURT.

CHAPTER 316.

OF THE LEVY COURT.

Title. AN ACT to regulate the expenditure of the county funds of New Castle County by the Levy Court of said county.

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

Mode of paying money by the Treasurer of New Castle county.

SECTION 1. That no money shall be drawn from the Treasury of New Castle County, or be paid out by the Treasurer, except upon specific appropriations by the Levy Court of said county or general appropriations and orders drawn in pursuance thereof, by such member or members, or committee of said court as have in charge any work, labor or service in behalf of said court or supervision of the same. The orders so drawn shall in no case be payable to any member of said court, but shall be in favor of the person or persons performing the work, labor or service of furnishing the material for which the said court is indebted. And the member or committee of said court drawing any order as aforesaid, shall, in all cases as the face thereof* state the nature and character of the work performed or material furnished in payment of which any such order may be drawn.

Orders drawn.

To whom payable.

What the amount of orders shall be.

SECTION 2. In the payment of the orders drawn as aforesaid, the County Treasurer shall not pay any that, alone or aggregated, with those previously drawn by the same member or committee, shall exceed the amount named in the general appropriation by the said Levy Court in pursuance of which such order or orders may have been drawn.

Specific appropriation not prohibited.

SECTION 3. That nothing herein contained shall be construed to prevent the said Levy Court from making specific appropriations in favor of its own members for their attendance upon said court or personal services in supervising any public work of said county.

SECTION 4. That Chapter 10, of Volume 16, of the laws of this State, passed at Dover, March 27, 1881, be and the same is hereby repealed.

Passed at Dover, March 29, 1881.

*So in enrolled bill.

OF THE LEVY COURT.

CHAPTER 317.

OF THE LEVY COURT.

AN ACT to enable the Levy Court of New Castle County to join with other parties in building a bridge over the Christiana Creek in the place of the Third Street Bridge in Wilmington. Title.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met*: That the Levy Court of New Castle County shall have and is hereby granted full power and authority to reconstruct the bridge over the Christiana Creek, at Third Street, in the City of Wilmington in such manner that the said bridge may be used jointly as a common highway and as a railroad bridge, and full power and authority is hereby given to the said Levy Court to enter into contract or contracts for the purpose of building and keeping up said bridge, with any and all railroad companies, or other corporations, or firms or individuals requiring railroad tracks, facilities, transportation and connections, with railroads now existing, or to be built hereafter: *Provided*, the railroad companies or corporations shall contribute toward the erection of said bridge sufficient funds to make up the difference between the cost of the bridge to be erected and the cost of an ordinary county bridge, so that the County of New Castle shall not be put to more expense than would have been incurred by the rebuilding and keeping up a suitable bridge in its present form.

Reconstruction of bridge over Christiana Creek.

How used.

Authority to the Levy Court to enter into contracts.

Parties.

SECTION 2. *And be it further enacted*, That if it should seem advisable to the Levy Court to change the location of the bridge from its present site to a point not east of Fifth (5) street or west of Church Street, full authority is hereby given to make such change of site by a vote of at least two-thirds of the members of said Levy Court.

Change of location authorized.

SECTION 3. *And be it further enacted*, That the corporations or firm or individuals contributing the money, as aforesaid, for the building of the said joint bridge shall have the right to use the said bridge under such proper regulations as the Levy Court may, from time to time, make.

Parties contributing authorized to use bridge.

SECTION 4. *And be it further enacted*, That whenever it shall be necessary for the Levy Court aforesaid, for the purpose of building the said bridge, or for the corporations, firms or individuals who may wish to build railroad tracks for the purpose of connecting with the said bridge to enter in and upon, and occupy, for the purpose of building said bridge or said railroad tracks, any lands, the owners of which refuse to permit such entry and occupation, then it shall be lawful for the Superior Court of New Castle County if in term time, or any Judge of said Court

Condemnation of lands for public purposes.

OF THE LEVY COURT.

in vacation, on application of either party, and at the cost and charge of the said Levy Court or corporations, or firms or individuals, to appoint five disinterested men of said county, who shall go upon the said lands and assess the damages of such owner or owners, fairly and impartially taking into consideration all the benefits to be derived from or in consequence of said bridge or railroad to the said owner or owners, and the said commissioners shall certify their finding and award to both parties; whereupon the said Levy Court, or corporations, or firms, or individuals aforesaid, on paying the damages so assessed, shall become entitled to have, use and enjoy the said lands for the purpose by them required forever. And in case the owner or owners of any lands necessary for the purpose of the Levy Court, corporation, firms or individuals aforesaid, shall be a minor or non-resident, or for any cause incapable of receiving or unwilling or neglecting to receive said damages, the said Levy Court, corporation, firms or individuals may deposit the amount of the said damages to the credit of such owner or owners in the branch of the Farmers' Bank of the State of Delaware, at Wilmington, subject to his, her or their order, whereupon the said Levy Court, or persons, or corporations shall be entitled to have, use and enjoy the said lands and premises required for the purpose aforesaid, for or on account of which damages shall have been so assessed. The expenses of the assessment of said damages shall always be paid by said Levy Court, corporation, firms or individuals.

Appointment of commissioners.

Assessment of damages.

Award.

Payment of damages.

Minors and non-residents.

Passed at Dover April 7, 1881.

CHAPTER 318.

OF THE LEVY COURT.

Title.

AN ACT for the improvement of Cherry Island Marsh.

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

Authority to make a bridge over Brandywine Creek.

SECTION 1. That the Levy Court of New Castle County shall have authority to provide for the making and erecting of a good and sufficient bridge over the Brandywine Creek, at any point

OF THE LEVY COURT.

between the mouth of said creek and the bridge of the Philadelphia, Wilmington & Baltimore Railroad, that the City Council of the city of Wilmington may hereafter determine and designate.

Exemption from toll.

Dimensions of bridge.

SECTION 2. The bridge which shall be erected in pursuance of this act, shall be a public bridge, free from toll, shall be of the same breadth and sufficiently railed in as other public bridges within the same county are directed to be by the laws of this State, and in like manner shall be afterwards supported and maintained and the expenses thereof shall be raised as other county rates and levies are by law.

Mode of construction of bridge.

Bridge tender.

SECTION 3. The bridge so authorized to be made and erected shall be constructed with a draw or platform, so constructed as to turn or roll off, or to raise up, for the free and convenient passage to and fro of all vessels navigating the said creek, which shall be kept in good order and repair and drawn off, raised, turned or rolled off whenever required for the passage of boats and vessels, by a tender or keeper, for that purpose to be appointed, provided and paid by the said Levy Court of New Castle County, and if the keeper, tender or person having the care of the said bridge and draw, or platform, shall at any time unreasonably neglect or refuse to give good and faithful attendance at the said draw or platform, or to raise, roll or turn it off so as to permit the passage, free of toll, of any boat or vessel not otherwise able to pass, or having raised or turned off the said draw or platform, shall unreasonably keep it raised or turned off so as to unduly impede or hinder the free passage to and fro of any person or persons waiting and desiring to cross said bridge, he shall for every such offence, forfeit and pay to the person or persons aggreived for every fifteen minutes, he or she, or his or her boat or vessel, shall be detained by the default or neglect of the party or parties aforesaid, the sum of five dollars, to be deducted and paid out of his or their salary by the said Levy Court, or recovered as a debt of the same amount is recoverable by the laws of this State.

Penalty for neglect of duty by tender.

Authority to appropriate private property, &c.

Compensation.

SECTION 4. If it be necessary in carrying this act into effect; to take, occupy or enter upon any land or property, not public, for the purpose of locating or erecting said bridge, or of going to or from the place of location thereof before its construction, for the purposes thereof, or to or from the said bridge when constructed, such property or land may be taken, occupied or entered upon for such purposes and if the amount of compensation thereof be not waived or amicably arranged by the owners thereof and the said Levy Court, so much of the said property or lands as shall be required for the purpose aforesaid may be

OF THE LEVY COURT.

Mode of condemning land.

condemned and taken therefor by the same proceedings as are provided by Section 23, of Chapter 376, of Volume 11, of the laws of this State entitled "An act to amend the charter of the City of Wilmington for assessing the damages in the case of extending, widening, laying out or opening streets except that in assessing damages for the taking of lands for the location or erection of a bridge the commission shall issue upon the written application of two or more of the Levy Court Commissioners, for the time being, any land required for a road, way or street leading to or from said bridge may be condemned and taken for public use by the Mayor and Council of Wilmington in the manner prescribed in and by the said hereinbefore mentioned act."

Location of road, street or way.

Passed at Dover, April 8, 1881.

CHAPTER 319.

OF ASSESSORS AND LEVY COURTS.

Title.

AN ACT to amend Chapter 371, Volume 14, Laws of Delaware.

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

Chap. 371, Volume 14, Laws of Delaware, amended.

SECTION 1. Amend the act by striking out Section 3 thereof and inserting in lieu thereof the the following: SECTION 3. That it shall be lawful for any assessor of any hundred or assessment district, and it shall be his duty to place upon the assessment list the name of any person who may have been omitted, who shall appear before him at the time and place specified in the notices required to be given by the second section of this act and prove his right to be assessed by oath or affirmation of some respectable freeholder of the county, which oath or affirmation shall be made before the assessor, who is hereby alone authorized to administer an oath or affirmation for that purpose, which oath or affirmation shall be taken by the assessor in writing, and subscribed by the person vouching. The said oath or affirmation shall be in the following form:

Duty of assessors.

Mode of providing right to be assessed.

Form of oath.

I ——— do swear (or affirm) that I am a freeholder of ——— county, and that ——— is the identical person he represents himself to be, known to me personally to be such;

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that he is twenty-one years of age, and that he is a bona fide resident in ——— hundred, ——— county and State of Delaware.

Rejection of affidavits

Return of affidavits to Clerk of the Peace.

The said assessor shall reject all affidavits taken before any other person save himself, and the affidavits so taken by the said assessor as aforesaid, shall be by him returned to the Clerk of the Peace of the county, and shall be by him filed and preserved in his office." Amend the act further by striking out all after the word "that" in the first line of Section 6 of said act, and before the word "Provided" in the 10th line of said section, and inserting in lieu thereof the following: "It shall not be lawful for the Levy Court in either of the counties of this State, or any member thereof, to take from the assessment returned to the said Levy Court by any assessor, the name of any person, legally appearing thereon, nor shall it be lawful for such Levy Court, or any member thereof, to add to any assessment returned as aforesaid, the name of any person unless the party himself personally appears before the Levy Court, accompanied by some respectable freeholder of the county, who shall make oath or affirmation in the form prescribed in Section 3, of this act; said oath or affirmation shall be made in open court before the Clerk of the Peace, who alone is authorized to take an oath or affirmation for that purpose, and it shall be unlawful for the Levy Court to accept the oath or affirmation of any one taken before any other person than the Clerk of the Peace of the county in which the party applies for assessment; and an application made in any other manner than prescribed above shall be refused. It shall be lawful for the Levy Court to propound to the affiant such questions as they may deem proper concerning his knowledge of the applicant, and if he should refuse to answer, they may reject the said oath or affirmation, and further, that the Levy Court shall be the judges of the respectability of the affiant, and may reject the affidavit or affirmation of any person upon that ground.

Mode of assessing before Levy Court.

Who to administer oaths.

Power to interrogate parties making affidavits.

Rejection of affidavits

SECTION 2. That Section 2 of the act of which this is amendatory be and the same is hereby amended by adding the following at the end of said Section, viz: "*Provided, however*, and it is hereby "made the duty of the Assessors in Wilmington Hundred, in order "that ample time may be afforded for assessing any person, who "may have been omitted, to sit for five consecutive secular days, "and at least six hours in each day, to hear applications in that "behalf; and the said Assessors are expressly required to indicate "the said several days with notices to be by them given under this "Section."

Duty of assessors in Wilmington.

SECTION 3. That in all future editions of the Laws, this act shall be printed as amended.

Printed as amended.

Passed at Dover, April 8, 1881.

OF THE LEVY COURT.

CHAPTER 320.

ASSESSORS AND LEVY COURTS.

Title. AN ACT in relation to the duties of Assessors and of the Levy Courts in the several counties of this State.

Unlawful for assessor to place on the list names of certain persons, &c.

SECTION 1. *Be it enacted by the Senate and House of Representatives, of the State of Delaware, in General Assembly met,* That it shall not be lawful for any Assessor, in any hundred or assessment district, in either of the counties of the State, hereafter, in making any assessment under the laws of this State, whether the same be a general assessment of real and personal property or any annual assessment which is or may hereafter be required to be made, to place upon such assessment, in addition to the names [of] all persons assessed for poll tax, the name of any person who is not the owner in his own right of taxable real or personal property within the hundred or assessment district, unless such Assessor shall be satisfied from personal knowledge that such person is of lawful age and is a *bona fide* resident of the hundred or assessment district, except as hereinafter provided.

Exception. Alphabetical lists of persons. How posted Notice of election, When. For what purpose. Notice; how separated, Adjournment. Proviso. Wilmington assessors.

SECTION 2. *Be it enacted as aforesaid,* That the Assessor of each hundred or assessment district, within each of the counties of this State shall, within ten days after completing his assessment, whether the same be a general assessment of real and personal property, or any annual assessment, post in at least five of the most public places in said hundred or assessment district an alphabetical list of the persons assessed, with the separate sums of their real, personal and poll rates and their aggregate amounts, and at the same time, places, and in the same manner, he shall give notice that he will attend at the place of holding the general election in said hundred or assessment district, on some day to be named in said notices, from 10 o'clock A. M., till 5 o'clock P. M., to correct any errors in his assessment and for the purpose of assessing any person who may have been omitted. Such notices may be distinct and separate from, or attached to the alphabetical list aforesaid, and shall state that persons desiring to be assessed must apply in person, at the time and place named in the notices aforesaid, and furnish the proof of identity, age and residence required by the third Section of this act. If any Assessor cannot complete the correction of his assessment on the day named in said notices he may adjourn until the next or some subsequent day, not exceeding three days from that time, which shall be announced publicly to those in attendance at the time of said adjournment. *Provided, however,* and it is hereby made the duty of the Assessors in Wilmington hundred, in order that

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ample time may be afforded for assessing any person, who may have been omitted, to sit for five consecutive secular days, and at least six hours in each day to hear applications in that behalf; and the said Assessors are expressly required to indicate the said several days in the notices to be by them given under this Section.

To sit: how long.

Notice

SECTION 3. [*Be it further enacted as aforesaid,*] That it shall be lawful for any Assessor of any hundred or assessment district, and it shall be his duty to place upon the assessment list the name of any person who may have been omitted, who shall appear before him at the time and place specified in the notices required to be given by the second Section of this act, and prove his right to be assessed by oath or affirmation of some respectable freeholder of the county, which oath or affirmation shall be made before the Assessor who is hereby alone authorized to administer an oath or affirmation for that purpose, which oath or affirmation shall be taken by the Assessor in writing, and subscribed by the person vouching. The said oath or affirmation shall be in the following form: I, ——, do swear (or affirm) that I am a freeholder of —— county, and that —— is the identical person he represents himself to be, known to me personally to be such; that he is twenty-one years of age, and that he is a *bona fide* resident in —— hundred, —— county, and State of Delaware." The said Assessor shall reject all affidavits taken before any other person save himself, and the affidavits so taken by the said Assessor as aforesaid, shall be by him returned to the Clerk of the Peace of the county, and shall be by him filed and preserved in his office.

Name of person omitted; how placed on list.

Oath of freeholder.

Before whom made.

How taken.

Form of oath.

What affidavits shall be rejected.

Where filed.

SECTION 4. *Be it further enacted as aforesaid,* That if any assessor shall refuse or omit to place upon the assessment the name of any person who shall appear before him at the time specified in the notice aforesaid and apply to be assessed, and prove his right to be placed upon the assessment in the manner provided in section (3) three of this act, or if any assessor shall knowingly place upon such assessment any fictitious name, or the name of any person not at the time resident in the hundred or assessment district, he shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined for every such offense not less than one hundred dollars nor more than five hundred dollars.

Penalty for neglect of duty of assessor.

Misdemeanor.

Fine.

SECTION 5. *Be it further enacted as aforesaid,* That in the case of the inability of any assessor, from sickness or otherwise, to attend at the time and place specified in the notices required to be given by the second section of this act, for the purpose of correcting errors in his assessment and adding thereto the name of any persons omitted therefrom as aforesaid, he shall appoint some other day when he will attend for that purpose, and shall

In case of inability to attend the assessor shall appoint another day.

OF THE LEVY COURT.

give notice thereof in the same manner as provided in said second section.

Levy Court not to take names from list.

Nor to add to list.

Proviso and application. Affiant.

Form of affidavit.

Clerk of Peace authorized to take oath. Unlawful to accept certain applications.

Questions to affiant.

Rejection.

Judges of respectability. Proviso.

Violation of this section a misdemeanor.

Fine.

Penalty for neglect of duty of Clerk of the Peace.

Proceedings before Justice of Peace. Form. Assessor a witness.

SECTION 6. *Be it further enacted as aforesaid,* That it shall not be lawful for the Levy Court in either of the counties of this State, or any member thereof, to take from the assessment returned to the said Levy Court by any assessor, the name of any person legally appearing thereon; nor shall it be lawful for such Levy Court, or any member thereof, to add to any assessment returned as aforesaid the name of any person, unless the party himself personally appears before the Levy Court, accompanied by some respectable freeholder of the county, who shall make oath or affirmation in the form prescribed in section 3 of this act. said oath or affirmation shall be made in open court before the Clerk of the Peace, who alone is authorized to take an oath or affirmation for that purpose, and it shall be unlawful for the Levy Court to accept the oath or affirmation of any one taken before any other person than the Clerk of the Peace of the county in which the party applies for assessment; and an application made in any other manner than prescribed above, shall be refused. It shall be lawful for the Levy Court to propound to the affiant such questions as they may deem proper concerning his knowledge of the applicant, and if he should refuse to answer, they may reject the said oath or affirmation, and further that the Levy Court shall be the judges of the respectability of the affiant, and may reject the affidavit or affirmation of any person upon that ground: *Provided,* that persons regularly assessed in any hundred may, as under existing law, be transferred to any other hundred in the same county. Every member of the Levy Court of either of the counties of this State who shall violate the provisions of this section shall be guilty of a misdemeanor, and, upon conviction thereof, shall forfeit and pay a fine of not less than one hundred dollars, nor more than five hundred dollars for every such offense. If the Clerk of the Peace shall neglect to place on the collector's duplicate for any hundred any name which may have been on the assessor's list for said hundred, delivered by the assessor to the Clerk of the Peace, he shall forfeit and pay to the person whose name shall have been so omitted the sum of ten dollars. Proceedings shall be before any Justice of the Peace, and the proceedings shall be in the same form as in actions for debt, and the assessor may be summoned as witness in said case and compelled to exhibit the certificate of assessment from the Clerk of the Peace.

SECTION 7. *Be it further enacted as aforesaid,* That if any person shall procure or cause to be placed upon the assessment in any hundred or assessment district the name of any person

OF THE LEVY COURT.

not entitled to be assessed in said hundred or assessment district, or shall knowingly procure or cause to be placed thereon any fictitious or fraudulent name, such person so offending shall be guilty of a misdemeanor, and upon conviction thereof shall forfeit and pay a fine, not less than one hundred dollars nor more than five hundred dollars for every such offense.

A misdemeanor to place fraudulent names upon assessment. Fine.

SECTION 8. *Be it further enacted as aforesaid,* That if any person making any affidavit required under any provisions of this act shall swear falsely, or make a false affirmation, he shall be guilty of the crime of perjury and shall be subject to the punishment prescribed for perjury under the laws of this State.

Perjury.

SECTION 9. *Be it further enacted as aforesaid,* That it shall not be lawful for any assessor or any Levy Court, upon the personal application of any one or otherwise to place upon the assessment in any hundred the name of any person who having failed to pay the county tax assessed against him or her for the preceding year was returned and allowed as a delinquent until after the expiration of the twelve months from the time such allowance as delinquent was made by the Levy Court.

The name of a delinquent omitted from assessment for twelve months.

SECTION 10. *Be it further enacted as aforesaid,* That it shall be the duty of the Clerk of the Peace of each of the counties of this State to certify, under his hand and official seal, and deliver to the Sheriff of his county in the month of August, an alphabetical list for each of the hundreds of his county of the delinquent list so made and returned by the Collector at the March session of the Levy Court in the year of holding the general election.

Certified list of delinquents to be delivered to Sheriff.

By whom.

SECTION 11. *Be it further enacted as aforesaid,* That all laws and parts of laws of this State inconsistent with any of the provisions of this act be and the same are hereby repealed.

Inconsistent acts repealed.

Passed at Dover, April 9, 1873.

Amended at Dover, April 8, 1881.

OF VALUATION OF PROPERTY.

CHAPTER 321.

OF CLERK OF THE PEACE.

Title. AN ACT to amend Section 23, of Chapter 9, of the Revised Statutes.

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

Section 23, Chapter 9, Revised Code, amended.

SECTION 1. That Section 23, of Chapter 9, of the Revised Statutes of this State be, and the same hereby is amended, by adding to said Section the words, "The cost of the publication aforesaid shall be defrayed by the State."

Passed at Dover, March 31, 1881.

CHAPTER 322.

OF THE VALUATION OF PROPERTY.

Title. AN ACT to amend Section 3, of Chapter 11, of the Revised Statutes.

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

Section 3, Chapter 11, Revised Code, amended

Permanent improvement of certain property added annually.

SECTION 1. That Section 3, of Chapter 11, of the Revised Statutes of this State be, and the same hereby is, amended by adding to the first paragraph of said Section after the word "bequest," the words "*And provided further,*" that each Assessor shall annually add to the assessment of each parcel of real estate in cities, towns and villages, the value of any buildings or structures of a permanent character, which may have been erected therein, since the last general assessment of real estate.

Passed at Dover, April 8, 1881.

REFUNDING DEBT.

CHAPTER 323.

REFUNDING DEBT.

AN ACT to provide for the refunding of the present bonded debt of this State at a lower rate of interest. Title.

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

"SECTION 1. That the State Treasurer be and he is hereby authorized and directed to advertise in two daily newspapers published in the city of Philadelphia, in two daily newspapers published in the city of New York, and in four newspapers published in the State of Delaware, two of which shall be in the city of Wilmington, for the space of one month preceding the first day of May, A. D. 1881, for bids or proposals for the whole amount of the loan authorized by this act, to be represented by bonds of the State, as hereinafter provided; such advertisements in daily newspapers shall be published semi-weekly. Each bid or proposal must be in writing; must state the bidder's full name and place of residence; and must be for the full amount of the loan." Every bid must be accompanied by a certified check, to the order of the State Treasurer, for five per centum of the amount of the bid, which shall be retained as security for the payment of the residue of the amount bid when the bonds are ready for delivery, and payment shall be demanded in the mode hereinafter provided. In case the successful bidder should fail to comply with his bid by paying the balance thereof when demanded, the said per centage shall be absolutely forfeited to the State. No bid less than the par value of the bonds will be accepted. All bids must be addressed to the State Treasurer of the State of Delaware, at Dover, and must be endorsed on the envelope: "Proposals for Delaware State Loan." In the said advertisements, the substance of this, and the following Section shall be stated, as also the substance of the other provisions of this act, relative to the whole amount of the loan, the denominations of the bonds, the several series or classes thereof, the rate of interest, and other matters for the proper information of bidders respecting the said loan.

Advertisement by State Treasurer. For proposals. Proposal: how made and contents. Guarantee. Failure of bidder to comply. Percentage forfeited. Lowest bid accepted. Endorsement of bids. Contents of advertisements. Amount. Denomination. Series. Interest.

SECTION 2. That on the first Tuesday in May, A. D. 1881, the State Treasurer, Secretary of State, and Auditor of Accounts shall meet in the office of the Secretary of State, in the town of Dover, at 2 o'clock, P. M., and shall constitute a commission to open the said bids or proposals so received by the State Treasurer, and make an accurate record, in a book to be provided by

Bids; when and by whom and where opened. Record of actions.

REFUNDING DEBT.

Showing name, &c.

Award.

In case of like bids, shall do what.

Return of deposit.

Check of the successful bidder to be cashed

Notice to comply.

When forfeited.

Interest on deposit.

the Secretary of State for that purpose, of every such bid or proposal so received, showing the name of the bidder, his place of residence, and the amount of his bid; and such record shall also show the award made by the said commission as hereinafter provided. After the said bids shall have been opened and recorded, the said commission shall award the said loan to the highest bidder, whose proposal shall conform to the requirements of section 1. In case there be two or more bids at the same price, the said commission shall apportion the said loan as nearly equally as may be, among the persons so bidding the same price, or may at their discretion, having due regard to the best interests of the State, award the whole to any one of such bidders. It shall be the duty of the State Treasurer, after the said commission shall have awarded the loan, to return to all unsuccessful bidders the certified checks received from them respectively, and the faith of the State is expressly pledged for the return of the said checks. The check of the successful bidder shall, after the award made, be immediately deposited in the Farmer's Bank at Dover for credit to the account of the State Treasurer, and if the said successful bidder shall, upon demand of the State Treasurer, and notice that the bonds are ready for delivery, comply with his undertaking by paying the balance of the amount bid by him, then the percentage so paid by him shall constitute part of the price of said bonds, or otherwise shall be absolutely forfeited to the State: *Provided*, that such successful bidder so complying with his bid shall be allowed interest at the rate of four per cent. per annum on the amount of his deposit from the date of the said award until the first day of July, A. D. 1881, [when interest shall commence to accrue on the said bonds] which said allowance shall be made by way of abatement on the unpaid balance of his bid.

Failure of State Treasurer to receive proposals. Readvertisement

Opening of bids.

SECTION 3. In case there shall be no bid or proposal, pursuant to the advertisements directed and authorized by section 1 of this act, the State Treasurer is hereby directed to readvertise for the space of twenty days prior to the first day of June, A. D. 1881, in the same manner, and subject to the same regulations as prescribed by section 1 for other bids or proposals for the whole amount of the said loan. All bids or proposals by this section authorized, shall be opened, acted on, and disposed of, on the first Tuesday in June, A. D. 1881, at the same hour by the same commission, and subject to the same regulations, restrictions and directions as are contained and provided in and by section 2 of this act.

SECTION 4. Immediately after the award of said loan, by the

REFUNDING DEBT.

said commission, as hereinbefore provided, it shall be and it is hereby made the duty of the said State Treasurer, forthwith to cause to be prepared and signed and sealed, as is hereinafter provided, eight hundred and forty-seven bonds of the State of Delaware, of the denomination of "One Thousand Dollars each, with coupons thereto attached." The said bonds shall be divided into three several classes or series, and shall be designated as "Series A," "Series B," and "Series C," respectively. Series A shall consist of two hundred and fifty thousand dollars. Series B shall consist of three hundred thousand dollars, and Series C shall consist of two hundred and ninety-seven thousand dollars. The said bonds shall bear interest at the rate of four per centum per annum, payable semi-annually on the first day of July and January in each and every year while they remain unpaid, at the Philadelphia National Bank, in the city of Philadelphia, on presentation of the coupon representing such semi-annual interest. The said bonds shall be dated on the first day of July, A. D. 1881, shall bear interest from and after that date, shall have coupons attached, representing each semi-annual installment of interest, and each of the bonds of the said several series shall be numbered consecutively, commencing with number 1 for each series, and the coupons belonging to each bond shall bear the letter indicating the series of the bond to which they are attached, and the same number as the said bond. The bonds embraced in series A shall be payable on the first day of July, A. D. 1886, but may be redeemed at the option of the State at any time after the first day of July, A. D. 1882. The bonds embraced in series B shall be payable on the first day of July, A. D. 1891, but may be redeemed at the option of the State at any time after the first day of July, A. D. 1886. The bonds embraced in series C shall be payable on the first day of July, A. D. 1901, but may be redeemed at the option of the State at any time after the first day of July, A. D. 1891; *provided however*, that if the State elects to redeem any of the said bonds, according to their tenor, such redemption shall be made either on the first days of July or January, and in pursuance of notice by the State Treasurer published for the space of thirty days prior to the day of redemption, in two newspapers published in the city of Philadelphia, and two newspapers published in the State of Delaware. Such notice shall indicate the bonds called, and in making the calls, the State Treasurer shall call the bonds according to their numbers, commencing with the lowest number.

Preparation of bonds by State Treasurer.

Denomination and character of bonds.

Classes or series.

Series A.

Series B.

Series C.

Rate of interest: when and where payable.

Date of bonds.

Interest.

Coupons.

Numbering of bonds.

Bonds of series A, B, C: how payable and when redeemable

Proviso.

Redemption; when made.

Publication of redemption.

REFUNDING DEBT.

Form of bond.

The said bonds shall be in the following form, to wit:

"UNITED STATES OF AMERICA."

STATE OF DELAWARE.

Series ——. No. ——.

These presents certify and make known that the State of Delaware is held and firmly bound unto the bearer in the sum of *One Thousand Dollars*, lawful money of the United States of America, which the said State binds itself to pay to the bearer, at the Philadelphia National Bank, in the city of Philadelphia, on the first day of July, A. D. ——, with interest at the rate of four per centum per annum, likewise payable at the said "The Philadelphia National Bank," on the first days of January and July in each and every year whilst said principal sum remains unpaid, upon presentation of the coupon hereto annexed representing such semi-annual installment of interest; *Provided, however*, and it is expressly stipulated that the said State reserves the right and power, at its option, to call in and redeem this bond on the first day of January or July in any year after the first day of July, A. D. ——, pursuant to the notice prescribed by the act of Assembly, by authority of which this bond is issued; *and provided further*, that when this bond shall be called by the notice aforesaid, interest thereon shall cease to accrue from and after the first day of January or July [as the case may be] next succeeding the date of such notice. Dated at Dover, the first day of July, A. D. 1881.

Witness the great seal of the said State, and the hands of the Governor, Secretary of State, and State Treasurer, the day and year aforesaid.

GREAT SEAL.

—— ——, Governor.
—— ——, Sec'y of State.
—— ——, State Treasurer.

And the coupons shall be in the following form, to wit:

The State of Delaware will pay to bearer at the Philadelphia National Bank, in the city of Philadelphia, on the first day of ——, A. D. ——, the sum of Twenty Dollars, for six months interest on Bond No. ——, Series ——, dated July 1, 1881.

—— ——, State Treasurer.

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The said bonds shall each be dated the same day, shall be signed by the Governor, Secretary of State and State Treasurer on behalf of the State, and shall have the Great Seal affixed thereto. They shall be first signed by the Governor and then by the Secretary of State, who shall affix the Great Seal to each of them, and the latter officer shall, in a book to be provided by him for that purpose, make an accurate record showing each series of said bonds, with their numbers and denominations respectively, and immediately thereafter deliver the said bonds to the State Treasurer, taking a receipt from the said State Treasurer for the said bonds so delivered to him. It shall be the duty of the State Treasurer to provide a record of proper size and proportions to be retained in his office, so ruled as to afford a separate space for each coupon, and a space at the top of each page of said record for each bond when paid or redeemed. When the said bonds shall have been received by the State Treasurer, he shall forthwith affix his own signature to each of them, and likewise to the several coupons thereto attached, and as each is so signed by him, it shall be his duty to make an entry, at the top of each page of the said record so to be kept by him, of the number and series, and also of the denomination of the bond of which a record is to be made and kept on such page. And when the said bonds are delivered to the successful bidder therefor, the State Treasurer shall take a receipt showing the delivery thereof, and the price received by him therefor; as the said interest coupons are paid it shall be the duty of the State Treasurer to mark the same in red ink, "Paid," cut each of them in two pieces lengthwise, and paste the two pieces in the appropriate space for such coupon in the aforesaid record. Whenever any of the said bonds shall have been paid or redeemed, the State Treasurer shall cause the same to be cancelled by making lines of red ink through the signatures of the Governor, Secretary of State and State Treasurer, and also by writing across the face of the said bond, in red ink, the following words: "This bond paid or redeemed (as the case may be) this——— day of———A. D.——by the payment of the sum of——— dollars principal and———dollars interest, represented by coupons No.——by———State Treasurer." And all coupons unmatured and surrendered with the bond shall each likewise be endorsed "cancelled by the redemption of bond No.———," which endorsement shall also be in red ink. When paid or redeemed the said bonds shall be pasted in the appropriate space, in the record, aforesaid, and all coupons paid surrendered or removed shall likewise be pasted in their appropriate space in such record.

Date of bonds. How signed.

Record of Secretary of State.

Record of State Treasurer.

Entry on record.

Receipt from bidder upon delivery of bonds

Cancelling Coupons.

Bonds: how and when cancelled.

Pasting of cancelled bonds and coupons in proper book.

REFUNDING DEBT.

Further failure of State Treasurer to receive bids, or non-compliance of bidder to pay balance

SECTION 5. In case no bids or proposals accompanied by certified check of the bidders, as heretofore provided, shall be received pursuant to either of the advertisements provided for by sections 1 and 3 of this act, or in case any bidder to whom an award of the loan shall be made pursuant to either of said advertisements shall fail to comply with his undertaking by paying the balance of his bid as hereinafter required and stipulated, it shall be the duty of the State Treasurer to advertise in the same newspapers indicated by the first section of this act for the space of sixty days prior to the first day of January, A. D. 1882, for other bids or proposals for the whole amount of said loan, or for any part thereof which may then remain unsold by reason of a failure of any bidder to whom a part thereof was awarded to pay the balance of his bid, which said bids or proposals shall in all respects conform to the requirements of section 1 of this act (except that if the whole of such loan shall have been previously awarded, and the purchaser has failed to comply, or if a part thereof remains unsold for the same reason the advertisement shall state the several series, number and denominations of the bonds remaining unsold, and the bids shall be made specifically for the said bonds described in the advertisement) and be accompanied by certified checks of the bidder as therein provided; and on the first Tuesday in January, A. D. 1882, at 2 o'clock, P. M., at the office of the Secretary of State, in the town of Dover, and before the commission constituted by section 2 of this act, the said bids shall be opened, and the like proceedings had in all respects with reference to the record, award, preparation, signing and sealing of the said bonds; [*Provided, however*, that if the award be of bonds theretofore prepared pursuant to a previous bid, that there need be no other bonds prepared and signed and sealed, but that from these respectively the State Treasurer shall remove the interest coupon maturing on the first day of January, A. D. 1882, and having endorsed on each coupons, "*cancelled prior to the delivery of the bonds*," paste each such coupon in its appropriate space in the said record] and their delivery to the purchaser as hereinbefore stipulated.

Shall re-advertise as before indicated.

Opening proposals. When and where.

Provisions for using bonds previously prepared.

Removal of coupon for January 1, 1882.

Endorsement of coupon.

Notice to successful bidder of award.

SECTION 6. When an award shall have been made to the successful bidder or bidders of the said loan by this act authorized, and the said bonds shall be ready for delivery the State Treasurer shall cause notice in writing to be served upon each such bidder at least ten days before the time of delivery of the bonds indicated in such notice, which said notice shall be in the following words, filling the blanks for dates and amounts, viz:

When served.

REFUNDING DEBT.

STATE TREASURER'S OFFICE, STATE OF DELAWARE.
DOVER, DEL., A. D.,

Form of notice.

To

You are hereby notified that the bonds of the four per cent loan of the State of Delaware, awarded to you, and amounting to the sum of ———— dollars, will be ready for delivery to you on the ———— day of ———— A. D., ——— and that you are required to pay to me in my office, in the town of Dover, on the day herein named, or within five days thereafter, the sum of ———— being the balance of the amount of your bid, less the amount of your cash deposit, with interest from the date of the award on such cash deposit, and receive the said bonds; or in the event of your failure to comply with this notice, the cash deposit so made by you will be forfeited to the State of Delaware, agreeable to the provisions of the act of Assembly, pursuant to which the said loan is issued.

Whole amount of your bid,	$	
Less cash deposit,	$	
Interest on same from date of award to the ——— day of ——— A. D., ———	$	
Balance still payable,	$	State Treasurer.

Deposit. When forfeited.

In case any bidder to whom an award has been made, shall fail to comply with the said notice strictly, the cash deposit made by him shall be absolutely forfeited to the State; and so much of the said loan as he had bid for may be re-advertised by the State Treasurer according to the provisions of Section 5 of this act, provided, however, that there shall be no subsequent advertisement after the first day of January, A. D., 1882.

Readvertisement for balance. No advertisement after Jan. 1, 1882.

Application of monies received under this act.

SECTION 7. That all the monies received by the State Treasurer from the sale of the bonds authorized by this act, shall be, and they are hereby specially appropriated to the payment of the present bonded debt of this State. And nothing in this act contained shall be so construed as to authorize any substantial increase of the bonded debt of the State, except only so far as there may be a temporary increase on account of the conversion of the present bonded debt into that by this act authorized.

No increase in bonded debt.

Public faith pledged.

SECTION 8. That the public faith is hereby expressly pledged for the payment of the principal and interest of the bonds to be

REFUNDING DEBT.

Bonds exempt from taxation.

issued and sold by authority of this act; and the said bonds shall be exempt from taxation by the State for any purpose, and it shall be so stated by the advertisements for the proposals by this act authorized.

Filling out bonds.

SECTION 9. It is hereby made the duty of the State Treasurer in having the said bonds prepared, to cause all the blanks in the forms of the said bonds and coupons hereinbefore prescribed, to be appropriately filled in conformity with the provisions of this act.

Expenses of State Treasurer.

How paid.

SECTION 10. All the expenses incurred by the State Treasurer in advertising for proposals, in causing the said bonds to be prepared, and in serving notices on the bidders to whom awards have been made; or in returning checks to unsuccessful bidders, shall be allowed to him and paid by him out of any unappropriated funds in the treasury, he producing the necessary vouchers therefore as by law required with reference to other disbursements of the public funds.

Compensation of commissioners.

SECTION 11. For the services required to be performed by the Secretary of State, Auditor of Accounts, and State Treasurer, under this act, the said several officers shall respectively receive such compensation as may be deemed just by the Legislative committee at its session in January, A. D. 1882; and said Legislative committee are hereby expressly authorized to make such allowance to the said several officers; and to draw drafts on the treasury of this State to pay the same.

Drafts for allowance.

Redemption of outstanding bonds.

SECTION 12. That it shall be the duty of the State Treasurer, and he is hereby expressly authorized and empowered, when and as the monies shall be received by him arising from the sale of the bonds by this act authorized, in whole or in part, to appropriate the said monies toward the redemption and payment of the outstanding bonds of this State, commencing with those which mature in 1885, and redeeming the others in the order in which they mature; and to this end it shall be the duty of the said State Treasurer whenever he shall receive monies from the sale of said bonds, and from time to time as it shall be received, in case there be more than one sale thereof, or of a portion or portions thereof, to advertise by notice published tri-weekly in two daily newspapers published in the city of Philadelphia, also tri-weekly in two daily newspapers published in Wilmington, and in one weekly newspaper in each of the counties of Kent and Sussex, for at least one month preceding the date when said bonds will be redeemed and paid, The notice to be given may be in the following form, viz:

To advertise notice of redemption.

REFUNDING DEBT.

DELAWARE STATE BONDS.

Notice form.

By virtue of an act of the General Assembly of the State of Delaware, passed at Dover, at its session of 1881, I do 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 first three secular days of —— —— A. D. ——, prepared to pay off and redeem bonds of the said State of the numbers following: ———— of the denomination of one thousand dollars each, of the issue of the bonds of said State under date of January 1, 1865; also other bonds of the said State of the numbers following: ———— of the denomination of one thousand dollars each, of the issue of the bonds of the said State under date of ———— A. D. ——; and also other bonds of the said State of the numbers following; ———— of the denomination of one thousand dollars each of the issue of the bonds of said State under date of ———— A. D. ——; and that from and after the first day of —— —— A. D. ——, interest will cease to accrue on the bonds herein designated.

OFFICE OF STATE TREASURER, }
DOVER, DEL., A. D. 18 }
State Treasurer.

Notice to conform to funds in hand.

The State Treasurer shall of course make the said notice conform to the state of the funds in his hands from the sale of said bonds, and in case the whole amount of bonds shall not have been sold at one time by reason of the failure of a successful bidder of a portion thereof, to comply with his bid, he shall limit his notice to so many of the said bonds as he shall have funds to pay.

Redeemed bonds to be cancelled.

When and as the said outstanding bonds shall have been paid off and redeemed by the State Treasurer out of the proceeds of sale of the bonds by this act authorized, it shall be his duty forthwith in the presence of the cashier or assistant cashier of the said Philadelphia National Bank to cause the said bonds with the coupons thereto attached to be duly cancelled by endorsing on each bond the following words: "Paid this ——— day of ———, A. D. ——, principal $1,000 and accrued interest $——, by ——— ——— State Treasurer," and filling the blanks appropriately. In case the day indicated by the State Treasurer's notice shall be an intermediate period between the times when the interest is payable on the said bonds, it shall be the duty of the State Treasurer to pay the interest accruing until

How endorsed.

Interest. How paid.

the day indicated by his notice as the first day for redemption, and endorse the same so paid as interest on each coupon next maturing after the date of redemption fixed by such notice.

SECTION 13. If the said bonds authorized by this act shall be sold, and the sale consummated as herein provided, it is hereby made the duty of the State Treasurer to appropriate the surplus revenues of the State from time to time to the redemption of the bonds issued by authority of this act according to the tenor of the said bonds and in conformity with the provisions of this act in that behalf. *Provided, however*, that a sufficient amount of such revenues shall be retained in the treasury to provide for the current expenses of the State, and other legitimate demands thereon. *And provided further*, that in case the said bonds by this act authorized, or a sufficient proportion thereof to pay off the bonds dated January the 1st, 1865, shall not be negotiated, nothing in this act contained shall be so construed as to prevent the operation of the act entitled "An act for the redemption of the State bonds," passed at Dover, February 22, 1877, or in anywise to interfere with it.

Surplus revenues. How issued

Passed at Dover, March 16, 1881.

CHAPTER 324.

REFUNDING DEBT.

Title. A SUPPLEMENT to the act entitled, "An act to provide for the refunding of the present bonded debt of this State, at a lower rate of interest," passed at Dover, March 16, 1881.

Preamble. WHEREAS, the Trustee of the School Fund by a joint resolution adopted March 11, 1881, was directed to sell the certificates of loan of "The Philadelphia, Wilmington and Baltimore Railroad Company" (constituting a part of the investments belonging to the said school fund) and amounting in the aggregate, at their par value, to the sum of eighty five thousand dollars, for which the said school fund paid the sum of $80,793.83:

AND WHEREAS, it appears by the report of the Trustee of the School Fund made to the General Assembly since the passage of the act to which this is a supplement, that he has, pursuant to the authority contained in the resolution aforesaid, sold

the said certificates of loan for the sum of one hundred and thirty-one thousand, seven hundred and fifty dollars ($131,-750.00).

AND WHEREAS it is deemed advisable, in order to secure a present investment of the said last mentioned sum, so that an income of six per centum per annum may be presently derived therefrom for the benefit of the free schools, that the State of Delaware should borrow the said sum of money and issue its bond to the trustee of the school fund to secure the same; and appropriate the said monies to the payment of part of the bonded debt authorized to be refunded by the act to which this is supplemental, therefore,

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

Treasurer authorized to pay debt

SECTION 1. That the State Treasurer be and he is hereby authorized, empowered and directed to appropriate the said sum of one hundred and thirty-one thousand seven hundred and fifty dollars toward the payment of the bonded debt authorized to be refunded by the act to which this is a supplement; and that the said act be and the same is hereby so modified and amended as to authorize the issue only of bonds to the amount in the aggregate, of seven hundred and fifteen thousand dollars, instead of eight hundred and forty-seven thousand dollars as by the fourth Section of the said act provided; and that the said act be further modified and amended so that the class or series of bonds designated in Section 4 aforesaid as series C, shall consist only of one hundred and sixty-five thousand dollars instead of two hundred and ninety-seven thousand dollars as therein provided; and that all other provisions of the said act relative to advertisements for bids, and making awards of said bonds to a bidder or bidders, are modified according to the spirit and intent of this Section.

Funding act modified.

Series C, to be $165,-000.00.

Single bond for $156,750.00 to be issued

SECTION 2. That a single bond of this State shall be issued for the sum of one hundred and fifty-six thousand seven hundred and fifty dollars ($156,750) being made up of the aforesaid sum of one hundred and thirty-one thousand seven hundred and fifty dollars, and the further sum of twenty-five thousand dollars, proceeds of stock of the New Castle and Wilmington Railroad Company, heretofore extinguished and paid into the State Treasury but which also belonged to the school fund. The said bond shall be in the following form, viz:

REFUNDING DEBT.

Form of bond.

UNITED STATES OF AMERICA.

STATE OF DELAWARE.

These presents certify and make known that the State of Delaware acknowledges itself to owe unto "The School Fund of the State of Delaware," the sum of one hundred and fifty-six thousand seven hundred and fifty dollars ($156,750) which it promises and obliges itself to pay unto the trustee of the school fund, on the first day of July, A. D. one thousand nine hundred and six (1906), together with interest for the same at the rate of six per centum per annum, to be computed from and after the seventeenth day of March, A. D. 1881, and to be paid in manner following: The sum of seventeen hundred and seventeen dollars as and for interest on the first day of July, A. D., 1881; the further sum of nine thousand four hundred and five dollars as and for interest on the first day of July, 1882, and the like sum of nine thousand four hundred and five dollars as and for interest on the first day of July in each and every year thereafter while the said principal debt remains unpaid. Dated at Dover, the ——— day of ———, A. D. 1881.

Witness the Great Seal of the said State, and the hands of the Governor, Secretary of State, and State Treasurer, the day and year aforesaid.

GREAT SEAL.

——— ———, Governor.
——— ———, Sec'y. of State.
——— ———, State Treasurer.

By whom signed and how executed.

To whom delivered.

The said bond shall be signed by the Governor, Secretary of State, and State Treasurer; shall have the Great Seal affixed thereto, and shall be dated on the day of its execution; when duly executed it shall be delivered to the trustee of the school fund who shall file his receipt therefor with the Secretary of State, and that officer shall cause such receipt to be duly recorded in the Official Register in his office.

Faith of State pledged.

Bond the property of the School Fund.

SECTION 3. That the faith of the State be and it is hereby expressly pledged for the full payment of the monies represented by said bond, principal and interest; and the said bond and the monies thereby secured are hereby expressly declared to be the property of the said school fund.

Interest thereon.

SECTION 4. That the interest on said bond shall be paid according to its tenor by the State Treasurer out of any unappropriated monies in the treasury; and that officer is likewise

directed to pay to the trustee of the school fund the interest on the sum of twenty-five thousand dollars, arising from the stock of the New Castle and Wilmington Railroad Company, from the time the interest was last paid thereon by him to the trustee of the school fund to the seventeenth day of March, A. D. 1881.

Passed at Dover, March 29, 1881.

CHAPTER 325.

AN ACT for the relief of Archibald Given. Title.

WHEREAS it has been represented to this General Assembly by Archibald Given, the contractor for the erection of the new Court House in the city of Wilmington, in New Castle County, that he has expended the sum of ninety-six hundred and twenty-five dollars of his own money in the completion of the said Court House, above and beyond his contract price; that he was obliged to make such expenditure by reason of the failure of a sub-contractor for the stone work, and in the unexpected rise in the price of building materials, and whereas the said Archibald Given claims that he has in all respects faithfully and satisfactorily performed and completed his said contract, therefore Preamble.

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 New Castle County be and it is hereby authorized and empowered, in the exercise of its discretion and subject to the provisions of Section 2 of this act, to pay to the said Archibald Given so much money, not to exceed in any event the sum of ninety-six hundred and twenty-five dollars, as the said court, upon investigation shall consider the said Archibald Given justly and equitably entitled to receive, on account of any failure of his sub-contractors to fulfill their contracts with him relating to the erection of said Court House, and of the advance in the price of materials which the said Archibald Given by reason of any such failure on the part of his sub-contractors was compelled to purchase for the erection of said Court House. Levy Court of N. Castle county authorized to pay money to A. Given. Limit.

Given to submit sworn statement of particulars.

SECTION 2. That no portion of the said sum of ninety-six hundred and twenty-five dollars shall be paid by said court to the said Archibald Given unless the said Archibald Given shall first submit to said court a statement in writing verified by his oath, setting forth particularly all items of expenditure by him, and all payments to him for or on account of the erection of said Court House, and unless it shall satisfactorily appear to said court that the said Archibald Given, in his acceptance of the contract for the erection of said Court House acted in good faith and with the expectation that he would be able without loss to himself, to complete the work, by him contracted to be done, for the contract price; nor shall any portion of the said sum of ninety-six hundred and twenty-five dollars be paid by said court to the said Archibald Given for or on account of any item or items of loss by him sustained, which in the opinion of said court could have been avoided by the exercise by him of ordinary care or business prudence, or for or on account of any item or items of loss by him sustained, which in the opinion of said court can be made good to the said Archibald Given by suit against the person or persons liable therefor.

Passed at Dover, February 10, 1881.

TITLE THIRD.

Of the Public Arms and Defense.

CHAPTER 326.

OF THE PUBLIC ARMS AND DEFENSE.

AN ACT to amend Chapter XV of the Revised Code, entitled "Of Public Arms and Defense." Title.

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

SECTION 1. That sectiom 6, of Chapter XV, of the Revised Code be, and the same is hereby amended by adding at the end of said section the words: "*Provided, however*, that in time of peace the number of companies organized shall not exceed eight —four of which may be organized in New Castle County, and two in each of the Counties of Kent and Sussex." Section 6, Chapter 15, Revised Code, amended. Number of companies in time of peace.

SECTION 2. That Section 8, of said Chapter be amended by striking out of the first and second lines of said section the words, "The Major General (to be appointed as hereinafter provided)" and inserting in lieu thereof the words, "The Adjutant General." Appointment of Major General.

SECTION 3. That Section 9, of said chapter be stricken out and the following section be substituted in lieu thereof, viz: "Section 9. The staff of the commander-in-chief shall consist of an Adjutant-General, a Quartermaster-General and Inspector General, each with the rank of Brigadier-General, one Commissary for each county and three Aids-de-Camp, each with the rank of Colonel. The Governor shall have authority to appoint such other officers as may be necessary for the proper government, instruction and discipline of the military forces of the State. In time of peace the Adjutant-General shall perform the duties of Quartermaster-General and Inspector-General." Constitution of staff of Commander in Chief. Rank. Quarter Master in time of peace.

SECTION 4. That Section 11, of said Chapter be, and the same is hereby amended by adding at the end of said section the words following, to wit: "There shall be annually appropriated by the State the sum of twelve hundred dollars, for the support of the organized militia of the State, to be expended under the supervision and direction of the Adjutant-General, whose duty it shall be before drawing any warrant upon the State Treasurer to submit the item or items of expenditure to the Governor for Annual appropriation How expended.

OF THE PUBLIC ARMS AND DEFENCE.

his approval, and upon the approval of the same by the Governor, it shall be the duty of the State Treasurer to pay any such warrants presented to him out of any moneys in his hands.

Power to condemn and sell arms, &c.

SECTION 5. That Section 12 of said Chapter be amended by striking out of the fifth and sixth lines thereof the words "unless he is directed by the Governor, Major-General, or Brigadier General, of this County," and by adding at the end of said Section the words following, to wit: "The Adjutant-General shall have power to condemn and sell all arms, accoutrements and ammunitions found to be unserviceable, or which may be deemed to the interest of the State to dispose of, on such terms as the Governor shall approve, and shall allot the money received from such sale or sales pro rata to the several companies, troops or batteries in the service of the State. He shall make report biennially to the Governor of all monies so received and distributed, to be by the Governor submitted to the General Assembly at its next Session."

Biennial report to Governor by Adjutant General.

Section 13, Chapter 15, Revised Code, amended.

SECTION 6. That Section 13, of said Chapter, be amended by striking out of the third line thereof the words "Brigadier-General of the County," and inserting in lieu thereof the word "Governor," and by striking out the words "Brigadier-General" in the fifth and sixth lines, and inserting in lieu thereof the word "Governor."

Section 14, Chapter 15, Revised Code, amended.

SECTION 7. That Section 14, of said Chapter, be amended by striking out of the third and fourth lines thereof the words "Major-General, or the Brigadier-General of the County or brigade."

Section 20, Chapter 15, Revised Code, amended.

SECTION 8. That Section 20, of said act, be amended by striking out of the ninth and tenth lines thereof the words "Brigadier Inspector, or a Major," and inserting in lieu thereof the words "officer in command."

Section 21, Chapter 15, Revised Code, amended.

SECTION 9. That Section 21, of said Chapter, be amended by striking out the word "Major-General" in the second line, and inserting in lieu thereof the word "Governor," and by adding after the words "United States" at the end of the first paragraph the words "and for which he shall receive an annual salary of two hundred dollars."

Section 22, Chapter 15, Revised Code, amended.

Inspection of troops.

SECTION 10. That Section 22, of said Chapter, be amended by striking out all of said Section after the word "pleasure" in the second line thereof, and substituting in lieu thereof the words following, to wit: "And the ranking officer in command of troops shall inspect all the troops under his command at least once a year, and report the result of such inspection to the Adjutant-General."

OF THE PUBLIC ARMS AND DEFENCE.

SECTION 11. That Section 23, of said Chapter, be amended by striking out the words "above the rank of Captain, and the Major-General or commandants of brigades, shall appoint them for the trial of Captains and all officers under that rank" in the second, third and fourth lines thereof, and by substituting in lieu thereof the words "above the rank of First Lieutenant, and the ranking officer in command of troops, shall appoint them for the trial of Lieutenants." Trial of captains and other officers.

SECTION 12. That in all future editions of the Laws of this State, the said Chapter 15 shall be printed as herein amended. This act, how printed

Passed at Dover, April 1, 1881.

CHAPTER 327.

OF THE PUBLIC ARMS AND DEFENSE.

CHAPTER 15 of the Revised Code Amended.

SECTION 1. The arsenal in each county shall be under the care of the Sheriff, who shall keep the same secured, he shall safely keep and preserve therein all the public arms and accoutrements, and from time to time deliver out and receive into such arsenal such arms and accoutrements, when required by any any officer having authority to make orders therefor. Sheriff to keep arsenal. His duties.

SECTION 2. It shall be the duty of the Sheriff, Justices of the Peace, Constables, and militia officers of each county, to seize all public arms and accoutrements which are in any place, or shall be in possession of any person without authority, and deposit the same in the arsenal. Public officers to seize arms.

SECTION 3. If suit be brought against any such officer for such seizure, the burden of the proof shall lie on the plaintiff. If judgment be rendered against the officer, he shall not pay any costs, but they shall be borne by the county, and paid as other allowances. Proof. Costs.

SECTION 4. It shall be the duty of the Sheriff of each county, at least once a year, to inspect, and if necessary, cause to be cleaned the arms and accoutrements of his county, for which service he shall receive a reasonable compensation, to be allowed by the Levy Court. If he neglect to perform this duty, he shall, for every offense, forfeit and pay ten dollars. Arms. Inspection. Cleaned. Cost.

OF THE PUBLIC ARMS AND DEFENCE.

Selling arms.

Penalty.

SECTION 5. If any person shall sell, buy, or give away, or have in possession without authority, any of the public arms or accoutrements, he shall be deemed guilty of a misdemeanor, and shall be fined not less than twenty, nor more than forty dollars.

Volunteer companies.

Number of companies to be organized.

SECTION 6. It shall be lawful for the free white male citizens of this State, above the age of twenty years, to organize, in the respective counties, volunteer companies of artillery, infantry, grenadiers, riflemen, and troops of cavalry, or dragoons, who shall as nearly as practicable, be officered, armed, equipped, and disciplined according to the army regulations of the United States. *Provided, however*, That in time of peace the number of companies organized shall not exceed eight, four of which may be organized in New Castle County, and two in each of the counties of Kent and Sussex.

Officers: election of.

Battalions.

Regiments.

Brigade.

Commissioned officers.

Term.

SECTION 7. The companies, or troops, shall elect, by ballot, their respective officers, and whenever, according to the aforesaid regulations, there shall be a sufficient number of companies or troops to compose a battalion, or a squadron, or a sufficient number of battalions, or squadrons to form a regiment, then the corresponding grades of officers shall be elected by ballot by the commissioned officers of the respective companies, or troops, composing such battalions, squadrons or regiments. Whenever there shall be a sufficient number of regiments to form a brigade, the Brigadier-General and Brigade-Inspector shall be elected in the same manner as the officers of a batalion, squadron or regiment; and all the officers to be thus chosen, and who, by the aforesaid regulations, are usually called commissioned officers, shall be commissioned by the Governor for the term of seven years.

Election; notice of.

SECTION 8. The Adjutant-General shall give fifteen days' notice of elections of the commanding officers of a battalion, squadron, regiment, or brigade, to the commanding officers of each company or troop composing, or about to compose, such battalion, squadron, regiment, or brigade: and each commanding officer of a company, or troop, shall give *five* days' written notice of such election to every commissioned officer of his company, or troop, under the penalty of any fine, not exceeding thirty dollars, which fine may be imposed on him, for a failure, by a court martial.

Generals. Inspector, Commissary.

Aids.

SECTION 9. The staff of the Commander-in-Chief shall consist of an Adjutant-General, a Quartermaster-General, and Inspector General, each with the rank of Brigadier-General, one Commissary for each county and three Aids-de-Camp, each with the rank of Colonel. The Governor shall have authority to appoint such other officers as may be necessary for the proper govern-

OF THE PUBLIC ARMS AND DEFENCE.

ment, instruction and discipline of the military forces of the State. In time of peace the Adjutant-General shall perform the duties of Quartermaster-General, and Inspector-General. Duties of quarter-masters in time of peace.

SECTION 10. Each company of foot shall, when full, consist of sixty-four rank and file, and shall have one Captain, two Lieutenants, five Sergeants, four Corporals, and not less than two musicians. A battalion shall consist of one Major, and at least two and not more than four companies, one of which may be grenadiers, light infantry, or riflemen. A regiment shall consist of one Colonel, one Major, one Adjutant, one Quartermaster, one Paymaster, one Surgeon, one Assistant Surgeon, one Sergeant Major, one Quartermaster's Sergeant, one Drum Major, and two battalions. A brigade shall consist of a Brigadier-General and staff, and not less than two, nor more than four regiments. All the officers of a division, brigade, or regiment, shall wear the uniform prescribed for officers of their respective ranks in the army of the United States. Companies. Battalions. Regiments. Brigade. Uniform.

SECTION 11. A troop of cavalry or dragoons shall consist of one Captain, two Lieutenants, one Cornet, four Sergeants, three Corporals, one Trumpeter, one Farrier, one Saddler, and fifty-four privates. A squadron shall consist of one Major, and at least two troops of cavalry, or dragoons, and not more than four, and shall be formed whenever there shall be two troops of cavalry or dragoons in any brigade. A squadron shall also be entitled to one Adjutant and one Quartermaster. When the artillery in any brigade shall form two or more companies, they shall compose a battalion, and shall be entitled to a Major, Adjutant, and Quartermaster. There shall be annually appropriated by the State the sum of twelve hundred dollars, for the support of the organized militia of the State, to be expended under the supervision and direction of the Adjutant-General, whose duty it shall be, before drawing any warrant upon the State Treasurer, to submit the item or items of expenditure to the Governor for his approval, and upon the approval of the same by the Governor, it shall be the duty of the State Treasurer to pay any such warrants presented to him out of any moneys in his hands. Troop. Squadron. Artillery. Annual appropriation. How expended.

SECTION 12. The Commissary of each county shall have charge of all the military stores in his county, and shall collect all the public arms, and keep them in the arsenal in perfect order for duty; and he shall not give out the said arms, except to the order of the Adjutant-General. All necessary expense for keeping in order the said public stores and arms, shall be paid by the Levy Court of the county wherein the same is incurred. But the Sheriffs of the respective counties shall have charge of the public arms and accoutrements, as provided by Commissaries. Duties. Expenses.

OF THE PUBLIC ARMS AND DEFENCE.

Power to condemn and sell arms, &c.

Section 1, if there be no Commissary in commission. The Adjutant-General shall have power to condemn and sell all arms, accoutrements and ammunitions found to be unserviceable, or which it may be deemed to the interest of the State to dispose of, on such terms as the Governor shall approve, and shall allot the money received from such sale or sales pro rata to the several companies, troops, or batteries in the service of the State. He shall make report biennially to the Governor of all moneys so received and distributed, to be by the Governor submitted to the General Assembly at its next session.

Biennial report to Governor by the adjutant general.

Bond.

SECTION 13. Each Commissary, before he enters upon the duties of his office, shall give bond to the State, with sufficient surety, to be approved by the Governor, in the sum of one thousand dollars conditioned, for the faithful performance of said duties; which bond the Governor shall immediately forward to the Secretary of State to be filed in his office. Bond and security shall also be given, in the name of the State, by all officers to to whom arms or accoutrements are delivered, for their safe return in proper order and condition.

Fire arms.

Troops: how called out.

For war.

To keep the peace.

SECTION 14. When it may be necessary to use any military force for public defense against foreign or domestic violence, the Governor shall have power, according to the emergency, to call out any volunteer companies or troops, or any part thereof, for that purpose; and the Sheriff of any county, or any two magistrates thereof, may, by a written order, addressed to the Captain or commanding officer of any company, or troop, or the Major of any battalion, or Colonel of any regiment within the county, require the aid of such company, troop, battalion, or regiment, for the suppression of a riot and the protection of the peace of the county. For every day's and night's service, whilst on such duty, the Levy Court of the county wherein the service is required, shall allow each non-commissioned officer and private one dollar, and the commissioned officers two dollars each, besides all necessary expenses. The Mayor of the city of Wilmington may, in like manner, call upon the volunteer force of said city, or upon the commanding officers of any company or troops, in New Castle county, to aid in the suppression of a riot and in the preservation of the peace of said city; and all pay and expenses thereby incurred, shall be paid by said city and not by New Castle county.

How paid.

Wilmington.

Failure to obey call.

SECTION 15. All such requisitions of military force shall be made known to the forces, whose services are required, by the commanding officer thereof; and upon refusal of those notified to attend the summons and perform the duty required, they shall be fined as follows: Each non-commissioned officer, or

Fines.

private not less than thirty nor more than one hundred dollars, and each commissioned officer, not less than one hundred nor more than one thousand dollars, as the court martial shall in all such cases determine; and furthermore the commission of a commissioned officer shall become void. Forfeiture.

SECTION 16. Any commissioned officer who shall be guilty of disorderly, disobedient or any unmilitary conduct, at any time when on duty, shall be put under arrest by the commanding officer, and tried by a court martial, and fined in any sum not exceeding fifty dollars, or he may be cashiered; if a non-commissioned officer, or private shall be so guilty, he may be disarmed and put under guard, and fined at the discretion of the court martial, not less than two nor more than ten dollars. Bad conduct. Fines.

SECTION 17. All fines imposed by a court martial, as well as by the by-laws of any volunteer company or troop, may be sued for and recovered before any Justice of the Peace, in the name and for the use of the said company or troop, if the amount be within his jurisdiction, or in the case of a field or staff officer, in the name of the Brigadier-General of the county, for the use of the battalion, squadron, division, regiment, or brigade to which he belongs. There shall be no stay of execution on a judgment rendered for such a fine, but the same shall forthwith be issued. How recovered. Execution.

SECTION 18. The said volunteer companies or troops, when they or any part thereof, shall be called into actual service by the authority of this State, or of the United States, shall be governed by the rules and articles of war and the regulations established for the government of the army of the United States. Rules of war.

SECTION 19. In case any company, or troop to be raised under the provisions hereof, shall not, in one year from the appointment of its officers, contain at least twenty privates, or be reduced under that number and so remain for six months thereafter, such cops shall be deemed to be disbanded, and its arms and accoutrements shall be returned to the commissary, or officer having charge of the arms for the county to which corps belongs. In case such arms and accoutrements be not returned, upon the order of the Governor, to the commissary or officer aforesaid, in proper order and condition, the officer who gave bond with respect thereto, shall be liable thereon; but the arms shall not be demanded from any company, or troop, except as specified by this section. Companies disbanded. Return of arms.

SECTION 20. If any officer or soldier, belonging to any company or troop, aforesaid, be wounded or disabled in the service of the State, when called out into such service, he shall be taken care of and provided for at public expense, and fair compensa- Care of wounded.

tion allowed him for his time and injury; if killed, his family shall receive a pension according to his rank, as regulated by the pension laws of the United States. If any horse shall be taken into the service of a company, or troop, the same shall be appraised by the officer in command, and two citizens, before the time it is actually used in such service, and the appraisement entered in a book by the officer who assists in making the same; and in case such horse shall be killed, disabled, die, or be taken by the enemy, the owner shall be paid his full value: provided the loss has not happened by the neglect or improper conduct of the owner or his servant; and for the use of every such horse a fair compensation shall be made.

Pensions.

Horses appraised.

Loss of compensation.

Adjutant general; duty of.

SECTION 21. It shall be the duty of the Adjutant-General to distribute to the several corps all orders from the Governor, to attend all reviews under this act, to obey all orders relative to carrying into effect and perfecting the system of military discipline thereby, and to make all the returns and perform all the duties required of him by the rules and regulations of the army of the United States, and for which he shall receive an annual salary of two hundred dollars. The commissaries are required, and it shall be their duty, to make return to the Adjutant-General, in such form as he shall direct, of all military stores, magazines and arms in their charge, in order that he may be enabled to lay before the Major-General the effective force and condition of the military department of the State, that he same may be transmitted to the General Assembly at its sessions. If any officer refuse or neglect to perform the duties required of him by this section, he may be fined, at the discretion of a court martial, any sum not exceeding twenty dollars.

Annual salary.

Commissaries to make returns to.

Neglect.

Penalty $20.

Reviews.

SECTION 22. The Governor may review the volunteer forces of this State at his pleasure, and the ranking officer, in command of the troops, shall inspect all the troops under his command at least once a year, and report the result of such inspection to the Adjutant-general.

Courts Martial.

SECTION 23. The Governor shall appoint courts martial for the trial of all officers above the rank of First Lieutenant; and the ranking officer in command of troops, shall appoint them for the trial of Lieutenants, agreeably to the rules established by Congress. It shall be the duty of every officer who shall appoint a court martial, to approve or disapprove its sentence, and at the time of such appointment he shall appoint a Judge Advocate, whose duty it shall be impartially to state the evidence for and against the party on trial, and to take accurate minutes of such evidence and all the proceedings of the court, all of which, together with the judgment of the court, he shall

Approving sentence.

Judge advocate.

OF THE PUBLIC ARMS AND DEFENCE.

transmit, under seal, to the officer whose duty it is to approve or disapprove such judgment. Every officer put under arrest, or suspended from command, shall have a copy of the charges exhibited against him ten days before the sitting of the court; and in case any officer, for the trial of whom a court martial shall be ordered, shall neglect to appear and make his defense, he shall be deemed by the court guilty of the charges, and sentenced accordingly, unless he was prevented by sickness or unavoidable accident, which shall be made appear to the satisfaction of the court. All courts martial shall be carried on in day time; and in cases where a vote is required for decision, the youngest member in commission shall vote first. All persons shall be held to appear and give evidence before such courts, under the same penalties as witnesses summoned by a Justice of the Peace. If any subaltern or private, shall omit to serve on a court martial, when duly notified, he shall be fined, if a subaltern, four dollars, and if a private two dollars, unless excused by the commanding officer of the company.

Charges.

Default.

Courts open.

Witnesses.

Neglect to serve.

Fines.

SECTION 24. All courts martial for the trial of non-commissioned officers and privates, shall be appointed by the captain or commanding officer of the company, and shall consist of one subaltern and four privates, the subaltern to be president; and as such courts martial, no person shall be excused, unless it be made to appear satisfactorily to the court by the testimony of a creditable witness, that he was prevented by sickness of himself, or family, or such other unavoidable circumstances as demanded his personal attention.

Courts for non-commissioned officers, &c.

Organization.

SECTION 25. Each member of a court martial shall, before he proceeds to his duty, take an oath or affirmation that he will faithfully and impartially perform the duties of a member of the said court martial; which oath may be administered by any commissioned officer, or by the president of the court.

Oath.

TITLE FOURTH.

Of Elections.

CHAPTER 328.

Title.

OF THE GENERAL ELECTION.

AN ACT to provide a uniform ballot for Election Purposes.

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

Ballots.

SECTION 1. All the ballots voted at any general election, special election, or election of Assessors and Inspectors, hereafter to be held in this State, or at any municipal election hereafter to be held in the city of Wilmington, shall be written or printed upon white paper, to be procured as hereinafter provided, of the same kind and quality, and each ballot shall be six inches long and three inches wide. Upon the inside of the ballot shall be written or printed the names of the persons for whom the elector intends to vote, with a designation of the office to which each person so named is intended by him to be chosen, and upon the inside and at the head of the ballot shall be written or printed the name of the political party to which a majority of the persons voted for belong. No name, mark, design, device, or imprint whatsoever shall be made, written, or printed upon the outside of any ballot, and no name, mark, design, device, or imprint whatsoever, other than those mentioned above, shall be made, written, or printed upon the inside of any ballot, and no ballot shall be cut, indented, niched or folded in a manner intended to designate or impart knowledge of the person who voted such ballot. In reading out the ballots at any election hereinbefore mentioned, a ballot upon the outside of which any name, mark, design, device or imprint whatsoever shall have been made, written, or printed, contrary to the above provisions; or a ballot upon the inside of which any name, mark, design, device, or imprint whatsoever, other than those named above, shall have been made, written or printed contrary to the above provisions; or a ballot which shall have been cut, indented, niched or folded in a manner intended to designate or impart knowledge of the person who voted such ballot, contrary to the above provisions; or a ballot of a different length, or of a different width from the length and width prescribed above, or a ballot written or printed upon paper of a color, kind, or quality

Color of ballot.

Dimensions of ballots

What ballots shall contain.

Illegal ballots.

Illegal ballots rejected.

OF ELECTIONS.

different from those prescribed above, or upon paper procured from any other person than the Secretary of State, or of a Clerk of the Peace, as hereinafter provided, shall not nor shall any or either of the said ballots, be counted or tallied, but shall be rejected; *Provided however*, that such rejected ballot shall be thereupon marked so as afterwards to be identified and shall be preserved apart from the ballots that are counted; *And provided further*, that the provisions of this Section shall not be construed so as to hinder or prevent any one from erasing or scratching a name or names of any of the candidates from the ballot intended to be voted by him, and substituting another or other names in lieu thereof either in writing or on printed slips.

Identification of rejected ballots.

Erasing or scratching names not prevented.

SECTION 2. The Secretary of State shall provide the paper upon which all the ballots voted at any of the elections mentioned in Section 1, of this act, shall be written or printed. The paper shall be white and of such kind and quality as he shall deem best fitted for the purpose, and shall be provided in sufficient quantities to supply all the ballots for the entire State. It shall be paid for by an order drawn by the Secretary of State upon the State Treasurer. The Secretary of State, shall at least thirty days before each of said elections, place the said paper in sufficient quantities, in the hands of the Clerks of the Peace of the several counties of this State, who shall sell it to any reliable person applying for it for the purpose of printing ballots thereon, to be voted at any of said elections, at an advance of ten per centum on its cost price. One half of said advance shall belong to the Clerks of the Peace, and the other half to the Secretary of State, but the cost price shall be paid back into the State Treasury. *Provided however*, that any reliable person may procure the paper directly from the Secretary of State upon paying him the said advance, which shall in that case belong wholly to him. The Secretary of State and the Clerks of the Peace shall hand over to their several and respective successors all of the said paper so as aforesaid provided for election purposes which may be in their hands at the expiration of their several and respective terms of office, and shall take receipts from their respective successors for the same.

By whom paper for ballots to be provided

How paid.

Clerks of the Peace to distribute paper for ballots.

Compensation.

Proviso.

Disposition of surplus paper.

SECTION 3. Any person who shall wilfully and maliciously destroy or render useless any of the paper so as aforesaid provided by the Secretary of State while it is in the hands of the Secretary of State, or of the Clerks of the Peace, or of any other person who shall have procured it for the purpose aforesaid, from the Secretary of State or of the Clerks of the Peace, or who shall knowingly and wilfully use the same paper for any other purpose than those mentioned and described in this

Penalty for misuse destruction or mutilation of paper supplied for ballots.

act; or who shall wilfully and maliciously mutilate, destroy, or secrete any of the ballots after they have been written or printed upon the said paper so as in anywise to interfere with or impede the free exercise of the right of suffrage by any voter of this State, shall be deemed guilty of a misdemeanor and shall be fined not less than fifty nor more than three hundred dollars, or shall be imprisoned not less than thirty days nor more than one year, or both, at the discretion of the Court.

Passed at Dover, April 8, 1881.

CHAPTER 329.

OF THE GENERAL ELECTIONS.

Title.

AN ACT to Secure Free Elections.

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

Intimidation at elections by corporations prohibited.

SECTION 1. That if any person, or corporation existing or doing business in this State, shall hinder, control, coerce or intimidate, or shall attempt to hinder, control, or coerce, or intimidate any qualified elector of this State from or in the exercise of his right to vote at any general, special or municipal election held under the laws of this State by means of bribery, or by threats of depriving such elector of employment or occupation, absolutely or contingently, directly or indirectly; every such person or corporation so offending shall be guilty of a misdemeanor, and upon conviction thereof shall forfeit and pay to the State of Delaware a fine of not less than five hundred nor more than two thousand dollars or be imprisoned (if a natural person) not more than one year or both in the discretion of the court. And every elector so aggrieved may also, in an action of debt brought for that purpose, sue for and recover from the person or corporation so offending as aforesaid, the sum of five hundred dollars.

Penalty.

Extent of liability of corporations.

SECTION 2. That in all trials under the provisions of the foregoing section, the act or acts of any officer of a corporation so far as they affect or concern any employee or servant of such corporation, shall be taken and held to be the act or acts of the

corporation, whether general or special authority as to such act or acts from the corporation, to such officer be shown or not. But nothing herein contained shall be construed to relieve any officer of a corporation from individual liability under the provisions of this act.

Passed at Dover, April 8, 1881.

CHAPTER 330.

OF THE GENERAL ELECTION.

AN ACT to amend an act entitled, An Act to amend Title Fourth of the Revised Statutes entitled "Of Elections," passed at Dover, March 19, 1875. Title.

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 20, Volume 15, be and the same is hereby amended by adding to the end of said section the following: "Any Judge neglecting or refusing to stamp the receipt when required to be produced, shall be guilty of a misdemeanor and upon conviction thereof shall be fined one hundred dollars or imprisoned three months, or both fine and imprisonment at the discretion of the Court.

Section 2, Chapter 20, Volume 15, amended.

Penalty for refusing to stamp tax receipts.

Passed at Dover, April 8, 1881.

TITLE FIFTH.

Of Certain Public Officers.

CHAPTER 331.

OF THE ATTORNEY-GENERAL.

Title. AN ACT to amend Chapter 378, of Volume 14, 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, Chap. 378, Volume 14, amended.

SECTION 1. That Chapter 378, of Volume 14, of the Laws of Delaware, be and the same hereby is amended by striking out all of Section 1, of said Chapter, and inserting in lieu thereof as Section 1, of said Chapter, the following: "SECTION 1. That the Attorney-General and any deputy duly constituted by letter of appointment from the said Attorney-General, be and they are hereby authorized to administer oaths and affirmations to witnesses at any time or in any place, as well as in the open sessions of the courts of the State; and shall have power to issue process to compel the attendance of witnesses at the office of the Attorney-General, or at such other place as he may from time to time designate."

Administration of oaths by Attorney General in vacation.

Power to compel attendance of witnesses.

Passed at Dover, February 17, 1881.

OF PUBLIC OFFICERS.

CHAPTER 332.

OF THE ATTORNEY-GENERAL.

AN ACT to compensate the Attorney-General for extra services. Title.

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

SECTION 1. That whenever the Attorney-General of this State shall have appeared for the State in the Supreme Court of the United States in any suit, writ of error or appeal to which this State may be a party, and shall have argued on behalf of the State the questions involved in such suit, writ of error or appeal, there shall be paid to him by the State Treasurer, upon a draft or order drawn on him for that purpose by the said Attorney-General, such sum in addition to his salary as may be approved by the Chancellor and Chief Justice of this State, by a certificate in writing accompanying said draft or order. Compensation to Attorney General for extra services for appearing in the Supreme Court of the U. S.

Passed at Dover March 2, 1881.

CHAPTER 333.

OF CONSTABLES.

AN ACT to authorize the Levy Court of Kent County to reappoint for an additional term or terms, a Constable for Kenton Hundred, who shall reside in the village of Kenton. Title.

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

SECTION 1. That it shall and may be lawful for the Levy Court of Kent County, in the exercise of their discretion, to reappoint for any additional term or terms, any Constable for Kenton Hundred, in the county aforesaid, who shall reside in the village of Kenton, in said Hundred. Levy Court authorized to re-appoint constables in Kenton hundred.

Passed at Dover, February 3, 1881.

OF PUBLIC OFFICERS.

CHAPTER 334.

OF CONSTABLES.

Title.

AN ACT to authorize the Levy Court of Kent County to continue in office for a period of more than three years a Constable in Little Creek Hundred of Kent County.

Term of office of constable in Little Creek Hd. extended.

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 of Kent County to reappoint and continue in office during a period of more than three years, any constable in Little Creek Hundred who has performed his official duties in a satisfactory manner to them.

Inconsistent acts repealed.

SECTION 2. *And be it further enacted*, That all other acts and parts of acts inconsistent with this act be, and the same are hereby repealed.

Passed at Dover March 7, 1881.

CHAPTER 335.

OF CONSTABLES.

Title.

AN ACT to amend Chapter 34, of the Revised Code, entitled, "Of Constables."

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

Section 50, Chapter 34, Revised Code, amended.

SECTION 1. That Section 5, of Chapter 34, of the Revised Statutes of this State, entitled, "Of Constables," be, and the same is hereby amended by inserting between the words "New Castle" and "Christiana," in the fourth line of said Section, the words "St. Georges."

Passed at Dover, April 8, 1881.

OF PUBLIC OFFICERS.

CHAPTER 336.

OF CONSTABLES.

AN ACT to amend Chapter 34 of the Revised Statutes concerning Constables. Title.

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 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 hereto shall be made and vacancies filled by the Governor for and during the said term of four years. Appointment of two additional constables in New Castle Co. authorized.

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. Bond. Approval of sureties. Appointment; when deemed void.

Passed at Dover, April 8, 1881.

OF PUBLIC OFFICERS.

CHAPTER 337.

OF RECORDER OF DEEDS.

Title. AN ACT to authorize the Recorder of Deeds in and for New Castle County to copy certain Indices.

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

Recorder of N. Castle Co. authorized to make new indices.

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 true and correct copies of the Deed Indices in his office, contained in Deed Indices, Numbers 3, 4 and 5, both direct and reverse; before making the copies hereby authorized, the Recorder shall replace or cause to be replaced by search in the Records, all names, and other words which have become obliterated, and erased from the old Indices.

Commissioners.

SECTION 2. That Dr. Benjamin B. Groves and Lewis C. Vandegrift be and they are hereby appointed Commissioners, whose duty it shall be to examine such Indices as aforesaid, after the Recorder of Deeds shall have completed the same, and if they approve of the execution and correctness thereof, they shall certify them to be true and faithful copies, and that then and after such certificate, the said copies shall become and be the Indices.

Certificate of approval

Compensation.

SECTION 3. 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.

Passed at Dover, February 17, 1881.

OF PUBLIC OEFICERS.

CHAPTER 338.

OF THE RECORDER OF DEEDS.

AN ACT to provide for the perfection of the Indices in the Public Offices in Sussex County. Title.

WHEREAS, the Campbell system of indexing for some years past in use in the counties of New Castle and Kent has been demonstrated to be the most accurate and available system yet introduced; Preamble.

AND WHEREAS, it is desirable that uniformity in the mode of indexing the public record should prevail in all the counties of this State, therefore,

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

SECTION 1. That it shall be and is hereby made the duty of the Recorder of Deeds, Prothonotary, and Clerk of the Orphans' Court and Register in Chancery, and Register of Wills, in and for Sussex county, to procure for the use of their respective offices suitable blank books, properly ruled and prepared for indices according to the Campbell system and hereafter all entries proper to be made in the general indices in their respective offices shall be made in such books, which shall be public records of the said offices respectively. Certain officers authorized to procure books for indices according to the Campbell system

SECTION 2. That the Levy Court of Sussex County be, and it is hereby directed and empowered to make such reasonable allowance to the owner of the right of the Campbell system of indexing as is necessary to entitle the said county to the use of said system in all its public offices, and such further allowance as may be necessary to defray the cost of procuring such blank books as are authorized to be procured by the first Section of this act. Compensation.

Passed at Dover, April 6, 1881.

OF PUBLIC OFFICERS.

CHAPTER 339.

OF JUSTICE OF THE PEACE.

Title. AN ACT authorizing the appointment of an additional Justice of the Peace, Notary Public and Constable 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 therein):

Authority to appoint an additional Justice of the Peace for N. Castle county.

SECTION 1. That the Governor be, and is hereby authorized to appoint an additional Justice of the Peace for New Castle County, who shall reside and have his office at or near Hockessin, in Mill Creek Hundred, in said County, and to appoint the person, so to be appointed Justice of the Peace, Notary Public Public for the State of Delaware.

SECTION 2. That the Levy Court of New Castle County be and is hereby authorized and required to appoint an additional Constable for said County, for a term not exceeding two years, who shall reside at or near Hockessin aforesaid.

Passed at Dover, March 22, 1881.

CHAPTER 340.

OF JUSTICE OF THE PEACE.

Title. AN ACT to reduce the number of Justices of the Peace in the City of Wilmington, and for other purposes.

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

Reduction of number of Justices of the Peace in Wilmington.

SECTION 1. That the number of Justices of the Peace in the city of Wilmington shall, as vacancies arise in said offices by death, resignation, expiration of their terms, or otherwise, be reduced to three, and the three of such officers hereafter first becoming vacant as aforesaid, shall as they so become vacant respectively, be thereupon and thereafter abolished and discontinued.

Jurisdiction of Justices of the Peace in N. Castle Co.

SECTION 2. That from and after the passage of this act the jurisdiction of the several Justices of the Peace now appointed or hereafter to be appointed in and for New Castle County, shall extend only to the hundred for which they are appointed

and in which they reside, and to the adjoining hundreds, and no action shall be brought or maintained before any Justice of the Peace appointed for or residing in any hundred in New Castle County, against any person who does not reside within the same hundred of the said Justice of the Peace, or within a hundred immediately adjoining, for any cause of action arising from any obligation or express or implied promise or contract for the payment of money or render of rent, or delivery of produce, chattels, goods or merchandise or contract or agreement for personal labor, hire or service, or for any penalty or forfeiture incurred under the provisions of any statute, or of any law, or by law or ordinance authorized by statute.

What judgment rendered by Justices of the Peace in N. Castle Co. void.

SECTION 3. Every judgment in any action that may be given or entered by any Justice of the Peace appointed for or living or residing in any hundred of the county aforesaid, against any person not living or residing in the hundred of the said Justice of the Peace, or in a hundred immediately adjoining, except for criminal offences, shall be void, and any Constable or other officer in New Castle County who shall serve any summons or other process whatever, issued by any Justice of the Peace in New Castle County, against any person not residing within the hundred of the Justice of the Peace aforesaid, or in a hundred immediately adjoining, except for criminal offences, every such Constable or other officer shall for every such summons or other process forfeit and pay a fine of one hundred dollars to any person who shall sue for the same, and the official bond and sureties therein shall be liable for any judgment that may be obtained in pursuance of the provisions of this Section.

Penalty for violation of law.

Penalty for violation of this act.

SECTION 4. Any Justice of the Peace appointed as aforesaid for and residing in New Castle County, who shall willfully and knowingly, issue, contrary to the provisions of Sections two and three of this act, any summons or other process, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall forfeit and pay a fine of not less than fifty dollars, nor more than one hundred dollars, one-half of such fine for the use of the State and the balance for the person upon whom such summons or other process shall have been served, and such conviction shall of itself work a forfeiture of his office; *Provided*, that nothing in this act shall debar any *bona fide* resident of any hundred of said county who shall have resided therein for sixty days from bringing action before any Justice of the Peace who may reside in the said hundred against any person residing in any other hundred in the county aforesaid, for any action now authorized by law. This act shall take effect from and after its passage.

Proviso.

Passed at Dover, April 8, 1881.

OF PUBLIC OFFICERS.

CHAPTER 341.

OF NOTARY PUBLIC.

Title. AN ACT in relation to the Notary Public now appointed, or who may hereafter be appointed, for the Delaware City National Bank.

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

Privileges of Notary Public for Del. City Nat. Bank.

SECTION 1. That the duties and privileges of the Notary Public now appointed, or who may hereafter be appointed, for the Delaware City National Bank, shall not be confined exclusively to the business of that Bank.

Powers of such notary co-extensive with all others.

SECTION 2. That from and after the passage of this act, the powers, duties and privileges of the said Notary Public so appointed, or who may hereafter be appointed for the said Delaware City National Bank, shall be equal and co-extensive with the powers, duties and privileges of all Notaries Public who are not connected with any Bank.

Restrictions imposed by Section 1, Chapter 36, Revised Code, not applicable to said notary.

SECTION 3. The limitation of the duties and privileges of the Notaries Public, who are appointed for the several Banks of this State, as provided in Section 1 of Chapter 36, of the Revised Code, shall not apply to the Notary Public now appointed, or who may hereafter be appointed for the said Delaware City National Bank.

Passed at Dover, January 28, 1881.

CHAPTER 342.

OF NOTARY PUBLIC.

Title. AN ACT for the relief of the Artisans Savings Bank.

Preamble. WHEREAS, the Artisans Savings Bank of the City of Wilmington has been in successful operation since the year 1861;

AND WHEREAS, the funds of said bank are being largely invested in mortgages on real estate, in consequence of which there is much inconvenience and delay to the public transacting business at said Artisan's Savings Bank for the lack of a resident Notary Public; now, therefore,

OF PUBLIC OFFICERS.

SECTION 1. *Be it enacted by the Senate and House of Representatives, in General Assembly met,* That the Governor be, and he is hereby authorized to appoint a Notary Public, in and for New Castle County, for the Artisans Savings Bank, to have his place of business in the office of said bank; and the privileges and duties of the Notary Public now applied for shall be confined exclusively to the business of the bank. Authority to appoint Notary Public for Artisans Savings Bank.

Passed at Dover, March 8, 1881.

CHAPTER 343.

OF CLERK OF THE PEACE.

AN ACT to repeal Chapter 126 of Volume 13, of the Laws of Delaware. Title.

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 in relation to the Clerk of the Peace in and for New Castle County," passed at Dover, March 14th, 1867, (being Chapter 126 of Volume 13, of the Laws of Delaware) be and the same is hereby repealed. Chap. 126, Volume 13, repealed.

Passed at Dover, March 31, 1881.

OF PUBLIC OFFICERS.

CHAPTER 344.

OF PROTHONOTARIES.

Title. AN ACT prescribing certain duties of the Prothonotary and Recorder of Deeds in each of the Counties of this State.

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

Duty of Prothonotary to certify to Recorder return of Sheriff on Levari Facias in certain cases. Duty of Recorder.

SECTION 1. Whenever it shall appear by the return of the Sheriff, to a writ of Levari Facias, issued upon a judgment, recovered upon a Scire Facias on a mortgage, that all the real estate therein mentioned and described has been sold by him, (and after the confirmation of such sale by the Court) it shall be the duty of the Prothonotary of the County in which said sale has been so made and returned, to certify to the Recorder of Deeds of such county, within sixty days after said confirmation of sale, the number of said writ of Levari Facias, the term to which it may be returnable, the names of the parties, plaintiff and defendant therein and the return of the Sheriff as endorsed thereon; and it shall be the duty of the said Recorder, without delay, to file the said certificate and enter upon the margin of the record of said mortgage, the matter so certified to him as aforesaid.

Compensation.

SECTION 2. For the services provided for in Section 1 of this act, the said Prothonotary and Recorder shall each be entitled to a fee of twenty-five cents, to be taxed by the Sheriff in the costs of the case.

Passed at Dover, April 8, 1881.

CHAPTER 345.

OF MEMBERS OF BOARD OF HEALTH.

Title. AN ACT for the Preservation of the Public Health.

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

Duty of incorporated towns to organize a Board of Health.

SECTION 1. It shall be the duty of the Common Council of every city and the Commissioners of every incorporated town in this State, in which there is not now a board of health duly

organized, to appoint, once in each year, a board of health for such city or town, to consist of not less than three nor more than seven persons, of whom at least one shall be a physician duly authorized to practice medicine; and in case there be a port physician already appointed by the Governor, he shall be a member of the board *ex officio*.

Organization.

SECTION 2. The several boards of health, constituted under this act, shall elect from among their own members a president and secretary of such board, and shall meet not less than once in every three months. The secretary of the board shall keep the minutes of the meetings of the board, and shall perform all such duties as shall be assigned to him by the board; for which services he shall receive such compensation as the city council, or commissioners of the respective cities or towns may determine.

Duties.

Abatement of nuisance. How.

SECTION 3. The board of health shall have power to direct that any noisome matter, whether vegetable, animal or otherwise, within the boundaries of their respective cities or towns, or within one mile thereof, or any vessel then having or having recently had any contagious disease on board, which, according to the opinion of the board, may be the occasion of contagious or infectious disease, shall be removed or remedied by the person to whom the same belongs, or in whose possession, or upon whose property it is; and that any place, in such city or town, or within one mile of the boundaries thereof, being in such filthy or noxious state that according to the opinion of the board may be the occasion of contagious or infectious disease, shall be cleansed by such persons to whom the same belongs, or in whose possession it is; and that any reservoir of stagnant water, or other nuisance, or unwholesome thing, in such city or town, or within one mile of the boundaries thereof, which according to the opinion of the board may be the occasion of contagious or infectious disease, shall be abated, removed or remedied by the person to whom the same belongs, or in whose possession, or on whose property it is; and they shall have power to remove any hog pens in such city or town, which in the opinion of the said board it shall be deemed necessary or conductive to public health to remove; *provided, however*, that if it shall appear to the board that any of the said nuisances hereinbefore mentioned are caused, or produced by any person or persons other than those on whose premises the said nuisances exist, or that the said nuisance or nuisances are caused or produced by water, or filthy, noisome, or unwholesome matter flowing or running from the premises of any other person or persons, or from premises which may be in his, her or their occupation, the said board shall then give directions to cleanse,

Limits.

Nuisances produced by filthy water. How removed.

remove, abate or remedy the same to the person or persons causing or producing such nuisance or nuisances, or to the person or persons from whose premises, or from premises which may be in his, her or their occupation, the same shall flow or run; and if the person to whom such direction is given shall not observe and fulfill the same within the time therein prescribed by the board, the said board shall have power to order the said direction to be carried into effect by some officer of the board, or other person or persons to whom the service may be committed, and the expenses shall be paid by the person to whom the direction was originally given; but if the same shall not be paid by said person on demand, the same shall be paid by the treasurer of the board, or by the city council or town commissioners, whose duty it shall be, and who shall have the right to recover the same, with interest and costs, from the person who ought to have paid the same, as aforesaid, as debts of like amount are recoverable.

Unhealthy tenements.

SECTION 4. The board, when satisfied, after an examination that any cellar, room, tenement or building within its jurisdiction, occupied as a dwelling place, has become, by reason of the number of occupants or want of cleanliness, or other cause unfit for such purpose, and a cause of nuisance or sickness to the occupants, or the public, may direct the owner or owners, or occupants thereof to have the premises properly cleansed; or if they see fit, to require the occupants to remove or quit the premises within such time as the board may deem reasonable. If the person or persons so notified, or any of them, neglect or refuse to comply with the direction of the board, the board may cause the premises to be properly cleansed at the expense of the owners, or may remove the occupants forcibly and close up the premises; and they shall not again be occupied as a dwelling place without permission, in writing, of the board; and if such owner or owners refuse to pay the expenses incident to the execution of such orders, the treasurer of the board, or the city council, or town commissioners, shall recover the same with interest and costs from the person who ought to have paid the same, as debts of like amount are recoverable.

How remedied.

Power to enter certain places and investigate causes of disease.

SECTION 6. Whenever a board of health shall think it necessary for the preservation of the lives and health of the citizens to enter a place, building, or vessel, within their jurisdiction, for the purpose of examining into and destroying, removing, or preventing any nuisance, source of filth, or cause of sickness, and shall be refused such entry, any member of the board may make complaint, under oath, to any Justice of the Peace of his county, stating the facts of the case as far as he has knowledge thereof. Such Justice of the Peace shall thereupon issue a

warrant directed to the Sheriff or any Constable of the county, commanding him to take sufficient aid, and being accompanied by two or more members of the board of health, between the hours of sunrise and sunset, repair to the place where such nuisance, source of filth, or cause of disease may exist, and the same destroy, remove or prevent, under the direction of such members of the board.

How warrant of arrest shall be obtained

SECTION 7. Any Justice of the Peace, on application, under oath, showing cause therefor, by a board of health, or any authorized member thereof, shall issue his warrant, under his hand, directed to the Sheriff or any Constable of his county, requiring him, under the direction of the board of health to remove any person or persons infected with contagious disease, or to take possession of condemned houses or lodgings.

Power to direct the cleaning of houses, &c.

SECTION 8. The board of health shall have power, in case of the prevalence, or of reasonable ground to apprehend the prevalence of malignant disease within its jurisdiction, to direct especially the cleansing of houses, cellars, yards, docks, or other such places as the board shall consider requisite, or prudent, for the preservation of the public health, or for the mitigation of disease, and if such direction shall not be observed and fulfilled, within the time prescribed, by the person or persons to whom the directions were given, the said board shall order an officer of the board, or some other person or persons, to carry the same into effect, and the expenses thereof shall be paid by the person or persons to whom the direction was given unless the board shall otherwise order; and if payment of the same shall not be made on demand, the treasurer of the board, city council, or town commissioners, shall pay the same, and shall recover the same, with interest and costs, from the person who ought to have paid the same, as debts of like amount are recoverable.

Expenses; how paid.

Penalty for not removing blood, garbage, &c.

SECTION 9. If any person shall cast into any street, lane, or alley, or shall suffer to run or be washed from any slaughter house, stable, privy, yard, or place, in his or her possession, into any street, lane, or alley of any city or town having a board of health constituted as aforesaid, any blood, garbage, carrion, dead animal, dung, filth, or noisome or offensive matter; or if any person shall suffer any skins, rags, or other matter, to be in a noisome or offensive state, within or upon property in his or her possession, within said city or town limits, or shall deposit in any of its lots, streets, lanes or alleys, or near any dwelling-house, any contents of any slaughter house or stable, or any matter in a noisome state, or having deposited or put such offensive substances in any of the aforesaid places shall not immediately remove the same on the requirement of the board of health,

every person so offending shall be guilty of a common nuisance, and for every such offense shall be fined five dollars, to be recovered as heretofore provided.

Neglected privy well declared a nuisance.

SECTION 10. If any owner, agent, or tenant of any property in any town or city as aforesaid regulated, shall suffer the privy well thereon to be so full that any two members of the board of health shall declare the same to be a nuisance, such owner, his agent, and tenant in possession, shall be, either of them, responsible, and, after notice,—unless such privy shall be cleansed within one week after such notice,—shall be guilty of a common nuisance, and for every such offense shall be liable to a fine of not less than one, nor more than five dollars, to be recovered by the city council, or town commissioners, as bills of like amount are recoverable.

Slaughter houses: when a nuisance.

SECTION 11. If any person shall use a slaughter house, or place belonging thereto, within such city or town limits as aforesaid, after the board of health have pronounced the same noisome, or having used such slaughter house shall not on the requirement of the board of health immediately and effectually cleanse the same, every person so offending shall be guilty of a common nuisance, and shall for every such offense forfeit and pay a fine of twenty dollars, to be recovered as aforesaid.

Quarantine regulations

SECTION 12. Every board of health, constituted as aforesaid, shall have power to make orders and regulations in their discretion concerning the place and mode of quarantine; the examination and purification of vessels, boats, and other craft not under quarantine; the treatment of vessels, articles or persons thereof; the regulation of intercourse with infected places; the apprehension, separation and treatment of emigrants and other persons who shall have been exposed to any infectious or contagious disease; to regulate and prohibit or prevent all communication or intercourse with all houses, tenements and places, and the persons occupying the same, in which there shall be any person who shall have been exposed to such contagious or infectious disease.

Accommodations for persons under quarantine.

SECTION 13. The said board of health shall have power to procure suitable places for the reception of persons under quarantine, and persons sick with the Asiatic or malignant cholera, or any other malignant or infectious or contagious disease; and in all cases where sick persons cannot otherwise be provided for, to procure for them proper medical and other attendance and necessaries.

Quorum.

SECTION 14. A majority of a board of health will form a quorum to do business, a less number may adjourn.

OF PUBLIC OFFICERS.

SECTION 15. All vacancies occurring in any board of health by death, or otherwise, shall be filled by the city council, or town commissioners, as the case may be; and the same authorities shall have power to remove, for sufficient cause, any member of the board of health in their respective jurisdictions. Vacancies.

SECTION 16. The Secretary of State shall cause copies of this act to be printed and transmitted within eight weeks after the adjournment of the Legislature, in such manner as he shall think expedient, to the mayor of every city, and the commissioners of every incorporated town in this State. Printed copies; to whom directed.

Passed at Dover, March 18. 1881.

CHAPTER 346.

OF INSURANCE COMMISSIONER.

AN ACT to amend Chapter 22, Volume 16, of the Laws of Delaware, being An Act in Relation to Insurance Companies. Title.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met:* That the act entitled "An Act in Relation to Insurance Companies," passed at Dover, March 24, 1879, be and the same is hereby amended as follows, to wit: In Section 2 of said act, in the last line of the first clause of said Section, strike out the word "recorded," and insert in lieu thereof the word "filed": In said Section 2 strike out all of the fifth clause of said Section after the word "State," in the fourth line thereof, and insert as follows, to wit: "He shall accept the valuation made by the Insurance Department of either Pennsylvania, New York, Massachusetts, or the State where such company is incorporated, and may require every such company to furnish him, on or before the first day of March, a certificate of any valuation of its policies made by either of the Insurance Departments above named, and if any Company fails to furnish such valuation he shall revoke its authority to do business in this State. Every life insurance company incorporated in any State other than Pennsylvania, New York and Massachusetts, shall calculate its reserve on the New York basis of life insurance." In said Section 2, in the

Act in relation to Insurance Companies, amended.

The valuation of the Insurance Departments of certain States accepted.

When. Revocation of authority to do business.

Reserve of companies incorporated in certain States. How calculated.

Official acts.

fourth line of the eighth clause of said Section, strike out the words, "his official acts," and insert in lieu thereof as follows, to wit: "all of his official acts whenever specially required by the General Assembly, and in the absence of any special requirement such portion of his official acts as he may deem necessary to make public." In Section 3, of said act, strike out all of said Section after the words "business and standing," in the thirty-fifth line thereof. In Section 4, of said act, in the twelfth and thirteenth lines of said Section, strike out the following words, viz: "and report or reports."

Section of this act in relation to Insurance Companies amended.

SECTION 2. That the said act entitled "An Act in relation to Insurance Companies," be and the same is hereby further amended by adding thereto the following Sections, numbered as follows, to wit:

Section 5. If by the statement furnished as aforesaid, it shall appear that such company is a mutual fire insurance company incorporated under the laws of another State; that agreements have been entered into by the company for insurance with at least one hundred applicants, and that securities on said insurance founded on actual and *bona fide* applications for insurance, and amounting to not less than twenty thousand dollars, have been received; and that such mutual fire insurance company is duly authorized to do business in the State in which it is incorporated, by the Insurance Department of said State, then the Insurance Commissioner, upon the said company complying with all of the provisions of this act in regard to companies of other States, shall issue a certificate authorizing said company to transact the business of insurance and establish agencies in this State. The Insurance Commissioner shall have the right and power to withdraw or revoke his certificate of authority issued by him to any insurance company, whether of this State, or of any other State or foreign government, for any violation of the laws of this State or whenever for good cause he shall deem it necessary or advisable.

Issuance of certificates in certain cases.

Revocation of certificates.

Section 6. Every corporation, company, association, society, partnership or body of any kind, chartered, incorporated, organized or associated together in this State, or in any State other than this, doing business within this State and issuing or proposing to issue any policy or certificate, or instrument of any kind by which any sum, or assessment, or benefit of any kind is promised, shall be deemed to be an insurance company within the meaning, and subject to the provisions of this act, and every such company, or any company chartered, incorporated or organized, either under the laws of this or any other State for the insurance of lives upon the assessment plan, and desiring to

do business in this State, shall comply with all of the requirements of this act respecting mutual companies incorporated under the laws of this State, and Life Insurance Companies not incorporated under the laws of this State, and then the Insurance Commissioner shall issue to it his certificate of authority: *Provided,* that every such company shall not be required to maintain a cash reserve, nor shall policies issued by it be subject to the provisions of the fifth and sixth clauses of the second Section of this act: *And provided also,* that the provisions of this section shall not apply to any secret, benevolent, charitable, or fraternal organization or association, duly organized or existing or which may hereafter be duly organized in this State. Compliance with this act by Insurance Companies. Proviso.

SECTION 3. That the said act entitled "An Act in Relation to Insurance Companies," be and the same is hereby further amended by changing the number of Section 5 of said act to Section 7; Section 6 of said act to Section 8; Section 7 of said act to Section 9; Section 8 of said act to Section 10; Section 9 of said act to Section 11; Section 10 of said act to Section 12; and Section 11 of said act to Section 13; and also by adding at the end of said Section 7 as amended, after the words "within this State" the following, to wit: It shall not be lawful for any person act within this State as agent or otherwise in receiving or procuring applications, or in any manner, directly or indirectly, to aid in transacting the business of insurance permitted by this act without first obtaining from the Insurance Commissioner a certificate of authority. And the said act is hereby further amended by adding at the end of said Section 11, as amended, after the words "due to this state" the following words, to wit; or to any agent who has not first obtained a proper State license from the Clerk of the Peace. Numbers of Sections changed.

SECTION 4. That in any edition of the laws hereafter to be published, the said act, to which this is an amendment, shall be printed as hereby amended. Mode of publication

Passed at Dover, March 17, 1881.

OF PUBLIC OFFICERS.

CHAPTER 347.

OF INSURANCE COMMISSIONER.

Title.

AN ACT in relation to Insurance Companies.

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

Insurance department established

SECTION 1. That there is hereby established in this State a distinct department to be known as the Insurance Department, the chief officer of which shall be denominated the "Insurance Commissioner," of Delaware. The Governor shall within thirty days from the passage of this act, and afterwards, when any vacancy occurs in the office, appoint some suitable person of good moral character, well qualified for the position as an expert accountant, to be "Insurance Commissioner" for the term of four years. The "Insurance Commissioner" shall before entering upon the duties of his office, take an oath or affirmation to support the Constitution of the United States and of this State, and also that he will faithfully and impartially perform all the duties of the office of Insurance Commissioner, and shall give bond in the penal sum of two thousand dollars ($2,000) with surety or sureties, to be approved by the Governor; said bond to be filed with the Secretary of State, conditioned for the faithful discharge of his duties as such commissioner; said bond shall be in the form prescribed by Section 6, of Chapter 24, of the Revised Code. The "Insurance Commissioner" shall not be a director, officer or agent of, or directly or indirectly interested in any insurance company except as an insured.

Governor to appoint commissioner.

On the of office.

Official bond.

Approval and filling of bond.

Condition of bond.

Duties.

SECTION 2. The following shall be the duties of the "Insurance Commissioner":

Require copy of charter from Insurance Companies.

First. To see that all laws of this State respecting insurance companies are faithfully executed, and to require from all companies not chartered by the laws of this State, transacting the business of insurance in this State, a certified copy of their charter or declaration of organization, and a certificate of the name and residence of an agent or agents of said company resident in this State, upon whom service of process against said company may be made, both of which shall be filed in his office.

On whom services may be made.

To examine the affairs of domestic companies.

Second. To examine the affairs and condition of any company doing the business of insurance in this State, chartered by the laws of this State, whenever it shall be demanded by the written application of not less than five policy-holders insured in such company to the amount of ten thousand dollars ($10,000), and to publish the result of such examination in one or more news-

papers of this State, whenever he deems it for the interest of the public so to do; and for the purpose of such examinations he shall have power to require free access to all books and papers of any insurance company, or the agents thereof, doing business within this State, and to examine any officer, agent or employee of such company, under oath or affirmation, which he is hereby empowered to administer, relative to the affairs and conditions of any company; and further, he may at any time require from any company doing the business of insurance, or any of its officers or agents, statements on such points as he deems necessary and proper to elicit a full and fair exhibit of its business and standing upon the application of not less than five policy-holders of any company to the amount of ten thousand dollars. The "Insurance Commissioner" may employ expert assistance in examining the affairs of such company, and charge the cost thereof in the expenses to be paid by the company.

Publication of result.

Powers of commission

Authority to require statements.

Authority to employ an expert.

Third. Whenever the "Insurance Commissioner" shall have reason to believe that any insurance company of this State is insolvent or fraudulently conducted, or that its assets are not sufficient for carrying on the business of the same, or upon or doing any non-compliance with the provisions of this act, he shall communicate the fact to the Attorney-General, whose duty it shall then become to file a bill or petition in chancery, in the name of the State, setting forth the facts, and thereupon to apply to the Court of Chancery of any county in which said company may be doing business, or to the Chancellor in vacation, for an order requiring said company to show cause why their business should not be closed. In a proper case made, the said court, or the Chancellor in vacation, shall have power to appoint a receiver to take charge of, settle, and close up the affairs of said company under the direction of said court, to enjoin it from doing business and to make such order and decree as may be necessary or proper.

Duty of the commissioner.

Power to appoint a receiver.

Fourth. To furnish to the companies, required by this act to report to him, all necessary blank forms for the statements required, and to publish annually, on or before the first day of July, once a week, for three weeks, in at least two newspapers of this State, the names of the insurance companies that have filed statements agreeably to the provisions of this act, and to whom certificates of authority have been issued; and he shall also state when and where each company was incorporated, and its aggregate assets and liabilities, and its receipts and expenditures for the preceding year; the cost of such publication to be borne equally by said companies, and the amount to be paid by each shall be deposited with the "Insurance Commissioner" at the time the annual statement is furnished, as herein provided.

Blanks furnished by commissioner.

Annual publication of names of companies that have complied.

Costs of publication

By whom borne.

OF PUBLIC OFFICERS.

Shall ascertain net value of policies in force.

Valuations. How made.

Fifth. He shall, as soon as practicable, in each year ascertain the net value on the thirty-first day of December of the previous year of all policies in force on that day in each life insurance company doing business in this State. He shall accept the valuations made by the Insurance Department of either Pennsylvania, New York, Massachusetts, or the State where such company is incorporated, and may require every such company to furnish him, on or before the first day of March, a certificate of any valuation of its policies made by either of the insurance departments above named, and if any company fails to furnish such valuation he shall revoke its authority to do business in this State. Every life insurance company, incorporated in any State other than Pennsylvania, New York and Massachusetts, shall calculate its reserve on the New York basis of life insurance.

Valuation of policies.

Life Insurance Companies incorporated in other States.

When Insurance Commissioner shall withdraw authority of any company.

Sixth. In case it is found that any life insurance company doing business in this State has not on hand the net value of all its policies in force after all other debts of the company and claims against it exclusive of capital stock have been provided for, it shall be the duty of the "Insurance Commissioner" to publish the fact that the then existing condition of the affairs of the company is below the standard of legal safety established by this State, and he shall at once withdraw the authority of said company to do business in this State.

To give certified copies of records and papers.

Seventh. At the request of any person, and on the payment of the fee, to give certified copies of any record or papers in his office, when he deems it not prejudicial to public interests so to do, and to give other certificates as this act provides for.

Biennial report of commissioner.

Eighth. To report to each regular session of the General Assembly, on or before the twentieth day of February, the receipts and expenses of his department for the two years previous; all of his official acts whenever specially required by the General Assembly, and in the absence of any special requirement such portion of his official acts as he may deem necessary to make public; the condition of all companies doing the business of insurance in this State, and such other information as will correctly exhibit the affairs of his department, and to send a copy of his report, when printed, to the "Insurance Commissioner" or other similar officer, of every other State, and to each company doing business in this State.

How distributed

Duties of Com. of this State and Com. of other States.

Ninth. To communicate on request of any "Insurance Commissioner," or other similar officer of any State, any facts which by law it is his duty to ascertain respecting companies doing business in this State.

OF PUBLIC OFFICERS.

Tenth. To carefully preserve in permanent form all papers and records relating to the business of his department, and to hand the same over to his successor in office. Preservation of papers.

SECTION 3. Every insurance company doing the business of insurance within this State shall, on or before the first day of July next after the passage of this act, excepting such companies as have complied with the existing laws for the present year, and annually thereafter on or before the first day of February, deliver to the "Insurance Commissioner" a full detailed statement of the condition and business of such company for the year ending on the previous thirty-first day of December, which statement shall be verified by the oath or affirmation of the president or Vice-President and secretary or authorized agent. Said statement shall be on the blanks prepared and furnished by the "Insurance Commissioner" for that purpose, and shall contain the name of the company, where located, when and where incorporated or organized, the amount of paid up capital, with a detailed statement of all assets, showing the amount of cash on hand, in bank or in the hands of agents; the amount and actual value of real estate owned by the company, and the amount of incumbrances thereon; the number of Government, State and municipal and other bonds owned, and the market and par value of the same; the number of shares of stock of every kind owned, and the market and par value of the same; the amount loaned on bond and mortgage, with the actual cash value of the property mortgaged, and whether such property is subject to any other lien or liens paramount to such mortgage, and the aggregate amount of such paramount liens; the amount loaned on all other securities, stating the name and kind of securities, and the amount loaned on each; also stating the liability and indebtedness of such company; the amount of losses against the company adjusted and unpaid, the amount in process of adjustment or in suspense, including all reported and supposed losses, losses resisted, including interest and other expenses thereon; and all other liabilities, claims and demands whatsoever against the company, and all other information necessary and proper to fully set forth a full and fair exhibit of its business and standing.

Annual statement.

How verified.

Blanks furnished by Insurance Commissioner.

SECTION 4. That if, by the statement furnished as aforesaid, it shall appear that such company is incorporated under the laws of this State, and is a mutual company, and that agreements have been entered into by the company for insurance with at least one hundred applicants, and that securities on said insurance founded on actual and *bona fide* applications for insurance, and amounting to not less than twenty thousand dollars have been received: or if it shall appear by such statement that such

Mutual companies.

What the statement shall contain.

company, being incorporated under the laws of this State, is a stock company, and has an actual paid in capital stock of at least one hundred thousand dollars over and above all claims and liabilities: or if it shall appear by such statement, that such company is incorporated under the laws of any other State or foreign government, or is in good condition, and has assets to the amount of one hundred and fifty thousand dollars over all liabilities and claims, then the "Insurance Commissioner" shall issue a certificate authorizing said company to transact the business of insurance, and establish agencies in this State. For the purposes of this act the capital of any joint stock insurance company shall be deemed to be the aggregate value of its deposits, assets and investments, certified according to the provisions of this act, after making deductions therefrom for all losses and all liabilities and for premiums on unexpired fire risks. If at any time the "Insurance Commissioner" shall find the capital stock of any company doing business in this State, impaired to the extent of twenty per centum, he shall give notice to the company to make good its whole capital stock within sixty days, and if this is not done, he shall require the company to cease to do business within this State, and shall, thereupon, in case the company is organized under the laws of this State, immediately institute legal proceedings as required in Section 2 of this act.

Commissioner to issue certificate to such company.

Capital of any joint stock insurance company.

Duty of commissioner where capital is impaired twenty per centum.

Mutual companies incorporated under other States.

SECTION 5. If by the statement furnished as aforesaid, it shall appear that such company is a Mutual Fire Insurance Company incorporated under the laws of another State; that agreements have been entered into by the company for insurance with at least one hundred applicants, and that securities on said insurance founded on actual and *bona fide* applications for insurance, and amounting to not less than twenty thousand dollars, have been received, and that such Mutual Fire Insurance Company is duly authorized to do business in the State in which it is incorporated by the Insurance Department of said State, then the Insurance Commissioner, upon the said company complying with all the provisions of this act in regard to companies of other States, shall issue a certificate authorizing said company to transact the business of insurance and establish agencies in this State. The Insurance Commissioner shall have the right and power to withdraw or revoke his certificate of authority issued by him to any insurance company, whether of this State, or of any other State or foreign government, for any violation of the laws of this State, or whenever for good cause he shall deem it necessary or advisable.

Commissioner to issue certificate of authority.

Power of commissioner.

SECTION 6. Every corporation, company, association, society, partnership or body of any kind, chartered, incorporated,

organized or associated together in this State, or in any State other than this, doing business within this State, and issuing or proposing to issue any policy, or certificate, or instrument of any kind by which any sum or assessment, or benefit of any kind is promised, shall be deemed to be an insurance company within the meaning, and subject to the provisions of this act, and every such company, or any company chartered, incorporated or organized either under the laws of this or any other State for the insurance of lives upon the assessment plan, and desiring to do business in this State, shall comply with all of the requirements of this act respecting mutual companies incorporated under the laws of this State, and life insurance companies not incorporated under the laws of this State, and then the Insurance Commissioner shall issue to it his certificate of authority: *Provided*, that every such company shall not be required to maintain a cash reserve, nor shall policies issued by it be subject to the provisions of the fifth and sixth clauses of the second section of this act: *And provided also*, that the provisions of this section shall not apply to any secret, benevolent, charitable or fraternal organization or association, duly organized or existing, or which may hereafter be duly organized in this State.

Companies considered as insurance companies.

Duty to comply with all requirements

Cash reserve not required.

SECTION 7. No insurance company or corporation shall be engaged in, prosecute or transact any insurance business within the limits of this State, without first having obtained authority therefor, agreeably to the provisions of this act, and every such company, not incorporated under the laws of this State, shall, before doing business as aforesaid, deliver to the "Insurance Commissioner" a certified copy of its charter or declaration of organization, and also a certificate, in such form as may be provided by the "Commissioner," of the name and residence of some person or agent within this State, upon whom service of process may be made, and all process against such company issued out of the courts of this State, may then and thereafter be served upon such person or agent so designated, and no person or persons shall procure or solicit any citizen or resident of this State to take out a policy of insurance in any insurance company or corporation not authorized to transact business within this State. It shall not be lawful for any person to act within this State as agent or otherwise in receiving or procuring applications, or in any manner, directly or indirectly, to aid in transacting the business of insurance permitted by this act without first obtaining from the Insurance Commissioner a certificate of authority.

Unlawful to do business in this State.

What companies are to deliver certified copy of their charter to commissioner.

Agent upon whom service may be made.

When unlawful for agent to act.

SECTION 8. The "Insurance Commissioner" shall have a seal of office like that now used by the Secretary of State,

Seal of office of commissioner.

except that it shall be surrounded by the words "Insurance Commissioner of the State of Delaware." All certificates and other official papers shall be accompanied with an impression of this seal. Any instrument carefully executed by the "Insurance Commissioner" of this State, and authenticated by his seal of office, shall be received in evidence in the courts of this State, and copies of papers and records in his office so authenticated, shall be received as evidence with the same effect as the originals.

Seal of office shall accompany.

Papers to be evidence

Swearing falsely deemed perjury.

SECTION 9. If any person making an oath or affirmation required by this act, or if any person being or assuming to be an officer or agent of any insurance company, incorporated by this State, making any oath, or affirmation required by the insurance laws of any other State, shall swear falsely or make a false affirmation, he shall be guilty of the crime of perjury, and shall be subject to the punishment prescribed for perjury under the laws of this State. Any company or person otherwise violating this act shall be guilty of a misdemeanor, and upon conviction thereof, by indictment, shall be subject to imprisonment not exceeding one year, or a fine not exceeding one thousand dollars, or both, at the discretion of the court, and the "Insurance Commissioner" shall suspend any company so convicted, or whose agent is so convicted, from doing business within this State, until the fine is paid.

How punished.

Violation.

How punished.

Compensation of commissioner.

SECTION 10. There shall be paid to the "Insurance Commissioner" for his own use, by every company to which this act applies, the following fees: for filing the declaration or certified copy of charter, ten dollars; for filing annual statement or printed report of the "Insurance Commissioner" of any of the States aforesaid, ten dollars; for each certificate of authority and certified copy thereof, two dollars; for every copy of any paper filed in his office, the sum of twenty cents per folio of one hundred words, and for affixing the official seal to such copy and certifying the same, the sum of one dollar; for official examinations of companies under this act the actual expenses incurred. The commissioner shall receive no compensation from the State, except the necessary expenses of his office, such as postage, printing, stationary, etc., which may be allowed by the General Assembly.

No compensation from State.

Duplicate receipts for taxes.

SECTION 11. It shall be the duty of any officer receiving taxes from insurance companies or agents, under the laws of this State, to issue such company or agent, upon payment of such tax, receipts therefore in duplicate, and such company or agent shall thereupon deliver to the "Insurance Commissioner" one of said duplicate receipts, and the "Insurance Commissioner" shall

not issue a certificate of authority to do business in this State to any company in arrears for any tax due to this State, or to any agent who has not first obtained a proper State license from the Clerk of the Peace. Penalty for arrearages for tax due.

SECTION 12. This act shall go into effect and operation on the first day of July next after the passage thereof. Act goes into effect.

SECTION 13. That Section 1, of Chapter 118, of the XVth Volume of the Laws of Delaware, be and the same is hereby amended by striking out of said Section the words "and every fire, marine, life, or live stock insurance company," in the fourth and fifth lines, and the words "or insurance company," in the fifteenth line thereof, and that Section 2, of said Chapter 118. be and the same is hereby repealed. Section 1, Chap. 118, Volume 15, Laws of Delaware, amended.

Passed at Dover, March 24, 1879.

Amended at Dover, March, 17, 1881.

CHAPTER 348.

OF STATE CHEMIST.

AN ACT to amend the act entitled An act providing for the appointment of State Chemist. Title.

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

SECTION 1. That an act providing for the appointment of State Chemist, and other purposes, passed at Dover, March 16, 1871, be amended by striking out the whole of the first line of Section 5, and also that part of the second line of said Section prior to the word "dollars," and inclusive of the word "thirty," and inserting the following instead thereof, to wit; "that every manufacturer or vendor of fertilizers whose annual sales exceed one thousand tons shall pay to the State Chemist for each analysis the sum of forty dollars, and all other manufacturers or vendors of fertilizer shall pay to said State Chemist for each analysis the sum of thirty dollars:" And be it further enacted that Sections Third and Fourth be amended by striking out the word "July" in each section and inserting in lieu thereof the word May: And be it further enacted, that the said act be further amended by adding the following section, to wit: Act providing for State Chemist, amended. Fee for each analysis.

OF PUBLIC OFFICERS.

Duty of Levy Court to procure samples from trade packages of fertilizers and affix number.

Section Tenth. It shall be the duty of the Levy Court or a committee thereof, in each of the counties of this State, to procure from trade packages on sale true samples of all fertilizer sold in this State, and make a record of the same stating the time when secured, the name of the manufucturer or vendor and the quantity so taken; and shall affix a number thereto respectively. Said record shall be filed in the office of Clerk of said Court: And be it further enacted that the said Levy Court or a committee thereof shall, on or before the first day of June in each and every year forward such samples to the State Chemist for analysis. But in no case shall they forward the name of the manufacturer or vendor, or in any way make known to said chemist the same. The numbers affixed respectively shall accompany the sample, by which the said chemist shall make his record. The State Chemist shall analyze all samples sent by such Committee carefully, and correctly tabulating the percentage of available phosphoric acid, the percentage of ammonia and of potash contained in such sample, together with a table of the composition values of all such fertilizers, which values are to be determined by estimating the value of the following elements contained in such fertilizer: Of available phosphoric acid at twelve and one half cents 12½ per pound, of ammonia at twenty-two cents 22 per pound, and of potash at eight cents 8 per pound. And be it further enacted that the State Chemist shall on or before the first day of July in each and every year forward to the Levy Court or a committee thereof his analysis as provided for in this act, with his certificate attached. He shall also forward at the same time and in the same manner the analysis of all samples analyzed under the provisions of Sections Three and Four of this act.

Samples forwarded to State Chemist with number.

Analyze samples.

Table showing percentages of ingredients and the value thereof

Report of State Chemist to Levy Court

Penalty for neglect of manufacturers and vendors to furnish samples.

Section Eleven. That every manufacturer or vendor of fertilizer who is required to furnish to the State Chemist samples for analysis as provided in Section Three and Four of this act and failing so to do for a longer period than ten days after the time specified in Section Three and Four shall be subject to a penalty of fifty dollars, to be recovered before any Justice of the Peace in this State, one half of said penalty to go to the person informing and the other half to be paid into the State Treasure.

Tags to be attached to each package, &c., showing percentage of ingredients.

Section Twelfth. That every bag, barrel or other package, containing fertilizers manufactured or sold in this State, shall have stenciled upon it, or printed upon a tag securely attached, the percentage of phosphoric acid, ammonia and potash, and any manufacturer or vendor, who shall wilfully misrepresent the proportions of phosphoric acid, ammonia and potash, or either of them contained in such fertilizer selling or disposing any

fertilizers, shall be deemed guilty of a misdemeanor, and upon conviction thereof on indictment, shall be fined not exceeding two hundred dollars, or imprisoned not exceeding six months, or both, at the discretion of the court. And persons acting as an agent in this State for any manufacturer or vendor of fertilizers residing outside of the State, shall be subject to the provisions of this act and the act to which this is an amendment.

Penalty for not attaching tag.

Liability of agent.

Section Thirteen. It shall be the duty of the Levy Court aforesaid, or a committee thereof, on the receipt of the report of the State Chemist, as provided in section ten of this act, to have published in pamphlet form said report as follows: First, the report of the samples submitted by the manufacturer or vendor; Second, the samples submitted by the Levy Court or their committee of the same fertilizer, the fact to be ascertained by referring to the numbers in the record as provided in section ten of this act. And be it further enacted that the aforesaid Levy Court or a committee thereof, shall have, on or before the first day of August in each and every year, such publication ready for gratuitous distribution to any purchaser, consumer or user of fertilizer, who may apply for the same. And be it further enacted that the Levy Court shall, in the month of October in each and every year, issue orders payable to the State Chemist for the analysis of all samples submitted by said court, or its committee, provided that the sum shall not exceed five dollars for any one sample, nor shall payment be made for more than one sample of any brand in the one and same year.

Publication of report of State Chemist.

Distribution of report.

Compensation to State Chemist.

Section Fourteen. That the State Chemist shall make a report of the operations of his office to the Governor of the State annually, giving the number of analyses made and the amount of proceeds of office; said report to be presented to the Legislature at each session thereof, the same as the Auditor's and State Treasurer's reports are made.

Report of State Chemist.

Passed at Dover, April 8, 1881.

OF PUBLIC OFFICERS.

CHAPTER 349.

OF FISH COMMISSIONERS.

Title. AN ACT to authorize the Governor to appoint a Commissioner of Fish and Fisheries and to provide for his compensation.

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

Governor to appoint Fish Commissioner.

SECTION 1. That the Governor be and he hereby is, immediately after the passage of this act, authorized and empowered to appoint some suitable person, who shall be a citizen of this State, as a Commissioner of Fish and Fisheries, whose term of office shall be two years from the date of his appointment.

Term of office.

Commissioner to receive spawn, &c.

Distribution.

Duty of State laws executed.

SECTION 2. That it shall be the duty of the said Commissioner to receive from the United States Fish Commissioner, or from any other source, any eggs, spawn, fry, or other forms of food fish and distribute the same in the waters of Delaware in as nearly equal proportions as may be. And it shall be the further duty of the said Commissioner to see that the laws of the State for the protection of fish are properly enforced.

Compensation.

Expenses.

SECTION 3. That the said Commissioner shall receive as compensation for his services the sum of two dollars per diem when actually employed, and the payment of all necessary expenses incurred in the discharge of his official duties, upon vouchers to be approved by the Auditor of Accounts, by a warrant issued by the Governor on the State Treasurer. *Provided*, that the whole expense to this State under the provisions of this act shall not exceed three hundred dollars.

Inconsistent acts repealed.

SECTION 4. That all acts or parts of acts inconsistent with the provisions of this act be and the same are hereby repealed.

Passed at Dover, March 22, 1881.

TITLE SIXTH.

Of Religion, Public Education and Health.

CHAPTER 350.

OF RELIGIOUS SOCIETIES.

AN ACT to incorporate the Union Methodist Episcopal Church of Gumboro Hundred, Sussex County. Title.

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 Samuel J. Gray, James S. Donaway, John J. Mitchell, Jacob M. Gunby and James H. Ward and others and their successors, members of the Union Methodist Episcopal Church of Gumboro Hundred, Sussex County, Delaware, be and they are hereby erected into a body politic and corporate, in deed and in law, by the name of the Union Methodist Episcopal Church of Gumboro Hundred, Sussex County, whose object it shall be to provide its members with the preaching of the Gospel, the administration of the Sacrament, and the other means of grace in accordance with the faith of the Methodist Episcopal Church. Corporators. Corporate name. Objects.

SECTION 2. That the property, real, personal and mixed of said Corporation, shall be managed by a board of trustees, who shall be elected at a public meeting of the qualified members of said congregation, called by the minister in charge, and a majority of the board of Stewards, and held at their usual place of worship, on ten days notice by advertisements at the front door of such place, and by a plurality of votes of the adult members present. Management by Board of Trustees. Election.

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 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, personal or mixed, which now is or hereafter shall become the property of said corporation, and they shall have the right to improve, sell, alien and dispose of the same for the use and benefit of said church. Perpetuity of succession. Powers.

OF RELIGIOUS SOCIETIES.

Vacancies How filled.

SECTION 4. Other trustees may be elected and vacancies filled by election, as prescribed in Section 2 of this act, and the election of a successor to any trustee shall remove him from office. The act of a majority of the trustees shall be valid.

Trustees.

SECTION 5. That Samuel J. Gray, James S. Donaway, John J. Mitchell, Jacob M. Gumby, and James H. Ward, 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.

By-laws.

Public act.

SECTION 6. This act shall be deemed and taken to be a public act and published as such.

Passed at Dover, March 17, 1881.

CHAPTER 351.

OF RELIGIOUS SOCIETIES.

Title.

A FURTHER SUPPLEMENT to an act entitled "An Act to incorporate the Rehoboth Beach Camp Meeting Association of the Methodist Episcopal Church," passed at Dover, January 27, 1873.

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, Chapter 27, Volume 16, amended.

SECTION 1. That Section 1, of the amendment of said act, said amendment being Chapter 27, of Volume XVI, of the Laws of Delaware, be and the same is hereby amended by striking out all after the word "where" in the sixth line, and before the word "shall" in the seventh line of said Section, and inserting in lieu thereof the words: "the sale of intoxicating liquor and everything inconsistent with Christian morality."

Section 5, of original act, amended.

SECTION 2. That Section 5, of said original act, be and the same is hereby amended by striking out the word "thirty" in the second line of said Section and inserting in lieu thereof the word "fifteen," and by striking out the word "ten" in the seventh line of said Section and inserting in lieu thereof the

word "five," and by striking out all after the word "elected" in the twelfth line, and before the word "any" in the fourteenth line of said Section and by striking out all after the word "number" in the fifteenth line and before the word "of" in the sixteenth line of said Section.

Qualifications of voters.

SECTION 3. That every person owning a lot or lots within said corporation limits shall be entitled to vote either in person or by proxy, duly authorized in writing under their hand and seal, attested by at least one witness, at all meetings of the said stockholders of the corporation for officers elected at such meetings and upon every question which a stockholder can vote.

Method of voting.

Section 9, of original act, amended.

SECTION 4. That Section 9, of said original act, be and the same is hereby amended by striking out all after the word "purpose" in the fourth line and before the word "to" in the fifth line of said Section.

Section 2, of supplement to original act, amended.

SECTION 5. That Section 2, of the Supplement to said original act, passed at Dover, March 22, 1877, be and the same is hereby repealed.

Passed at Dover, April 6, 1881.

CHAPTER 352.

OF RELIGIOUS SOCIETIES.

Title.

A SUPPLEMENT to the act entitled An act to authorize the Protestant Episcopal Church in this State to raise a fund for the support of a Bishop, and to aid missionaries and necessitous Ministers, their Widows and Children, passed at Dover, February 6, 1845.

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):

Revival.

Period of existence.

SECTION 1. That the corporation created by the act to which this is a supplement, be and the same is hereby revived and continued for the period of twenty years from the passage hereof, and all acts and transactions done and performed by the trustees from time to itme elected in accordance with the provisions of said act since the expiration of twenty years from the passage thereof shall have the same force and effect and be as valid to all intents and purposes, and all the powers of said corporation shall and

Powers.

may be exercised in the same manner and with the same force and effect as if the said corporation had been renewed and continued in existence by an act passed before the expiration of twenty years from the date of its incorporation. All funds and securities, choses in action and other property now held by the said trustees shall continue to be the property of said corporation and shall be held and administered under the powers hereby granted and in accordance with the provisions of this act for the purposes to which they have been and are respectively designated; and so much of said act to which this is supplementary as is included in the proviso in the First Section and the Second and Third Sections thereof is hereby repealed.

All property, &c., transferred to new corporation.

Repeal of certain provisions of original act

Number of Trustees.

How elected.

Apportionment of terms.

SECTION 2. The number of trustees of said corporation shall hereafter be seven, one of whom shall be the Bishop of the Diocese *ex officio;* the remaining six shall be elected by the annual convention of the diocese of Delaware, as follows: At the next ensuing annual convention of said diocese the said six trustees shall be elected and immediately upon their election their terms shall be apportioned by lot in such manner as said convention may direct, for one, two, three, four, five, and six years respectively, and at every annual convention thereafter one trustee shall be elected for the term of six years. The said trustees shall continue in office until their successors are duly elected, and any vacancy may be filled as provided by the diocesan canons or in the absence of such provisions by the said annual convention.

Continuation of office.

Powers.

SECTION 3. The said corporation shall hereafter have power to accept and administer any trust for the benefit of the Protestant Episcopal Church in the said diocese or of any parish therein, or for any religious, elemosynary, charitable, educational or benevolent purpose within the limit of said diocese or any parish of the same, and to that end to take legal title to lands which may be purchased or otherwise legally acquired by it for church sites, parsonages, schools, hospitals, asylums or other purposes within the scope of this act; to accept funds to be invested in lands for such purposes and also to receive funds in trust, to hold the same, and from time to time to reinvest such funds in interest bearing securities and apply the income thereof to the purchase of lands for the like purposes; and in all such cases to manage and control such property for the uses declared in the instrument of such gifts or conveyances or in the absence of express direction as shall seem best to said corporation, and generally to accept and administer any and all trust, of real and personal property which may be committed to it by individuals, bodies corporate and politic, by any court or by the convention

OF RELIGIOUS SOCIETIES.

of the Protestant Episcopal Church in said diocese or by the authorities of any parish therein. The said corporation shall also have power to be appointed as executor or administrator with the will annexed, and when so appointed shall not be required to give security, "except in such case and in such manner and amount as the Register of Wills, who shall grant the letters testamentary or of administration therein may deem necessary to secure the payment of debts." And any oath or affirmation required by the to be taken in the due execution of the powers herein granted may be made or taken by the president or treasurer of said corporation.

Power to sell mortgage, &c.

SECTION 4. The said corporation shall have power in the execution of the trusts contemplated by this act, subject to the direction of the donors, to sell and convey, mortgage, lease or otherwise dispose of the said property, and to receive and receipt for the purchase or other money received from the transfer or mortgage of the same, without any liability on the part of any purchaser, grantee or lessee with respect to the application of the money or other security or property paid or delivered to said corporation.

Common seal. By-laws.

SECTION 5. The said corporation may have and use a common seal and from time to time may enact by-laws for its government, and providing for all necessary details in the management of its business and the selection of its officers and agents, and the same may alter, amend or repeal, provided the same be not repugnant to the Constitution or laws of the United States or of this State.

Power to alter and amend by-laws.

Construction clause.

SECTION 6. The act to which this is a supplement shall hereafter be read and construed as follows, viz: Section one thereof shall be as heretofore in said act, as amended in Section one of this act, except that the enacting clause shall be omitted from said Section and placed before it with the words "*two-thirds of each branch thereof concurring*" added thereto; Sections two, three, four, and five shall be the same Sections of this act with the same numbers respectively, and Section four of said act shall hereafter be numbered Section six and the words "*And be it further enacted*" shall be omitted at the beginning thereof, and the title of said act shall be amended so as to read: An Act to incorporate the Trustees of the Protestant Episcopal Church of the Diocese of Delaware.

Sections numbered.

SECTION 7. This shall be deemed and taken to be a public act.

Passed at Dover, April 7, 1881.

OF RELIGIOUS SOCIETIES.

CHAPTER 353.

OF RELIGIOUS SOCIETIES.

Title. AN ACT to incorporate "The Roman Catholic Male Protectory," of Wilmington, 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 General Assembly therein concurring):

Corporators. SECTION 1. That Thomas A. Becker, Patrick Reilly, Benjamin J. Keiley, Martin X. Fallon, George J. Kelly, William Dallard, Peter N. Brennan, Joseph Eising, Dennis J. Menton and such other persons as they may hereafter associate with them, be and the same are hereby made a body politic and corporate in law and in fact under the name, style and title of "The Roman Catholic Male Protectory," of Wilmington, Delaware, and by the same name shall have continuance and succession for twenty years.

Name.

Period of existence.

Powers. SECTION 2. That the said corporation and their successors during the term of their corporate existence shall be able and capable in law and in equity to purchase, take, receive and hold any lands, tenements, hereditaments, rents, leases, stocks, goods and chattels, bonds, notes, mortgages, or moneys, rights, interests, and effects, or any property of any kind, nature or quality whatsoever by gift, grant, bargain, sale, conveyance, assurance, will, testament, devise or bequest from any person or persons capable in law or equity of making the same, and the same from time to time to grant, bargain, sell, demise, alien, mortgage, lease and dispose of for the use and benefit of the said corporation; and they shall have power to purchase or erect such building or buildings, as may be necessary for the purposes of said corporation, and power also to do all and singular the things necessary, proper and lawful to be done for the well being of the said corporation and due management and well ordering of the affairs thereof. *Provided* that the value of the lands and tenements to be acquired and held as aforesaid, shall not exceed the sum of fifty thousand dollars, and provided that the said corporation shall not possess any banking powers other than the lending of money for the purpose of investment.

Proviso.

Powers. SECTION 3. The said corporation shall be capable in law to sue and be sued, plead and be impleaded in all Courts of Record in this State and elsewhere, and shall have power and authority to make and use a common seal, and to break, alter and change the same at their pleasure. They shall have power to appoint or elect such officers as they shall deem necessary to carry on the business of said corporation conformably to the provisions

Appointment of officers.

OF RELIGIOUS SOCIETIES.

of this act, and the constitution and by-laws and rules of said corporation, and from time to time to make and establish such constitution, by-laws and rules as they shall deem necessary and proper for the good government thereof. *Provided however*, that such constitution, by-laws and rules be not contrary to the laws and constitution of this State, or of the United States. By-laws. Proviso.

SECTION 4. That it shall and may be lawful for the said corporation, in its discretion, to take under its guardianship all children who may be placed under its care and management in either of the following modes: First, children under fourteen years of age, who shall be voluntarily surrendered by their fathers, or in case of the death or absence of such fathers, by their mothers, or by their guardians to the care of the said corporation. Second, children under fourteen years of age, who shall be committed to the care of the said corporation by any Judge of any court of the State of Delaware, or by the Mayor of any city within the limits of said State, on account of vagrancy, or of the exposure, neglect or abandonment of said children by their parent or parents, guardians or other person having custody of said children, and it shall be the duty of any Judge or Mayor so committing any child to the care of said corporation to annex to the commitment an abstract of the evidence taken by him on which his adjudication was founded, which said evidence shall be under oath or affirmation and taken in the presence of said child. Guardianship of children. Conditions under which guardianships may be accepted.

SECTION 5. That the said corporation shall have the guardianship of said children so placed under its care and management during minority; shall cause them to be educated and instructed in a proper manner, and may, when in the discretion of the majority of the members of said corporation it may appear proper, bind the said children, with their consent, as apprentices during their minority to such persons and at such places, and to learn such trades and employments as in the judgment of the majority of the members of said corporation shall be most conducive to the benefit and advantage of said children; *Provided* the power and charge of said corporation over and upon the said children shall not extend beyond the age of twenty-one years, but the said corporation may, in the discretion of the majority of the members thereof, return at any time the said children to their parents or surviving parent or guardian. Term of guardianship. Proviso.

SECTION 6. That any and all property now held, or that may hereafter be acquired in any manner by the said corporation, together with any and all gifts, devises, bequests or legacies to it in any manner hereafter given, are and shall be exempt from all taxes, assessments and abatements whatsoever, for State, Exemption of property from taxation.

county and municipal or other purposes, so long as the same is held or used for the charitable purposes for which this corporation was instituted.

What shall not defeat gift, &c.

SECTION 7. That no misnomer of the said corporation shall defeat or annul any gift, grant, devise or bequest to the said corporation, *Provided* it shall sufficiently appear by the will, gift, grant, or other writing that the party making the same intended to give or pass thereby to the said corporation, the estate or interest therein expressed or described.

Proviso.

Public act.

SECTION 8. This act shall be deemed and taken to be a public act, and power to revoke the same is hereby reserved to the General Assembly.

Passed at Dover, April 7, 1881.

CHAPTER 354.

OF THE SCHOOL FUND.

Title.

AN ACT in Relation to the Collection of Taxes for School Purposes.

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

Authority to add ten per centum for delinquencies.

Power to receive school tax before a certain time and to abate eight per centum

SECTION 1. That upon the completion of the assessment and levy of the school tax in the school districts in the State, by the respective school committees, it shall and may be lawful for the committee after they shall have added thereto ten per centum for delinquencies and costs of collection, to accept and receive the tax of each and every person liable to pay the same who shall tender the payment thereof before the tenth day of May in the year in which said tax shall be levied, and the committee shall allow to every person so paying their tax, within said time, an abatement of eight per cent. upon said tax.

Delivery of duplicate of uncollected taxes to collector.

SECTION 2. That it shall be the duty of the school committee in the several school districts aforesaid on the tenth day of May in each year or as soon thereafter as practicable, to execute and deliver their warrant with duplicate of the uncollected assessment list to a collector specially appointed by said school committee or to the Collector of County Taxes for the hundred in which such school district may be situated. and the said

collector shall be and he is hereby required to accept the same and collect the taxes thereon assessed. The collector in whose hands any school taxes are placed for collection shall be liable on his official bond for the proper discharge of his duties under the provisions of the act, and all other acts of the General Assembly of this State relative to the collection of and payment over of all taxes committed to him for collection.

Liability of collector.

SECTION 3. The act entitled "An act in relation to the duty of hundred collectors receiving school tax duplicates," passed March 9, 1877, and all other acts inconsistent with the provisions of this act, be and the same are hereby repealed.

Repeal of inconsistent acts.

SECTION 4. *And be it further enacted,* That in addition to the powers now possessed by school tax collectors in this State, it shall and may be lawful for any such collector after demand made by him for the payment of the tax assessed against any inhabitant of the school district for which he is collector, and the failure of said taxable to pay the same on said demand, to give written notice to any person residing in the county wherein said district is located whom he may suppose to have in his possession any goods or chattels, rights or credits, moneys or wages belonging or owing to said taxable, stating the amount of taxes due from said delinquent taxable, and if the person so served with notice shall fail to deliver up such goods and chattels, or to pay so much money or wages in his possession as shall satisfy said school tax due from said delinquent, said collector may proceed by suit in the name of the school commissioners of the district before any Justice of the Peace in and for said county against any person so notified as aforesaid and recover against him, her or them a judgment for the amount of said tax of said delinquent with cost, or for so much of said tax as may be equal to the value of the goods and chattels, rights and credits, moneys and wages in his, her or their hands or possession at the time of service of said notice or at any time between then and the rendition of said judgment. The process, mode of trial, right of appeal and form of proceeding shall be as prescribed in Chapter 99, of the Revised Statutes of this State. The oath of the collector shall be sufficient evidence of the demand and refusal of the aforesaid and of service of said notice.

Power of school tax collector to attach taxables.

How done.

Right to sue persons failing to respond to notice.

Mode of trial, &c.

Passed at Dover, April 4, 1881.

OF PUBLIC EDUCATION.

CHAPTER 355.

OF FREE SCHOOLS.

Title. AN ACT to amend Section 5, of Chapter 46, of Vol. 16, of the Laws of Delaware, entitled "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:

Section 50, Chapter 46, Volume 16, amended.

SECTION 1. That Section 5, of Chapter 46, of Volume 16, of the Laws of Delaware, entitled "An act in relation to Free Schools in this State" be, and the same is hereby amended by striking out of said section all thereof after the word "granted," in the thirty-fifth line thereof.

Payment of money as a qualification of teacher, repealed.

SECTION 2. That from and after the passage of this act all laws or parts of laws of this State requiring the payment of any sum of money by any school teacher as a qualification to teach, be and the same are hereby repealed and declared null and void.

Passed at Dover, February 7, 1881.

CHAPTER 356.

OF FREE SCHOOLS.

Title. AN ACT to change the boundary line of School District No. 54, New Castle County.

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

Boundary line of School District No. 43 changed.

SECTION 1. That from and after the passage of this act, all that portion of School District No. 43, New Castle County, which is bounded on the north by the turnpike road leading from Christiana to Elkton, Md.; and on the east by the public road leading from Newark to Delaware City, and the south and west by Christiana Creek, shall be, and the same is hereby transferred to School District No. 54, and shall constitute a portion of said district.

Passed at Dover, February 25, 1881.

OF PUBLIC EDUCATION.

CHAPTER 357.

OF FREE SCHOOLS.

AN ACT to transfer certain real estate from one School District to another, in New Castle County. Title.

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

SECTION 1. That the farm of George W. Sparks and Preston Lea, and the farm of John C. Corbit, now within the limits of School District No. 61, in New Castle, shall be, and the same are hereby transferred to School District No. 79 in said county, and the said farms as well as tenants living thereon shall hereafter be assessed for the support and benefit of District No. 79, and that the limits of said district shall be so extended as to bound upon Appoquinimink Creek and include the two farms above mentioned. Certain real estate transferred from School District No. 61 to 79 in New Castle Co.

Passed at Dover March 1, 1881.

CHAPTER 358.

OF FREE SCHOOLS.

AN ACT to consolidate School Districts Nos. 32 and 108, in Sussex County, under the title of "The Selbyville Public Schools." Title.

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

SECTION 1. That School Districts Nos. 32 and 108, in Sussex 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 Selbyville Public Schools," and shall have the same rights, privileges and powers as any other united school districts under any general law of this State. Certain School Districts consolidated. Name. Powers.

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 Selbyville Public Schools" the full proportion of two districts in Sussex County. Apportionment of school fund

OF PUBLIC EDUCATION.

Commissioners of consolidated districts.

SECTION 3. That the School Commissioners now acting as commissioners of said "United School Districts number 32 and 108, in Sussex 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. 1882; one other of said Commissioner's term to expire on the first Saturday in April, A. D. 1883; and the term of the other of said Commissioner to expire on the first Saturday of April, A. D. 1884, and that the terms of the School Commissioners of the said "The Selbyville Public Schools" shall continue to expire in the same order from year to year.

Election of school commissioners.

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.

Vacancies. How filled.

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.

Taxes levied before consolidation collectable.

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 District Nos. 32 and 108, in Sussex County" shall be binding upon the tax payers and property owners of said united school districts now consolidated under the title of "The Selbyville 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.

Uncollected taxes belonging to districts to belong to consolidated districts.

SECTION 7. That all taxes heretofore assessed and levied upon either of school districts Nos. 32 and 108 in Sussex County, and not yet collected, shall belong to and shall be due and owing to the said districts consolidated by virtue of this act as "The Selbyville Public Schools," and the said commissioners of the said "The Selbyville 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 Selbyville Public Schools," to be applied for general school purposes as other moneys belonging to the said united school districts are applied.

Power to collect taxes.

Appropriation of taxes.

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.

Acts of commissioners of original districts valid.

SECTION 9. That all debts due and owing to either of said School Districts Nos. 32 and 108 in Sussex County, shall belong to and be due and owing to said "The Selbyville Public Schools," and the said commissioners of the said "The Selbyville 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. 32 and 108 in Sussex County, before said districts were united.

Debts owing to original districts to belong to consolidation districts.

SECTION 10. That all the rights, credits, property, real or personal, belonging to either of said School Districts Nos. 32 and 108 in Sussex County, or that is now vested in said United School Districts Nos. 32 and 108 in Sussex County, shall be the property of and shall be vested in the said "The Selbyville Public Schools," and the commissioners of said "Selbyville Public Schools" shall have the control and management of the same, and may maintain suits in the name of "The Selbyville 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 the said Districts Nos. 32 and 108 or to any property belonging to said United School Districts Nos. 32 and 108, Sussex County, or to any property belonging to "The Selbyville 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 Nos. 32 and 108 in Sussex County, or the said United School Districts Nos. 32 and 108 in Sussex County, as is now provided by law.

Property, &c., of original districts shall belong to consolidated districts

Power to maintain suits for the recovery of property.

Power of consolidated districts

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.

OF PUBLIC EDUCATION.

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 Selbyville Public Schools."

Passed at Dover, March 8, 1881.

CHAPTER 359.

OF FREE SCHOOLS.

Title. AN ACT to exempt certain persons from the operation of Chapter 48 of Volume 15 of the Laws of Delaware, and to enable them to establish schools for their children in Sussex County.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met, (two thirds of each branch of the Legislature concurring):* That Whittington Johnson, William A. Johnson, Samuel B. Norwood, George L. Norwood, Robert W. Norwood, Elisha Wright, Beturn Wright, Selema Wright, Nicholas Wright, James H. Kimmey, Robert Clark, Thomas H. Clark, Myers B. Clark, Isaac Harmon, John Harmon, James H. Clark, William R. Clark, Ann Johnson, Robert B. Johnson, John Thompson, Theodore Harmon, Stephen M. Norwood, John Harmon, Mitchell Harmon, Gardiner Drain, David P. Street, David R. Street, David Wright, George W. Clark, Elias C. Clark, William Clark, all of whom are residents of Indian River Hundred, and Sussex County of this State, are hereby and shall be hereafter exempted and relieved from the operation and burdens of Chapter 48 of Volume 15 of the Laws of Delaware, entitled "An Act to tax colored persons for the support of their own schools," and the said Chapter 48 of Volume 15 of the Laws of Delaware, shall in no manner apply to them.

Names of persons exempt from taxation under Chapter 48, Volume 15, Laws of Delaware.

SECTION 2. *Be it further enacted,* That the parties named in the first section and their successors are hereby incorporated and constituted a body politic under the name of "The Indian River School Districts for a certain class of colored persons," and in such name, may among other things have a corporate seal, take and hold ground for two school-houses, and the

Name of corporation

Seal.

OF PUBLIC EDUCATION.

appurtenances and furniture, and for such purpose may take and hold by devise, bequest or donations, real and personal estate not exceeding in clear annual income five hundred dollars, for the use of the schools in said districts, and may alien the same; may take bond from their collector; may prosecute actions upon it and any action for injury done to any property of the district, in which action they shall recover double damages and costs; and also any action for a forfeiture or penalty due to the district; any of the said actions may be brought before a Justice of the Peace, if the sum demanded do not exceed one hundred dollars, and he shall proceed as in other demands of a like amount. The said district shall not possess any corporate powers or franchises other than those hereby expressly given it. Corporate powers.

SECTION 3. *Be it further enacted,* That anyone may hereafter be made a member of this corporation by a two-thirds vote of those present at any stated meeting thereof, upon his posting, thirty days before said stated meeting, written notice of his application for membership on the front door of each school house: *Provided,* that no one shall be a member of this corporation who does not belong to the class of colored persons to which those mentioned in Section One belong, is not above the age of twenty-one years, a citizen of this State and a resident of said Indian River hundred. Mode of acquiring membership. Proviso.

SECTION 4. *Be it further enacted,* That the said corporation shall be divided into two sub-district, called respectively "Warwick District" and "Hollyville District." The limits of said sub-districts shall be defined by five members of the corporation to be selected by ballot at the first meeting of the corporation. They shall make report of their proceedings to the corporation and the same shall be recorded in its records, but said limits may, in like manner, be at any time changed, the five members only to be appointed at a stated annual meeting. Division of corporation. Names of districts. Record of districts.

SECTION 5. *Be it further enacted,* That the persons named in Section One of this act shall meet on the first Saturday of April next, at two o'clock in the afternoon, at some place to be selected by a majority; and shall proceed, after selecting a chairman and secretary, to elect by ballot two school committees, one for each of said sub-districts. Such school committees shall consist of a clerk and two commissioners; and shall be elected for the term of three years. They shall also resolve, by a majority vote, what sum shall be raised for the purpose of purchasing a lot of ground and erecting thereon a school house in each of said sub-districts—provided said sum shall not exceed the sum of four hundred dollars, and shall also resolve, by a like vote, what sum shall be raised for the pur- Time of meeting. Voting. School committees. Amount of money raised.

pose of supporting the said two schools for the ensuing year —provided said sum shall not exceed the sum of two hundred dollars.

Stated meeting.

SECTION 6. *Be it further enacted,* That the members of said corporation shall have a stated meeting every year, on the first Saturday of April, at two o'clock in the afternoon, such meeting shall be held at the Warwick school-house, and Holleyville school-house, in the alternate years, and shall be kept open at least one hour. Every member who has paid his school tax for the preceding year, shall have a right to vote. One-third of the members of the corporation shall constitute a quorum, and may proceed to business. They may appoint a secretary and chairman, and shall resolve, by a majority vote, what sum shall be raised for the support of said two schools, provided that said sum shall not exceed in any one year the sum of two hundred dollars in the aggregate. They shall also elect a school committee as aforesaid, for the term of three years, whenever the terms have expired, and shall have the power to fill any vacancies by electing some one to serve for the residue of the term. They shall also, at said stated meeting, elect by ballot five members who shall then and there proceed to apportion to each member of the corporation his or her share or portion of the sum to be raised during the ensuing year for school purposes as aforesaid, and shall make report of the same to the said meeting. Any member of the corporation who is disatisfied with the report may appeal to the meeting, stating his grounds, and the matter shall be then and there decided by a majority vote. When said report has been adopted by a majority vote it shall be final and conclusive upon all parties. They shall also at said meeting elect a collector, to whom they shall give a proper warrant to collect the sum aforesaid from the parties upon whom it is assessed, and who shall give bond in the penal sum of four hundred dollars for the proper performance of his duties. His oath shall be proof of a demand, and if a member does not pay the amount apportioned to him for ten days after the demand, the collector may bring suit therefor before a Justice of the Peace. The collector for the past year shall at said stated meeting render an account thereto which shall be at once examined by a committee of three to be appointed by the chairman.

Place of meeting.

Qualification of voters.

Quorum.

Officers.

Amount of money to be raised.

Vacancies.

Apportionment of tax

Appeal.

Collector.

Bond.

Proof of demand.

Suit for taxes.

Teachers.

SECTION 7. *Be it further enacted,* That the school committee of each sub-district shall select the teachers for their respective schools, but the stated annual meeting shall determine how many months the school shall be open and how much money shall be apportioned to each sub-district from the aggregate sum to be raised for the year. Each school shall be open to all the children

School year.

between the ages of seven and twenty-one of those members who have duly paid to the collector of the preceding year the sum with which they were charged.

SECTION 8. *Be it further enacted,* That any member who has paid all the sums with which he is charged as aforesaid may withdraw from membership in said corporation by giving notice at the annual stated meeting of his intention so to do; *provided, however,* that he shall immediately thereupon become again liable to the provisions of the said Chapter 48, of Volume XV., of the Laws of Delaware. Withdrew from membership.

Passed at Dover, March 10, 1881.

CHAPTER 360.

OF FREE SCHOOLS.

AN ACT to consolidate School Districts Nos. 152 and 80, in Sussex County, under the title of "The Lowe's X Roads Public Schools. Title.

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

SECTION 1. That School Districts Nos. 152 and 80, in Sussex 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 Lowe's X Roads Public Schools, and shall have the same rights, privileges and powers as any other united school districts under any general law of this State. School Districts Nos. 152 and 80, Sussex Co. consolidated. Powers.

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 Lowe's X Roads Public Schools" the full proportion of the two districts in Sussex county. Each district entitled to its share of the school fund

SECTION 3. That the school commissioners now acting as commissioners of said United School Districts Nos. 152 and 80, in Sussex 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 commissioners' term to expire on the first Saturday of April, A. D. 1882; one other of said commis- School commissioners continued.

sioners' term to expire on the first Saturday in April, A. D. 1883; and the term of the other said commissioner to expire on the first Saturday in April, A. D. 1884, and that the terms of the school commissioners of the said "The Lowe's X Roads Public Schools" shall continue to expire in the same order from year to year.

Election of school commissioners.

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.

Vacancies.

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.

Former tax is collectable.

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. 152 and 80 in Sussex County," shall be binding upon the tax-payers and property owners of said united school districts now consolidated under the title of "The Lowe's X Roads 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 enjoining the collection of any taxes in any district within this State.

Former taxes uncollected belong to consolidated districts.

SECTION 7. That all taxes heretofore assessed and levied upon either of School Districts Nos. 152 and 80, in Sussex County, and not yet collected, shall belong to and shall be due and owing to the said districts consolidated by virtue of this act as "The Lowe's X Roads Public Schools," and the said commissioners of the said "The Lowe's X Roads 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

Power of collector.

OF PUBLIC EDUCATION.

"The Lowe's X Roads Public Schools," to be applied for general school purposes, as other moneys belonging to said united school districts are applied.

Acts of former commissioners binding.

SECTION 8. That all acts done by the commissioners now acting and being the commissioners of said united school district shall be binding and legal, having the same force and effect as if done after the passage of this act.

Debts due original districts belong to consolidated districts.

SECTION 9. That all debts due and owing to either of said School Districts Nos. 152 and 80, in Sussex County, shall belong to and be due and owing to the said "The Lowe's X Roads Public Schools," and the said commissioners of the said "The Lowe's X Roads 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. 152 and 80, in Sussex County, before said districts were united.

Property of original districts belong to consolidated district.

SECTION 10. That all the rights, credits, property, real or personal, belonging to either of said School Districts Nos. 152 and 80, in Sussex County, or that is now vested in said United School Districts Nos. 152 and 80, in Sussex County, shall be the property of, and shall be vested in the said "The Lowe's X Roads Public Schools," and the commissioners of said "The Lowe's X Roads Public Schools" shall have the control and management of the same and may maintain suits in the name of "The Lowe's X Roads 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. 152 and 80, or to any property belonging to said "United School Districts Nos. 152 and 80, in Sussex County," or to any property belonging to "The Lowe's X Roads 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 152 and 80, in Sussex County or the said "United School Districts Nos. 152 and 80," in Sussex County, as is now provided by law.

Recovery of property.

Qualification of voters.

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 vote shall not in any way be changed or altered by this act.

What law applicable.

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 Lowe's X Roads Public Schools."

Passed at Dover, March 16, 1881.

OF PUBLIC EDUCATION.

CHAPTER 361.

OF FREE SCHOOLS.

Title.

AN ACT empowering the Dover Public Schools to make certain improvements.

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 Assembly concurring):

Board of Education of Dover Public Schools authorized to sell certain real estate.

SECTION 1. That the Board of Education of the Dover Public Schools shall have power to sell, either at public or private sale, and either for cash or upon credit, and to convey by good and sufficient title, any real estate now belonging to the districts composing the said Dover public schools, and to erect, in a suitable and convenient place, a new school building, or school buildings, for the use of the said districts, or to enlarge, improve, and make additions to any building or buildings now belonging to the said districts.

Authorized to levy additional taxes.

SECTION 2. It shall be lawful for the said board of education to assess and collect within the said districts for the construction, enlargement, or for making the said improvements, or additions to the said building or buildings, or for the purchase of another site therefor, in addition to the sum of money now authorized by law to be raised, an additional sum of money which, with the proceeds of any sale made under the provisions of this act, will be sufficient to make the above mentioned improvements; which additional sum herein authorized to be raised may be assessed and collected in the said districts in any one year, or may be distributed through a series of years as may be deemed advisable by the said board of education.

When this act take effect.

SECTION 3. Before the provisions of this act shall take effect the plans of the said board for the said improvements, together with complete estimates of the cost of the same, shall be submitted to and approved by a majority of the voters of the said districts, present at any regular annual stated meeting of the said districts, or at any adjournment thereof, or at a special meeting called for that purpose, due notice of which shall have been given as is now by law required.

Passed at Dover, March 22, 1881.

OF PUBLIC EDUCATION,

CHAPTER 362.

OF FREE SCHOOLS.

AN ACT to Encourage the Education of the Colored People. Title.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met:* That the sum of two thousand four hundred dollars be and the same is hereby appropriated annually from the State Treasury to be expended for the purpose of educating the colored children of this State. Appropriation of money for Colored Schools.

SECTION 2. That the money appropriated by Section 1, of this act, shall be paid by the State Treasurer to the Treasurer of the "Delaware Association for the Education of the Colored People," on or before the first day of October of each and every year, beginning with the year One Thousand Eight Hundred and Eighty-one. To whom paid.

SECTION 3. That the said Treasurer of the said Delaware Association shall give bond to the State of Delaware, in the penal sum of five thousand dollars, conditioned for the faithful application of all moneys received under this act, said bond to be approved by the Secretary of State and recorded in his office. Said Treasurer shall make an annual report of all receipts and expenditures under this act to the State Auditor in October of each year. Bond of the Treasurer of the Delaware Association. By whom approved. Report.

SECTION 4. That the said Delaware Association shall distribute said sum of money among the colored schools of the State; *Provided*, that no school shall be entitled to receive its pro-rata share unless said Association is reliably informed that it has remained open for at least three months during the school year, with an average attendance of at least twenty scholars; *And provided further*, that the said sum of two thousand four hundred dollars shall be divided into three equal parts of eight hundred dollars each, one of said parts to be expended in New Castle County, one in Kent County, and one in Sussex County. Distribution of money appropriated.

Passed at Dover, March 22, 1881.

OF PUBLIC EDUCATION.

CHAPTER 363.

OF FREE SCHOOLS.

Title. AN ACT to transfer certain lands from School District No. 42 to School District No. 122, Sussex County.

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

Certain real estate transferred to School District No. 122, in Sussex Co.

SECTION 1. That the mansion farm of the heirs of Cyrus Q. Fooks, deceased, also all their other land situate in School District No. 42, in Sussex County, except that part of a tract of said lands known and called "The Rogers Tract," which lies in the east side of a public road leading from Georgetown by David M. Pepper's, also all the lands of Cornelius Prettyman and George Scott, also a small tract of land belonging to Daniel Short, known as "The William Jones land," situate in the aforesaid district, shall hereafter be and form a part of School District No. 122, in Sussex County, aforesaid.

Privileges of owners of transferred property.

SECTION 2. That the heirs of Cyrus Q. Fooks, deceased, and the lands of said heirs and the lands of said Cornelius Prettyman, George Scott and Daniel Short, above mentioned, shall enjoy all the advantages and privileges, and be subject to all duties and liabilities of taxables in said District No. 122, in Sussex County, and they and their lands as aforesaid are hereby relieved and discharged from the same in School District No. 42, in said county.

Public act.

SECTION 3. *Be it further enacted,* That this act shall be deemed and taken to be a public act.

Passed at Dover, March 24, 1881.

OF PUBLIC EDUCATION.

CHAPTER 364.

OF FREE SCHOOLS.

AN ACT to unite School Districts Numbers 26 and 112, in Kent County, into one School District under the title of "The Canterbury Public Schools." Title.

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

SECTION 1. That School Districts Nos. 26 and 112, in Kent County, as now formed, or may hereafter be formed, under the laws of this State be, and they are united and shall be known as "The Canterbury Public Schools," and shall have the same rights, privileges and powers as any other united school districts under the general law of this State. Certain school district in Kent Co. consolidated.

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 Canterbury Public Schools," the full proportion to which they are now entitled as two districts in Kent County. Each district entitled to its share of the school fund.

SECTION 3. That the terms of the school commissioners now acting as such in districts numbers 26 and 112, in Kent County, shall expire on the first Saturday in April, A. D. 1881. Expiration of acting commissioners. When.

SECTION 4. It shall be the duty of the school voters, and they are hereby empowered to vote for and elect by ballot, on the first Saturday in April next, A. D. 1881, one commissioner for the term of one year, one for the term of two years, and one for the term of three years; and that at every annual meeting thereafter, the said school voters shall, as aforesaid, elect one member of the board of commissioners to serve for the term of three years, as the successor of the member whose term shall expire. Election. Term of.

SECTION 5. That if at any time any vacancy shall happen in the board of commissioners, either by death, resignation, removal, or from refusal to serve or otherwise, the remaining member or members of the board of commissioners shall within ten days thereafter fill said board of commissioners, which commissioner or commissioners, so appointed as aforesaid, shall hold his or their office or offices until the next annual meeting, at which meeting the school voters shall elect a commissioner, or commissioners to fill the unexpired term or terms made vacant as aforesaid. Vacancies. 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 for the said school districts, numbers 26 and 112, in Kent County; shall be binding upon the tax-payers and Former taxes collectable.

property owners of the said united school districts numbers 26 and 112, in Kent County, under the title of "The Canterbury 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 and law to collect said taxes as any commissioner 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.

How collected.

Former taxes belong to certain consolidated school districts.

SECTION 7. That all taxes heretofore assessed and levied upon either of the school districts numbers 26 and 112, in Kent County, and not yet collected, shall belong to and shall be due and owing to the districts united by virtue of this act as "The Canterbury Public Schools" and the said commissioners of the said "The Canterbury 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, go into and form a part of the fund of the said "The Canterbury Public Schools," to be applied for general school purposes, as other moneys belonging to united school districts are applied.

Power of collector.

Debts due original districts belong to consolidated districts.

SECTION 8. That all debts due and owing to either of said School Districts Numbers 26 and 112, in Kent County, shall belong to, and be due and owing to the said "The Canterbury Public Schools," and the said commissioners of the said "The Canterbury 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 Numbers 26 and 112, in Kent County, before said districts were united.

Property of original districts belong to consolidated districts.

SECTION 9. That all the rights, credits, property, real or personal, belonging to either of said School Districts Numbers 26 and 112, in Kent County, shall be the property of, and shall be vested in the said "The Canterbury Public Schools," and the commissioners of the said "The Canterbury Public Schools," shall have the control and the management of the same, and may maintain suits either in the name of the commissioners or the name of "The Canterbury Public Schools," for the recovery of any such property or for any damage done to any property, real or personal, formerly belonging to either of said School Districts Numbers 26 and 112, in Kent County, or to any property, real or personal, belonging to "The Canterbury 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 26 and 112, in Kent County, as is now provided by law.

Recovery of property

OF PUBLIC EDUCATION.

SECTION 10. The right of all persons to vote at school elections in said School Districts Numbers 26 and 112, in Kent County, shall not be impaired or altered by virtue of this act, but such persons being in all other respects duly qualified as voters, shall have a right to vote at the meetings or elections in said united districts. Qualification of voters.

SECTION 11. That William S. McIlvaine, Henry C. Cooper, George W. Collins, Thomas C. Kersey and James Jarrall be, and they are hereby appointed a committee to select a piece of land to be in area one acre, for the purpose of erecting thereon a school-house for said districts united under this act as "The Canterbury Public Schools," and that the selection of such site by a majority of said committee shall be valid and in assessing damages the law in relation to free schools shall apply: *Provided,* that the said site or location shall not be more than four hundred yards from the cross roads at Canterbury; and that when said site has been selected, the said location shall not be changed or altered. Committee appointed to select a piece of land, &c.

SECTION 12. That in case any vacancy should occur in the foregoing committee appointed by this act, the remaining member or members of said committee shall fill such vacancy or vacancies by selecting some suitable person or persons for that purpose, said person or persons to be selected, if any, not being voters or property-holders in either of said districts numbers 26 and 112 united by virtue of this act. Vacancies. How filled.

SECTION 13. 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 under the title of "The Canterbury Public Schools." What laws applicable.

Passed at Dover March 25, 1881.

OF PUBLIC EDUCATION.

CHAPTER 365.

OF FREE SCHOOLS.

Title.

AN ACT Uniting the School Districts of Georgetown.

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):

School Districts Nos. 67, 96, 106 and 107, united.

SECTION 1. That on and after the first Saturday in April of the present year, to wit: A. D. One Thousand Eight Hundred and Eighty-one, the School Districts Nos. 67, 96, 106 and 107, in the County of Sussex, as now bounded, or as they may hereafter be bounded, shall form one united school district, and shall be governed and managed by a board of public education, consisting of nine members, to be elected or appointed as hereinafter provided.

Board of Education.

Incorporated.

Name.

Commissioners to superintend education of children,

SECTION 2. That the said united school districts and board of public education, and their successors, shall be and they are hereby created a body politic and corporate under the name and style of "The Board of Commissioners of the Public Schools of Georgetown, Sussex County." The board of commissioners shall have the direction and superintendence of the public education of children in said united districts, between the ages of six and twenty-one years, and for that purpose 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 united 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 the board in whatever manner 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 by the name aforesaid may sue and be sued, plead and be impleaded, in the Courts of this State, or elsewhere; may 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 for carrying out the purposes of their creation. The commissioners shall receive no compensation for their services.

Power of commissioners.

Vacancies. How filled.

Corporate powers given.

No compensation.

Special election. When held

SECTION 3. The school voters of the said united school districts shall meet on the said first Saturday of April, of the

present year, and shall hold an election for three commissioners to serve for the term of one year, three other commissioners to serve for the term of two years, and three other commissioners to serve for the term of three years. They shall meet at two o'clock in the afternoon, at the school-house in No. 67, and shall appoint a chairman, secretary and two inspectors of the election there to be held. The election for the purpose aforesaid shall be held at the place aforesaid, and the polls shall be opened before three o'clock in the afternoon and closed at four o'clock. The commissioners shall be elected by ballot, and by a pluralty vote, and shall hold their offices for the terms aforesaid and until their successors be duly chosen and qualified.

Terms of office.

Place of election.

Election officers, appointment of polls.

When opened and closed.

Manner of election and term of office.

SECTION 4. The school voters of the said united school districts shall meet on the first Saturday of April A. D. one thousand eight hundred and eighty-two, and on the first Saturday of April in each and every year thereafter, at the school house in No. 67, and shall elect three commissioners to serve for the term of three years, and until their successors be duly chosen and qualified, and shall likewise elect commissioners to fill all vacancies for the unexpired term. The election shall be held in the afternoon, and the polls shall be opened at two o'clock, or within thirty minutes thereafter, and closed at four o'clock. The board shall give ten days notice of said election, and of the day, hour and place of holding the same, and of the inspectors appointed by them to hold the same, and of the number of commissioners to be elected thereat, by written or printed handbills, posted in ten of the most public places in said consolidated districts: They shall appoint, at least ten days before the the holding of said election, an inspector and an assistant inspector, who shall preside thereat. The inspectors shall not be members of the board of commissioners, and 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 commissioners of the public schools of Georgetown, Sussex County, 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)." This oath may be administered by the inspector, assistant inspector, a Justice of the Peace, or a notary public. The inspectors shall appoint two clerks, one to be appointed by the inspector and the other by his assistant, who shall keep true and correct lists of the persons voting at said election. The inspectors shall, as soon as the polls have closed, proceed to count the votes and ascertain the result, and shall immediately upon ascertaining the result of said

General election.

Number and terms of commissioners to be elected.

Time.

Notice of.

Inspector and assistant.

Qualification.

Form of oath.

By whom administered.

Clerks of election.

How appointed.

Result.

How ascertained.

OF PUBLIC EDUCATION.

Certificates

election, make out and sign certificates thereof, and shall deliver without delay, one of said certificates to the secretary of the board of commissioners, one to each of the persons elected, and one other to the Clerk of the Peace of Sussex County, to be kept as a public record. Every person residing within the said united districts, and having right to vote for representatives in the General Assembly, (and having paid his school tax for the preceding year,) shall be a school voter of said united districts. And if any person, not being so qualified, shall vote at any meeting of school voters therein, he shall be deemed guilty of a misdemeanor, and shall be fined fifteen dollars. If a vote is objected to, the inspectors must unite in rejecting it, or the vote shall be accepted. If any one who shall be appointed by the board of commissioners, either inspector or assistant inspector, shall neglect or refuse to serve as such inspector or assistant inspector, without rendering an excuse to be accepted by the board, he shall forfeit and pay to the said board the sum of five dollars, to be recovered by the board in an action before a Justice of the Peace. If the board shall fail to appoint an inspector or assistant inspector, or both, ten days before said election, or if the inspector or assistant inspector, or both, shall be absent from the place of election at the time of opening the same, the school voters there shall proceed forthwith, without ballot, to choose from the voters present, either an inspector or assistant inspector, or both, as the case may be. If the board of commissioners shall, in any year, fail to give written or printed notice of said election, as required herein, the school voters of said united districts shall, notwithstanding said failure, meet on the day and at the time and place herein appointed, and proceed to elect inspectors and commissioners as herein provided in case of notice duly given. If any inspector or assistant inspector, or both of them, shall knowingly take the vote of a person not having the right to vote, or shall neglect or refuse to make and deliver certificates of the result of any election as required herein, he or they shall be guilty of a misdemeanor, and shall forfeit and pay fifty dollars, to be adjudged on indictment and conviction; and to be paid to the board of commissioners aforesaid for the benefit of the schools under their charge.

Qualification of voter.

Illegal voting.

Rejection of votes.

Fine.

How recovered.

How voters shall elect Inspectors.

Election. How held.

Non-performance of duty deemed a misdemeanor.

Fine.

To whom paid.

Organization of the Board.

SECTION 5. The commissioners shall meet annually in the place where the election was held, on the Monday following the election, at ten o'clock in the forenoon, and organize the board by the election of a president and secretary, who shall be members 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 a committee or other-

Officers.

Meetings of Board.

OF PUBLIC EDUCATION.

wise, shall visit all the schools in the district once a week while the schools are in session. A majority of the board shall form a quorum, and any vacancy occasioned by death, resignation or otherwise shall be filled by the board by choosing commissioners to serve until the next election and until their successors be duly elected and qualified. *Provided, however,* that no one shall be a commissioner who is not a qualified voter of said united districts, and if any one having been elected a commissioner shall not then be, or shall afterwards cease to be a qualified voter of said united districts, he shall thereupon cease to be one of the commissioners aforesaid. *Provided further, however,* that this must be ascertained and declared by a two-thirds vote of the other members of said board. The commissioners shall be sworn by each other, faithfully and impartially to perform their duties as members of said board.

Quorum. Vacancies. How filled. Qualification. Proviso.

SECTION 6. The board shall appoint a treasurer and shall take his bond with sufficient surety for the faithful performance of his duties. They shall have the right to draw, upon an order signed by their president and secretary, the amount of the dividends from time to time which the several school districts named in Section one of this act, to wit: Nos. 67, 96, 106 and 107 shall be entitled to as their part of the State school fund, and shall annually assess, levy and collect from the taxables of said united school districts the sum of five hundred dollars, in the same manner as school taxes now are or hereafter may by law be assessed, levied, and collected, and for that purpose shall possess all the powers that school commissioners now have or may hereafter have. *Provided,* that the collector of Georgetown Hundred shall receive the warrant with the duplicate of assessment list whenever the board of commissioners shall offer to deliver them to him. The board of commissioners shall publish in the newspapers published in Georgetown, in the last issue of each said papers issued in the month of March of every year, a statement of the receipts and expenditures during the year, showing the sources from which the receipts have been obtained and the objects for which they were expended. They shall also settle with the Auditor as other school commissioners do.

Appointment of Treasurer. Share of school fund How drawn. Levy, assessment and collection of taxes. Collector to receive duplicate statement of finances. Publication Settlement with Auditor.

SECTION 7. The school voters of said united school districts may at their annual meeting on the first Saturday in April, choose a chairman and secretary, and by a majority vote, to be taken by ballot, may authorize and empower the board of commissioners to raise for school purposes a certain additional sum over and above the sum of five hundred dollars aforesaid, *Provided,* that the two sums do not amount in the aggregate to more than the sum of eight hundred dollars. The school pur-

Chairman and Secretary chosen Authority to raise more than $500. How given. Proviso.

Proceedings of meeting.

poses herein mentioned shall include the necessary repairs or alterations of the present school-house. If such additional sum shall be authorized to be raised, two certificates of the proceedings of the meeting shall be made and signed by the chairman and secretary; one shall be immediately delivered to the secretary of the board of commissioners, the other to the Clerk of the Peace, of Sussex County, to be kept as a public record.

School committee's accounts and reports.

How exhibited.

Payment of money due.

Forfeited for non-payment.

SECTION 8. The respective school committees of the several School Districts Nos. 67, 96, 106 and 107, shall exhibit their account and report, as mentioned in Section 20, of Chapter 42, of the Revised Code, to the meeting of the school voters of said united districts, to be held on the first Saturday of April next, and shall pay to the said board of commissioners all money due from them; and if they neglect to do so for ten days they shall forfeit and pay to the said "The Board of Commissioners of the Public Schools of Georgetown, Sussex County," additionally, the rate of twenty-five per cent. on the sum due.

Passed at Dover, March 29, 1881.

CHAPTER 366.

OF FREE SCHOOLS.

Title.

AN ACT to consolidate the Public Schools of the Town of Smyrna.

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

Consolidation of School District Nos. 3 and 77, and Nos. 5 and 107, in Kent County.

Name.

How governed.

SECTION 1. That on and after the first Saturday of April, A. D. 1881, the United School District Nos. 3 and 77, and the United School District Nos. 5 and 107, in Kent County, as now bounded, or as they may hereafter be bounded, shall form one united school district by the name of the "Smyrna Public School," and shall be governed by a board of directors to be composed of seven members who shall be elected as hereinafter provided.

Board of directors.

SECTION 2. That the "Board of Directors" of the said "Smyrna Public Schools" shall be constituted as follows: the two present commissioners of each of the said united districts Nos.

OF PUBLIC EDUCATION.

3 and 77 and Nos. 5 and 107, whose terms of office will not expire on the first Saturday of April, A. D. 1881, shall be members of the said "Board of Directors" until the time for which they were originally elected shall have expired: Two members of the said "Board of Directors" shall be elected by the School voters at the annual election to be held on the first Saturday of April, A. D. 1881. That is to say: The school voters of united school district Nos. 3 and 77 shall at said annual election elect one member of the said "Board of Directors," and the school voters of the said united school district Nos. 5 and 107 shall also at said annual election elect one member of the said "Board of Directors," which two members of the said "Board of Directors" so elected on the first Saturday of April, A. D. 1881, shall serve for the term of three years: The remaining member of the said board shall be elected by the other six members of the said board at the first meeting of the said Board which shall be held on the first Monday after the first Saturday of April, A. D. 1881, and annually thereafter, and who shall serve for the term of one year. And thereafter the school voters in the said united district comprising Districts Nos. 3, 5, 77, and 107 shall meet at the brick school-house in united district Nos. 5 and 107, or in such other place as the said Board may appoint, on the first Saturday in April in each year, at 2 o'clock P. M., and hold an election for two members of the said "Board of Directors," who shall serve for the term of three years. In case of a tie vote at any election the presiding officer of such election shall give an additional vote.

How constituted for the present

Election of directors.

Terms of directors.

SECTION 3. 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 said 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 any person elected a member thereof, 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. Vacancies.

SECTION 4. That the members of the said board shall be a corporation by the name of "The Board of Directors of the Smyrna 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

Name of corporation.

Powers.

property which now belongs, or that may hereafter belong to the said united district, or to either of the districts constituting the said united districts; 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 said districts, or to carry into effect the provisions of this act.

Property of original districts to belong to consolidated districts.

SECTION 5. All school property real and personal, owned by the districts named in the First Section of this act, or by either of them, shall become and be the property of the united school districts created by this act. And the said "Board of Directors" of the "Smyrna Public Schools," and their successors shall have power at any time or times hereafter to grant, bargain and sell, alien and dispose of any of the property, real or personal, belonging to the united district created by this act; and shall also have power to purchase, take and hold, to them and their successors, other property, real and personal: *Provided*, that the said corporation created by this act shall not purchase, take and hold any more property, real or personal than shall be necessary and proper for the establishment and maintainance of good public schools in the said united district.

Power to alien.

Proviso.

Place of meeting.

SECTION 6. The said "Board of Directors" shall annually, on the first Monday after the first Saturday of April, in every year, meet at such place as the said board may determine, at 7 o'clock P. M., and after a temporary organization shall first proceed to elect the member provided for in Section 2 of this act; and in case of a tie-vote, the temporary chairman shall cast an additional vote; and before transacting any other business the newly elected members present shall be sworn or affirmed to perform their duties as members faithfully, which oath or affirmation may be administered by any other member of the board. The board shall then be organized for the year by the election of one member thereof as president, and the election of a secretary who may or may not be a member of the board. The board shall also hold stated meetings once every month, and special meetings at the call of the president, or of a majority of the board. The board shall also have power to appoint a collector of taxes, and also a treasurer, both of whom may be required to give bond with security for the faithful performance of their duties, in such sums as the said board may determine. The treasurer may also be the secretary, and the treasurer and collector may or may not be members of the board. The board shall also have power to appoint all other officers, agents, and teachers that may be necessary, and to fix their compensation, 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. The

Oaths of office.

Organization of Board.

Stated meetings of Board.

Appointment of collector and Treasurer.

Who may be Treasurer and Collector.

Power of Board.

OF PUBLIC EDUCATION.

Board shall have power and authority to admit to the said schools pupils who are non-residents of the said united district upon such terms as they may think right and proper; and all moneys derived from the tuition of such non-resident pupils shall be paid to the said board, or to the treasurer thereof, for the use of the said united district. No pupil shall be admitted into the said public schools, whether a resident or a non-resident of the said united district, who shall be under the age of six years. Each of the schools in the said united district shall be visited at least once during every month while they are in session, by one or more members of the said board.

Admission of non-resident pupils

Qualification of pupils as to age.

SECTION 7. That the said board shall have the right to draw the dividends from time to time which the several districts named in Section 1 of this act 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 power to fix such sum in addition thereto as the said board may deem necessary to educate all the children in the said united district who are entitled to be educated in the public schools; and to assess, levy and collect the same as school taxes now are or may hereafter be by law; *Provided*, that the sum to be assessed, levied, and collected under this act shall not in any year be less than two thousand dollars nor more than three thousand dollars.

Dividends.

Power to raise money for educational purposes.

Proviso.

SECTION 8. As soon as conveniently may be after the organization of the board of directors provided for in this act, the said board shall settle the accounts of the two united districts hereby consolidated, respectively; and all cash on hand belonging to either of the said united districts shall be paid over to the treasurer of the said board of directors; and all taxes unpaid at the time of the organization of the said board of directors shall be collected in the same manner as if this act had not been passed, and paid over to the treasurer of the said board, and the said board shall have power to enforce such collection and payment.

Settlement of accounts of united districts.

Unpaid taxes at the time of the organization.

How applied.

SECTION 9. All the provisions of the general laws regulating free schools in this State shall be applicable to the united district created by this act, so far as they are not inconsistent with the special provisions hereof; and the said 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.

School laws applicable not inconsistent with this act.

Passed at Dover, March 30, 1881.

OF PUBLIC EDUCATION.

CHAPTER 367.

OF FREE SCHOOLS.

Title. A SUPPLEMENT to the Act entitled, "An Act to consolidate School Districts Nos. 32 and 108, in Sussex County under the title of "The Selbyville Public Schools," passed March 8, 1881.

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

Act in relation to consolidation of School Districts Nos. 32 and 108 in Sussex County amended.

Expiration of terms of present commissioners.

Election of new commissioners.

Terms.

SECTION 1. That the act entitled, an act to consolidate School Districts Nos. 32 and 108, in Sussex County, under the title of "The Selbyville Public Schools," passed March 8, A. D. 1881, be amended by striking out Section 3, and inserting in lieu thereof the following: "That the terms of all the school commissioners now acting in said School Districts Nos. 32 and 108 shall expire on the first Saturday of April, A. D. eighteen hundred and eighty-one, and that on the said first Saturday of April, A. D. eighteen hundred and eighty-one, the school voters of said consolidated districts shall meet at the hour appointed by law at the school-house in School District No. 32, and shall elect according to law, two commissioners and a clerk for said united districts to serve as follows: one of said commissioners to serve for the term of one year, one of said commissioners to serve for the term of two years, and the clerk to serve for the term of three years.

Time and place of school meeting.

Terms of commissioners.

SECTION 2. That Section 4, of said act, be stricken out, and the following inserted in lieu thereof, "The school voters of said consolidated districts shall meet at the time appointed by law, and at the school-house aforesaid, on the first Saturday of April, A. D. eighteen hundred and eighty-two, and on the first Saturday of April in each and every year thereafter, and shall elect either a commissioner or a clerk, each to serve for the term of three years according as the terms of the respective officers have expired.

Passed at Dover, March, 31, 1881.

OF PUBLIC EDUCATION.

CHAPTER 368.

OF FREE SCHOOLS.

A SUPPLEMENT to the act entitled, "An Act to consolidate School Districts Nos. 80 and 152, in Sussex County, under the title of "The Lowe's X Roads Public Schools," passed March 16, 1881. Title.

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 consolidate School Districts Nos. 80 and 152, in Sussex County, under the title of "The Lowe's X Roads Public School," passed March 16, A. D. 1881, be amended by striking out Section 3 and inserting in lieu thereof the following: "That the terms of all the school commissioners now acting in said School Districts Nos. 80 and 152, shall expire on the first Saturday of April, A. D. eighteen hundred and eighty-one. The school voters of said consolidated districts shall meet at the hour appointed by law, at the school-house in either school district, which may be selected by the clerks of said districts, and shall elect according to law, two commissioners and a clerk for said united districts to serve as follows: One of said commissioners to serve for the term of one year, one of said commissioners to serve for a term of two years, and the clerk to serve for the term of three years.

Act in relation to consolidation of School Districts Nos. 80 and 152 in Sussex County amended.

Expiration of terms of present commissioners.

Election of commissioners.

Terms.

SECTION 2. That Section 4 of said act be stricken out and the following inserted in lieu thereof: The school voters of said consolidated districts shall meet at the time appointed by law and at the school-house aforesaid, on the first Saturday of April, A. D. eighteen hundred and eighty-two, and on the first Saturday of April in each and every year thereafter, and shall elect either a commissioner or a clerk, each to serve for the term of three years, according as the terms of the respective officers have expired.

Time and place of meeting.

Terms of commissioners.

Passed at Dover March 31, 1881.

OF PUBLIC EDUCATION.

CHAPTER 369.

OF FREE SCHOOLS.

Title. A SUPPLEMENT to the act entitled "An act in relation to Free Schools."

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

Appointment of Assistant Superintendent.

SECTION 1. That the Governor at the time of the appointment of the State Superintendent, shall appoint and commission some suitable person as Assistant Superintendent of the Free Schools of this State of Delaware, who shall hold his office for the term of one year and until his successor shall be appointed.

Who shall compose State Board of Education.

SECTION 2. That from and after the passage of this act the State Board of Education for the State shall be composed only of the Secretary of State, the President of Delaware College and the State superintendent.

Duties of Assistant Superintendent.

SECTION 3. That it shall be the duty of the Assistant Superintendent to aid the State Superintendent in the performance of his duties now imposed by law and to that end shall be subject to his direction. It shall also be the duty of the Assistant Superintendent to act as Secretary of said State Board of Education.

Secretary.

Salaries of Superintendents.

SECTION 4. That the State Superintendent shall receive a salary of fifteen hundred dollars per annum, instead of eighteen hundred dollars per annum, and the Assistant Superintendent shall receive a salary of eight hundred dollars per annum as compensation for all the duties herein imposed upon him, to be paid in the same manner as the salary of the State Superintendent is now paid.

Superintendent to purchase school books.

How paid for.

Distribution of school books.

List of school books, to whom rendered.

Bond of Superintendent.

SECTION 5. That the State Superintendent shall purchase all the school books used in the public schools of the State, at the lowest price at which the same can be obtained, first inviting competition, and draw his warrant upon the State Treasurer for the amount thereof in favor of the person supplying the same, which he is hereby authorized to pay. The State Superintendent shall also distribute said books at the price at which they were purchased to the clerk of each school district in this State, as said clerk may indicate upon his written order for the same. He shall also pay over to the State Treasurer, quarterly, the money received from the clerks of the several school districts for school books as hereinafter provided for, and also at the same time furnish the State Treasurer a list of the school books and their respective prices, supplied to each clerk of the district during the preceding three months. The State Superintendent, before entering upon the duties of his office, shall give bond to the State of Delaware, with at least three sureties, to be approved

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by the Governor, in the penalty of fifteen thousand dollars, with conditions as follows, viz: The condition of the above obligation is such that if the above named ——— ———, being State Superintendent, shall and do well and truly account for all money which shall come to his hands from the several school districts of this State, and shall pay and apply the same according to law and deliver to his successor in office all school books on hand at the expiration of his term of office, then the above written obligation shall be void. To the said bond there shall be subjoined a warrant of attorney to confess judgment thereon, and the said bond warrant of attorney shall be joint and several.

Condition.

Warrant of attachment.

SECTION 6. That it shall be the duty of the clerk of each school district to distribute the books received from the State Superintendent as aforesaid to the scholars of the district or their parents, guardian or other person as they may desire, upon the receipt of the price for the same, which shall be forwarded by him to the State Superintendent within thirty days thereafter. The clerk of each district shall be responsible for the safe keeping of the books furnished him by the superintendent as aforesaid and also for the price of the books sold to parents, guardians, scholars or other persons. Any money or the value of the books which such clerk may fail to account for according to law may be recovered in the name of the State by the State Superintendent, before a Justice of the Peace, as other accounts when the amount does not exceed the sum of one hundred dollars. Such clerk shall also make a report to the State Treasurer quarterly of the number of books, and their kind and price, supplied by the State Superintendent as aforesaid, and at the expiration of his term of office shall turn over to his successor in office all the books on hand and take a receipt for the same, which shall be his voucher in settlement.

Distribution of school books by clerks.

How paid for.

Safe keeping of books

Remedy for default in clerks.

Report of clerk.

SECTION 7. That the State Superintendent shall keep a book in which shall be recorded in the proper form all his acts and doings with reference to the purchase and distribution of books as hereinbefore provided. The clerk of each school district shall also keep a record of the school books received and distributed and also the amount received therefor in an itemized form.

Record of Superintendent.

SECTION 8. That 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 and levy, as provided in Chapter 42, of the Revised Statutes, of this State, without regard to any vote thereon, in each of their respective districts, that is to say: in each of the school districts in New Castle County, the sum of one hundred and fifty dollars; in each of the school districts of Kent County, the sum of one hundred and twenty-five dollars;

Amount of money received by taxation for school purposes.

and 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 respectively, which said sums so required to be raised by said districts shall be in lieu of the amount now required to be raised by law. The taxes assessed and levied under this act to be collected in the same manner as is now provided for in Chapter 42, of the Revised Statutes, of this State.

Time for attendance upon institutes not to be deducted

SECTION 9. That the time during which each teacher shall be in attendance upon the institute shall not be deducted from his or her period of service as teacher by the commissioners of any district.

Codification of school laws

SECTION 10. That the Secretary of State be and he is hereby authorized and directed to codify the school laws of this State and have published in proper form one thousand copies, who shall be authorized to draw a warrant upon the State Treasurer for the cost of printing and binding the same in favor of the person or persons who shall contract to do the same. The compensation for the services herein required shall be made by the Legislative committee appointed to settle with the State Treasurer and Auditor of Accounts, in January next.

Passed at Dover, April 4, 1881.

CHAPTER 370.

OF FREE SCHOOLS.

Title.

AN ACT to amend Section 12, Chapter 42, of the Revised Code, entitled, "Of Free Schools."

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

Section 12, Chapter 42, Revised Statutes, amended.

SECTION 1. That Section 12, Chapter 42, of the Revised Code, entitled "Of Free Schools," be, and the same is hereby amended by adding the following, to wit: *Provided,* that any tenant residing on such lands, in an adjoining district, shall, at his election, communicated in writing to the school committee of such adjoining district, at any time prior to the completing of the assessment list, be only assessed, and have school privileges in the district in which such tenant resides.

Passed at Dover, April 8, 1881.

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CHAPTER 371.

OF FREE SCHOOLS.

A SUPPLEMENT to the act entitled "An act to exempt certain persons from the operation of Chapter 48 of Volume 15 of the Laws of Delaware, and to enable them to establish schools for their children in Sussex County." Title.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met:* That the colored schools which are organized and incorporated under and by virtue of the act entitled, "An act to exempt certain persons from the operation of Chapter 48 of Volume 15 of the Laws of Delaware, and to enable them to establish schools for their children in Sussex County," passed at this present session of the General Assembly shall be entitled to and shall receive from the "Delaware Association for the education of the colored people," a *pro rata* share of the sum of money authorized to be distributed among the colored schools of Sussex County, under and by virtue of the act entitled "An act to encourage the education of colored people," and of the supplement thereto, passed at this present session of the General Assembly. *Provided,* That the said schools shall not be entitled to receive their *pro rata* share of said sum unless said association is reliably informed that the said schools have remained open for at least three months during the school year, with an average attendance of twenty scholars, and have raised by taxation under the law to which this is a supplement, at least the sum of twenty-five dollars for each of said schools during the preceding year, *provided, however,* that these provisions shall not take effect until the year of our Lord one thousand eight hundred and eighty-two.

Colored Schools of Sussex County to receive a pro rata share of funds appropriated for that purpose.

Proviso.

When to take effect.

Passed at Dover, April 8, 1881.

OF PUBLIC EDUCATION.

CHAPTER 372.

OF FREE SCHOOLS.

Title.

AN ACT to Create an Additional School District in Kent County.

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

Commissioners.

Division of School District No. 39 in Kent Co.

Division line.

SECTION 1. That Alexander Johnson, John H. Nichols and Charles H. Baynard be and they are hereby appointed commissioners to go upon and view School District No. 39, in Kent County, and divide the said school district into two school districts by a line to run as follows, to wit: Beginning at a point in the western boundry of said school district, where it is intersected by the public road running through the village of Farmington, in an eastwardly and westwardly direction, and following said road in an eastwardly direction to the angle near the house of R. J. Hill, and thence in an eastwardly direction, on the north side of the dwelling of Jacob Cordray, to the eastern boundary of said district; and when the said commissioners or a majority of them shall have so divided the said district, they shall make returns of the same, describing plainly the metes and bounds thereof, with the office of the Clerk of the Peace, of Kent County, to be by him filed among the records of the office. And in said returns the commissioners shall designate by line the form of said District No. 39 and the lines of the additional school district formed thereout, said return shall be made within a reasonable time after the laying out of said additional district. The said Clerk of the Peace shall make a copy thereof and deliver the same to the trustee of the school fund. The additional school district formed under the provisions of this act shall be deemed and taken to be a school district of Kent County and be numbered in continuation of school districts already established and shall be considered as, and entitled to all the benefits and privileges and advantages of an original school district in said county.

Return of commissioners.

What it shall contain.

Copy of return to be delivered to trustee of school fund.

Number of district

School property. How held.

SECTION 2. That the school-house and the property belonging to said School District No. 39 shall be the joint property of said original district and the additional school district herein contemplated.

Special school meeting.

SECTION 3. That the school voters in the additional school district which may be created under this act are hereby authorized to hold the school meeting upon proper notice given by the clerk of said District No. 39, as other school meetings, for the purpose of electing a clerk and commissioner according to law and to do all other acts necessary to be done to complete

the organization of the additional school district to be created under this act.

SECTION 4. That the clerk and commissioner who may be elected under this act shall levy a tax of fifty dollars within the limits of the district to be created under this act in addition to the amount now required by law to be raised, and that the school commissioners of the original District No. 39, shall be required to levy the taxes now authorized within the limits of said original school district after the creation of the additional school district herein provided for. Taxation.

SECTION 5. That the commissioners appointed by this act to divide school district No. 39 shall, before entering upon the duties of their respective offices, shall be severally sworn or affirmed. Any one of whom is hereby authorized to administor the oath or affirmation herein required. Qualification of commissioners.

Passed at Dover, April 8, 1881.

CHAPTER 373.

OF FREE SCHOOLS.

A SUPPLEMENT to the act entitled, "An Act to encourage the education of the Colored People," passed March 22, 1881. Title.

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

SECTION 1. That the moneys which shall be paid to the "Delaware Association, for the education of the Colored People," by the State Treasurer in pursuance of the act to which this is a supplement, and authorized to be expended in equal proportions in each county, shall be apportioned to and among the several schools in each county equally. Apportionment of money appropriated for colored schools.

SECTION 2. That the act entitled, "An Act to tax Colored Persons for the support of their own schools," passed at Dover, March 24, 1875, be and the same is hereby amended by striking out Section 2 of said act and substituting the following in lieu thereof: Section 2. All 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 Act in relation to colored persons, amended. Money collected for colored schools to be paid to County Treasurer.

by him to the treasurer of the "Delaware Association for the education of the colored people," and at the time of each and every payment he shall furnish the association with a statement showing the respective amounts received by him from the different hundreds of his county. The fund arising under the provisions of this act and paid to said association, shall be applied 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 take the statement furnished by the County Treasurer, and to distribute to each hundred the amount paid the Treasurer, by each hundred under the provision of section first of this act. And in case there shall not be any school kept and maintained in any hundred during any year, the amount paid in from said hundred shall be retained and held by said association until a school or schools shall be organized and kept in each hundred, when it shall be applied toward the support of each school or schools.

Distribution of money. By whom.

Conditions.

Section 4 of the act to encourage the education of colored people, amended.

SECTION 3. That Section Four of the act to which this is a supplement, be and the same is hereby amended by striking out the word "scholars" when they occur in said section, and inserting in lieu thereof the words "fifteen scholars."

Inconsistent acts repealed.

SECTION 4. That all acts and parts of acts, so far as the same are inconsistent with, or repugnant to, the provisions of this act, be and the same are hereby repealed, and that the provision shall go into effect Oct. 1st, of this present year.

Passed at Dover, April 8, 1881.

CHAPTER 374.

OF FREE SCHOOLS.

Title. AN ACT to repeal Chapter 424, of Volume 13, Laws of Delaware, and for other purposes.

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

Chap. 424, Volume 13 repealed.

SECTION 1. That all of Chapter 424, of Volume 13, Laws of Delaware, entitled An act to create a new school district in Christiana hundred be, and the same is hereby repealed.

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SECTION 2. That all that part of Christiana Hundred known as school district No. 20½, and not included in the Eleventh Ward of the City of Wilmington, shall be a portion of school district No. 20. Reconstruction of School District No. 20 in New Castle Co.

SECTION 3. *And be it further enacted,* That the commissioners of school district No. 20½ shall have power to sell and dispose of all property, both real and personal, belonging to said school district, to pay all claims against said school district and shall settle all accounts of said school district by the first day of May, A. D. one thousand eight hundred and eighty-one, and any balance remaining after the settlement of said accounts shall be paid by the said commissioners to the Treasurer of the Board of Public Education in Wilmington for the use of the said "Board." Power to alien certain property.

Passed at Dover, April 9, 1881.

TITLE SEVENTH.

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

CHAPTER 375.

CONCERNING ALMSHOUSES AND THE POOR.

Title. AN ACT to amend Section 11 of Chapter 48 of the Revised Statutes of the State of Delaware, the Chapter being entitled "Concerning Almshouses and the Poor."

Section 11, Chapter 48, Revised Code, amended.

Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met: That Section 11 (eleven) of Chapter 48 (forty-eight) of the Revised Statutes of the State of Delaware, be amended by adding thereto the following, to wit: "All allowances made, and all compensation paid under and by virtue of this Section, shall be entirely within the discretion of the Trustees of the Poor, and the action of the Trustees of the Poor, shall be final and conclusive, and there shall be no appeal therefrom to any tribunal whatever.

Passed at Dover, February 2, 1881.

CHAPTER 376.

CONCERNING ALMSHOUSES AND THE POOR.

Title. AN ACT authorizing the Sale of Certain Real Property therein mentioned.

Preamble. WHEREAS, Benjamin Potter, deceased, in and by his last will and testament, and the several codicils thereto annexed, devised certain portions of his real estate to be rented "to and for the support, maintenance and education of the poor white citizens of Kent County, generally," the apportionment and distribution thereof to be made in the same manner and under the same restrictions as are mentioned and written in the 18th item of his said last will and testament:

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AND WHEREAS, one of said restrictions was expressed by the said testator as follows, viz: "I wish it to be clearly understood that no part of my bequest shall be applied to the use or benefit of any person or persons residing within the walls of the poorhouse, but to be distributed amongst such only of the poor who by timely assistance may be kept from being carried to the poorhouse and becoming subjects thereof."

AND WHEREAS, certain portions of the real estate so devised are unproductive and burdensome to the productive portions thereof:

AND WHEREAS, it would be beneficial and proper that such portions of said real estate, and all other portions of the same which may be advantageously disposed of for the benefit of the purposes and objects and trusts aforesaid, should be sold and converted into money that the trust intended by said will may be more beneficially administered; Therefore

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

SECTION 1. It may and shall be lawful for the Court of Chancery, of the State of Delaware, and the said court is hereby authorized and empowered to cause to be sold and conveyed by a trustee to the purchasers thereof such portions of the real estate so as aforesaid devised, as in the judgment of the Chancellor may and shall be necessary, proper or beneficial for the purposes and objects of the trust aforesaid.

Power to sell real estate of Benjamin Potter, deceased.

Passed at Dover, February 17, 1881.

OF THE POOR, INSANE, DEAF AND DUMB AND THE BLIND.

CHAPTER 377.

CONCERNING ALMSHOUSES AND THE POOR.

Title. AN ACT to Further Amend Chapter 48, of the Revised Code.

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):

Chapter 48, Revised Code, amended.

SECTION 1. That Chapter 48, of the Revised Code, of the State of Delaware, be and the same is hereby further amended, as follows: Amend Section 5, of said Chapter 48, by inserting between the words "poor" and "may" in the fourth line of the second paragraph of said Section, the words "or any five of the said trustees."

Section 3, Chapter 48, Revised Code, amended.

SECTION 2. Amend Section 3, of said Chapter 48, by striking out all that portion thereof beginning with the words "not exceeding" in lines 8 and 9, and ending with the words "hundred thousand dollars" inclusive, in line 13 of said Section.

Section 4, Chapter 48, amended.

SECTION 3. Amend Section 4, of said Chapter 48, by striking out all that portion thereof after the words "subject to law" at the end of the fourth line of said Section, and in lieu thereof insert the following, viz: "and all the property of said corporation now held or which may hereafter be held by them, shall be held and applied according to law for the support and accommodation of the poor; and any conveyance, sale, lease, transfer or purchase of such property by said corporations, or mortgage executed thereon by them, or other obligations whatsoever incurred by them for the making, executing and doing of which this act shall be construed to be sufficient authority, and said corporations are hereby authorized and empowered so to do, shall be for the benefit of and in behalf of the support and accommodation of the poor."

Passed at Dover, April 7, 1881.

OF THE POOR, INSANE, DEAF AND DUMB AND THE BLIND.

CHAPTER 378.

OF THE INSANE.

AN ACT to Amend Section 5, of Chapter 57, of Volume XIV., of the Laws of Delaware, entitled "An Act to provide for the Indigent Insane, of the State of Delaware." Title.

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

SECTION 1. That Section 5, of Chapter 57, of Volume XIV., of the Laws of Delaware, be and the same is hereby amended by striking out of the first line of said Section the word "Chancellor," and inserting in lieu of the word so stricken out the word "Governor." Section 5, Chapter 57, Volume 14, amended.

Passed at Dover, March 4, 1881.

TITLE EIGHTH.

Of the General Police.

CHAPTER 379.

GENERAL PROVISIONS RESPECTING THE POLICE.

Title.

AN ACT to prevent the spread of contagious or infectious pleuro-pneumonia among the cattle of this State.

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

Proclamation of Governor in relation to contagious pleuro-pneumonia among cattle.

SECTION 1. That whenever the Governor of this State shall receive reliable information that the disease known as contagious or infectious pleuro-pneumonia exists among any cattle in this State, he shall have power, and is hereby authorized to issue his proclamation, stating that the said infectious or contagious disease exists in this State, and warning all persons to seclude all animals in their possession that are affected with such disease, or have been exposed to the infection or contagion thereof, and ordering all persons to take such precautions against the spreading of such disease, as the nature thereof, may, in his judgment, render necessary or expedient; to order that any premises, farm or farms, where such disease exists or has existed, to be put in quarantine, so that no domestic animal be removed from such places so quarantined, and to prescribe such regulations as he may judge necessary or expedient to prevent infection or contagion being communicated in any way from the places so quarantined; to call upon all sheriffs and deputy sheriffs, in this State, to carry out and enforce the provisions of such proclamations, orders and regulations; and it shall be the duty of all the sheriffs and deputy sheriffs to obey and observe all orders and instructions which they may receive from the Governor, in the premises; to employ such and so many medical and veterinary practitioners, and such other persons as he may, from time to time, deem necessary to assist him in performing his duties as set forth in this act, and to fix their compensation; when in his judgment it shall be deemed necessary to order all or any animals coming into this State, to be detained at any place or places for the purpose of inspection and examination; to prescribe regulations for the destruction of animals affected with the said infectious or contagious disease, and for the proper disposition of their

Quarantine regulations.

Destruction of infected animals.

OF THE GENERAL POLICE.

hides and carcasses, and of all objects which might convey infection or contagion, (provided that no animal shall be destroyed unless first examined by a medical or veterinary practitioner in the employ of the Governor, as aforesaid;) to prescribe regulations for the disinfection of all premises, buildings and railway cars, and of objects from or by which infection or contagion may take place, or be conveyed; to alter and modify, from time to time, as he may deem expedient, the terms of all such proclamations, orders and regulations, and to cancel or withdraw the same at any time.

Examination of infected animal before destruction.

SECTION 2. That in any case where, in the opinion of the Governor, it may be deemed necessary to destroy any diseased animal or animals, the said Governor shall select and appoint three judicious and impartial citizens of this State, to view, and after such view, to assess any such diseased cattle at what would be their real value in money, were they not so effected; and in case said cattle shall be destroyed, as provided in the first section of this act, then upon certificate of such assessment, duly signed and attested by said assessors, or a majority of them, being presented by the owner or owners of such destroyed animals to the State Treasurer of this State, the said State Treasurer is hereby authorized to pay to such owner or owners, a sum of money equal to two-thirds of the amount of the aggregate assessment upon said cattle so destroyed.

Assessment of damages for destruction of diseased animals.

Certificates of commissioners.

Payment of damages.

SECTION 3. If any person shall sell or dispose of any animal or animals, known to be affected with pleuro-pneumonia, or known to have been exposed thereto within one year prior to such sale or disposal, without due notice to such purchaser that said disease exists in said animals, or that they have been exposed thereto, as aforesaid, he shall be deemed guilty of a misdemeanor, and shall be punished by fine not exceeding five hundred dollars, or may, in the discretion of the court, be imprisoned for a term not exceeding one year.

Misdemeanor to sell diseased animals.

Penalty.

SECTION 4. If any one knows, or has reason to suspect, that said disease exists among the cattle in his possession, or under his care, he shall forthwith give notice thereof to the Governor, and for failure so to do, shall be punished by fine not exceeding five hundred dollars, or by imprisonment not exceeding one year.

Notice of infected cattle.

SECTION 5. Any person disobeying the orders of the Governor, sheriff or deputy sheriff, made in conformity to this act, or any person driving or transporting any neat cattle contrary to the regulations made and published, as aforesaid, shall be punished by fine not exceeding five hundred dollars, or by imprisonment not exceeding one year.

Penalty for disobedience to orders.

OF THE GENERAL POLICE.

Expenses. How paid.

SECTION 6. That all the necessary expenses incurred under the direction, or by the authority of the Governor, in carrying out the provisions of this act, shall be paid by the State Treasurer upon proper certificate of the assessors of diseased cattle which have been destroyed, or upon warrant duly made and signed by the Governor, on the State Treasurer, for all expenses incurred under this act other than the payment for cattle destroyed.

Animals coming from other States. When exempted from this act.

SECTION 7. That animals coming from a neighboring State, that have passed a veterinary examination in said State, or have been quarantined and discharged, the owner or driver being provided with a genuine certificate that such animals are not infected with pleuro-pneumonia, shall not be subject to the provisions of this act.

Application of this act.

SECTION 8. That all the provisions of this act applicable to the disease known as pleuro-pneumonia, be also, and is hereby extended to and made applicable to all other infectious or contagious cattle diseases which are virulent and fatal in their nature.

Passed at Dover, March 29, 1881.

CHAPTER 380.

GENERAL PROVISIONS RESPECTING THE POLICE.

Title.

AN ACT for the More Effectual Protection of Property against Fire.

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

Penalty for setting fire to combustible matter and destroying property.

SECTION 1. That if any owner or owners, tenant or tenants, occupier or occupiers, of land within the State shall set fire to any brush or other combustible matter on such land for any purpose whatsoever, and shall in setting fire to such brush or other combustible matter omit to observe reasonable care and prudence, by reason whereof the property, real or personal, of any other person or persons shall be destroyed or impaired, such owner or owners, tenant or tenants, occupier or occupiers, shall be liable to pay the damage resulting therefrom, to be recovered in an action on the case in the Superior Court of this State;

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Provided, that damages to an amount not exceeding one hundred dollars may be recovered in an action of debt before any Justice of the Peace of the county wherein the fire occurred, but in case of a recovery before a Justice of the Peace no further recovery shall be had by the plaintiff therein or his legal representatives of damages resulting from the same fire. Proviso.

SECTION 2. That if any railroad company owning or operating any railroad within this State shall suffer to remain on any part of the land owned or controlled by it for railroad purposes within this State any brush or other combustible matter, and if such brush or other combustible matter shall from any cause whatsoever be set on fire, and by reason thereof, the property, real or personal, of any person or persons shall be destroyed or impaired, such railroad company shall be liable to pay the damages resulting therefrom, to be recovered in the same manner as provided in the first Section of this act in the case of individuals liable for damages resulting from fire. Penalty for destruction of property produced by the ignition of combustible matter on railroad lands.

Passed at Dover, April 5, 1881.

CHAPTER 381.

GENERAL PROVISIONS RESPECTING THE POLICE. Title.

AN ACT to provide for the Registration of Births, Marriages and Deaths in 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:

SECTION 1. The Secretary of the State of Delaware, shall, on or before the first day of July, 1881, procure three suitable books for each county in the State, in which respectively may be recorded the births, marriages and deaths, occurring within the State, and furnish one book of each kind to the Recorder of Deeds in each county. Registration of births, marriages and deaths.

SECTION 2. It shall be the duty of said Recorders to record in said books all such births, marriages and deaths as the same may be returned, or lodged in their offices for that purpose; for which service he shall receive from the county five cents for every certificate so recorded. He shall also at the end of every Duty of Recorder to record births, marriages and deaths.

Copy. three months furnish a copy of such records for the preceding three months to the Secretary of the State Board of Health for which copy he shall be paid at the same rate as above provided.

Registration books. Books. How made. SECTION 3. The books so provided shall be separate and distinct, each from the other, and shall be respectively entitled, "The Register of Births," "The Register of Marriages," and "The Register of Deaths," and shall each be furnished with an index. The Register of Births shall be ruled on each page with columns from top to bottom, each column with an appropriate heading, as follows: Full name of child, sex, color, date and place of birth; father's name, age, occupation, nativity; name of mother previous to marriage, age, nativity; child's number in this family; number by this mother; date of certificate; date of registration.

Duty of physicians. SECTION 4. It shall be the duty of the physician present at the birth of any child, or (if not present at the time of the birth of the child) who attends the case of any mother during her lying in period, after the first day of July, 1881, to report to the Recorder of Deeds for the county in which any such child shall have been born, the day, month and year of the birth, the sex and color of the child, and name of the father and mother, on the form to be furnished by the Recorder of the county, and return the certificates so prepared to said recorder on the first days of January, April, July and October in each year, together with the facts relative thereto; and every midwife present at the time of, or within five days after the birth of any child, where no physician is attending said case, after the first day of July, 1881, shall, within ten days after any such birth, report to the practicing physician residing nearest her place of residence, the day, month and year of the birth, the sex, and color of the child, and the name of the father and mother, and the physician shall make return in the same manner as if he had been present at such birth, varying only in stating upon whose information he made the certificate, for which service the physician shall receive (five) cents for each certificate so returned by him to be paid by the county in which such return has been made. Each and every birth so returned shall be registered by the Recorder under the letter of the alphabet to which they respectively belong; and the birth or births therein certified shall be recorded so as to conform to the form prescribed, as far as possible; and the record need not be a literal copy, only so that it conform to the facts certified. All certificates so returned to the Recorder shall be filed by him, according to the date of the return.

Report of physicians. What it shall contain. Recorder's certificate. Duty of midwives. Report of midwife. Report of physician. Compensation of physician. Registration of Recorder.

Register of marriages. SECTION 5. The Register of Marriages shall be ruled with columns from top to bottom of each page, and have headings as

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follows: Full name of groom; age; color; nation or State; residence; occupation. Full name of bride; age; color; nation or State; residence; names and birthplaces of parents; date of marriage; number of previous marriages; name of person solemnizing the marriage; date of certificate; date of registration. What it shall contain.

SECTION 6. It shall be the duty of every clergyman, and every magistrate, and of the clerk or keeper of the records of any religious society, by or before whom any marriage or marriages may hereafter be solemnized, or contracted, to make a faithful return of the same every three months by returning the certificate or certificates, in the form issued by the Secretary of State, to the Recorder of Deeds of the county in which such marriage or marriages may have been solemnized or contracted. If any certificate shall contain more than one marriage the Recorder shall register each marriage under the letter of the alphabet to which they respectively belong; and if any certificate be not in due form, the marriage or marriages therein certified shall be registered by the Recorder in such manner as to conform to the above form as far as practicable, so as to show the facts. All such certificates shall be filed according to their dates. Duty of clergyman in relation to marriages. Certificates Blanks. Registration of marriages by Recorder.

SECTION 7. The "Register of Deaths" shall on each page be ruled from top to bottom so as to form appropriate headings as follows: Name; age; color; nation or State; if a foreigner, how long in the United States; residence; occupation; married; single or widow; sex; name and nation of parents; cause of death and complications; date of death; date of certificate; date of registration. Whenever any person shall die, it shall be the duty of the physician attending, or of the Coroner, when the case shall come under his notice, to make out under his hand and to furnish to the sexton or undertaker a certificate of said death, according to the form furnished by the Recorder of Deeds. Register of deaths. What it shall contain. Certificate of deaths.

SECTION 8. No person having charge as sexton or otherwise, of any vault, burying-ground or cemetery, shall inter, or allow to be interred or placed in any such vault, burying-ground or cemetery the dead body of any person without first procuring from the physician in charge or other authorized person, such certificate or a copy thereof, as is prescribed in the preceeding Section, to be furnished by the Recorder of Deeds; and if there shall be no physician in attendance, or no Coroner, then the undertaker in charge of the body or the sexton in charge of the vault, or burying-ground where the interment will be made, shall himself prepare a certificate according to the form prescribed in the preceding Section; and all such certificates shall be by said sexton furnished every three months to the Recorder of Deeds for the county in which the death occurred. Regulations concerning the burial of deceased persons. Sexton's certificate deaths, &c., and the record thereof.

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If any certificate shall contain more than one death, the Recorder shall register such death under the letter of the alphabet to which they respectively belong; and if any certificate shall not be in due form the death or deaths therein certified shall be registered so as to conform to such form as far as practicable. In the case of the city of Wilmington, the certificate, when filled and signed as heretofore provided, shall be returned to the Register of Births, Marriages and Deaths for that city, to be by him recorded and returned at the end of every three months to the Recorder of Deeds of New Castle County, to be registered by him as above directed. It shall be the duty of the Register of Deaths of the city of Wilmington to publish weekly reports in one or more of the newspapers of that city, of the number of deaths, with the diseases, and a summary of the ages of the deceased; and also specify the number of deaths from the county almshouse, and from without the city.

Certificate of deaths in Wilmington.

When returned and recorded.

Penalty for neglect of duty.

SECTION 9. If any physician, or coroner, or sexton or magistrate, or midwife, or register of deaths, or clergyman, or clerk of any society by or before which marriages may be solemnized, shall neglect or refuse to comply with the duties imposed on such person by the preceding Sections of this act, he shall be fined not less than five nor more than ten dollars for each and every case so neglected or refused; to be recovered before any Justice of the Peace of the county in which said delinquent resides; the one-half thereof to the use of the State and the other half thereof to the person who shall sue for the same.

Blanks of registration and a copy thereof declared evidence.

SECTION 10. The books of registration kept by the Recorder, or a duly certified copy thereof, shall be admitted as evidence in any court of law or equity, and in any legal proceedings whatever in this State, where it may be necessary to allege or prove such birth, marriage or death: The Recorder of deeds shall receive the sum of (thirty) cents for such certificate; and (fifteen) cents for making a search for birth, marriage or death; to be paid by the person applying for such certificate or search; but the said register shall at all times be accessible to physicians, clergymen and lawyers without charge.

Compensation of Recorder.

Duty of clergyman, magistrates, &c.

SECTION 11. It shall be the duty of clergymen or ministers of religion, of all denominations, and magistrates, and of the clerks or keepers of records, all societies, and of all other persons, by or before whom any marriage may hereafter be solemnized or contracted, and of every practicing physician and midwife, and of the register of births, marriages and deaths for the city of Wilmington, and of every superintendent, or sexton of any cemetery or burying-place, on or before the first day of July, 1881,

and hereafter of all such persons as may occupy the position herein mentioned in this State, to report his, her or their name, or names and place of residence to the Recorder of Deeds of the county in which such person or persons may then reside; and it shall be the duty of the Recorder to have the same alphabetically registered in a suitable book to be by him provided for the purpose. In the event of any of the persons above specified removing to any other place of residence within the State, it shall be the duty of such person to notify the Recorder of Deeds of the county to which he removes, of the fact within thirty days after such removal; and if any person as above mentioned shall neglect or refuse to comply with the requirements of this Section, shall be fined not less than five dollars, nor more than ten dollars, to be recovered as provided in Section 9.

Duty of Recorder.

Nullification of removal.

SECTION 12. Every person who is hereby required to return a certificate of a birth, marriage or death to the Recorder of Deeds or Register of Deaths, and shall accordingly make such return shall be entitled to receive from the Levy Court of the county in which such birth, marriage or death took place, the sum of five cents for each and every return so made: *Provided,* such account shall have been certified by the said Recorder or Register. The blank forms requisite to carry out the provisions of this act shall be furnished by the Recorder of each county to each person or persons who are included in Section 11, and who reside in their respective counties; and all the fees and expenses and heretofore mentioned, shall, when duly certified be paid by the Levy Court of each county; except such as pertain to the city of Wilmington.

Compensation for making returns.

Proviso.

SECTION 13. All acts and parts of acts inconsistent herewith or supplied by this act are hereby repealed.

Inconsistent acts repealed.

Passed at Dover, April 7, 1881.

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CHAPTER 382.

GENERAL PROVISIONS RESPECTING THE POLICE.

Title.

AN ACT supplementary to an act entitled, "An Act for the Prevention of Cruelty to Animals," passed at Dover, February 20, 1873.

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):

Abandonment of sick animals a misdemeanor. Penalty.

SECTION 1. If any person shall abandon to die in any public place within this State, any maimed, sick, infirm or disabled animal, such person shall be guilty of a misdemeanor, and it shall be lawful for any Justice of the Peace to appoint suitable persons to destroy and remove such animal, if such person so appointed shall consider such animal unfit for further use, at the cost of the owner thereof, recoverable before said Justice of the Peace in an action of debt.

Duty of officers.

SECTION 2. Any public officer, or constable of any city or county shall, upon his view of any such misdemeanor, or upon the complaint of any other person who may declare his or her name and abode to such police officer or constable, make arrest and bring before any Justice of the Peace thereof offenders violating the provisions of this act.

Certain fines and penalties to accrue to the society for the prevention of cruelty to animals.

SECTION 3. All the fines, penalties and forfeitures, imposed and collected in any county of the State under the provisions of this and every act passed, or which may be passed, relating to or affecting animals, in every case where the prosecution shall be instituted and conducted by the society incorporated pursuant to the provisions of Chapter 477, Volume 14, Laws of Delaware, being an act entitled "An Act to incorporate the Delaware Society for the prevention of cruelty to animals," shall *(ensure) to such society in aid of the purposes for which it was incorporated.

Inconsistent acts repealed.

SECTION 4. All acts or parts of acts inconsistent with this act, be and the same are hereby repealed.

Passed at Dover, April 8, 1881.

*So in enrolled bill.

OF THE GENERAL POLICE.

CHAPTER 383.

GENERAL PROVISIONS RESPECTING THE POLICE.

AN ACT to Prevent Political Parades in the Night Time in this State. Title.

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 passage of this act it shall not be lawful for any political clubs, organizations, associations, or assemblages of men with uniforms, torches or equipments to form processions and parades or march on any public road or street in this State, in the night time, and any and all persons offending against the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than twenty and not less than five dollars for each offence and shall pay the costs of prosecution. Unlawful for political clubs to parade.

Passed at Dover, April 8, 1881.

CHAPTER 384.

OF TAVERNS, &c.

AN ACT for the Suppression of Intemperance. Title.

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

SECTION 1. Hereafter no licenses shall be granted to any *person* to sell intoxicating liquors, but they shall authorize sale of them to be made in some *house* described in the petition. The owner or some one of the owners of the premises (where there are more owners than one) or the chief officer of a corporate body (where it is owner), shall be the petitioner for the license; and the application shall be filed, recommended, presented, and sworn to, as is now done in applications for tavern licenses, and notice of the intended application shall be duly published also; the object of this section being to change the license from a *person* to a *house*, and to make the owner of the house the appli- Licenses for the sale of intoxicating liquors granted to the house.

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cant. Where notice of the application has already been given under the present law, the license to be issued shall conform to this section.

Judgment for fines and penalties declared liens upon the houses.

SECTION 2. Judgment for fine and costs imposed by the Court for violation of any of the provisions of the law regulating the sale of intoxicating liquors, shall be a lien, or incumbrance upon the premises where a breach of the law takes place, if the business of selling was there carried on. The indictment shall describe the premises with sufficient certainty to identify the same; and shall allege that the business of selling intoxicating liquors was there carried on. A conviction under such indictment shall be conclusive, not only of the sale, or illegal disposal, but also of the place where it was made. *Prima facie* evidence that the business of selling is carried on in any house, may consist of the common or usual signs of the occupation; also of the fact that the seller pays a tax to the United States on the business of liquor dealer, or selling liquors.

Of what prima facie evidence of the occupation shall consist.

Affidavit of vendor of drugs.

SECTION 3. At the time any vender of drugs or keeper of a drug store, applies to the Clerk of the Peace for license under Chapter 68, of the Revised Code, he shall make affidavit that he will not, directly or indirectly, sell more than seventy-five dollars worth of intoxicating liquor during the year then next ensuing, or no license shall be granted to him. If he violate his oath he shall be guilty of perjury. No such license shall authorize the sale during the year of more than twenty-five gallons.

Violation of oath declared a perjury.

Right to sell shall pertain to the house.

SECTION 4. The right to sell shall pertain to the owner of the house where notice of application has been given by him under this act, or his tenant or the occupant thereof with such owners consent. And if any tenant or occupant shall be convicted of violating the law to regulate the sale of intoxicating liquors, or this act, his right to hold the premises shall thereupon cease, and the owner or landlord, shall have the right to regain possession as other landlords have when they have given due notice to quit; *Provided, however*, that such right shall not exist, if the owner or landlord, have, in any way, connived at the act of his tenant, or been privy to it.

When the right of the tenant shall cease.

Proviso.

License to druggists shall pertain to petitioner.

SECTION 5. Licenses for sale of intoxicating liquors at drug stores, shall, as now, be to the person petitioning. If he allow his store to be a place for tippling, or shall in any respect violate the law regulating the sale of intoxicating liquors, he shall, in addition to the penalties now provided by law, absolutely forfeit his right to sell, upon conviction and sentence; and all sales by him thereafter made shall be deemed and taken to be without license.

Forfeiture of right to sell.

OF THE GENERAL POLICE.

SECTION 6. Every manufacturer of spiritous or alcholic liquors for sale, shall pay to the State Treasurer, on or before the first day of January of each year hereafter, a tax of ten cents per gallon for every gallon of such liquors manufactured by him during the preceding year—an account of which, supported by the affidavit of such manufacturer, shall be furnished by him to the State Treasurer on or before the said day. If such manufacturer shall not furnish such account by the day aforesaid, and pay at the same time the said tax to the State Treasurer, he shall be guilty of a misdemeanor, and upon conviction thereof shall be fined any sum not exceeding five hundred dollars. The State Treasurer shall notify the Attorney-General of such default by a manufacturer, in order that indictment against him may be laid before the grand jury. Judgment of conviction in such case shall work a forfeiture of the machinery or apparatus used in manufacturing, which shall be seized and sold, to recover the fine and costs, by the officer to whom the execution of a writ of *Fieri Facias* to execute the said judgment shall be directed. The present calendar year shall be included as a year of manufacture. A manufacturer shall not sell in less quantities than one gallon, to be taken away at one and the same time. He shall not sell, give away, or dispense any liquor to be drunk on or about his premises, nor to any person to whom an innkeeper may not lawfully sell. He shall not sell any liquor not manufactured by himself, nor mix, compound, or distill the same with his own; and any manufacturer violating any of these provisions, shall, upon conviction thereof, pay a fine of one hundred dollars and costs, and shall also be imprisoned not less than one, nor more than six months.

Tax on manufactured liquors.

Affidavit of manufacturer. What it shall contain.

Penalty for violation of law.

Forfeitures

Enforcement of judgment.

Minimum quantity to be sold by manufacturer.

Sales confined to what.

SECTION 7. The court may take official notice of the fact that spiritous, mixed or fermented liquors, by their usual or common names (except cider) are intoxicating; but unmixed cider shall not be considered an intoxicating liquor.

Official notice.

SECTION 8. Every sale, gift or disposal of liquor, shall be presumed to be made by the occupier of the premises where the same was so made. And whenever it would be unlawful to sell, give away or dispose of intoxicating liquor to any person, it shall be likewise unlawful, in the same manner, for any other person to procure or aid in procuring it for such person.

Sales presumed to be made by occupier.

SECTION 9. Conviction and sentence of the owner, tenant or occupier of any inn or tavern for violation of any of the provisions of the law for the sale of intoxicating liquors, shall operate to make the prosecution of the business there afterwards unlawful and a nuisance: and there shall be added to the judgment of the court, as further penalty, that the said business shall

When the sale of liquor shall be a nuisance.

When and how suppressed.

be suppressed; in virtue of which the Sheriff shall seize the said building and hold it in his custody, at the expense of the owner, so as to prevent further sale therein and make report of his proceedings to the court at its next term for its further order. A certified copy of the judgment of the court, in every such case, shall be delivered to the Sheriff by the Clerk of the Peace as his authority under this section. The expenses attending the execution by the Sheriff of his duty under this section shall be taxed and allowed by the court, and be a lien upon the premises. They may be collected by execution process or by order and attachment for contempt.

How judgments shall be collected

Appointment of bailiff in Wilmington.

SECTION 10. There shall be attached to the Court of General Sessions of the Peace and Jail Delivery, for New Castle county, an additional bailiff, for the special duty of searching out, detecting, and reporting to the Attorney-General all violations in the city of Wilmington or its suburbs, of the law regulating the sale of intoxicating liquors, or of any other criminal statute; and for this purpose, when the court is not in session, he shall be under the orders of the Attorney-General; to aid him in his official duty of bringing offenders to justice. He shall have power, without warrant to arrest any person committing a crime in his presence, and take him before some committing magistrate, to be dealt with according to law, and warrants of arrest may be issued to him as to any constable; but his special business shall be to bring to justice violators of the act aforesaid and of this act. He shall receive a compensation for his services, upon the certificate of the Attorney-General of his efficiency and fidelity, the annual sum of one thousand dollars, to be paid in half-yearly payments by the State Treasurer. He shall be subject to removal at any time as other bailiffs are; and the court may appoint another in his place. Upon the written order of the Attorney-General he may peaceably enter any place in the discharge of his special duty; but shall not remain there longer than necessary for the purpose. Resistance of him in the discharge is of his duty under this act shall be a contempt of court as well as a misdemeanor.

Duties and powers of bailiff.

Compensation of bailiff.

Removal.

Power to enter certain places.

Licenses. Where placed.

SECTION 11. All licenses for sales in inns, taverns, or drug stores shall be framed and hung up in the most conspicuous place therein, and the absence at such place of such license, shall subject the person licensed to a fine of twenty dollars.

Penalties.

SECTION 12. Every violation of any provision of this act, or of any other act regulating the sale of intoxicating liquors, shall be a misdemeanor; and, upon conviction thereof, where no other specific penalty is herein provided, the offender shall pay

a fine of one hundred dollars, and costs of prosecution; and shall also be imprisoned not less than one nor more than six months; and, if a licensee, shall also forfeit his license.

SECTION 13. In prosecutions against any vender of intoxicating liquors, it shall not be necessary to aver or allege in any form that the defendant had no license; but the fact of license shall be matter of defense under the plea of not guilty. What need not be amended.

SECTION 14. Whenever it can be shown by proof that any injury has been caused to the person of any one of known intemperate habits, in consequence of the sale to him or her of intoxicating liquor, the vender shall be liable to his or her wife, husband, child or children (if there be more than one) in an action upon the case, in which exemplary (but not excessive) as well as actual damages may be given by the jury. The rendition of a verdict for exemplary damages shall work a revocation of the vender's license; and all sales afterwards made by him shall be deemed and taken to be without license. Civil damage clause.

SECTION 15. All acts and parts of acts inconsistent herewith are hereby repealed. Inconsistent acts repealed.

Passed at Dover, April 5, 1881.

CHAPTER 385.

OF TAVERNS, &c.

AN ACT to amend the act passed at the present session entitled "An Act for the Suppression of Intemperance." Title.

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

SECTION 1. There shall be added to the aforesaid act and to be read and construed as if originally a part thereof the following section. Rules of construction.

SECTION* . In forming indictments for violations of the "act regulating the sale of intoxicating liquors," or of this act where, by reason of this act the words "without having first obtained a proper license for selling intoxicating liquor according to law,"

*So in enrolled bill.

or any of like nature commonly used therein are inappropriate, they may be entirely omitted, and whenever in the said act the words "any person licensed to sell liquor," or equivalent expression are used they shall be understood to mean and include as well any person selling in a house which is licensed.

The first section of the said act is not to be taken or be in anywise affected by this act.

Passed at Dover, April 8, 1881.

CHAPTER 386.

OF TAVERNS, &c.

Title. A SUPPLEMENT to the act entitled "An Act for the Suppression of Intemperance."

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

Mode of compensating bailiff. SECTION 1. The additional bailiff provided for in the 10th Section of the act entitled "An act for the Suppression of Intemperance," passed at Dover, April 5, 1881, shall be paid as other bailiffs of the said court, at the rate of three dollars for every day actively spent in the discharge of his duty, and so much of said act as provides for his compensation in any other manner is hereby repealed.

Passed at Dover, April 8, 1881.

OF THE GENERAL POLICE.

CHAPTER 387.

OF FISH, OYSTERS AND GAME.

AN ACT for the Protection of Game. Title.

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

SECTION 1. That if any person shall kill, take or destroy, sell or expose to sale, or have in his or her possession after the same has been killed, in either of the counties of this State, any quail, partridge, pheasant or rabbit, before the first day of November in the present year, such person shall be deemed guilty of a common nuisance, and upon conviction thereof before any Justice of the Peace in this State, shall be fined five dollars for each bird or rabbit so killed, taken or destroyed, sold or exposed to sale, or in his or her possession after the same has been killed, and if such person shall fail or refuse to pay such fine and all costs immediately, the said justice shall forthwith commit him or her 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; *Provided* that nothing in this act shall prohibit persons from taking bids for the purpose of preserving them for propagating purposes, *Provided further*, that this section shall not prohibit any person from killing game at any time on his own lands.

Killing of quails, &c., declared a nuisance.

Penalty.

Proviso.

Passed at Dover, January 18, 1881.

OF THE GENERAL POLICE.

CHAPTER 388.

OF FISH, OYSTERS AND GAME.

Title. AN ACT for the protection of Muskrats.

Killing of muskrats by certain methods, a misdemeanor.

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 to take, kill or capture any muskrat by the process known as nailing, or to use artificial light in the night time to entrap, shoot or destroy any muskrat; 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 Peace in Kent County, shall be fined five dollars for each muskrat so taken, killed, captured, entrapped, shot or destroyed; 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 is paid. One half of said fine for the use of the State, the other half to the informer. *Provided, however,* that this act shall apply only to Duck Creek and Little Creek hundreds, in Kent county.

Penalty.

Proviso.

Passed at Dover April 1, 1881.

CHAPTER 389.

OF FISH, OYSTERS AND GAME.

Title. AN ACT to Amend the act entitled "An Act to Amend Chapter 55, of the Revised Code," passed at Dover, March 12, 1877.

The act amendatory of Chapter 55, 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 the act entitled "An Act to Amend Chapter 55, of the Revised Code," passed at Dover, March 12, 1877, be and the same is hereby amended, by striking out the word "twenty" where it occurs in lines seven and ten of Section 1, of said act, and inserting in said lines in lieu thereof the word "twelve"; and by striking out the word "September" when it occurs in line sixteen of the same section and inserting in lieu thereof the word "October," and that in all editions of the laws of the State, said act, passed March 12, 1877, shall be published as hereby amended.

Passed at Dover, April 4, 1881.

OF THE GENERAL POLICE.

CHAPTER 390.

OF FISH, OYSTERS AND GAME.

AN ACT to amend Chapter 55, of the Revised Code. Title.

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

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 twelve 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 twelve 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 October. 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. 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

Sections 4 & 5, Chap. 55, Revised Code, stricken out.

Not more than 12 bushels at one load.

Delaware and Indian rivers excepted.

Unlawful to take oysters between April 30, and October 1.

Exporting oysters from State.

Possession *prima facie* proof of guilt.

Misdemeanor.

How prosecuted.

Fine, $10.

How enforced.

Forfeiture of vessel, &c

OF THE GENERAL POLICE.

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.

Inconsistent acts repealed.

All acts, or parts of acts, contrary to or inconsistent herewith, are hereby repealed.

Passed at Dover, March 12, 1877.

Amended at Dover, April 4, 1881.

CHAPTER 391.

OF FISH, OYSTERS AND GAME.

Title.

AN ACT in relation to fishing in the Nanticoke River in this State, and for other purposes.

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

Time within which shad and herring may be caught in Nanticoke River. Penalties.

SECTION 1. It shall be unlawful for any person to lay out, float or set any gill-seine or net, or any contrivance to catch shad or herring in the Nanticoke River or any of its tributaries within the limits of this State, after the twentieth day of May in each year, under the same penalties and forfeitures as provided in Section 1, of Chapter 72, Vol. 14, Laws of Delaware.

What sales shall be unlawful.

SECTION 2. It shall be unlawful to have in his or her possession, or expose for sale any shad caught in the Nanticoke River or any of its tributaries within the jurisdiction of this State between the twentieth day of May and the tenth day of August in any year, under a penalty of five dollars for each and every shad so had in possession or exposed for sale, to be recovered in an action of debt, with costs of suit, by any person or persons in his or their names, before any Justice of the Peace in the county, or where the defendant resides or lives: And in all prosecutions or proceedings under this act both parties may be sworn as witnesses. One half of any penalty imposed shall be paid to the informer.

Penalty.

What laws applicable to Nanticoke river.

SECTION 3. All the provisions of Sections 8, 9 and 10 of Chapter 72, Volume 14, Laws of Delaware, shall apply in full force and effect to the Nanticoke River and its tributaries within this State.

Passed at Dover, April 6, 1881.

OF THE GENERAL POLICE.

CHAPTER 392.

OF FISH, OYSTERS AND GAME.

AN ACT to amend Chapter 55, of the Revised Statutes of the State of Delaware, entitled "For the Protection of Fish, Oysters and Game." Title.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met:* That Chapter 55, of the Revised Statutes of this State entitled, For the Protection of Fish, Oysters and Game, be and the same is hereby amended, as follows: Strike out Section 11 of said act and insert in lieu thereof the following: Section 11. That if any person shall kill take or destroy, sell or expose to sale, or have in his or her possession unlawfully, after the same has been killed, any partridge, quail, pheasant, or ruffled grouse, or hare commonly called rabbit, in either of the counties of Kent and Sussex, between the fifteenth day of January and the fifteenth day of November, in any year, or in New [Castle] county between the first day of January and the fifteenth day of November in any year, such person shall be deemed guilty of a common nuisance, and upon conviction thereof before any Justice of the Peace in this State shall be fined five dollars ($5.00) for each bird or rabbit so killed, taken or destroyed, sold or exposed to sale or in his or her possession after the same has been killed, and if such person shall fail or refuse to pay such and all costs immediately, 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: *Provided,* that this Section shall not prohibit any person from killing game on his own land at any time.

Chapter 55, Revised Code, amended.

Sale of certain game between certain periods declared unlawful.

Penalty.

Fines. How apportioned.

SECTION 2. *And be it further enacted,* that the following sections be, and are hereby added to said Chapter 55 of said Revised Statutes:

Section 18. That it shall not be lawful for any person to kill, take or destroy, in any of the counties of this State, any ortolan, or reed bird, or rail between the first day of January and the first day of September in any year, under a penalty of forfeiting one dollar for every one so killed, taken or destroyed, and every person having such birds in his possession shall be deemed to have killed taken or destroyed the same unless he proves to the contrary: *Provided,* that this act shall not prohibit any person from killing such bird or birds on his own land at any time.

Killing of certain birds unlawful.

When.

Forfeiture.

Proviso.

Section 20. No person shall kill, take or destroy in any of the counties of this State any pinnated grouse, commonly called prairie chicken, for the term of five years after the passage of this act, under a penalty of twenty-five dollars for each and

Killing pinnated grouse prohibited for five years.

Penalty.

Evidence of guilt.

every one so killed, taken or destroyed, and every person having any such grouse or prairie chicken in possession shall be deemed to have killed, taken or destroyed the same unless he proves to the contrary.

Hunting on Sunday prohibited.

Section 21. There shall be no hunting or shooting on the first day of the week commonly called Sunday, and any person offending against the provisions of this section shall, upon conviction before any Justice of the Peace, be fined ten dollars and the cost of suit, said fine and cost to be recovered as fines of like amount are now recoverable by law.

Penalty.

Passed at Dover, April 8, 1881.

CHAPTER 393.

OF STRAYS.

Title.

AN ACT prohibiting live stock from running at large in School District No. 45, in Sussex County.

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

Unlawful for stock to run at large in Dist. No. 45 in 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 District No. 45, in Sussex County.

Impounding stock. Fees for impounding.

SECTION 2. It shall be lawful for any person in said school 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 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 any person or persons so taking up and impounding any stock under the provisions of this section, shall, within three days from the time of taking up and impounding such stock, give notice in writing to the owner or owners thereof if known, if not known, by five advertisements posted in the district.

Proviso.

Damages. How recovered.

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.

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. Sale of stock impounded. Notices. Proceeds of sale. How appropriated.

Passed at Dover, February 4, 1881.

CHAPTER 394.

OF STRAYS.

AN ACT prohibiting live stock from running at large in School District No. 49, in Sussex county. Title.

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 be willfully allowed to run at large in School District No. 49, in Sussex County. Unlawful for stock to run at large in Dist. No. 49 in Sussex County.

SECTION 2. It shall be lawful for any person in said school 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 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. Impounding stock. Fees.

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. Damages. How recovered.

OF THE GENERAL POLICE.

Impounding stock. How sold.

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 and 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 school district.

Appropriation of proceeds of sale.

Passed at Dover, February 9, 1881.

CHAPTER 395.

OF STRAYS.

Title.

AN ACT prohibiting live stock from running at large within the limits of School District No. 48, New Castle County.

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

Unlawful for stock to run at large in Dist. No. 48 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 within the limits of School District No. 48, New Castle County.

Impounding stock.

SECTION 2. It shall be lawful for any person in said school district to take up any live stock running at large within the limits of 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.

Fees.

Damages. How assessed and recovered.

SECTION 3. In case any damages may have been sustained by reason of such stock running at large, any Justice 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 to estimate the damage done.

OF THE GENERAL POLICE.

SECTION 4. In case such stock is not claimed and all just charges are not, in accordance with this act, satisfied within twenty 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, he shall proceed to sell the same, the proceeds of which sale, after deducting all just claims and 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 give satisfactory proof that he 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 the school purposes of said district.

Advertisement and sale of impounded stock.

Appropriation of proceeds of sale.

Passed at Dover, February 25, 1881.

CHAPTER 396.

OF STRAYS.

AN ACT prohibiting live stock from running at large in School District No. 37 New Castle County.

Title.

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 public highways in School District No. 37, New Castle County.

Live stock running at large prohibited in district No. 37, New Castle Co.

SECTION 2. It shall be lawful for any person in said district to take up any 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.

Impounding stock.

Fees.

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

Assessment of damages.

OF THE GENERAL POLICE.

Impounding stock. How sold.

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 and 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 school district.

Appropriation of proceeds of sale.

Passed at Dover, February 9, 1881.

CHAPTER 395.

OF STRAYS.

Title.

AN ACT prohibiting live stock from running at large within the limits of School District No. 48, New Castle County.

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

Unlawful for stock to run at large in Dist. No. 48 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 within the limits of School District No. 48, New Castle County.

Impounding stock.

SECTION 2. It shall be lawful for any person in said school district to take up any live stock running at large within the limits of 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.

Fees.

Damages. How assessed and recovered.

SECTION 3. In case any damages may have been sustained by reason of such stock running at large, any Justice 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 to estimate the damage done.

OF THE GENERAL POLICE.

SECTION 4. In case such stock is not claimed and all just charges are not, in accordance with this act, satisfied within twenty 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, he shall proceed to sell the same, the proceeds of which sale, after deducting all just claims and 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 give satisfactory proof that he 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 the school purposes of said district. Advertisement and sale of impounded stock. Appropriation of proceeds of sale.

Passed at Dover, February 25, 1881.

CHAPTER 396.

OF STRAYS.

AN ACT prohibiting live stock from running at large in School District No. 37 New Castle County. Title.

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 public highways in School District No. 37, New Castle County. Live stock running at large prohibited in district No. 37, New Castle Co.

SECTION 2. It shall be lawful for any person in said district to take up any 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. Impounding stock. Fees.

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 Assessment of damages.

OF THE GENERAL POLICE.

taking up and keeping the said stock, shall be paid by the person or persons claiming the same, before the said animals shall be delivered.

Advertisement and sale of impounded stock.

SECTION 4. In case said stock is not claimed and all charges are not paid, in accordance with this act, within thirty days, the person or persons 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, 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 National Bank of Newark, to the credit of the said school district, and to be held by said bank for one year, if not sooner claimed by some person or persons, who shall make satisfactory proof before any Justice of the Peace in New Castle County, that they were the real owners of said stock at the time of said sale. Whereupon a certificate of said Justice of the Peace, said former 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 district, to be devoted to the school purposes of said district.

Appropriation of proceeds of sale.

SECTION 5. That nothing in this act, except for damages as provided for in Section 3, shall be construed to include stock belonging to any person or persons in said district, that have by accident left an inclosure or other proper place or company, unless the person or persons in charge of such stock shall fail to take up the same within twelve hours from the time of being notified by one or more persons that said stock is at large.

Accidental escapes.

SECTION 6. All acts or parts of acts contrary to this act, are hereby declared to be null and void.

Inconsistent acts repealed.

Passed at Dover, February 28, 1881.

OF THE GENERAL POLICE.

CHAPTER 397.

OF STRAYS.

AN ACT prohibiting live stock from running at large in School District No. 158, in Sussex County. Title.

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

Stock prohibited running at large in district No. 158, in 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 run at large in School District No. 158, in Sussex County.

Impounding stock.

SECTION 2. It shall be lawful for any person in said School 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 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. It shall be the duty of the person impounding such animals to give notice in writing to the owner, if known, on the same or the next succeeding day.

Fees.

Assessment of damages.

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.

Advertisement and sale of stock.

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 school district.

Appropriation of proceeds of sale.

Passed at Dover, March 1, 1881.

OF THE GENERAL POLICE.

CHAPTER 398.

OF STRAYS.

Title. AN ACT to prevent live stock from running at large in School District No. 91, in New Castle County.

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

Strays in district No. 91, in New Castle Co., prohibited.

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 District No. 91, in New Castle County.

Impounding stock.

SECTION 2. That it shall be lawful for any person in the said school 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 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.

Fees.

Proviso.

Provided, that any person impounding such stock shall first give notice to the owner of said stock so impounded, if known, if not known shall give public notice by three written or printed advertisements posted in said district; *And provided further*, that this Section shall not apply to live stock that is under the care and control of a herdsman.

Assessment of damages.

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 party damaged, appoint three disinterested farmers 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 said stock is delivered up.

Advertisement and sale of stock.

SECTION 4. That in case the 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 at public sale by 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 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 owners of said stock; if not so claimed, it shall be subject to and paid over to 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.

Appropriation of proceeds of sale.

Passed at Dover, March 1, 1881.

OF THE GENERAL POLICE.

CHAPTER 399.

OF STRAYS.

AN ACT prohibiting live stock from running at large in School Districts No. 24, No. 23 and 75 and No. 19, New Castle County. Title.

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

Strays in districts Nos. 24, 23, 75 and 19, in New Castle County, prohibited.

SECTION 1. That it shall not be lawful, from and after the passage of this act, for any live stock to run at large within the limits of School Districts No. 24, No. 23 and 75 and No. 19, New Castle County.

Impounding stock.

SECTION 2. It shall be lawful for any person in said school districts to take up any live stock running at large within the limits of said districts and impound the same, and any person so doing 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.

Fees.

Assessment of damages.

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 the damage, or their agent, to any Justice of the Peace, of New Castle County, he shall appoint three suitable freeholders to estimate said damages, which, together with the legal charges for impounding and keeping said stock, and a fee of one dollar to the Justice, and one dollar each to the freeholders appointed by the Justice, shall be paid by the person claiming the stock before it is delivered to him, her or them.

Advertisement and sale of stock.

SECTION 4. In case said stock is not claimed, and all just charges are not, in accordance with this act, satisfied within fifteen 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 he shall proceed to sell the same, the proceeds of which sale, after deducting all just claims and 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 was 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.

Appropriation of proceeds of sale.

Passed at Dover, March 2, 1881.

OF THE GENERAL POLICE.

CHAPTER 400.

OF STRAYS.

Title.

AN ACT prohibiting live stock from running at large within the limits of School District No. 87, in Sussex County.

Strays in district No. 37, Sussex County, prohibited.

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 first day of April, eighteen hundred and eighty-one, 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 District No. 87, in Sussex County.

Impounding stock.

SECTION 2. That it shall be lawful for any person within the limits of said school district, 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.

Fees.

Assessment of damages.

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 agents, 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 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.

Fees.

Advertisement and sale of stock.

SECTION 4. That in case any such animal be not claimed and all just charges, in accordance with this act, satisfied within five 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 the time fixed in said advertisement; 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 the legal charges, and one dollar for advertising, and five per centum of the gross proceeds for making said sale, shall be deposited with the clerk of the said school district, who shall hold the same for one year, if not sooner claimed by some person who shall satisfactorily prove to said clerk 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 clerk 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 devoted to school purposes in said school district.

Appropriation of proceeds of sale.

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 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 summons and all subsequent proceedings, be entitled to the same fees as 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 now allowed by law in civil cases, for the performance by them of similar duties, to be collected out of the party owning the stock.

Assessment of damages.

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 im-

Taking impounded stock unlawful.

OF THE GENERAL POLICE.

Penalty.

pounded 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 hearing, he shall be found guilty of said offense, he shall be fined by said Justice of the Peace in the sum of five dollars, one-half for the use of the person making 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, to be paid by the owner of the stock.

What stock deemed strays.

SECTION 7. That all live stock found on the commons or on lands not inclosed shall be deemed estrays, unless it shall have escaped from a lawfully inclosed pasture or pound, which inclosure shall be judged by the said freeholders. All former acts relating to live stock running at large in said school district are hereby repealed.

Passed at Dover, March 3, 1881.

CHAPTER 401.

OF STRAYS.

Title.

AN ACT prohibiting live stock from running at large in School District No. 66, in New Castle County.

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

Stock prohibited from running at large in district No. 66, in New Castle Co.

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. 66, in New Castle County.

Impounding stock.

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 all paid.

Fees.

OF THE GENERAL POLICE.

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. Assessment of damages.

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 such stock in charge shall advertise the same at public sale be not less than three written or printed notices, posted for at least ten days previous to said sale, in three conspicuous places in said school 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 the clerk of said school district, who shall hold the same for one year, if not sooner claimed by some person who shall prove to the satisfaction of such clerk 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 commissioners of said school district to be devoted to the school purposes of said district. Advertisement and sale of stock. Appropriation of proceeds of sale.

Passed at Dover, March 14, 1881.

CHAPTER 402.

OF STRAYS.

AN ACT to prevent live stock from running at large in School District No. 177, in Sussex County. Title.

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 on the highways or unenclosed lands within the limits of School District No. 177, in Sussex County. Strays in district No. 177, Sussex County, prohibited.

SECTION 2. That it shall be lawful for any person in the said school district to take up any live stock running at large on the highways or unenclosed lands, within said district and impound Impounding stock.

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.

Fees.

Assessment of damages.

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 damages, or their agents, 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.

Advertisement and sale of stock.

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 readvertise said stock in the same manner as before directed, the proceeds of said sale after deducting all legal charges, and one dollar for advertising, and five per centum 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 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, to be devoted to the school purposes of said district.

Appropriation of proceeds of sale.

Assessment of damages.

SECTION 5. That any person not having said stock in custody, sustaining any damages by reason of such stock running at large upon the highways or unenclosed lands within said District No. 177, 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 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. Fees of freeholders.

SECTION 6. All laws or parts of laws inconsistent with this act are hereby repealed. Inconsistent acts repealed.

Passed at Dover, March 15, 1881.

CHAPTER 403.

OF STRAYS.

AN ACT prohibiting live stock from running at large in School District No. 48, in Sussex County. Title.

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 be willfully allowed to run at large in School District No. 48, in Sussex County. Strays prohibited in district No. 48, Sussex County.

SECTION 2. It shall be lawful for any person in said school 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 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. Impounding stock. Fees.

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. Assessment of damages.

OF THE GENERAL POLICE.

Advertisement and sale of stock.

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 school 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.

Appropriation of proceeds of sale.

Passed at Dover, March 15, 1881.

CHAPTER 404.

OF STRAYS.

Title.

AN ACT to prevent stock from running at large in School District No. 151, in Sussex County.

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

Strays in district No. 151, Sussex County, prohibited.

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 District No. 151, in Sussex County.

Impounding stock.

SECTION 2. That it shall be lawful for any person in said school 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 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.

Fees.

Assessment of damages.

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.

OF THE GENERAL POLICE.

SECTION 4. That in case the 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 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 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 were 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 school purposes of said district. Advertisement and sale of stock. Appropriation of proceeds of sale.

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. Exception.

Passed at Dover, March 22, 1881.

CHAPTER 405.

OF STRAYS.

AN ACT to prevent live stock from running at large in School District No. 17, in Sussex County. Title.

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 be wilfully allowed to run at large on the highways within the limits of School District No. 17, in Sussex County. Strays in district No. 17, Sussex County, prohibited.

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 impounding 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. Impounding stock. Fees.

OF THE GENERAL POLICE.

Assessment of damages.

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.

Advertisement and sale of stock.

SECTION 4. That in case the 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 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 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 the clerk of said school district, who shall hold the same for one year, if not sooner claimed by some person who shall prove to the satisfaction of the said clerk that they were the real owner or owners of said stock, if not so claimed, it shall be subject to and used by said clerk of the said district in which said stock was taken up, for school purposes of said district.

Appropriation of proceeds of sale.

Exception.

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.

Passed at Dover, March 30, 1881.

CHAPTER 406.

OF STRAYS.

Title.

AN ACT to prevent stock from running at large in School District No. 83, in Sussex County.

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

Strays in district No. 83, Sussex County, prohibited.

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 District No. 83, in Sussex County.

OF THE GENERAL POLICE.

SECTION 2. That it shall be lawful for any person in the 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 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 of a herdsman. Impounding stock. Fees.

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. Assessment of damages.

SECTION 4. That in case the 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 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 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 were 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 school purposes of said district. Advertisement and sale of stock. Appropriation of proceeds of sale.

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. Exception.

Passed at Dover, April 4, 1881.

OF THE GENERAL POLICE.

CHAPTER 407.

OF STRAYS.

Title. AN ACT to prohibit live stock from running at large in a part of School District No. 84, in Sussex County.

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

Strays in district No. 84, Sussex County, prohibited.

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. 84, in Sussex County, laying and being on the eastern side of said district and owned and occupied by Hiram T. Downing, William Tam, Charles T. Pepper, David Pepper, Peter Pepper, and George A. Jones.

Impounding stock.

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 legal charges are paid.

Fees.

Assessment of damages.

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.

Fees.

Advertisement and sale of stock.

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 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 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

Appropriation of proceeds of sale.

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.

Passed at Dover, April 5, 1881.

CHAPTER 408.

OF STRAYS.

AN ACT to prohibit live stock from running at large in School District No. 81, in Sussex county. Title.

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 horse, gelding, mare, colt, mule, cattle, sheep, swine, or other live stock to run at large on the public highways within the bounds of School District No. 81, in Sussex County, nor within one quarter of a mile of the boundary line of said school district, nor upon any unenclosed lands within the aforesaid limits not owned by nor in the possession of the owner of any such horse, gelding, mare, colt, mule, cattle, sheep, swine or other live stock. Strays in district No. 81, Sussex County, prohibited.

SECTION 2. It shall be lawful for any person within the said school district and limits to take up any horse, gelding, mare, colt, mule, cattle, sheep, swine, or other live stock found running at large upon the public highways and unenclosed lands within the aforesaid limits, the running at large of which is in the first section of this act made unlawful, 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 legal charges are paid. Impounding stock. Fees.

SECTION 3. That in case any damages may have been sustained by reason of any such horse, gelding, mare, colt, mule, cattle, sheep, swine or other live stock running at large upon the public highways or unenclosed 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 Assessment of damages

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for taking up and keeping said horse, gelding, mare, colt, mule, cattle, sheep, swine, or other live stock, shall be paid by the person claiming the same, together with one dollar to each of the freeholders before the same is delivered.

Advertisement and sale of stock.

SECTION 4. That in case said horse, gelding, mare, colt, mule, cattle, sheep, swine, or other live stock is not claimed and all just charges not satisfied, in accordance with this act, within thirty days, the person having said horse, gelding, mare, colt, mule, cattle, sheep, swine, or other live 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 or limit in which said horse, gelding, mare, colt, mule, cattle, sheep, swine, or other live 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 sureties 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 be paid, and shall be paid over on the order of the clerk of the school district in which said horse, gelding, mare, colt, mule, cattle, sheep, swine, or other live stock was taken up, to be devoted to school purposes of said school district.

Appropriation of proceeds of sale.

Passed at Dover, April 8, 1881.

OF THE GENERAL POLICE.

CHAPTER 409.

OF STRAYS.

AN ACT to prevent live stock from running at large within the limits of School District No. 169, in Seaford Hundred, Sussex County. Title.

SECTION 1. *Be it enacted by the Senate and House of Representatives, of the State of Delaware, in General Assembly met:* That from and after the date of the passage of this act no live stock shall be allowed to run at large within the limits of the School District No. 169, in Seaford Hundred, Sussex County. Strays in district No. 169, Sussex County, prohibited.

SECTION 2. *Be it further enacted,* That if any such stock as aforesaid shall be found running at large within the limits of the said district it shall be lawful for any person or persons living in said school district to take up and impound any such stock or animals so found. Impounding stock.

SECTION 3. *Be it further enacted,* That it shall be the duty of any person or persons who shall have taken up and impounded any such stock as aforesaid, to give notice forthwith in person or in writing to the owner or owners of such stock so impounded, if the owner or owners shall be to him or them known, and if not known, to post a notice in five of the most public places in the said district stating where such stock may be found and describing such animal or animals by general description. Notice.

SECTION 4. *Be it further enacted,* That any person or persons who shall have taken up and impounded any such stock as aforesaid and who shall have complied with the duties required of him or them stated in Section 3 of this act, shall be paid by the owner or owners of such stock one dollar for each and every animal so impounded and twenty-five cents a day for each and every animal during the time such animal or animals shall remain in his or their pound or custody. Fees.

SECTION 5. *Be it further enacted,* That if the owner or owners of such stock do not come forward before the expiration of ten days from the [day] of impounding such and pay the expenses imposed upon him or them in Section 4 from this act, the person and persons so taking up and impounding such stock shall advertise the property for sale, giving ten days notice by an advertisement posted in five of the most public places in the said school district, and if the owner or owners shall come forward at any time before the taking place of such sale and pay said expenses and cost, the person or persons so impounding such stock shall give up to him or them any such animal or animals. Advertisement and sale of stock.

SECTION 6. *Be it further enacted,* That the money received from the sale of such stock after deducting the expenses provided for in this act shall be paid over to the treasurer of the said Appropriation of proceeds of sale.

school district who shall pay over the same to the owner or owners of such stock, if called for at any time within ninety days from the date of such sale, and if not called for within the time aforesaid the money so received shall be applied to the use and benefit of the said school district.

Passed at Dover, April 8, 1881.

CHAPTER 410.

OF STRAYS.

Title. AN ACT to prohibit live stock from running at large in School District No. 7, in New Castle County.

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

Strays in district No. 7, New Castle County, prohibited.

SECTION 1. That it shall not be lawful for any live stock to run at large within School District No. 7, in New Castle County, after April 15, 1881.

Impounding stock.

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 school district, and impound the same, and they shall have the right to demand and receive fifty cents for each and 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.

Fees.

Assessment of damages.

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 said Justice of the Peace.

Advertisement and sale of stock.

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 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 the clerk of the district who shall be liable and who shall hold the same for one year if not sooner claimed by some person who shall prove to the satisfaction of said clerk that they are the real owners of said stock, if not so claimed it shall be paid over to the school fund of said district and devoted to school purposes.

Appropriation of proceeds of sale.

Passed at Dover, April 8, 1881.

CHAPTER 411.

OF ROADS AND BRIDGES.

AN ACT authorizing the laying out of a Public Road in North West Fork Hundred, Sussex County, State of Delaware. Title.

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

SECTION 1. That John E. Richards, Edward W. Adams, and Cornelius P. Swaim, three judicious and impartial citizens, be and they are hereby appointed to go upon and view the premises and determine whether there is need of a new public road in North West Fork Hundred, Sussex County, and State of Delaware, to begin on lands of Jacob Kinder, at or near the line of an old road formerly the outlet from the farm where Freeling P. Short now lives, crossing a county road leading from Trinity Church to Greenwood station, and running with or near said old road through lands of said Jacob Kinder, John W. Higman, William N. Coats and Wellington Patton, to intersect a county road leading from Adams' Mill to Bridgeville.

Commissioners appointed to determine use of road.

Course of proposed road.

SECTION 2. That before entering upon the duties assigned them, the said commissioners shall be sworn or affirmed, by each other, to perform their duties as road commissioners faithfully and impartially.

Qualification.

SECTION 3. That after said road shall have been laid out, opened and made, and put in good order for public travel, it shall thenceforth be deemed and taken as a public road, and shall be maintained and supported as other public roads in said county.

When taken and maintained as a public road.

OF THE GENERAL POLICE.

Persons employed. How paid.

SECTION 4. That the pay of the commissioners, surveyor, and such other persons as may be necessary in laying out said road, may be such as the Levy Court of said county shall deem proper. *Provided*, that no part of the expense, or any charges or costs of opening and constructing said road shall be incurred or paid by said county except as is stipulated in the first clause of this Section.

Proviso.

Passed at Dover, January 19, 1881.

CHAPTER 412.

OF ROADS AND BRIDGES.

Title.

AN ACT to lay out a new public road in North West Fork Hundred, Sussex County, Delaware.

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

Commissioners.

SECTION 1. That Jacob Kinder, Rufus K. Jacobs and Benjamin S. Melson, three judicious and impartial citizens of North West Fork 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. Beginning at the Maryland and Delaware State line, at the end of a new road in Caroline County, State of Maryland, and running a direct line to Jacob's Cross Roads, crossing the lands of E. C. Foster, the heirs of Nicholas Fratt, heirs of Luke Sorden, John Sheppard, on the division line between the lands of John H. Kinder and Catesby F. Rust, to Jacob's Cross Roads.

Location of road.

Oaths of commissioners.

SECTION 2. That before entering upon the duties assigned them the said commissioners shall be sworn or affirmed to perform their duties as road commissioners faithfully and impartially.

Administering of oaths.

SECTION 3. That the commissioners appointed in Section 1 of this act are hereby authorized to administer oaths to each other, and to the surveyor by them to be employed.

SECTION 4. That after said road shall have been laid out, opened and made, and put in good order for public travel, it

shall thereafter be deemed and taken as a public road, and shall be maintained and supported as other public roads in said county. When road shall be accepted.

SECTION 5. That the pay of the commissioners, surveyor and such other persons as may be employed in laying out said road shall be such as the Levy Court of said county shall deem proper, but no other part of the expenses, or any costs or charges of opening and constructing said road shall be incurred or paid by said county. Expenses. How paid.

Passed at Dover, January 27, 1881.

CHAPTER 413.

OF ROADS AND BRIDGES.

AN ACT to lay out a Public Road partly in Mispillion Hundred, Kent County, and partly in North West Fork Hundred, Sussex County. Title.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met:* That Lewellen Tharp, Alex. Johnson, and William W. Morris, three judicious and impartial freeholders, be and they are hereby appointed commissioners to go upon and view the premises, and determine whether there is need of a public road partly in Mispillion Hundred, Kent County, and partly in North West Fork Hundred, Sussex County, to commence in the center of a public road leading from the village of Farmington towards the residence of James Rust, at or near the division line of lands of the said James Rust and Thomas Cordry, and running in a southerly on the division line of the said Rust and Cordry and across lands of Moses Harrington, Mrs. M. E. Tumlin, in Kent County, and across lands of the heirs of John Hayes and others, in Sussex County, until it intersects a public road leading north from Pennewill's Hill, at or near a "bend" in said road, east of the Delaware Railroad, and on or near a division line of lands of Nathan J. Barwick and Albert Curry; and if the said commissioners, or a majority of them, shall determine there is need of such public road as that above described, then they shall with the assistance of some skillful Commissioners. Location of road.

OF THE GENERAL POLICE.

Surveyor. surveyor, (to be by them selected) lay out such new public road and cause a plot thereof to be made representing the courses and distances thereof, and the lands and improvements through and by which the same shall pass, and they shall assess the damages of the owners 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 the said owners of lands, and they shall make a computation of the costs of opening and making said road, and bridges thereon, setting down the several items of said costs, and if a road shall be laid out, then the said commissioners in their return to be made to the Levy Court of Kent County for the part of the road in Kent County, and to the Levy Court of Sussex County for the part of the road in Sussex County, shall set forth a description of said road in the respective counties.

Assessment of damages.

Return

SECTION 2. *And be it further enacted,* that the plot and return to be made as aforesaid by the said commissioners shall be laid before the respective Levy Courts of Kent and Sussex Counties respectively at their next meeting after the same shall be made, and the said Levy Courts of Kent and Sussex Counties may each adopt that part of the road so laid out as shall be included within the respective counties as a public road when laid before them, and may make such appropriations as are necessary, out of the public funds of the respective counties, to settle damages and also defray the expenses of laying out and opening such new public road, and constructing the bridges of such part as shall be included within the respective counties, and when such shall have been adopted as a public road by the Levy Courts of Kent and Sussex Counties respectively, the same shall be and remain subject to the same regulations and laws as other public roads in said counties, that is to say, the part of the road in Kent County shall be subject to and maintained by the Levy Court of Kent County, and the part of the road that lies in Sussex County shall be subject to and maintained by the Levy Court of Sussex County.

Adoption of road.

Road. How maintained.

SECTION 3. *And be it further enacted,* that the said commissioners and surveyor, before performing their respective duties under this act, shall be sworn or affirmed to perform the same *with skill and fidelity,* which oath may be administered by either of said commissioners or by any public officer qualified to administer oaths. The act 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 Justice of the Peace in Kent County. The pay of the commissioners,

Oaths and affirmation of commissioners, &c.

Acts of majority valid.

Fees.

surveyor and chain carriers shall be the same as provided by law for such services in laying out public roads, and shall be paid by Kent and Sussex County, respectively, in equal proportions.

Passed at Dover, Feburary 1, 1881.

CHAPTER 414.

OF ROADS AND BRIDGES.

AN ACT entitled "An Act to prohibit persons from driving at a gait faster than a walk over the bridge of Broad Creek, at the old wading place in Laurel, Sussex County." Title.

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

SECTION 1. That every person driving any wagon, cart, coach, chaise or other carriage or vehicle for the conveyance of persons or otherwise, or riding on horseback over the bridge at the town of Laurel, in the county of Sussex, over Broad Creek, shall check his horse, horses or team, upon arriving at said bridge on either side thereof, and drive over said bridge with his horse, horses or team in a walk, and if any person or persons shall intentionally and willfully offend against the provisions of this act, every person for every such offence shall forfeit and pay a sum not exceeding five dollars, with costs of suit, to be proceeded for and recovered before any Justice of the Peace in and for Sussex County, in the name of the State, upon the information of any one who may inform, and the person offending against the provisions of this act, one moity of said fine to be applied to the use and benefit of the said informer prosecuting for the same, and the other moity thereof to the Treasurer of Sussex County, for the use and benefit of said county.

Regulations concerning travel over bridge at Laurel.

Penalty.

Fines.

How apportioned.

Passed at Dover, February 8, 1881.

OF THE GENERAL POLICE.

CHAPTER 415.

OF ROADS AND BRIDGES.

Title. AN ACT to authorize Rufus K. Jacobs to straighten a public road in North West Fork Hundred, Sussex County.

Certain road changed.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met:* That Rufus K. Jacobs be, and he is hereby authorized to change a certain public road in North West Fork Hundred, in Sussex County, as follows, to wit: Commencing at Jacob's Cross Roads and running in a straight and southerly direction to L. M. Smith's lane.

SECTION 2. That the said Rufus K. Jacobs shall lay out, change and make at his own 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 said road is made, opened and put in good order for public travel as aforesaid, that then and from thenceforth the said road shall be deemed a public road and shall be repaired and kept up at public expense as other roads in said County.

When old road shall be closed.

SECTION 3. That after the said road shall have been laid out, opened and made and put in good order for public travel as aforesaid, it shall and may be lawful for the said Rufus K. Jacobs to stop up, and enclose so much of the old road as is not used in making the change.

Passed at Dover, February 15, 1881.

OF THE GENERAL POLICE.

CHAPTER 416.

OF ROADS AND BRIDGES.

A SUPPLEMENT to the act entitled, "An Act to provide for the rebuilding and proper maintenance of certain public roads in St. Georges and Red Lion Hundreds, in the County of New Castle," passed at Dover, February 6, 1879. Title.

WHEREAS, at the time of the passage of the act to which this is a supplement the extent of the damage occasioned by the unprecedented storm in October 1878 had not been fully ascertained so that the estimate then made of the expenditure necessary to reconstruct and repair the dykes and embankments of the St. Georges Morsh Company was necessarily inaccurate and has since been demonstrated to have been exceedingly erroneous, and Preamble.

WHEREAS, in order to induce the rebuilding by the said St. George's Marsh Company of its dykes and embankments so washed away and destroyed by the storm aforesaid, so that by reason of such rebuilding, certain of the public highways within the said county particularly referred to in the act to which this is a supplement, which had been rendered utterly useless by the destruction of the said banks might be made available for public travel and be protected from further overflow, it was expressly contemplated and intended by the provisions of the said act to which this is a supplement, that the county of New Castle should bear one half the actual cost of the reconstruction of the same, on the ground that such contributions by the county toward the rebuilding of said banks would involve much less expense than would be incurred by repairing the said public roads, without rebuilding the said banks. And

WHEREAS, it was considered at the time of the passage of the act to which this is a supplement, that the sum of fourteen thousand dollars would be sufficient to rebuild the said dykes and banks of the St. Georges Marsh Company so that the sum of seven thousand dollars was by the said act directed to be appropriated by the Levy Court of New Castle County toward the construction thereof: And,

WHEREAS, when the work of rebuilding had so far progressed that the whole sum of fourteen thousand dollars had been expended therein, it was found to be grossly insufficient, and in order that the said moneys then so expended should not be expended in vain, and the fruit of such expenditure wholly lost, the managers of the said St. George's Marsh Company having due regard to the interest of all concerned, borrowed moneys and continued the work, and have already expended therein the gross sum of twenty-two thousand two hundred and seventy-four

dollars eight thousand two hundred and seventy-four dolllars in excess of the estimated cost of reconstruction so that in in or to carry out fairly and equitably the intent of the act to which this is a supplement, and the understanding of the managers and taxables of the St. George's Marsh Company, the said County of New Castle ought to pay one equal half part of such excess, or four thousand one hundred and thirty seven dollars. And,

WHEREAS it is now considered, in order to render the said banks and dykes of the St. George's Marsh Company entirely secure from further overflows or crevasses and thus afford complete and permanent protection to the aforesaid public highways, that jetties should be constructed as adjuncts thereof, and it is estimated that the cost of constructing such jetties and the other work necessary to make the said embankments absolutely permanent and enduring will be about eight thousand dollars, one half whereof, according to the spirit and intent of the act aforesaid, ought to be borne by New Castle County, therefore,

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

Levy Court of N. Castle County to make an appropriation.

SECTION 1. That the Levy Court of New Castle County be, and it is hereby authorized empowered and directed to make an appropriation out of the public moneys of the sum of four thousand one hundred and thirty-seven dollars in favor of the St. George's Marsh Company to reimburse the said company for one-half of the sum in excess of former estimate which has been already expended in the construction of its said banks.

How paid.

The said sum hereby directed to be appropriated shall be paid to the treasurer of the said company.

Further appropriation

SECTION 2. That the Levy Court of New Castle County be, and it is also hereby authorized, empowered and directed to make an appropriation or appropriations of the public moneys toward constructing the said jetties and performing the other work still necessary to make the said dykes and embankments mentioned in the preamble of this act absolutely permanent and enduring.

Proviso.

Provided, that such appropriation or appropriations shall not, in the aggregrate, exceed one half the whole cost of constructing such jetties and performing such additional work, nor in any event exceed the sum of four thousand dollars.

To whom, how and when paid.

SECTION 3. The moneys directed to be appropriated by Section 2 of this act shall be paid to the treasurer of the St. George's Marsh Company from time to time as the work on said jetties and embankments progresses; and such payments shall only be made from time to time on account of work then actually

rendered and performed, or materials then furnished. It shall be the duty of such treasurer preceding each of such payment, to file an affidavit with the said Levy Court that work has then actually been performed and materials furnished in constructing the said jetties and completing the said embankments at a cost double the amount of the payment then demanded, and that the St. George's Marsh Company has paid the other half of such cost, and it shall be the duty of the said Levy Court from time to time, upon the filing of such affidavits of said treasurer, to make partial payments of the whole sum directed to be appropriated by Section 2 of this act, which said partial payments shall be equivalent to one half of the cost then actually incurred as state in the said affidavit, and for which no partial appropriation shall have been theretofore made. Affidavit to be filed by treasurer.

SECTION 4. This act shall be deemed and taken to be a public act. Public act.

Passed at Dover, February 17, 1881.

CHAPTER 417.

OF ROADS AND BRIDGES.

AN ACT to authorize George F. Wilson to straighten a part of the public road leading out of Long Neck, in Indian River Hundred, in Sussex County. Title.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met:* That George F. Wilson be, and he is hereby authorized and empowered to straighten that part of the public road leading out of Long Neck in said Indian River Hundred, which passes through his own lands commencing at a poplar stump in said Long Neck road and running in a direct line until it intersects or strikes a point in said road known as Vinefield. Commissioner appointed to straighten a road.

SECTION 2. That when the said George F. Wilson shall have made said change and straightened said road in accordance with Section one of this act, at his own expense to the width of thirty feet, and put the same in good order for public travel, then that When old road shall be closed.

part of the road hereby authorized to be changed and straightened shall be vacated and may be enclosed by the said George F. Wilson whenever the said new road shall be accepted by the Levy Court of Sussex County.

SECTION 3. That this act shall be deemed and taken to be a public act.

Passed at Dover, February 17, 1881.

CHAPTER 418.

OF ROADS AND BRIDGES.

Title. AN ACT to vacate a portion of an old road in the city of Wilmington.

Preamble. WHEREAS it has been represented to this General Assembly that so much of an old road in the city of Wilmington, known as Riddle's Road, lying between Delaware Avenue and Gilpin Avenue in said city, has by reason of the opening of Du Pont Street between said avenues become unnecessary for any public use; and

WHEREAS it appears by the petition of all the parties whose lands bound upon the said Riddle's Road between said avenues, and of the parties claiming the fee simple to said road subject to its use as a road as aforesaid, that satisfactory arrangements have been entered into between the parties interested as aforesaid for the paving of Du Pont Street between the avenues aforesaid, and for the vacation of said road, and its enclosure by the Wilmington City Railway Company, whose lands form one entire side of the portion of said road so to be vacated and a portion of the other side, therefore

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

Riddle's road vacated. SECTION 1. That all that portion of the old road in the city of Wilmington, known as Riddle's Road, lying between Delaware Avenue and Gilpin Avenue be and the same is hereby vacated, and the same may be enclosed by the Wilmington City Railway Company; *Provided*, that before said road shall be so enclosed so much of Du Pont Street as lies between Delaware

By whom enclosed.

Proviso.

Avenue and the northerly side of Gilpin Avenue shall be paved throughout the entire width of the bed of the street, and a quit claim deed for the land occupied by said portion of said road shall be duly executed and recorded, from the heirs-at-law of James Riddle, deceased, who claim to be entitled to the land so occupied by said road, to the said Wilmington City Railway.

SECTION 2. This act shall be deemed and taken to be a public act, and all acts and parts of acts inconsistent herewith are hereby repealed.

Passed at Dover, February 28, 1881.

CHAPTER 419.

OF ROADS AND BRIDGES.

AN ACT to change the course of a public road in Dagsboro Hundred, Sussex County. Title.

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

SECTION 1. That Shepard Moore be and he is hereby authorized to change and straighten a public road now running across the lands of said Shepard Moore so that said road shall run with the line dividing said Shepard Moore's lands from the lands of John C. Tingle, and to be laid out and located on the lands of the said Shepard Moore. Certain road to be straightened.

SECTION 2. That when the said Shepard Moore, shall at his own expense, have made such change and opened the road hereby authorized to the width of thirty feet, and put the same in such order for travel as the Levy Court of Sussex County may deem sufficient, it shall be taken and maintained as other public roads in Sussex County, and it shall be lawful for them to vacate the road superseded by the road authorized by this act, and the party owning the land on which the road is hereby vacated runs, to enclose the same. When to be taken by the Levy Court. How maintained.

Passed at Dover, March 1, 1881.

OF THE GENERAL POLICE.

CHAPTER 420.

OF ROADS AND BRIDGES.

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

Commissioners appointed to lay out road.

SECTION 1. That David Robbins, Elisha Holland and Joseph R. Baker be, and are hereby appointed commissioners to go upon and view the premises and determine whether there is need of a new public road in Broadkiln Hundred to be of the same width as other public roads, beginning at a point near James Collin's house on the Gravely Hill road, running from Milton to Millsborough from thence running a northeast direction with the said old road, on the line between the lands of James Collins, James T. Carey, Sarah Atkins and Thomas Walker on the east, and Joseph B. Waples, Reuben Wilson, William Prettyman, John W. Fox and Brother and Sylvester Palmer on the west, to the Cool Spring road running to Milton, and if said commissioners or a majority of them (being first duly sworn) shall determine that there is need of a new public road as above mentioned, then they shall, with the assistance of a surveyor, to be by them employed (and duly sworn), proceed to the most advantageous to the public and least injury to individuals, of the lands along or through which the same shall pass and shall cause a draft thereof to be made, having respect to the nature of the ground, the shortness of the distance, and all circumstances of a public or private convenience or detriment, and shall assess damages to owner or owners of land through which the same shall pass, if in their judgment they are entitled, and shall, in their return, set forth a description of said road, and their determination that there is need for the same to the Levy Court and Court of Appeals of said county, representing the course and distances thereof, and when said road shall be adopted by the Levy Court and Court of Appeals as aforesaid the said road shall then be deemed and taken as a public road and shall be maintained and supported as other public roads in said county.

Location.

Determination of commissioners.

Duties of commissioners.

Assessment of damages.

Pay of commissioners.

SECTION 2. That the pay of the commissioners, surveyors and chain carriers may be such as the Levy Court shall deem proper: *Provided*, that no part of the expenses or any charges or costs of opening and constructing said road shall be incurred or paid by the county.

Passed at Dover, March 8, 1881.

OF THE GENERAL POLICE.

CHAPTER 421.

OF ROADS AND BRIDGES.

AN ACT to open a new public road in Nanticoke Hundred, County of Sussex. Title.

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

SECTION 1. That William A. Polk, William A. Jacobbs and John C. Short, three judicious and impartial citizens and freeholders of Nanticoke 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 said hundred, county and State aforesaid, beginning at what is known as the Gully Camp Ground, from thence through lands of William Carlisle and Alexander and S. C. Fisher, on or near an old road intersecting and running through a lane between said parties; thence with said old road through lands of Miles Messick, John Owens and John Fowler, until it reaches a small tenant house of the aforesaid Fisher's; thence through lands of the said Fisher's and John Walker in the west direction, having respect to the distance and the nature of the ground until it intersects the county road leading from Bridgeville to Georgetown, over Isaac Cottrell's mill dam, and within one hundred yards of the east end of said dam. 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 (if any) and cost of making said road, and cause a plot to be made with a return to the Levy Court of said county, that they may make an appropriation for opening the same as a public road.

Commissioners appointed to determine need of road.

Location.

Determination of commissioners.

Plot and return.

SECTION 2. That the commissioners be sworn or affirmed by each other before entering upon their duties hereby assigned them, to perform them faithfully and impartially.

Qualification.

SECTION 3. That the pay of the commissioners shall be two dollars each, and the surveyor ten dollars for the survey, plot and return, and the Levy Court shall cause the same to be paid.

Pay of commissioners.

Passed at Dover, March 8, 1881.

OF THE GENERAL POLICE.

CHAPTER 422.

OF ROADS AND BRIDGES.

Title. AN ACT to establish a public road in Brandywine Hundred.

SECTION 1. *Be it enacted by the Senate and House of Representatives, of the State of Delaware, in General Assembly met:* That that part or portion of the private road in Brandywine Hundred, New Castle County, known as the Cherry Island Marsh Road, beginning at Edgemoor (formerly Egners) station, and extending in a southeasterly and then a southerly direction to the line of the River Front Railroad, be, and the same is hereby declared to be a public road or highway: And the public road hereby established, shall, from and after the passage of this act, be maintained, repaired and kept in order in the same manner and shall be subject to the same regulations as other public roads in New Castle County.

Certain road declared public.

How maintained.

Passed at Dover, March 9, 1881.

CHAPTER 423.

OF ROADS AND BRIDGES.

Title. AN ACT to straighten a public road 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 John H. Todd, Nehemiah M. Stayton and James H. Willey be, and they are hereby appointed to go upon and view the premises and lands and determine whither it is necessary for public convenience to straighten the public road leading from Marshy Hope Bridge to Owen's Bridge, as follows: Beginning at a point in the centre of said road opposite the gate in front of the dwelling house of William W. Morris, and running thence in a straight line with said road N. 63½ degrees east, on lands of the said William W. Morris, Hezekiah Morris and George W. Collins, until it intersects the road leading from St. Johnstown to Farmington. If they shall so determine that said public road shall be straightened as aforesaid, then they

Commissioners appointed to determine necessity of straightening certain road.

Change.

Determination.

shall locate and lay down the same and assess the damages for the same on account of the location of said road, and also the cost of making said change. That they shall make a plot of the same, and return the same to the Levy Court of Sussex County, at its next session, which shall be accepted by said court as the public road as aforesaid. That the said Court shall make an allowance for the payment of all the costs attending the change of said public road exclusive of the damages for condemnation of lands and the making of the same and putting it in good order.

Plot and return.

Payment of costs.

SECTION 2. That the said Levy Court shall not be compelled to accept said road as changed until it is made and put in good order at the expense of the said William W. Morris as aforesaid.

When Levy Court shall accept

SECTION 3. That the commissioners hereby appointed and the surveyor before entering upon their respective duties shall be sworn or affirmed to perform their duties with fidelity.

Qualifications

Passed at Dover, March 10, 1881.

CHAPTER 424.

OF ROADS AND BRIDGES.

AN ACT to lay out a new public road in Milford Hundred, Kent County.

Title.

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

SECTION 1. That Joshua H. Hill, John S. Harrington and William H. Dorsey, three judicious and impartial citizens of Kent County, be and they are hereby appointed commissioners to go upon and view the lands and determine whether there is need of a public road in Milford Hundred, Kent County, beginning in the center of the public road leading from Milford to Williamsville, at a point on the east side of what is known as Leadnum Branch, at or near where an old road now intersects the said public road, and running in a northerly direction in or as near the line of said old road as the commissioners or a majority of them shall deem best, until it intersects the public road leading from Milford to Harrington, which point shall be at a point where the said old road now intersects the said Milford and Harrington road.

Commissioners appointed to view land for new road.

Location.

OF THE GENERAL POLICE.

Action of commissioners.

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 aforesaid, designated in Section 1 of this act, they shall with the assistance of a surveyor, to be selected by them, 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 damage of every owner of lands through which said road shall pass, taking into consideration all the circumstances of benefit as well as injury which will accrue to each of the owners; and they shall make a computation of all costs of opening and making said new road.

Plot.

Damages.

Plot and return, to whom returned.

SECTION 3. That the plot and return to be made aforesaid, by the 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 approve and make such appropriation for the opening and making the same as a public road.

Approval by Levy Court.

Pay of officers.

SECTION 4. That the aforesaid commissioners shall be allowed one dollar per day for each and every day employed in the performance of their duties; and the surveyor shall be allowed such compensation as shall be fixed by the Levy Court. And further, this act shall be, and the same is hereby declared to be a public act.

Passed at Dover, March 14, 1881.

CHAPTER 425.

OF ROADS AND BRIDGES.

Title.

AN ACT appointing freeholders to lay out a road in Duck Creek Hundred, Kent County.

Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met: That H. C. Douglass, John Wright, John Hudson, Wm. F. Casperson, and John Mustard 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 in the county aforesaid, to commence at one end of a road in Clayton and run thence across lands of

Commissioners appointed to determine necessity of a road.

Locat'on.

OF THE GENERAL POLICE.

Horace Spruance, to the intersection of the road leading from the town of Saulsbury to the Middle Alley road; and if the said H. C. Douglass, John Wright, John P. Hudson, Wm. F. Casperson and John Mustard, or a majority of them, shall determine that there is need of such 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, and shall make a map of said road showing the courses and distances, and shall assess the damages of the property through which the road shall pass, and shall compute the cost of opening and making such a road. When road shall be laid out.

SECTION 2. *And be it further enacted*, That the map and return so to be made as aforesaid by the commissioners shall be returned to the Clerk of the Peace in and for Kent County, to be by him laid before the Levy Court, and the said Levy Court may establish the said road by paying such damages and costs as may have been assessed by said proceedings, and when said road may have been so returned and established by the Levy Court of Kent County, the same shall be and remain subject to the same regulation as other public roads or highways in the aforesaid county. Return and map. By whom made. Establishment of road.

SECTION 3. *And be it further enacted*, That the said commissioners, and surveyor shall, before performing the duties here assigned them, be sworn or affirmed to perform the duties incumbent upon them, according to this act, faithfully and impartially 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. Qualification and pay for services.

SECTION 4. *And be it further enacted by the authority aforesaid*, That this act shall be deemed and taken to be a public act.

Passed at Dover, March 15, 1881.

OF THE GENERAL POLICE.

CHAPTER 426.

OF ROADS AND BRIDGES.

Title. AN ACT to lay out a new public road in South Murderkill Hundred, in Kent County.

Commissioners appointed to determine necessity of certain road.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met:* That John J. Conner, Henry Barnet, Sr., and Edward Jackson be and they are hereby appointed commissioners to go upon and view the premises and determine whether there is need for a new public road in South Murderkill Hundred, in Kent County.

Location.

Beginning at or near a large white oak tree near or in the road leading from Magnolia to Canterbury, and corner for lands of McIlroy McIlvain, and running thence on or along the line dividing lands of said McIlvain, and lands of John Wesley Taylor on the one side from lands of the heirs of John B. Conner and lands of Eliza A. Burton on the other, and continue to a point at or near an old oak tree in front of John Wesley Taylor's farm dwelling; thence through lands of said John Wesley Taylor and along or near an old roadway to a stone, a corner for said Taylor, for said McIlvain, and for lands of Hulet Stevens; thence on or along the line dividing lands of said McIlvain from lands of said Hulet Stevens, and continuing on along or through lands of Andrew Gray and John W. Wright to the road leading from Magnolia to Frederica.

Commissioners to lay out road.

And if they or a majority of them shall determine that there is need for such new public road, they shall, with the assistance of a surveyor by them to be 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, clear lands and improvements by or through which the same shall pass, and they shall assess of every owner of the said lands and the improvements by reason of the laying out of such road, taking into consideration all the circumstances of benefit as well as injury which shall accrue to each of said owners, and they shall make a computation of the costs of opening and making said road, the bridges and causeways, if any, included, setting down the several items of the said costs; and if a road by them be laid out they shall in their return set forth a general description of said road and their determination that there is need of the same for public convenience, and shall annex to their return the aforementioned plot.

Plot and notes.

Return. Contents thereof.

Plot and return. To whom delivered.

SECTION 2. *And be it further enacted,* That the plot and return of the said commissioners, shall as soon as conveniently may be after completion, be delivered 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 the same as a public road or highway. Before the said Levy Court shall adopt the return of the said commissioners and establish the road laid out by the said commissioners, the persons interested in the said road, or some of them, shall pay all the damages assessed by the said commissioners and the expenses incident to the laying out and locating of said road, and the said parties interested may open the said road as soon after the return is delivered to the Clerk of the Peace, and the assessed damages are paid as may be convenient for them so to do.

Damages and expenses.

By whom paid.

Opening of road.

SECTION 3. *And be it further enacted,* That the said commissioners, and the surveyor selected by them, before entering upon any [of] the duties required of them under this act shall be severally sworn or affirmed, faithfully and impartially to perform the several duties required of them under this act according to the best of their skill and judgment respectively. The acts of a majority of the 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 Justice of the Peace, of Kent County. The said commissioners may qualify each other and the surveyor for the performance of their respective duties under this act. And that this shall be deemed and taken to be a public act; the power of the Legislature to repeal the same is hereby reserved.

Qualification of officers.

What acts valid.

Vacancies. How filled.

Power to qualify.

Passed at Dover, March 15, 1881.

OF THE GENERAL POLICE.

CHAPTER 427.

OF ROADS AND BRIDGES.

Title

AN ACT to authorize the laying out of a public 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:

Commissioners appointed to determine necessity of a road.

SECTION 1. That James L. Dyer, Jehu Davis, and Thomas Cook, three judicious and impartial citizens 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 North Murderkill Hundred, Kent County, to be of the same width as other public roads, beginning at a point in the public road leading from Canterbury westward to the H. A. Murray farm, on lands of Henry K. Hargadine, and on the east side of the Delaware Railroad lands; running thence in a northerly direction, along the east side of said Delaware Railroad lands, through or upon lands of said Henry K. Hargadine; lands of Caleb L. Burchenal, and lands of Mary Barnett, to a corner in lands of said Delaware Railroad lands, near Woodside; thence through or upon said Delaware Railroad lands in such direction as said commissioners may deem best, terminating in the public road leading from Woodside to the Camden and Canterbury road; and if they, or a majority of them shall determine that there is need of a new public road, as aforesaid, they shall lay out the same, and assess the damages of every owner of said lands 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 cause a plot of the same to be made, with a return to the Levy Court of Kent County; that an appropriation for opening the same as a public road may be made. And when the draft 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.

When laid out.

Damages. How assessed.

Costs.

Plot and return. To whom made.

Qualification of officers.

SECTION 2. That the commissioners, before entering upon their duties hereby assigned them, shall be sworn or affirmed to perform the same according to the best of their skill and judgment respectively, which oath or affirmation may be 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

Vacancies. How filled.

them. In case of a vacancy or vacancies occurring, another or others may be appointed by any Justice of the Peace in Kent County, upon application in writing from any three freeholders in said North Murderkill Hundred.

SECTION 3. That the fee of the commissioners and chain carriers, and such other persons as may be employed in laying out said road shall be the same as now provided by laws for such services in cases of laying out public roads and shall be paid in like manner. Fees.

Passed at Dover, March 15, 1881.

CHAPTER 428.

OF ROADS AND BRIDGES.

AN ACT to vacate the Old Snuff Mill Lane or Road, in the City of Wilmington. Title.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met:* That those parts or portions of the "Old Snuff Mill Lane," commencing with its intersection with the "Wilmington and Great Valley Turnpike Road," (now "Elliott Avenue,") and extending to its intersection with the southerly side of Washington Street and commencing with its intersection with the northerly side of Washington Street and extending to its intersection with the easterly side of Eighteenth Street, in the city of Wilmington, be and the same are hereby vacated, and the owners of the fee of the land over which, or through which, the said road hereby vacated runs or passes, are hereby authorized to enclose and hold the same, *Provided,* that that portion of the said road hereby vacated extending from the northerly side of Washington Street to the southerly side of the line of lands of the heirs of Jacob Derrickson, deceased, shall not be closed until other streets shall be opened, giving convenient ingress and egress to said lands. Certain road vacated. Lands enclosed. Proviso.

Passed at Dover, March 16, 1881.

OF THE GENERAL POLICE.

CHAPTER 429.

OF ROADS AND BRIDGES.

Title. AN ACT to authorize William J. Carlisle to straighten a public road in Nanticoke Hundred, Sussex County.

Commissioners appointed to straighten road.

SECTION 1. *Be it enacted by the Senate and House of Representatives, of the State of Delaware, in General Assembly met:* That William J. Carlisle be and he is hereby authorized to change a certain public road in Nanticoke Hundred, in Sussex County, as follows, to wit: Commencing in the center of the road leading from St. Johnstown to Staytonville at a point opposite the house now occupied by William N. Griffith, and running in a northeasterly direction in a straight line until it strikes and intersects the aforesaid public road at or near a mulberry tree.

Expense. By whom borne. When a public road. How kept.

SECTION 2. That the said William J. Carlisle shall lay out, change and make at his own 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 said road is made, opened and put in good order for public travel as aforesaid, that then and from thenceforth the said road shall be deemed a public road and shall be repaired and kept up at public expense as other roads in said county.

When old road shall be enclosed.

SECTION 3. That after the said road shall have been laid out, opened and made and put in good order for public travel as aforesaid, it shall and may be lawful for the said William J. Carlisle to stop up and enclose so much of the old road as is not used in making the change.

Passed at Dover, March 17, 1881.

OF THE GENERAL POLICE.

CHAPTER 430.

OF ROADS AND BRIDGES.

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

SECTION 1. That Roland P. Sharpe, Stephen M. Ennis and Charles Short, three judicious and impartial citizens and freeholders 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 said Hundred, County and State aforesaid, to begin at the north end of the public road now leading across the Beaverdam and Spring Branch, and to extend on and run from thence through or on the lines (in a northerly directions) of the lands of Thomas A. Watson, Mary M. Carter, Manlove R. Carlisle, Miles T. Mills, Wilson Shockley and heirs of David Mills, deceased, and intersecting the public road at or near the dwelling-house of heirs of said David Mills, deceased. And again starting at or near said Spring Branch, running from thence through or on the lines of lands of Benjamin Potter, David W. Mills, Molton R. Daniel, William Van Kirk, and William Watson, intersecting the public road now leading from Lincoln to Delaware Bay, at the corner of the said David W. Mills' field and if they or a majority of them, shall determine that there is need of a new public road they shall lay out the same, as will be the most advantageous to the public, and least injury to private indivduals (with the assistance of a surveyor to be selected by them) having respect to the private convenience as well as private injury, and the shortness of the distance, and assess the damages (if any) and cost of making said road, and cause a plot to be made with a return to the Levy Court of said County, that they may make an appropriation for opening the same in all respects as a public road, with an overseer appointed.

Commissioners appointed to determine necessity of a certain new road.

Location.

When and how laid out.

Damages and cost.

Plot and return.

SECTION 2. *Be it enacted,* That the commissioners and surveyor be sworn or affirmed by each other before entering upon their duties hereby assigned them to perform them faithfully and impartially.

Qualification of officers.

SECTION 3. *Be it enacted,* That the pay of commissioners shall be two dollars each, and the surveyor six dollars for survey, plot and return, and that the Levy Court shall cause the same to be paid.

Pay for services.

Passed at Dover, March 22, 1881.

OF THE GENERAL POLICE.

CHAPTER 429.

OF ROADS AND BRIDGES.

Title. AN ACT to authorize William J. Carlisle to straighten a public road in Nanticoke Hundred, Sussex County.

Commissioners appointed to straighten road.

SECTION 1. *Be it enacted by the Senate and House of Representatives, of the State of Delaware, in General Assembly met:* That William J. Carlisle be and he is hereby authorized to change a certain public road in Nanticoke Hundred, in Sussex County, as follows, to wit: Commencing in the center of the road leading from St. Johnstown to Staytonville at a point opposite the house now occupied by William N. Griffith, and running in a northeasterly direction in a straight line until it strikes and intersects the aforesaid public road at or near a mulberry tree.

Expense. By whom borne. When a public road. How kept.

SECTION 2. That the said William J. Carlisle shall lay out, change and make at his own 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 said road is made, opened and put in good order for public travel as aforesaid, that then and from thenceforth the said road shall be deemed a public road and shall be repaired and kept up at public expense as other roads in said county.

When old road shall be enclosed.

SECTION 3. That after the said road shall have been laid out, opened and made and put in good order for public travel as aforesaid, it shall and may be lawful for the said William J. Carlisle to stop up and enclose so much of the old road as is not used in making the change.

Passed at Dover, March 17, 1881.

OF THE GENERAL POLICE.

CHAPTER 430.

OF ROADS AND BRIDGES.

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

SECTION 1. That Roland P. Sharpe, Stephen M. Ennis and Charles Short, three judicious and impartial citizens and freeholders 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 said Hundred, County and State aforesaid, to begin at the north end of the public road now leading across the Beaverdam and Spring Branch, and to extend on and run from thence through or on the lines (in a northerly directions) of the lands of Thomas A. Watson, Mary M. Carter, Manlove R. Carlisle, Miles T. Mills, Wilson Shockley and heirs of David Mills, deceased, and intersecting the public road at or near the dwelling-house of heirs of said David Mills, deceased. And again starting at or near said Spring Branch, running from thence through or on the lines of lands of Benjamin Potter, David W. Mills, Molton R. Daniel, William Van Kirk, and William Watson, intersecting the public road now leading from Lincoln to Delaware Bay, at the corner of the said David W. Mills' field and if they or a majority of them, shall determine that there is need of a new public road they shall lay out the same, as will be the most advantageous to the public, and least injury to private indivduals (with the assistance of a surveyor to be selected by them) having respect to the private convenience as well as private injury, and the shortness of the distance, and assess the damages (if any) and cost of making said road, and cause a plot to be made with a return to the Levy Court of said County, that they may make an appropriation for opening the same in all respects as a public road, with an overseer appointed.

Commissioners appointed to determine necessity of a certain new road.

Location.

When and how laid out.

Damages and cost.

Plot and return.

SECTION 2. *Be it enacted,* That the commissioners and surveyor be sworn or affirmed by each other before entering upon their duties hereby assigned them to perform them faithfully and impartially.

Qualification of officers.

SECTION 3. *Be it enacted,* That the pay of commissioners shall be two dollars each, and the surveyor six dollars for survey, plot and return, and that the Levy Court shall cause the same to be paid.

Pay for services.

Passed at Dover, March 22, 1881.

OF THE GENERAL POLICE.

CHAPTER 431.

OF ROADS AND BRIDGES.

Title. AN ACT to vacate a certain part of a public road in Indian River Hundred, Sussex County.

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

Certain road vacated.

SECTION 1. That so much of the public road in Indian River Hundred, Sussex County, as lies between two certain points as follows, viz: Beginning at a point in the public road near the dwelling of Wrixham McIlvain, leading from Lewis to Millsborough, by the way of Burton C. Prettyman's store, and running in a northwesterly direction a distance of about two hundred yards through the lands of said Wrixham McIlvain, until it strikes and intersects the public road leading from the direction of Long Neck by way of Unity M. E. Church to Georgetown, be and the same is hereby vacated.

Right to enclose.

SECTION 2. That so much of said road as is vacated by the first section of this act may be enclosed by the said Wrixham McIlvain.

SECTION 3. That this act shall be a public act.

Passed at Dover, March 22, 1881.

CHAPTER 432.

OF ROADS AND BRIDGES.

Title. AN ACT to lay out a new public road in Kent County, Kenton Hundred.

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

Commissioners appointed to determine necessity of certain new road.

Location.

SECTION 1. That David S. Clark, N. T. Underwood, William M. Jones, N. H. Griffin and Lewis M. Bell 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 point in the present public road leading from Downs' Chapel to Wilds' Corner, near Kenton (said point of commencement being at Nehemiah Downs' gate); thence running through lands of

OF THE GENERAL POLICE.

Nehemiah Downs and Henry F. Hepburn, in a straight line north to a point in the public road leading from Smyrna to Blanco, near H. F. Hepburn's steam saw mill; 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 appointed, lay out such new public road as they may deem proper, having respect to the nature of the ground, the shortness of 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 which 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 cost of opening and making said public road, and of making the bridges 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.

When road shall be laid out.

Plot.

Damages.

Return.

SECTION 2. That the said plot, 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 the said Levy Court may adopt the said road as a public road, and settle and pay the damages which may be assessed by the said commissioners, together with the fees of the commissioners and surveyor, and when the said plot and return shall have been approved by by the said Levy Court 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.

Plot and return.

Where made and filed.

Adoption of road by Levy Court

When taken to be a public road.

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 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 the State or by any Justice of the Peace residing in Kent County. The fee of each commissioner and the fee of the surveyor shall be the same as is now provided by law.

Qualifications of officers.

What acts valid.

Vacancies. How filled.

Fees.

Passed at Dover, March 24, 1881.

OF THE GENERAL POLICE.

CHAPTER 433.

OF ROADS AND BRIDGES.

Title. AN ACT to authorize A. K. Corbin, W. A. Corbin and J. T. Noble to lay out and make a public road through their own lands.

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

Commissioners. SECTION 1. That A. K. Corbin, W. A. Corbin and J. T. Noble be, and they are hereby authorized to lay out and make, at their own expense, a road in North West Fork Hundred, Sussex County, Delaware, commencing at a point on a road leading from B. S. Melson's westward to the Maryland State line, and running through lands of said A. K. Corbin, lands of said W. A. Corbin and lands of said J. T. Noble, terminating at a point on a road leading from Jacobs' Cross Roads westward to said Maryland State line.

Location.

When deemed a public road. SECTION 2. That the road so opened, when put in good order for public travel, and of the same width as other public roads in Sussex County, then and from thenceforth shall be deemed and taken to be a public road, and shall be repaired and kept up at the expense of Sussex County as other public roads in said county.

Passed at Dover, March 24, 1881.

CHAPTER 434.

OF ROADS AND BRIDGES.

Title. AN ACT to straighten a public road in Mispillion Hundred, in Kent County.

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

R. H. Thomas authorized to change public road. SECTION 1. That Robert H. Thomas be, and he is hereby authorized to change the course of a part of the public road leading from Prospect to Bethel Cross Roads, as follows; To begin at a point on said public road near the division line of the lands of Beniah S. Anderson and George W. Bowman and

running in a southerly direction in a straight line on what is now the division line of lands of George W. Bowman and Robert H. Thomas, until it intersects the said public road which point will be about twenty yards south from where what is known as Old Common Lane intersects said public road.

SECTION 2. That when the said Robert H. Thomas, named in the first section of this act, shall, at his own expense, have made said change and opened the road hereby authorized of sufficient width, and put the same in such order for travel as the Levy Court of Kent County may deem sufficient, it shall be lawful for them to vacate the road superseded by the road authorized by this act, and the party or parties owning the land on which the road hereby vacated runs, to enclose the same.

Laid out at private expense.

Vacation of old road.

Passed at Dover, March 28, 1881.

CHAPTER 435.

OF ROADS AND BRIDGES.

AN ACT to authorize the laying out of a Public Road in Milford Hundred. Title.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met:* That John Maloney, John W. Hall, Isaac R. Jester, William H. French and James M. Thomas be, and they are hereby appointed commissioners to go upon the premises and view the same, and, if in their judgment the public convenience would be promoted thereby, to lay out a new public road in Milford Hundred, in Kent County, beginning at the end of the lane near James Lynch's, and running in a northwesterly direction, between lands of said "Lynch" and James B. Davis, and Elizabeth Watson; thence across lands of James H. Postles; thence on the line between lands of said "Postles" and George Thomas, across lands of Dickerson M. Meredith, William H. Richards, and John W. Hall to the end of the lane running through lands of John Needles' heirs; thence up said lane in a westerly direction through lands of said "Needles" and others until it intersects the main road leading from Burris' Corner to Frederica: *Provided,* That said public road so to be laid out by said commissioners

Commissioners.

Public road.

Location.

Proviso.

shall not pass over or take any portion of the tract of land now owned or occupied by Daniel Mitten, and the said commissioners or a majority of them shall have authority and they are hereby empowered and required to cause the road by them laid out to be surveyed and plotted, giving the courses and distances thereof, and they or a majority of them shall assess any damages which will accrue to any person or persons through whose lands said road will pass by reason of the same, and shall estimate the costs of opening said road for public use and travel.

Damages.

SECTION 2. *Be it further enacted,* That said commissioners shall cause the map or plot of said road by them laid out, with their assessment of damages and estimate of costs aforesaid, to be returned to the Court of General Sessions of the Peace and Jail Delivery, at it* their next session in and for Kent County after the date of 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 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 the 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 said road.

Deemed a public road

SECTION 3. *Be it further enacted,* That the commissioners, before entering upon their duties under this act shall be severally sworn or affirmed to discharge their duties as commissioners with fidelity. Any of said commissioners may administer said oath or affirmation, and the act of a majority of them shall be valid in every particular. They shall receive the same compensation as is allowed to commissioners appointed under an order of Court for like services.

Passed at Dover, March 28, 1881.

*So in enrolled bill.

OF THE GENERAL POLICE.

CHAPTER 436.

OF ROADS AND BRIDGES

AN ACT to lay out a new public road in Mispillion Hundred, in Kent County. Title.

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

SECTION 1. That John Booth, Beniah Tharp and Alexander Johnson, three judicious and impartial citizens, be and they are hereby appointed to go upon and view the premises and determine whether there is need of a new public road in Mispillion Hundred, in Kent County. Beginning in the centre of the public road leading from Harrington to Milford, at or near the division line of the lands of Vangesel, and Ezekiel Fleming, running in a southerly direction on or near the division line of the lands of the said Ezekiel Fleming, Vangezel, and Clement C. Simpson, and lands belonging to the heirs of William Ward, to and across lands of John Clymer and the Junction and Breakwater Railroad Company, until it intersects the division line of the lands of the said John Clymer and Moses Harrington, Jr.; thence in an easterly direction on or near the division line of lands of the said John Clymer, Moses Harrington, Jr., and John Franklin, to and across a branch; thence to and crossing lands of E. E. Magill, Benjamin Thistlewood and others, in such a direction as they, or a majorty of them, shall deem best, until it intersects the public road leading from Prettyman's crossroads to Houston Station, which point shall be at or near the division line of lands of Jonathan Harrington and Nathan Harrington, and also, to go upon the premises and determine whether there is need of a new road in the hundred and county aforesaid: Beginning at or near the point where the proposed road above described intersects with the Junction and Breakwater Railroad, and running thence in about a northwestwardly direction parallel with the said railroad, on lands of John Clymer, a distance of about one hundred and fifty yards: thence in a direction having the same bearing as Milby Street, across the Delaware Railroad and on lands of Henry C. Wolcott, until it reaches said Milby Street; thence down said Milby Street until it intersects the road leading from Harrington to Vernon, and if they, or a majority of them, shall determine that there is need of such public road, they shall, with the assistance of some skillful surveyor to be by them selected, after being duly sworn or affirmed, lay out such new road as they deem proper, and shall cause a plot thereof to be made representing the courses and distances thereof, and shall assess the damages of every

Commissioners.

Location of road.

Location of branch road.

Surveyor.

Costs.

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 road.

Return.

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, that they may make appropriation for opening and making of the same as a public road, and when opened shall, in all respects, be a public road in Kent County.

Passed at Dover, March 28, 1881.

CHAPTER 437.

OF ROADS AND BRIDGES.

Title.

AN ACT authorizing George Hallowell to change and straighten a public road on his own lands, in Seaford Hundred, Sussex County.

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

George Hallowell authorized to straighten public road.

Width.

SECTION 1. That George Hallowell is hereby authorized and empowered to change and straighten a public road on his own lands, in Seaford Hundred and Sussex County, and for that purpose to open a new public road, of the width of thirty feet, which said new public road shall begin at the cross-roads near the present residence of the said George Hallowell, and shall run north twenty-four degrees, west forty-eight and four-tenths perches, until it intersects the present road.

Old road vacated.

SECTION 2. That when the said new public road shall be opened by the said George Hallowell, and made fit for public travel, then, and as soon as that is done, he is hereby authorized and empowered to vacate and enclose so much of the old road as lies between the points named in section one, and as is rendered unnecessary by the opening of the new public road and straightening the old, as provided for in this act.

Passed at Dover, March 30, 1881.

OF THE GENERAL POLICE.

CHAPTER 438.

OF ROADS AND BRIDGES.

AN ACT to authorize the laying out of a public road in North West Fork Hundred, Sussex County, State of Delaware. Title.

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

SECTION 1. That John H. Kinder, I. K. Wright and J. B. N. Layton, three judicious and impartial citizens, 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 West Fork Hundred, to be of the same width as other public roads, beginning at a point where G. S. Layton's and John Ray's lands join, on the county road leading from Bridgeville to Atlanta; thence running in a westerly direction through or near the lands of the said G. S. Layton, John Ray. R. P. Swain, C. A. Rawlins, R. Coats, L. S. D. Kerr, C. P. Swain. M. G. Short, J. N. Whitney, C. F. Rush, and P. H. Rawlins. terminating at a point where C. F. Rust and P. H. Rawlins' land join on the county road leading from Jacob's Cross Roads to Trinity M. E. Church, and if they or a majority of them (being first duly sworn or affirmed) shall determine that there is need of a new public road as above mentioned, they shall with the assistance of a surveyor, to be by them employed, and who being first duly sworn, proceed to lay out said road in the manner and form as aforesaid, as will be the most advantageous to the public, and least injury to individuals of the lands through which the same shall pass, and shall cause a draft thereof to be made, having respect to the nature of the ground, the shortness of the distance and the circumstances of a public or private convenience or detriment, and shall assess damages to the owner or owners of land through which the same shall pass, if in their judgment they are entitled, and shall in the return set forth a description of said road and their determination that there is need for the same to the Levy Court and Court of Appeals for said county, representing the courses and distances thereof, and when said road shall be adopted by the Levy Court or Court of Appeals, as aforesaid, the said road shall then be deemed and taken as a public road and shall be maintained and supported as other public roads in said county.

Commissioners. Location. Oaths. Surveyor. Plot. Damages. Description

SECTION 2. That the pay of the commissioners, surveyor and chain carriers may be such as the Levy Court shall deem proper, and shall be paid by the county; but no part of the expense or cost of opening and constructing said road shall be paid by the county.

Fees.

Passed at Dover, March 30. 1881.

OF THE GENERAL POLICE.

CHAPTER 439.

OF ROADS AND BRIDGES.

Title. AN ACT to open a new public road in Nanticoke Hundred, County of Sussex.

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

Commissioners. SECTION 1. That Miles Messick, Samuel C. Fisher and Josiah Prettyman, three judicious and impartial citizens and freeholders of Nanticoke 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 said hundred, county and State aforesaid, beginning at the county road leading from Milford to Bridgeville, and running in a southwesterly direction through lands of William H. Smith, David R. Smith, James L. Sharpe, and others, of about one and one half miles in length, until it intersects the county road leading from Milton to Bridgeville, Seaford and other places of importance; 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, (if any) and cost of making said road, and cause a plot to be made with a return to the Levy Court of said county.

Location.

SECTION 2. That the commissioners be sworn or affirmed by each other before entering upon their duties hereby assigned them to perform them faithfully and impartially.

Compensation. SECTION 3. That the pay of the commissioners shall be two dollars each, and the surveyor ten dollars for survey, plot and return, and the Levy Court shall cause the same to be paid. But no part of the cost of opening or constructing said road shall be paid by the county.

Passed at Dover, March 30, 1881.

OF THE GENERAL POLICE.

CHAPTER 440.

OF ROADS AND BRIDGES.

AN ACT to authorize the laying out of a public road in Georgetown Hundred, Sussex County, State of Delaware. Title.

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

SECTION 1. That Thomas P. Rodney, P. C. Matthews and John W. Short, three judicious and impartial citizens of Sussex 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 Georgetown Hundred, to be of the same width as other public roads, beginning at a point on the northern side of the public road leading from the direction of Laurel to and by the residence of James Martin, near the residence of the said James Martin, and running a northerly direction across lands of the said James Martin, Catharine Pepper and heirs of Asbury C. Pepper to the public road leading from John W. Short to Georgetown, near the dwelling-house on the lands of Catharine Pepper and heirs of A. C. Pepper, and now occupied by Wingate E. Elliott; and if said commissioners, or a majority of them, (being first duly sworn or affirmed), shall determine that there is need of a new public road, as above mentioned, then they shall, with the assistance of a surveyor to be by them employed, (and who being first duly sworn), proceed to lay out said road in the manner and form as aforesaid as will be the most advantageous to the public and least injury to individuals of the lands through which the same shall pass, and shall cause a draft thereof to be made having respect to the nature of the ground, the shortness of the distance and all circumstances of a public or private convenience or detriment, and shall assess damages to the owner or owners of land through which the same shall pass, if in their judgment they are entitled, and shall in their return set forth a description of said road and their determination that there is need for the same to the Levy Court and Court of Appeals for said county, representing the courses and distances thereof, and when said road shall be adopted by the Levy Court and Court of Appeals as aforesaid, the said road shall then be deemed and taken as a public road and shall be maintained and supported as other public roads in said county. Commissioners. Location. Plot. Damages. Return.

SECTION 2. That the pay of the commissioners, surveyor and chain carrier may be such as the Levy Court shall deem proper; *Provided*, that no part of the expense or any charges or costs of opening and constructing said road shall be incurred or paid by the county. Fees.

Passed at Dover, March 30, 1881.

OF THE GENERAL POLICE.

CHAPTER 441.

OF ROADS AND BRIDGES.

Title. AN ACT to authorize the Levy Court of Sussex County to make an appropriation to repair and keep up the streets and roads in Delmar.

Repair of Streets in Delmar. SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met:* That the Levy Court of Sussex County direct the overseers of public roads in and near Delmar to repair and drain such parts of the streets and roads in Delmar as lay within this State and put and keep them in good order.

Expenses. How paid. SECTION 2. *And be it further enacted,* That the said Levy Court allow the said overseer seventy-five dollars annually for the said purpose, to be used by said overseer to the best advantage for material and labor on said streets and roads, and the said sum of seventy-five dollars annually shall be paid on the said overseer's orders just as his orders for work and materials on the public roads are paid out of the same fund.

Public act. SECTION 3. *And be it further enacted,* That this act shall be a public act.

Passed at Dover, April 5, 1881.

CHAPTER 442.

OF ROADS AND BRIDGES.

Title. AN ACT authorizing the laying out of a new public road in Little Creek Hundred, Kent County.

Preamble. WHEREAS, the terminus of the road leading from Little Creek Landing to Mahon's River has become useless to the traveling public and especially to persons engaged in the oyster trade, on account of the filling up of said river by the washing in of mud at the point where the road intersects with the river; and,

WHEREAS the oyster boats pay a handsome revenue to the State and justice demands that there should be a road intersecting with bold water so that the boats can have a safe and proper landing; therefore

OF THE GENERAL POLICE.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met:* That Charles Denney, collector of the oyster tax, be, and he is hereby authorized and directed to lay out and construct a new public road leading from what is known as the "Smith Shop," on Mahon's River, in Little Creek Hundred, Kent County, to a point at or near Indian Gut, on the public road leading from Little Creek Landing to Mahon's River.

Collector authorized to lay out a new road. Location.

SECTION 2. *And be it further enacted,* That the said Charles Denney is hereby authorized and directed to pay out of any money in his hands belonging to the State arising from the "Oyster Tax" an amount not exceeding four hundred dollars for the expenses incurred in laying out and building of said road authorized by the first section of this act, and present proper vouchers to the State Treasurer at his next settlement after the completion of said road hereby directed to be made.

Authorized to pay out money. Amount.

Passed at Dover, April 5, 1881.

CHAPTER 443.

OF ROADS AND BRIDGES.

AN ACT to vacate a private road in Duck Creek hundred, Kent County. Title.

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

SECTION 1. That the private road beginning at a point in the public road leading from Bewley's Corner to the Bombay Hook Light-house, about one quarter of a mile from said Bewley's Corner running in a northward direction through lands of Mrs. Bewley and John Severson to the farm gate of Mr. George, be, and the same is hereby vacated, and the respective owners of the lands through which said vacant road runs are hereby authorized to take the exclusive possession and occupancy of the same.

Vacation of private road in D. Creek Hundred.

Passed at Dover April, 7, 1881.

OF THE GENERAL POLICE.

CHAPTER 444.

OF ROADS AND BRIDGES.

Title. AN ACT to repeal Chapter 81, of Volume 16, Delaware Laws, and to supply a substitute therefor.

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

Chapter 81, Volume 16, repealed. SECTION 1. That Chapter 81, of Volume 16, of the Laws of Delaware, be and the same is hereby repealed.

Collectors to deposit money. SECTION 2. That the collector of road tax in Appoquinimink Hundred, New Castle County, shall deposit in some bank, to be designated by the road commissioners of said hundred, all moneys collected by him as such collector to the credit of said hundred, subject to the order of the road commissioners to be drawn upon by their check or checks; said check or checks shall be signed by at least two of said road commissioners, in paying for labor done or material furnished by any person or persons, *Provided* the road commissioners shall first deduct all taxes due the hundred from such person or persons.

Compensation. SECTION 3. The road commissioners shall each have two dollars per day for each and every day of actual service by them in the performance of their duties.

Passed at Dover, April 8, 1881.

CHAPTER 445.

OF ROADS AND BRIDGES.

Title. AN ACT relating to public watering troughs for stock, in Mill Creek and Christiana Hundreds.

Method of providing for public watering troughs in Mill Creek and Christiana Hds. SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware:* That under the supervision of the road commissioners of Mill Creek and Christiana Hundreds, or persons having charge of the same, any person who may erect and maintain in good repair a public watering trough of not less than six (6) feet in length, twelve inches in width, and ten inches in depth, in the clear, of either wood, stone or iron,

and have pure, clear water continually running into the same, except hard freezing weather, by a pipe or pipes, or otherwise, upon the side of the public highway, erected of sufficient height and of easy access suitable for watering horses and cattle, and approved by the said road commissioners, or persons having charge of the same, shall be entitled to receive from the road fund of said hundreds a sum not exceeding the sum of five dollars annually as shall be agreed upon at the time of the erection of such troughs. *Provided*, that the number of troughs in said hundreds to be paid for as aforesaid by said commissioners shall not at any time exceed five in each hundred. Proviso.

SECTION 2. That whenever any person or persons who are in possession of running water or where water might be supplied easily by a pump that might be made available for the purposes of the provisions of this act who neglect to accept the same, the road commissioners of said hundred may, with the consent of the owners or occupants thereof, erect such troughs and keep the same in proper repair at an annual expense not to exceed that as provided for in the first Section of this act. Public watering troughs by means of pumps.

SECTION 3. That whenever any watering trough is erected for the purpose aforesaid the same shall be public property, and any person or persons wantonly destroying or injuring the same, or committing any nuisance upon or near the same shall be liable to a prosecution before any Justice of the Peace, of New Castle County, and if duly proven to the satisfaction of such Justice shall be punished by a fine not exceeding twenty dollars, and upon refusing to pay the same together with costs thereof, may be by said Justice committed to prison for a period not exceeding ten days. Troughs public property. Penalty.

SECTION 4. That whenever watering troughs have been already erected on the public roads of said Hundred, the said road commissioners shall give the owners thereof the preference as to the benefits of this act; *Provided*, they accept the provisions of the same. Disposition of troughs already erected.

Passed at Dover, April 8, 1881.

TITLE NINTH.

Regulations Concerning Trade.

CHAPTER 446.

OF NEGOTIABLE INSTRUMENTS.

Title.

AN ACT concerning negotiable instruments,

Negotiable paper falling due on legal holidays. When payable.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met:* That whenever hereafter any of the several days called "New Years Day," "Washington's Birth Day," "Fourth of July" and "Christmas" shall happen to fall on Sunday, then from and after the passage of this act, payment of all bills of exchange, notes, checks, or other instruments negotiable by the laws of this State, and becoming payable on the Monday next succeeding such Sunday, and being hereafter made shall be deemed to become due and payable on the Saturday next preceeding such Sunday, on which said Saturday demand of payment may be made, and in case of non-payment or dishonor of the same, in anywise, protest may be made and notice given and all other things done in the same manner as if such bill of exchange, note, check, or other instrument fell due on such Saturday, and the rights and liabilities of all persons concerned therein shall be the same as in other cases of like instruments legally proceeded with: *Provided,* That nothing herein contained shall be so construed as to render void any demand, notice or protest made or given, as heretofore, at the option of the holder, nor shall the same be so construed as to vary the rights or liabilities of the parties to any such instruments heretofore executed.

Proviso.

Passed at Dover, March 8, 1881.

OF REGULATIONS CONCERNING TRADE.

CHAPTER 447.

OF SIGNAL STATIONS.

WHEREAS "The Philadelphia Maritime Exchange" has established a signal station at Cape Henlopen for purposes beneficial to commerce on the waters of the Delaware River and Bay. Preamble.

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 directed to grant and convey by and under the Great Seal to the said "The Philadelphia Maritime Exchange" to hold to them, their successors and assigns forever, a tract or piece of land at the point where the said station is now erected, not exceeding one acre in extent, to be located and properly described in metes and bounds by him. Governor authorized to convey piece of land.

SECTION 2. *And be it further enacted,* That this act be, and the same is hereby declared to be a public act. Public act.

Passed at Dover, March 20, 1881.

CHAPTER 448.

OF WEIGHTS AND MEASURES.

AN ACT in relation to Weights and Measures. Title.

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 to purchase for the use of Kent County, the following weights and dry measures namely: One peck measure, one gallon measure, one half-gallon measure, one toll-dish 1-10, one toll-dish $\frac{1}{8}$ and fractional weights up to a pound, and also a set of new stamps. State Treasurer authorized to purchase weights & measures.

Passed at Dover, March 22, 1881.

OF REGULATIONS CONCERNING TRADE.

CHAPTER 449.

OF PILOTAGE.

Title. AN ACT regulating pilots and pilotage of and in the Bay and River Delaware.

SECTION 1. *Be it enacted by the Senate and House of Representatives, of the State of Delaware, in General Assembly met:* That immediately after the passage of this act there shall be established a board of pilot commissioners for the State of Delaware, to consist of five persons, citizens of this State, acquainted with the navigation of the Bay and River Delaware, to be appointed by the Governor of the State, one for the term of two years, two for the term of four years, and two for the term of five years. Upon the expiration of these respective terms the new appointments shall be made for the term of five years. Any vacancies in the said board by death, resignation or otherwise shall be filled by the Governor for the residue of any such terms. The board of pilot commissioners shall meet in the city of Wilmington on the first Mondays of May and November in each and every year and at the call of the president for the time being of the board whensoever occasion may require. That each member of the said board who shall be appointed by virtue of this act shall, before he takes upon himself the exercise of the duties herein required, take an oath or affirmation before some one authorized by the laws of this State to administer oaths that he shall well and faithfully to the best of his skill, understanding and judgment do execute and discharge the office and duties of a member of the said board of pilot commissioners without favor or partiality according to the laws of this State. And the said board of pilot commissioners, three of whom shall be a quorum, when met, shall have full power and authority under the limitations hereinafter prescribed to grant license to persons to act as pilots in the Bay and River Delaware, and to make rules for their government while employed in that service, to decide all differences which may arise between masters, owners and consignees of ships or vessels and pilots except in cases hereinafter excepted; *Provided* that if any person whomsoever shall conceive himself aggrieved by any decision or penalty made, given and imposed by the said board, such persons, may, except in cases hereinafter excepted, within six days appeal therefrom to the Superior Court of either of the counties of this State, and on such appeal the like security shall be entered and the like proceedings had as in the case of an appeal from the judgment of a Justice of the Peace for a debt or demand not exceeding one hundred dollars.

Pilot commissioners.

Terms.

Vacancies.

Place and time of meeting.

Oaths of office.

Quorum.

Powers.

Appeal.

Security.

OF REGULATIONS CONCERNING TRADE.

SECTION 2. *And be it further enacted by the authority aforesaid,* That any person exercising the profession of a pilot in the Bay and River Delaware shall within three months after the passage of this act apply in person to the board of pilot commissioners for a license to entitle him to follow that occupation, and that it shall be the duty of at least three of the said board to examine every person so applying as to his fitness in all respects to perform the duties of a pilot and to grant licenses to all such as they shall deem qualified according to their respective abilities. Those of the first class to persons capable of pilotiting ships or vessels of any practical draught of water. Those of the second class to persons capable of piloting ships or vessels drawing twelve feet of water or under, which licenses shall be in force for one year from the date thereof and until pilots respectively shall next after the expiration of the year, arrive with any ship or vessel at any port on the Bay or River Delaware and no longer, but every pilot delivering up his license shall be entitled to receive a new one in lieu thereof, giving like security, as hereinafter directed, unless it shall appear to said board that the person applying is disqualified from exercising the duties of a pilot, and if any person shall after the time herein prescribed for taking out license exercise the profession of pilot in the Bay and River Delaware without such license or at any time after his license shall have expired, he shall forfeit for every vessel which he shall undertake to pilot to or from any port on the Bay and River Delaware, the sum of thirty dollars, together with the pilotage to which he would be otherwise entitled, one-half to the use of the person who shall sue for the same, and the other half for the use of the pilot commissioners. Each applicant under this Section shall pay to the board of pilot commissioners the sum of ten dollars.

License.

Qualification of application

Grades

Continuance of license.

Penalty for not taking out license.

Fine.

How apportioned.

SECTION 3. *And be it further enacted by the authority aforesaid,* That no license of the first class shall be granted to any person who at the time of passing this act shall not be or within three months previous thereto hath been a licensed pilot by virtue of the laws of the Commonwealth of Pennsylvania or the State of New Jersey, or who shall not have served a regular apprenticeship of at least six years to a licensed pilot on board of a Delaware Bay and River pilot boat, nor any license of the second class except to persons already licensed as aforesaid or such as shall have served an apprenticeship of at least six years in manner aforesaid, nor shall any license be granted until the person applying shall have given bond with sufficient surety to the Governor of this State in any sum not exceeding five hundred dollars conditioned for the true and faithful performance of

Qualifications of licenses of 1st class.

Bond.

Condition.

the duties and services required by this act, and that they will not be aiding or assisting in defrauding the revenue of the United States, and that they will deliver up the license to them granted when required by the board in pursuance of the provisions of this act. *Provided,* that no person shall be entitled to a license as pilot for any branch without first having under the immediate inspection of his master or a pilot of the first branch, conducted a square rigged vessel (at least brig rigged) twenty times up and twenty times down the River and Bay.

Proviso.

SECTION 4. *And be it further enacted by the authority aforesaid,* That if any person having license as a pilot shall for the space of two weeks refuse or willfully neglect to execute the duties of a pilot, every such pilot upon due proof thereof shall forfeit his license; and if any pilot shall enter into any combination with a view of preventing any other person from executing such duties, every such pilot being thereof duly convicted, shall for the first offense forfeit his license as a pilot for the Bay or River Delaware for the space of three months; for the second offense for the space of one year; and for the third offense absolutely.

License. How forfeited.

SECTION 5. *And be it further enacted,* That every ship or vessel propelled by steam or sails arriving from or bound to any foreign port or place, except such as are solely coal laden, passing in or out of the Delaware Bay by the way of Cape Henlopen shall be obliged to receive a pilot. That every such ship or vessel bound to the Delaware Breakwater for orders and not proceeding further up the Delaware Bay shall be obliged to receive a pilot; *provided* she is spoken or a pilot offers his services outside of the Cape Henlopen Light-house, bearing southwest, and if the master of any of the said ships or vessels after she is spoken or a pilot offered, shall refuse or neglect to take a pilot, the master, owner or consignee of such vessel shall forfeit and pay to any such pilot suing for the same a sum equal to the pilotage of such ship or vessel to be recovered by a suit in our State courts or before a Justice of the Peace, or such pilot may pursue his remedy therefor by a libel in admiralty in any United States District Courts as such pilot may see fit and proper to do.

What vessels obliged to receive pilots.

Proviso.

Penalty for refusal of master to receive pilot.

How recovered.

SECTION 6. *And be it further enacted,* That the pilot who shall first offer himself to any inward-bound ships or vessels shall be entitled to take charge thereof; *provided* his license shall authorize him to pilot ships or vessels of such draught of water, and it shall be the duty of such pilot, if required, to exhibit his license to the master or commander of such ship or vessel, and

Pilotage of inward bound vessels.

in case the draught of water of such ships or vessels shall be greater than such pilot shall be licensed to carry, he may nevertheless, with the consent of the master, take charge of such ship or vessel until a pilot duly qualified shall offer, and if such qualified pilot shall offer before such ship or vessel shall have passed Brandywine Shoals, bearing east, he shall be received and the former pilot entitled to pilotage according to the distance he may have conducted such ship or vessel, and the latter to the residue of the pilotage which shall be ascertained by the president of the board of pilot commissioners for the time being. No vessel employed in and licensed for the coasting trade shall be obliged to receive a pilot or be subjected to the payment of pilotage in case of refusal to receive such pilot, except ships or vessels under register bound to the States or Territories of the United States on the Pacific Ocean, but a coastwise vessel voluntarily taking a pilot, shall pay him the same fees for pilotage as prescribed in the case of a vessel bound to or from a foreign port.

Apportionment and payment of pilotage.

Coasting vessels exempt from pilotage. Exception.

SECTION 7. *And be it further enacted,* That it shall be the duty of every master or commander of a ship or vessel, outward bound, and he is hereby required to remain six hours after his arrival at the capes, to give to the pilot on board such ship or vessel, an opportunity to be taken out, and if the master or commander of such ship or vessel refuses so to do, and if the same can be done without endangering the vessel aforesaid, the master, owner or consignee of such ship or vessel, shall forfeit and pay to such pilot, his executors or administrators, any sum not exceeding eight hundred dollars, to be recovered in any court of record in which the same may be sued for by action of debt or otherwise.

Outward bound vessels to remain in port six hours for certain purposes.

Penalty.

SECTION 8. *And be it further enacted,* That if it shall so happen that any first-rate pilot having a boat attending him, shall be carried to sea in any ship or vessel contrary to his inclinations by stress of weather or other unavoidable accident, the master, owner or consignee of such ship or vessel shall pay to such pilot, his executors or administrators the same wages as the master of said vessel receives until the return of said pilot to the said capes.

Pilot boats carried to sea.

Master of vessel responsible for.

SECTION 9. *And be it further enacted,* That when any inward bound ship or vessel having a pilot on board, shall be prevented by the ice, or by any other cause, from proceeding to any port on the Bay or River Delaware, and shall be compelled to proceed to some other port or place not in the Bay and River

Pilots carried beyond ports on the Bay or River Delaware.

How paid.

Delaware, the pilot shall be entitled to receive and recover from the owner or consignee of such ship or vessel full pilotage, as if he had conducted such ship or vessel to such ports, and shall also receive the sum of eight cents for each and every mile he shall travel to his usual place of abode.

Pilot fees.

SECTION 10. *And be it further enacted,* That from and after the passage of this act, there shall be paid by every pilot obtaining a license or branch to authorize him to act as a pilot for the Bay and River Delaware, the sum of fifty cents, to be applied for the support of the board's office.

Compensation of pilots for certain duties.

SECTION 11. *And be it further enacted,* That the compensation to be paid to pilots for conducting to or from any port on the Bay or River Delaware, all dismasted or otherwise crippled vessel or vessels, which shall have been in anywise injured so as to occasion to the said pilots any extraordinary care or trouble, shall not exceed double the amount which they otherwise would have been entitled to, of which the board of pilot commissioners shall judge.

When master may discharge pilot.

SECTION 12. *And be it further enacted,* That when any inward bound ship or vessel, having a pilot on board, shall be detained by ice and conducted by him to a place of safety, it shall and may be lawful for the master of any such ship or vessel, after being so detained for forty-eight hours, to discharge his pilot, and in such case the pilot shall be entitled to receive and recover full pilotage as if he had conducted such ship or vessel to her port of destination, and in case such pilot shall be detained more than forty-eight hours, his compensation for such detention shall be three dollars per day for every day he shall be so detained.

Damages accruing from negligence of pilot.

How ascertained

Fine.

Suspension of pilot.

SECTION 13. *And be further enacted,* That if any pilot shall misbehave in the execution of his duty, so that damage shall accrue by reason of his negligence or incapacity, it shall and may be lawful for the person or persons so injured or aggrieved, to complain to the board, who shall thereupon appoint a time and place of hearing, of which due notice shall be given to such pilot, and upon due proof being made thereof to the board, it shall be lawful for them to fine such pilot in any sum not exceeding the amount of the pilotage of the ship or vessel to which such damage shall have happened, for the use of the pilot commissioners, or to suspend such pilot for any time which the board may think proper, and in every case of suspension the pilot shall deliver up his license to the board to be by them kept till the time for which he may have been suspended shall have expired.

OF REGULATIONS CONCERNING TRADE.

SECTION 14. *And be it further enacted,* That it shall not be lawful for any licensed pilot to demand, ask or receive, for the pilotage of any vessel, or for any other services for which compensation is fixed by law, a greater sum than is authorized by this act; and it shall be the duty of the board of pilot commissioners, whenever it shall have been satisfactorily proven to them that any licensed pilot had demanded, asked or received for the pilotage of any vessel, or his services on board any vessel, a greater sum than is authorized by this act to deprive such pilot of his license for the term of one year from the time when proof thereof shall have been made to them.

Unlawful for pilot to receive more than legal fees.

Penalty.

SECTION 15. *And be it further enacted,* That if any person, from and after the passage of this act, shall undertake to pilot any vessel, over one hundred tons register, in the Bay and River Delaware, or shall in any manner exercise or attempt to exercise the profession of a pilot in said Bay and River without a license duly granted by the board of pilot commissioners established under this act, or duly licensed as a pilot under the laws of the States of Pennsylvania or New Jersey, or after such license from the States of Pennsylvania, New Jersey, or this State, shall have expired, every person so offending, shall, upon conviction thereof be fined any sum not exceeding one hundred dollars at the discretion of the court where suit is brought.

Penalty for piloting vessels without proper license.

SECTION 16. *And be it further enacted,* The board of pilot commissioners established by this act, shall be a body politic and corporate, and may appoint a register, who shall enter in a book to be provided for that purpose, all applications to and all other proceedings of the said board, and shall countersign all warrants for pilots granted by the board, and said board shall have power to enforce all remedies and collect all money penalties under this act by suits in the courts of this State.

Commissioners a corporation

Duties.

SECTION 17. To provide a fund for the payment of the salaries of pilot commissioners, each pilot licensed by the said board of pilot commissioners, shall upon every renewal of his license, pay to the said board the sum of five dollars.

Fund for payment of salaries of commissioners. How raised.

SECTION 18. The fees for pilotage are hereby established as follows: For every merchant vessel propelled by steam or sails, inward or outward bound, and not exempted from pilotage by virtue of these regulations, drawing not more than twelve feet, three $\frac{75}{100}$ dollars per foot. For every vessel drawing over twelve feet and not more than fifteen feet, four $\frac{16}{100}$ dollars per foot. For every vessel drawing over fifteen feet and not more than eighteen feet, four $\frac{50}{100}$ dollars per foot. For every vessel drawing over eighteen

Fees for pilotage.

feet and not more than twenty-five feet, five dollars per foot. For every vessel drawing over twenty feet, five $\frac{50}{100}$ dollars per foot. And they shall also receive, over and above the said sums for conducting ships or vessels to or from any port on the Bay or River Delaware, between the first day of November and the first day of April inclusive, in any year, the additional sum of ten dollars. That every ship or vessel bound to the Breakwater for orders, shall pay pilotage fees as follows: A sum equal to half pilotage to the port of Philadelphia, the same pilotage fees when outward bound, and if such ship or vessel proceeds to Philadelphia or any other port on the Bay or River Delaware, the full pilotage fees as fixed by this section, in addition.

Public act. SECTION 19. *And be it further enacted,* That this act shall be deemed and taken to be a public act.

Passed at Dover, April 5, 1881.

TITLE TENTH.

Of Corporations.

CHAPTER 450.

OF BANKS.

AN ACT to renew the act to incorporate the Artizan's Savings Bank, and the acts supplementary thereto, and to amend the same. Title.

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 the act entitled "An Act to Incorporate the Artisan's Savings Bank," passed at Dover, on the 28th day of Feburary, A. D. 1861, as amended by the acts passed at Dover, respectively, on the 31st day of January, A. D. 1865; on the 29th day of March, A. D. 1871; and the 11th day of February, A. D. 1875, and also the said amendatory acts be and the same are hereby renewed, reenacted, extended and declared to be in full force and effect for and during the term or period of twenty years, except as hereinafter amended. Certain acts and amendments renewed. Incorporated for 20 years.

SECTION 2. That the act entitled "An act further to amend an act entitled An Act to Incorporate the Artizan's Savings Bank," passed at Dover, the 11th day of February, A. D. 1875, be and the same is hereby amended by striking out in Section 1 thereof the words "after the payment of dividends to its depositors of not less than five per centum per annum."

SECTION 3. That it shall and may be lawful for the managers of said corporation, and they are hereby authorized and empowered from time to time to fix the rate and amount of dividends to be paid by said corporation to its depositors, and that all acts and part of acts hereinbefore renewed, and reenacted inconsistent with this Section are excepted out of and are not renewed by this act, and the same are hereby repealed. Duties of managers. Inconsistent acts repealed.

SECTION 4. That 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. Powers reserved to the Legislature.

Passed at Dover, February 15, 1881.

OF CORPORATIONS.

CHAPTER 451.

OF BANKS.

Title. AN ACT requiring the Directors of the Farmers' Bank of the State of Delaware, and its branches on the part of the State, to make an annual report.

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

State Directors of Farmers Bank to report annually.

SECTION 1. That it shall be the duty of the directors of the Farmers' Bank of the State of Delaware, and its branches on the part of the State, to make a report in writing to the Governor, showing the resources and liabilities of said bank and its branches during the month of December in each year, which report shall embrace the following particulars:

Contents of report.

First. The amount of loans and discounts embracing notes, bonds, and mortgages, and also the amount of loans secured by collateral.

Second. The amount of protested, waived or suspended paper, and the interest due thereon in the aggregate.

Third. A statement in detail of each parcel of all the real estate owned and held by said bank and its branches, exclusive of banking house and premises connected therewith respectively; its cost value, also their individual estimate of the cost value of the same, also the annual income derived therefrom, as well as the amount expended for improvement and repair to the same.

Fourth. The actual cost value of each parcel of real estate owned and used by said bank and its branches, for banking purposes.

Fifth. The amount of over drafts in said bank and its branches.

Sixth. The cash and cash items in said bank and its branches.

Seventh. The amount due from other banks and bankers.

Eighth. The amount of capital stock, number of shares and the par value of each share.

Ninth. The amount on deposit in said bank and its branches.

Tenth. The amount due from said bank and its branches to other banks or bankers.

Eleventh. The amount of outstanding circulation.

Twelfth. The amount required to be furnished to pay the dividend declared on the stock of the bank and its branches and what amount each bank or branch furnished toward paying the same, both at the June return as well as the one made in December.

Thirteenth. The amount of undivided profits and the amount of unpaid dividend.

OF CORPORATIONS.

SECTION 2. That the said directors shall not in their report required to be made under this act, disclose the name of the persons indebted to the said bank or its branches, but shall report whether or not in their judgment the bonds, mortgages protected and waived paper is worth to the bank and branches the amount claimed for it; if not, about what percentage would cover the loss on the same. No names to be disclosed. Value of securities, &c.

SECTION 3. That a failure upon the part of the directors mentioned in the first Section of this act to perform the duties imposed by sections one and two, shall work a forfeiture for the office of director. Forfeiture of office.

SECTION 4. That any vacancy occurring in the directorship of said bank and its branches on the part of the State shall be filled by the Governor. Vacant directorship. How filled.

SECTION 5. That all acts or parts of acts inconsistent with this act are hereby repealed. Inconsistent acts repealed.

Passed at Dover, April 8, 1881.

CHAPTER 452.

OF CANALS.

A SUPPLEMENT and an act to renew, continue in force and amend the act entitled "An act to incorporate a company for the purpose of cutting and making a canal between the waters of the Nanticoke River and Broadkiln Creek, in the County of Sussex, and for other purposes," passed at Dover, February 5, 1833, being Chapter CCLVII., of the Law of this State. Title.

WHEREAS it appears to this General Assembly that the persons named in the act now here revived, continued in force and amended, as managers, to wit: Isaac Tunnell, David Hazzard, Samuel Paynter, Jesse Green, William D. Waples, Solomon Prettyman, Jacob Cannon, Caleb Ross, Robert H. Griffith, Thomas Robinson, jun., Henry F. Rodney and John H. Harris, are deceased, and that Caleb S. Layton alone survives them; therefore Preamble.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met (with the concurrence of two-thirds of each branch of the Legislature):* That James Ponder, Edward L. Martin, Caleb S. Layton,

OF CORPORATIONS.

Corporators.

William H. Ross, Thomas N. Williams, Benjamin Fooks, William W. Dashiell, John Turpin Moore, Catesby F. Rust, Lewis N. Wright, Henry P. Cannon, Dr. Robert H. Ellegood, John H. Paynter, Wilbur F. Tunnell, Rev. John Linn McKim, Gardiner H. Wright, Elisha W. Cannon, William P. Phillips, Peter Robinson, Harbeson Hickman, Labein L. Lyons and John A. Hazzard, all of Sussex County aforesaid; and William H. Smith, John W. Garrett and Dr. Isaac L. Adkins, of the State of Maryland, and their successors, and all such persons as shall become stockholders in the said "The Sussex County Ship Canal Company," be and they are hereby created a corporation and body politic by the name of "The Sussex County Ship Canal Company," with all the powers and franchises necessary and incident to a corporation with the power to purchase, acquire by deed or conveyance, or gift, grant, devise or bequest, and to hold, use, own and dispose of any lands, tenements, hereditaments, steamboats, vessels, or other property or estate, real or personal, and railroads and running stock, which shall be necessary for the purpose of this corporation, and which shall belong to, and be the property of the said company; and by the above name, title, and designation of "The Sussex County Ship Canal Company," shall and may have succession, and make and use a common seal and break and alter the same at pleasure; and sue and be sued, plead and be impleaded in all courts of record, and elsewhere, and to do all such other acts and things as may be necessary to carry into effect the object of said corporation.

Incorporated.

Name.

Corporate powers.

Common seal.

Capital stock.

SECTION 2. *And be it further enacted,* That the capital stock of the said company shall be fifteen millions of dollars, in shares of fifty dollars each share, under the management of the above named corporators, for the purpose of cutting and making a ship canal from the waters of the Nanticoke River, to begin on or near the said river, or a branch thereof; and on or near the line between this State and the State of Maryland, so as to connect with the Choptank and Delaware Ship Canal, of the State of Maryland, and to run thence in an easterly direction to the Broadkiln Creek, in Sussex County, in this State; and of perfecting the navigation of the said ship canal, and to extend to or near the mouth of the said Broadkiln Creek, or opposite the Delaware Breakwater, and into the Delaware Bay, as may be deemed most advisable by the said corporators, or a majority of them; and for the purpose of and to be used in the cutting and completing the said ship canal; and in building, purchasing or procuring steamboats or other kind of vessels, if deemed proper; and in the running and necessary repairs of the same from time

Purposes of incorporation.

Location of canal.

Cutting canal.

Steamboats and vessels.

to time; and in the purchasing real estate and building thereon of storehouses, warehouses, granaries or other buildings for the safe keeping and preservation of goods, wares, merchandize, grain, produce, fruits or other articles, transported, freighted or owned; or owned by the said company, or by other persons, or for the comfort and convenience of passengers by said line; and in making or repairing wharves, docks and landing-places on or near said River or said Broadkiln Creek, for the boats or vessels of said company, or of other persons; and a railroad, and in the building, making, purchasing, or procuring cars, stages and wagons for the conveyance of passengers, merchandize, &c., as aforesaid, as a majority of the directors of said company, for the time being, shall order and direct; and books shall be opened on the second Tuesday of June next, at Georgetown, in Sussex County, aforesaid, for the purpose of receiving subscriptions to said capital stock; and shall continue open from time to time, under the management of the said corporators, or any three or more of them; and at such other times and places as a majority of them shall direct and determine upon after having given ten days previous notice by advertisements, in one or more of the daily newspapers published in the cities of New York, Philadelphia, Wilmington, Delaware, and Baltimore, respectively, of the time or times, place or places, as the said corporators, or a majority of them, may direct, and every subscriber shall at the time of subscribing, pay to the said corporators in attendance ten dollars on each share of the said stock so subscribed, which subscriptions shall be at once deposited in the Farmer's Bank, of this State, at Georgetown, to the credit of said "The Sussex County Ship Canal Company."

Subscription books.

Amount paid on subscriptions.

SECTION 3. *And be it further enacted,* That on the payment of the first subscription to said capital stock a meeting of the said subscribers shall be called by the said stockholders, at a time and place to be fixed by the said corporators, upon ten days' public notice given in the newspapers aforesaid, at which meeting, and annually thereafter, the stockholders in person or by proxy, shall choose by ballot, and by a majority of votes of those present, each share being entitled to one vote, nine directors to continue in office one year and until others shall be duly elected. Any vacancy in the board of directors may be supplied by the other directors. A failure to elect annually shall not dissolve the corporation. The affairs and business of the said company shall be conducted by the said directors or a majority being sufficient to act; and these shall elect one of their number as president and may appoint a treasurer and such other officers, and agents, and servants as they may deem necessary, and may

Meeting of stockholders.

Notice.

Election of directors

Vacancies.

Affairs of company.

By whom conducted.

President and other officers.

Compensation. Commencement of operations.

fix their compensation, they giving bond and security as hereinafter provided: and whenever in the opinion of a majority of the said directors, a sufficient amount of stock is subscribed to commence operations, they shall call for the payment of the stock subscribed, at such times as they shall deem expedient, giving twenty days notice as aforesaid before the same shall be payable: and calling no more than ten dollars on each share at a time: and shall have power and authority to borrow money for the use of the said company on bond and mortgage; and to mortgage the ship canal or any part or portion thereof; or said railroad to any person or persons, or to any corporation.

Maximum call. Power to borrow money.

Power of directors.

SECTION 4. *And be it further enacted,* That the said president and directors so elected, and their successors or a majority of them assembled, shall have full power and authority to contract and agree to and with any person or persons or corporators, in behalf of the said ship canal company, to cut and make and complete such ship canal or any other canal or canals necessary to the completion of the same, and to make, erect and construct such dam and dams, and lock and locks, and bridge and bridges, and to perform such other work and works as may be necessary in their opinion for opening, improving, extending and dredging and completing the navigation of the said ship canal; and for keeping said navigation of said ship canal and other canal or works in complete condition, and of the depth and width of said ship canal as hereinafter mentioned between the said Nanticoke River or the waters thereof, and from the connection of said ship canal with the said Choptank and Delaware ship canal and the said Broadkiln Creek, and the waters thereof; and to, and into the said Delaware Bay and carrying on the same from place to place and from time to time upon such terms and in such manner as they shall think fit; and out of the moneys arising from the said subscription: and from the tolls, and other aids, and gifts hereinafter mentioned, to pay for the same; and to repair and to keep in order said canal, locks, bridges, dams, and other works necessary thereto; and to defray all necessary and additional charges and expenses incidental thereto; and also to appoint a treasurer, clerk and such other officers, toll-gatherers, managers and servants as they shall judge requisite; and to agree for and settle their respective wages and allowances; and settle, sign and pass their amounts; and also to make and establish from time to time by-laws not inconsistent with the constitution and laws of the the United States or constitution and laws of this State; and also rules of proceedings, and to transact all other business and concerns of the said canal company in and during the intervals between the general meetings of the said ship canal company;

Manner of paying for work, &c.

Appointment of necessary officers.

Rules of proceeding.

and they shall be allowed as a satisfaction for their trouble therein, such sum and sums of money as shall by a general meeting of the subscribers be determined; *Provided always*, that the treasurer, and every officer and every other person employed by the said ship canal company, shall give bond in such penalty and with such security as the said president and directors, or a majority of them shall direct for the true and faithful discharge of the trust reposed in [him,] her or them respectively; and that the allowance to be made to the said treasurer for his services, shall not exceed the sum of five dollars in the hundred dollars for the disbursements by him made, and the said ship canal company, at any general meeting thereof, may make such allowance monthly, annual or otherwise to the president of the said ship canal company as shall be deemed just and reasonable for his services as such president; and no officer in the said company shall have any vote in the settlement or passing of his or her own account.

Compensation for services.

Official bonds of officers

Conditions.

Compensation of Treasurer.

Allowance to President.

SECTION 5. *Be it further enacted*, That the said president and directors, or a majority of them, shall have full power and authority from time to time as money shall be wanted, to make and sign orders for that purpose and direct at what time and in what proportion the subscribers shall advance and pay the sums so subscribed, which orders shall be advertised at least two months in two of the newspapers published in this State, and in one or more of the newspapers published in the cities of New York, Philadelphia and Baltimore, respectively; and they are hereby authorized and empowered to demand, collect and receive of and from the several subscribers aforesaid, from time to time, the sums of money so ordered to be paid for carrying on and executing, or repairing and keeping in order the said works, until the sums so subscribed shall be fully paid; and to order the said sums to be paid over to the said treasurer and by him to be deposited in the Farmer's Bank, at Georgetown, aforesaid, and to be by him disbursed and paid out, as the said president and directors, or a majority of them, shall order and direct; and if any of the said subscribers shall refuse or neglect to pay his, her or their, or its proportion of said subscription within one calendar month after the time of payment, so ordered and advertisement as aforesaid, then the share or shares of the said subscribers, and all moneys thereon paid, shall be forfeited to the said ship canal company, and shall be sold by them to any person or persons willing to purchase the same after five days' notice in writing and published in any newspaper in said county, for such price as can be obtained therefor; and the said purchaser or purchasers shall be subject to the same rules and

Orders for payment of money by subscribers

Advertisement. How made.

Repairing works.

Money to be deposited in Farmers' Bank, Georgetown.

Disbursements.

Penalty for non-payment of money by subscribers

Sale of stock.

Deficiency. How made up. Proviso.

regulations, as if the said sale and conveyance had been made by the original subscriber; and any such defaulting subscriber shall pay any deficiency arising from such sale; *Provided*, that in case of the death of any subscriber or stockholder the refusal or neglect of his or her executor, administrator, or legatee, to make the payment that may be required as aforesaid, shall not have the effect to forfeit immediately the said share or shares held by said subscriber or stockholder in his or her life time; but the said executor, administrator or legatee shall have one whole year next after said death, to make the payment required.

Vacancies. How supplied.

SECTION 6. And to continue the succession of the said president and directors and to keep up the same number; *Be it further enacted*, That from time to time, upon the expiration of said terms for which said president and directors were appointed the subscribers or stockholders of said ship canal company at the next general meeting shall either continue the said president and directors, or any of them, or choose others in their stead; and may at any of their general meetings remove the president or any of the directors and appoint others for and during the remainder of the term for which such person or persons were at first to have acted.

Removal of officers.

Official oaths.

SECTION 7. *And be it further enacted*, That every president and director, and other officers of said ship canal company, before he or she shall act as such shall take an oath or affirmation for the true and faithful execution and performance of the duties of his or her office.

What shall constitute a general meeting.

SECTION 8. *And be it further enacted*, That the presence of subscribers or stockholders of the said ship canal company, having one thousand shares at least, shall be necessary to constitute a general meeting thereof; and there shall be a general meeting of said subscribers or stockholders on the second Tuesday of June in every year, at Georgetown, in said County of Sussex; but if a sufficient number of them should not attend said general meeting on said day, the subscribers or stockholders who do attend on that day, may adjourn said meeting from time to time, till a general meeting of said subscribers or stockholders shall be had, which may be continued from day to day till the business of the said ship canal company, then before said meeting, is finished, at which meeting the president and directors shall make a report and render distinct and just accounts of all their proceedings.

Time and place of general meetings.

Adjournments.

Dimensions of canal.

SECTION 9. *And be it further enacted*, That the said ship canal so to be cut, made and constructed under the provisions of this act shall be of the following dimensions, that is to say: At least twenty-six feet deep, and one hundred and seventy-five feet

wide upon the surface, and one hundred feet wide in the clear at the bottom thereof; and not to exceed three hundred feet wide at the surface and one hundred and fifty feet wide at the bottom in the clear thereof.

SECTION 10. *And be it further enacted*, That for and in consideration of the expenses which the said stockholders will be at, not only in the cutting and making said ship canal and other works, as aforesaid, for the opening and completing said navigation, and for keeping the same in repair, the said ship canal and all other of the said canal works, with all their profits, under the limitations aforesaid shall be, and the same are hereby vested in the corporation forever, subject, nevertheless, to the condition hereafter mentioned; and that the said ship canal company are hereby authorized and empowered to establish a tariff of tolls for the navigation or use of the said canal or any part thereof, and the same to alter at pleasure; *Provided*, said tolls shall at all times be subject to revision and alteration by the Legislature and also to establish a reasonable and just rate of fare for the passengers who may pass through said canal or through any portion thereof, which said tariff of tolls, and rate of fare of passengers shall be published in writing and posted or put up in all of the offices on the line of the said route of said route of said canal and published, also, in one or more newspapers of said County of Sussex as the said president and directors may direct.

Canal and all work vested in corporation.

Tariff of tolls.

SECTION 11. *And be it further enacted*, That in case of refusal or neglect to pay the toll or tolls aforesaid, as established as aforesaid, at the time of offering to pass through the said ship canal or any part thereof, and previous to the ship, boat or any other vessel passing through the same or any part thereof, the collector or collectors of said tolls may lawfully refuse passage to said ship, boat or other vessel, and if any ship, boat or any other vessel of any description not belonging to the said ship canal company shall pass through said canal, or any part of the the same, without paying said toll or tolls, then the collector of said tolls may seize such ship, boat or other vessel wherever found, and after due notice may sell the said ship, boat or other vessel at auction for ready money, which so far as is necessary, shall be applied toward paying said toll or tolls and all expenses of such seizure and sale, and the balance, if any, shall be paid to the owner, or if the owner be not present, to the captain or other person having charge of said ship, boat or other vessel.

Penalty for refusing to pay toll.

Power of collector of tolls in case of refusal to pay.

SECTION 12. *And be it further enacted*, That it shall and may be lawful to and for the said Sussex County Ship Canal Company, at any time hereafter, whenever it may be deemed

necessary and expedient, by a majority of the said company, at any annual or special meeting called by the said president and directors to survey, lay out, build, construct and complete a railroad or other artificial road from any point on or near the said waters of the Nanticoke River, to any point on the said Broadkiln Creek, or to the said Delaware Bay, and for this purpose it shall be lawful to and for the president, directors and company of the said Sussex County Ship Canal Company in the manner already hereinbefore authorized and empowered and provided by this act to, increase the capital stock of the said ship canal company, by the addition of one million of dollars. *Provided*, that the route of said railroad or other artificial road shall not be more than four miles northwardly or southwardly of the water of the said ship canal; and may be extended so as to form a connection or junction with any other railroad or other artificial road authorized by the act of the Legislature of Maryland or by the Legislature of this State so as to promote the convenience of the public, and of said ship canal company.

Construction of railroad, &c

Increase of capital stock.

Proviso.

SECTION 13. *And be it further enacted*, That it shall and may be lawful for the said Sussex County Ship Canal Company, by their engineers, artists, superintendents, contractors, workmen, and laborers with their instruments, implements, carts, wagons and other carriages, and beasts of burden, to enter upon and occupy the lands within the boundaries of the said Sussex County Ship Canal, or of the said railroad or other artificial road, for the purpose of cutting, making, constructing, and completing the same, or either of them, and all the necessary work thereto belonging: *Provided always*, that the said Sussex County Ship Canal Company shall be liable to pay, and shall pay to the several and respective owner and owners of land within the boundaries of the said ship canal, or of the said railroad, or other artificial road, a fair, reasonable and just compensation (if compensation be demanded) for the damages sustained by reason of taking such lands for the location, construction and use of said ship canal, or other canals and railroad, or any other artificial road, or either or both of them; and such damages as may be ascertained or assessed in the manner hereinafter mentioned.

Power to enter lands to construct canals, railroads, &c.

Damages.

SECTION 14. *And be it further enacted*, That in all cases where the damages (if any) sustained by any owner or owners of lands within the boundaries of the said ship canal, or other canal of said company or of the said railroad or other artificial road where it may be deemed expedient by the said Ship Canal Company to construct the same by reason of the taking of any such lands for the location, cutting and making and constructing said ship canal or other canal or railroad or other artificial road,

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have not been or because of disagreement cannot be ascertained by agreement, or private contract between such owner or owners and the said Sussex County Ship Canal Company, or in case the owner or owners of any such land be out of this State, or be under the disability of infancy, coverture, or incompetency of mind or be otherwise incapacitated or unable to make such contract aforesaid, or to convey land, then and in such case it shall be lawful for the said Sussex County Ship Canal Company, or for the owner or owners of any such lands, who have made no private contract as aforesaid, to make application to the Superior Court for the County of Sussex, in term time, or to the Associate Judge of said Superior Court, residing in said County of Sussex in vacation, first giving at least five days notice of making such application, to the opposite party in writing; but if the opposite party reside out of this State, or be under any of the disabilities aforesaid, personal notice of such application shall not be required, but such notice of said application may be given by a publication in one or more of the newspapers published in this State for at least five days by the said ship canal company; and the said Superior Court, if in term time, as the said associate judge, in vacation, is hereby authorized and required to direct a writ to the Sheriff of Sussex County aforesaid, commanding him forthwith to summon a jury of twenty men, freeholders of said county, of the age of twenty-one years or over, not related to the parties, or in any wise interested, to meet on the lands of the other party, or near the material or other property wanted, on a day named in said writ, and summons not less than ten nor more than twenty days after issuing the same, and on the day of meeting, so as aforesaid appointed, and from the panel of twenty names aforesaid, each party beginning with the said owner of said lands, or his, her or their agent or attorney may strike off four persons; or if either party, his or her agent or attorney, shall neglect or refuse so to strike off and challenge said four persons of this said panel then, and in that case, the said Sheriff or his deputy, so attending, may so strike off four persons from said panel for the party so neglecting or refusing to strike off; and the remaining twelve jurors shall act as a jury of inquest of damages, and to each of said jurors, before they act as said jurors, the Sheriff, or his deputy if present and acting, shall administer an oath or affirmation that he will justly and impartially value the damages which the owner or owners will sustain by the use and usurpation of the property required by the said ship canal company, and also the benefit and advantages to accrue to the owner or owners of said property by the cutting and making of such ship canal or other

Assessment of damages in cases of disagreement between owner of land and canal company.

canals, (or in case of the construction of said railroad or other artificial road as aforesaid), a set off to the said damages, but only in extinguishment of the claim for damages, and not for the material value of said land; and after having made a just and fair offset of the advantages and disadvantages arising from the construction of the said ship canal or other canals, or of the construction of said railroad or other artificial road, they shall estimate and determine what amount of damages has been, or may be sustained by the said owner or owners, respectively, and the said jury shall reduce inquisition to writing, and sign and seal the same, and it shall be returned by the Sheriff to the Prothonotary of the Superior Court of Sussex County, aforesaid, and be filed by said Prothonotary in his office and shall be confirmed by the said court at its next session or term if no sufficient cause to the contrary be shown, and when confirmed, shall be recorded by the said Prothonotary, in his office, at the expense of the said ship canal company; but if the same be set aside, the said court shall direct another inquisition to be taken in the manner above described, and in case of the second inquisition being confirmed by the said court, the court may, at its discretion, order the costs of the second or other inquisition to be paid by the said owner or owners of the said land, or materials condemned; and the inquisition shall in all cases describe the property taken, or the bounds of the lands condemned, and the quality and duration of the interest in the same, valued for the said ship canal company; and such valuation when paid or tendered to the owner or owners of the property, his, her or their legal representatives shall entitle the said ship canal company to the estate, or interest in said estate, or interest thus valued, as if the same had been legally conveyed by the owner or owners of the same, and the said valuation, if not received when tendered, may any time thereafter, be deposited in the Farmers' Bank, at Georgetown, aforesaid, to the credit of the said owner or owners by the said ship canal company, which payment or deposit shall be held and taken to be in full satisfaction and payment to said owner or owners, of and for the value of said lands, and property so valued as aforesaid; and the said jurors shall receive the same pay for their said service as are in like cases paid to jurors of the said Superior Court; and the said Sheriff or under-sheriff thus acting shall keep said jury together for a reasonable time, and if said jury be unable to agree, and be discharged, the said Sheriff shall return that fact to said Superior Court at its next session or term as if a verdict had been rendered; and the said Superior Court shall thereupon order another like writ for the summoning a jury, as aforesaid,

Damages.

Deposit of amount of damages.

Fees of jurors.

Disagreement of jury.

New jury.

upon which said second jury like proceeding shall be had in respect to qualification of said jurors; and the valuation of said lands and other property, as aforesaid; and the rewrit of said second jury being returned and confirmed by said Superior Court shall be conclusive, and shall on payment of the damages aforesaid vest in the said ship canal company, a good and sufficient title to the lands and other property named and included in such inquisition.

What is conclusive. Title to condemned lands.

SECTION 15. *And be it further enacted,* That it shall and may be lawful for the said ship canal company to take and hold any property, real or personal, that may be given, granted, conveyed, devised or bequeathed to said ship canal company, for the purpose of cutting, and constructing said ship canal or other canals, and of making said railroad or other artificial road, and said gift, grant or conveyance, devise or bequest shall rest in said ship canal company and their successors and assigns a full and complete title in law and equity to the property, real or personal, thus given, granted, conveyed, devised or bequeathed to the ship canal company, and their successors; and nothing contained in this act shall authorize said company to take private property for their use without just compensation as agreed upon between the parties or assessed and ordered by a jury, as aforesaid, being first paid or tendered as aforesaid; but the said Recorder shall for his services herein, receive the same fees as are allowed him for similar service in other cases; and the said Sussex County Canal Company may also purchase and take and hold any real or personal estate necessary to the construction of the said ship canal or canals, railroad or other artificial road and the buildings necessary thereto, and therefor, according to the provision of this act, to have and to hold, use and enjoy the same to them their successors and assigns, by deed or deeds or other sufficient mode of conveyance, and so as not to enlarge or endanger the capital as aforesaid.

Lawful to take property by gift, grant, &c. How property shall be taken. Fees of recorder. Power to purchase property.

SECTION 16. *And be it further enacted,* That the said ship canal and the said work to be erected thereon in virtue of this act when completed shall forever thereafter be esteemed and taken to be navigable, or a public highway; and also that the said artificial railroad or other road, when completed, shall forever thereafter be esteemed and taken to be a public highway, free and each of them free for the transportation of all goods, commodities or produce whatsoever, and for the free passage of all passengers whatsoever, on the payment of the toll or fare herein before provided and imposed by this act.

Canal. When a public highway.

SECTION 17. *And be it further enacted,* That a division of so much of the profits of the said ship canal, and of the said

Dividends.

road when the same shall be completed as shall appear advisable to the said president, directors and company aforesaid shall be declared at least twice a year, in every year, and paid to the stockholders, their heirs or assigns, on demand at any time after the expiration of ten days therefrom; but they shall in no case exceed the amount of the net profits actually acquired by the said ship canal company; so that the said capital stock shall never be impaired thereby.

When declared.

Not to exceed a certain amount.

Assessment of stock.

SECTION 18. *And be it further enacted,* That it shall and may be lawful for the said stockholders of said ship canal company to transfer and assign his, her, their or its share or shares of said stock by deed executed before two witnesses and registered after proof of execution thereof in the said company's books and not otherwise excepted by devise or bequest, which said devise or bequest shall also be exhibited [to] the said president and directors and registered in said company's books before the said devisee or legatee shall be entitled to draw any dividend, or part of the said profits from said tolls; *Provided,* that no transfer or assessment whatever shall be made except for one or more whole share or shares.

Bequest of stock.

Proviso.

Certain omissions of stockholders, &c. not to affect charter.

SECTION 19. *And be it further enacted,* That if the stockholders or the said president and directors aforesaid, should omit to or neglect or by accident be prevented from performing any act or thing on the particular day on which it is directed by this act to be done or performed, such neglect or omission shall not be construed or taken in any manner to destroy or invalidate this charter; but this said act may be done at the next convenient day, and if by any accident or omission the said stockholders shall be prevented from holding a general or adjourned meeting as aforesaid, the said president and directors elected at the last general or adjourned meeting shall hold over till other president and directors of said ship canal company be duly elected.

When such omitted acts may be done.

Crossings.

SECTION 20. *And be it further enacted,* That whenever said ship canal or other of said canal, shall cross any railroad or any other necessary public road, it shall be the duty of the said company, at the proper expense or expenses of the same, to make and keep good and sufficient bridges across the said canal or canals so as to prevent any inconvenience in the usage of said road or roads by reason of said canal or canals crossing the same; and it shall be lawful for the Legislature of this State at all times hereafter, to enact laws for the erecting and maintaining bridges across the said canal or canals, at the expense of the said ship canal company, and to subject the said company to forfeitures and penalties for not complying with said laws.

How made and maintained.

Bridges.

OF CORPORATIONS.

SECTION 21. *And be it further enacted,* That it shall and may be lawful to and for the said Sussex County Ship Canal Company to purchase or build, or procure steamboats and railroad cars, and the rolling stock necessary therefor, for the conveyance of merchandise and passengers, and for the use of the same in connection with the said ship canal, or with the said railroad or other artificial road, or with both ship canal and road aforesaid; and for this, or these purpose or purposes, it shall be lawful to and for the said ship canal company, in the manner hereinbefore authorized and empowered by this act, to increase the said capital stock of the said ship canal company, by the addition, and to the amount of one million dollars; and it shall be the duty of the said ship canal company to carry and convey through and upon said ship canal, or the said road, the merchandise and passengers of steamboats belonging to any other company; and the passenger and freight of any other railroad company, at the same rate and rates of toll and fare, with the same facilities in like manner and upon as favorable terms as the merchandise and passengers of the said Sussex County Ship Canal Company.

Power to purchase steamboats rolling stock, &c.

Increase of capital stock.

Fees and tolls.

SECTION 22. *And be it further enacted,* That the president, directors and company aforesaid, shall keep a just and true account of all the moneys to be received by the several and respective gatherers and collectors of tolls and rates of fare, at the several places on the said canal, and on the said road, for that purpose established; and from the several and respective captains, or other officers of the steamboats, so as aforesaid to be employed by the said company; and shall make and declare a dividend of the clear profits and income thereof, (all contingent costs and charges, and a reasonable fund for repairs, and for the progressive improvement and accomplishment of the said works, being first deducted and reserved) among all the subscribers and stockholders of the said ship canal company, and shall on the second Tuesday of the month of January and July, in every year, publish the half yearly dividends to be made of the clear profits as aforesaid, and of the clear profits of and from all the sources of revenue and income of the said canal company among the stockholders aforesaid, and of the time and place when and where the same will be paid, and shall cause the same to be paid accordingly.

Dividends.

Expenses reserved.

Semi-annual dividends.

When and how declared.

Payment of dividends.

SECTION 23. *And be it further enacted,* That it shall and may be lawful, and the said "The Sussex County Ship Canal Company," shall have power also, to issue and sell on the best terms that can be obtained for the same, the bonds of said company in such sums as may be convenient, payable after such a number of years as may be deemed proper by said company, and bear-

Sale of bonds.

Time payable.

Rate of interest. Maximum issue of bonds.

ing in the meantime, interest at the rate of six per centum per annum: *Provided*, that the gross sum or amount of said bonds so issued by the said company, shall not exceed the sum of fifteen millions of dollars; and for the purpose of securing the payment of the principal and interest of said bonds, the said company may execute and deliver a mortgage or mortgages of the said canal, canals, road, and all other estate that may belong to it; or may convey the same by deed or deeds, to such trustees as may be appointed by the said company, upon such trusts as may be reasonably advised or devised for said purpose of securing the payment of the principal and interest of said bonds.

Mortgage.

Trustee.

Power to operate with Maryland company.

SECTION 24. *And be it further enacted*, That for the purpose of securing the complete opening of the said ship canal so as to connect the waters of the Chesapeake and Delaware Bays the said Sussex County Canal Company shall have power and authority to enter into such contract, or contracts, upon such terms and conditions as may be proper and expedient, with any other corporation or person or persons whosoever having authority to cut or make any canal or canals in the State of Maryland in order that a connection may be made with such canal or canals and the objects and purposes of this act may be more fully carried out, and thereupon on such connections being made that the said continuous canal or canals and road and all and singular, its and their appendages and appurtenances may be used and employed by the said company so far forth as the authority of this State may extend to give any needful power thereof, as if such other canal or canals, lay wholly within the limits of this State and such contract or contracts as aforesaid, were made with the full approbation of the General Assembly of this State.

Persons liable to indictment for certain interference with property of company.

SECTION 25. *And be it further enacted*, That if any person or persons shall destroy, break, damage or in any manner injure the said ship canal or other canal or canals or the bank or banks thereof, or any of the locks or works thereof, or otherwise injure any part of the same, or of anything thereto belonging, or shall break, destroy or damage or in any manner injure the said railroad or other artificial road of the said company when the same shall have been established, surveyed or located or after the same shall have been completed, or shall injure any part of the same, or shall in anywise injure any steamboat, ship or boat or other vessel or vessels, or any of the fixture or fixtures thereof or any other thing or things belonging to the said company, or shall aid, abet, or counsel the doing of the same, or if any person or persons shall destroy, break, damage, or in any manner injure the level or surface, edges or sides of the ship canal or other

canal or canals or any part or the said road or any part thereof, or the embankments, culverts, bridges, drains, ditches or any other work of said company or shall aid, abet or counsel the doings of the same, or if any person shall put, place or throw any obstruction in or upon said ship canal or other canal or in or upon the said road, or any part thereof, or of either of them, or any obstacle or impediment in the way of any car, carriage, vehicle, locomotive, engine, or machine going or being upon said road; or shall aid, abet, or counsel the doings of the same, or if any person or persons shall destroy, break, damage or in anywise injure the car or cars, carriage or carriages, or other vehicles or of any or them, or any locomotive, engine or machine of the said company, or the buildings, wharf or wharves, landing places or any of them; or any improvement or improvements whatsoever of the said company, or shall aid, abet or counsel the doing of the same, all and every such person or persons so offending shall be liable to indictment in the Court of General Sessions of the Peace and Goal Delivery, within the County of Sussex, aforesaid, and on conviction upon such indictment, shall be fined in any sum not exceeding five thousand dollars, at the direction of the court, and shall be sentenced to pay said fine with all costs; and may also be imprisoned for such offence or offences in the criminal jail of said county at the discretion of said court not exceeding one year; and shall be liable to the said "The Sussex County Ship Canal Company" in a civil action or actions for the injuries sustained by said company and the form of such actions shall be trespass *vi et armis* in which treble damages and full costs of suit shall be recovered.

Fine.

Imprisonment.

Civil action.

Form of action.

SECTION 26. *And be it further enacted,* That whenever and so long as the net profits arising from the said tolls and fares shall amount to eight per centum per annum, or more, the said The Sussex County Ship Canal Company, aforesaid, shall pay into the Treasury of this State, for the use of the State, one tenth part of the said net profits, annually in half [yearly] payments forever.

What portion of profits to be paid into the State Treasury.

SECTION 27. *And be it further enacted,* That the State of Delaware hereby hereby reserves to itself the right of subscribing to the capital stock of the said company, whenever hereafter it may be deemed advisable; and to any amount the said State may deem advisable; and at the par value of the said stock.

Privilege of State.

SECTION 27. *And be it further enacted,* That the consent of the State of Delaware is hereby given to the construction or or purchase of the said The Sussex County Ship Canal, and canal or canals, and said railroad, or other artificial road of said company, or any one or more of them, or of any

Consent of State given to purchase of Canal by the government.

part or parts thereof by the Government of the United States; and in case of the construction or purchase of the said ship canal, or other canals or canal, or of the said railroad or other artificial road aforesaid by the Government of the United States, that the jurisdiction and control over the said ship canal and other canals or canal, and of said railroad or other artificial road is hereby ceded to the United States, reserving nevertheless, to the State of Delaware concurrent jurisdiction so far as may be necessary to the serving therein of the process by any court or officers of this State.

Liberally construed and in favor of Canal Company.

Public act.

Original act repealed.

SECTION 29. *And be it further enacted,* That this act shall in all cases be construed, taken and understood most beneficially for the said "The Sussex County Ship Canal Company"; and this act shall be deemed and taken to be. a public act and shall be published in the acts of this State as "The Sussex County Ship Canal Company"; and the said original act to incorporate a company for the purpose of cutting and making a canal between the waters of the Nanticoke River and Broadkiln Creek, in the County of Sussex, and for other purposes, passed Feburary 15, 1833, as is herein, and by this present act altered, supplied, and copied, is hereby repealed.

Power of revocation reserved.

SECTION 30. *And be it further enacted,* That the power to revoke this corporation is hereby reserved to the Legislature of this State.

When lawful to organize.

SECTION 30. It shall not be lawful in any event for the said Sussex County Ship Canal Company to organize under this act unless with a *bona fide* stock subscriptian of at least two hundred and fifty thousand dollars, nothing previously contained in this act to the contrary notwithstanding.

Passed at Dover, March 17, 1881.

OF CORPORATIONS.

CHAPTER 453.

OF CANALS.

AN ACT to incorporate the Chesapeake and Delaware Bay Ship Canal Company. Title.

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,) as follows, to wit:

SECTION 1. That James Ponder, J. Turpin Moore, Albert Curry, James Williams, Eli R. Sharp, Charles H. Richards, Thomas H. Denney, J. R. Lofland, Henry Ridgely, Harbison Hickman, J. Taylor Gause, John W. Causey, Edward S. Martin. Henry B. Fiddeman, John W. Hall and Job H. Jackson, of the State of Delaware, and John E. Hursh, Henry C. Smith, William H. Baldwin, William T. Dickson and Joseph E. Bruff, of the State of Maryland, and their associates and successors, and all other persons who may be stockholders as hereinafter provided, are hereby constituted and made a body corporate by the name of the "Chesapeake and Delaware Bay Ship Canal Company," for the purpose of cutting and making a ship canal, the object of which shall be to connect the waters of the Chesapeake and Delaware Bay with all the works, locks, offices and appurtenances that may be necessary: The said canal shall start from or at some convenient point on the Delaware Bay or some of the rivers, estuaries, creeks or arms of the same or emptying into the same, not above Appoquinimink Creek and run to the State line of Maryland and Delaware, and by said corporate name the said persons named herein, their associates and successors and all other persons who may be stockholders as hereinafter provided, shall be, and they are hereby made capable in law of purchasing, holding, and leasing, selling, and conveying property both real and personal, so far as shall be necessary and convenient for the purposes aforesaid and hereinafter mentioned and no further: And shall have perpetual succession, and by said corporate name may sue and be sued, and have and use a common seal, and the same alter and renew at pleasure; and also to ordain, establish and put in execution such by-laws, ordinances and regulations as shall seem necessary for the government and management of said corporation and to alter and repeal the same at pleasure: and shall have and exercise all the rights, powers and privileges, which corporate bodies may lawfully possess for the purposes mentioned in this act.

Corporators. Constituted a body corporate. Name. Purpose. Object. Location. Powers. By-laws.

SECTION 2. That the capital stock of said corporation shall be thirty millions of dollars, to be divided into shares of one

Capital Stock.

Personal property. How transferred. Power to issue and sell bonds of company. Maximum rate of interest. Power to execute a mortgage.

hundred dollars each, which said capital stock shall be personal property, and shall be transferrable in such manner as the by-laws of said corporation may prescribe; and the said corporation, whenever it shall seem to the directors thereof necessary or expedient for the purpose contemplated by this act, shall have power also to issue and sell, on the best term that may be obtained for the same, the bonds of said company, in such sums as may be convenient, payable at such times as may be deemed proper, bearing interest at a rate not exceeding six per centum per annum: *Provided*, that the gross amount of said bond so issued by said company shall not exceed the sum of twenty millions of dollars, and for the purpose of securing the payment of the principal and interest of said bonds the said company may execute and deliver a mortgage or mortgages of the said canal, and of all other property that may belong to it, or may convey by deed the same, to such trustees as may be appointed upon such terms as may reasonably be advised or devised for said purpose of securing the payment of principal and interest of said bonds.

Commissioners to receive subscriptions to capital stock. Penalty for non-payment of assessments. Remissions of forfeiture.

SECTION 3. That the said persons named in the first Section of this act, or any three of them, shall be and they are hereby appointed and constituted commissioners to receive subscriptions to said capital stock, and shall designate the time and places at which said subscription shall be taken, by giving one weeks notice thereof in one or more newspapers published in the States of New York, Pennsylvania, Delaware and Maryland; and if any subscriber or owner of said stock shall fail to pay any assessment which may be required by the president and directors of said company for the space of sixty days next after the same is called for and made payable, the stock upon which said assessment is required shall be forfeited to the company and may be sold by the president and directors for the benefit of said company; but said president and directors may remit such forfeiture upon such terms as they may think proper; *Provided, however*, that no stockholder shall be assessed for any purpose, more than the par value of his stock.

Subscription of capital stock necessary to organization. Notice. Election of directors.

SECTION 4. That as soon as the sum of fifty thousand dollars of the capital stock of the said company shall have been subscribed and five per centum of said sum shall have been paid in, the said commissioners, or any three of them, shall call a meeting of the stockholders, by giving ten days notice of the time and place of said meeting in one or more newspapers printed in the States of New York, Pennsylvania, Delaware and Maryland, and the said stockholders shall elect by ballot at such meeting, or at any subsequent general meeting of said stockholders, nine

directors of said corporation, all of whom shall be stockholders in said corporation, who shall hold office for one year from the day of their election and until their successors shall be elected and qualified, and who shall conduct and manage the business and affairs of such corporation; and said stockholders shall each be entitled to one vote for each share they shall have and hold at the time of said election; and such election shall be made by each of the stockholders as shall attend said general meeting either in person or by proxy; and the directors of said corporation, except for the first year, shall be annually elected and at such time and place as shall be directed by the by-laws of said corporation.

Qualification of directors.

Voting.

Term of office.

SECTION 5. That the directors so elected shall as soon after the election as practicable, elect one of their number president of said corporation; and the said president and directors, or their successors in office, or a majority assembled, shall have full power and authority to appoint, and at their pleasure dismiss, such clerk, treasurer, engineer or engineers, and such other agents as they may deem expedient, and to fix their compensation, and to agree with any person or persons on behalf of the said company to cut said canal, erect dams, open feeders, make cuts, construct locks and such other works as they shall judge necessary or expedient for completing said canal, and to repair and keep the same in order.

Organization of board.

Compensation.

SECTION 6. That when any vacancy or vacancies shall occur in the board of directors of said company, by death, resignation or otherwise, the remaining directors shall choose others in their stead from the stockholders of said company, who shall continue in office until the next general election of directors.

Vacancies.

SECTION 7. That said company, by themselves or their agents, may agree with the owner or owners of any land, earth, gravel, stone, timber or other material, or with the owner or owners of any stream or improvements, which may be wanted for the proper construction or repair of said canal or any of its works, for the purchase, use, occupation or diversion of the same. and if they cannot agree, or if any such owner or owners be an infant, married woman, *non compos mentis*, or otherwise not capable in law to contract, or absent from the State when such property may be wanted, application may be made by said company to the Superior Court, if sitting in the same county, or to any judge thereof if not sitting, and if the said court or such judge shall upon such application appoint five commissioners to assess the damages that such owner or owners will sustain by the use and occupation of the property, by the said company, and also the benefits and advantages to accrue to such owner or

Agreement between owners of land and corporation

Condemnation of land

Appointment of commissioners.

Notice to owners of land.

owners, *provided however*, that a notice in writing shall have been personally served on such owner or owners at least ten days before such application of the intent of said company to make such application for the appointment of such commissioners to assess the damages which said owner or owners may sustain as aforesaid; and in case such owner be an infant the notice shall be served on his or her guardian, if there be one, and if not, then upon the person with whom said infant may reside, and if such owner be a married woman, the notice shall be served upon her husband, and if such owner be *non compos mentis*, the said notice shall be served upon his or her trustee, if there be one, and if there be none then upon the person with whom he or she resides, or in whose [custody] he or she may be, and in case of any other disability or absence of any such owner, such notice may be served upon the tenant of the land wanted or on which the material may be situated, and if there be no tenant it may be posted upon the door of the principal building thereon, or said company may for lack of any means of serving notice as herein provided, apply to the said court, if sitting as aforesaid, or to a judge thereof, in vacation, who shall make an order prescribing such notice as may be most reasonable in the particular case. And when said commissioners shall have been appointed they shall thereupon, or at any time before entering upon the land, give to the owner or owners thereof, at least five days notice, in writing, of the time and place of their meeting, and serve the same in the same manner prescribed for notice of the service of their appointment; and said commissioners shall be duly sworn or affirmed to perform their duties with fidelity to the best of their skill and judgement, without fear, favor or partiality; and said commissioners on being notified by said company, shall go upon the land and assess the damages such owner or owners will sustain by the use and occupation of the property required by said company, and also the benefits and advantages to accrue to the owner or owners by the construction of said canal, as a set off to said damages, but only in extinguishment of the claims of damages and not for the actual value of the land; and after having made a just and fair offset of the damages arising from the construction of said canal the said commissioners shall estimate and determine what amount of damages has been or may be sustained by the said owner or owners, respectively, and the said commissioners shall certify and report their finding and award to both parties, and if either party be dissatisfied with the damages so assessed, such party may on application to the Prothonotary of the Superior Court for the county in which said land or property is situate, within thirty days after such

Notice to persons absent or disability.

Oaths of commissioners.

Assessment of damages.

Mode of ascertaining damages.

assessment and award, sue out a writ of *ad quod damnum* requiring the Sheriff, in the usual form to summon twelve impartial freeholders of the bailiwick, and when such writ shall be delivered to the Sheriff, he shall give at least ten days notice to the parties named in said writ and the service thereof shall be upon the owner or owners of the land in the manner heretofore prescribed for the notice of the appointment of said commissioners, and if such notice be required to be served on the said company it may be served on the agent or attorney of said company in this State if any there be, and if not, then by enclosing such notice in an envelope and mailing the same post paid to the Chesapeake and Delaware Bay Ship Canal Company, Baltimore, Maryland, and such notice shall state the time and place of executing said writ, and said sheriff shall cause to come upon the premises at the time appointed twelve good, lawful and impartial freeholders of his bailiwick, to whom he shall administer an oath or affirmation that they will well and diligently inquire concerning the matter and things in said writ specified, and a true verdict give according to the best of their judgment and ability, without favor or partiality to any one, and that they will perform their duty in that behalf with fidelity in all respects, and that they will well and truly assess the damages which the owner or owners will sustain by the use and occupation of the property required by the said company, and also the benefits and advantages to accrue to said owner or owners by the construction of said canal as a set off to the said damages but only in extinguishment of said damages and not for the actual value of the land or other property taken or required, and after having made a fair and just off-set to the damages arising from the construction of said canal, they shall estimate and determine what amount of damages has been or may be sustained by the said owner or owners respectively, and their decision and report shall be final, but in case the jury cannot agree after having been kept together a reasonable time, the sheriff may discharge the said jury and without any other writ summon another like jury, not including any other former juryman, who shall in all respects qualify as the first one, and like proceedings shall be had as in the first, except that no notice shall be required; and in case of a second or subsequent disagreement, the like proceedings shall be had, until an agreement and verdict be obtained; and said commissioners shall, in all cases, describe the property taken or acquired by metes and bounds, or other certain or particular description, and the quality and duration of the estate or interest therein; and such valuation and ascertainment of damages, when paid or tendered to such owner or owners, his, her

Writ of ad quod damnum.

Notice of service.

Jury.

Oath.

Decision of jury final.

Disagreement of jury.

Second jury.

Title to property condemnation.

or their legal representatives shall entitle the said company to the estate or interest therein, as if the same had been legally conveyed by the owner or owners thereof; and in case such owner or owners shall be minors, non-residents or for any cause incapable of receiving, or neglect or refuse to receive such damages, then the said company may deposit the said damages in the Farmers' Bank of the State of Delaware, to the credit of the said owner or owners and subject to his, her or their order, or the order of the Court of Chancery, in the case of any legal incapacity of any such owner or owners to receive the same; whereupon the said company shall be entitled to have, hold, use and enjoy said lands, premises or other property so required as aforesaid for the purpose of the said company; and in case of the death, refusal or inability of any such commission to act, the said court or judge shall appoint in the like manner another to fill such vacancy and as soon after as occasion may occur. The expenses of all such proceedings shall be paid by the company, except that in the case of a writ of *ad quod damnum* as hereinbefore provided for, the party suing out such writ and obtaining a verdict less favorable than the award of the commissioners, shall pay the expenses incident thereto; and should any difference or dispute arise at any time in regard to any expenses in any of the proceedings to ascertain damages, the Superior Court shall hear and determine the same in a summary manner and whenever said canal shall pass or cross any road or railroad, the said company shall erect and maintain in good order such suitable swing, draw or other bridges as may be necessary and proper for such passage, so that travel on such road or railroad may not be impeded or transportation thereon interrupted or hindered. And it is also made the duty of the said company to pay the wages of every bridge tender at any such drawbridge so that neither the public or any railroad company shall be subjected to additional expense by reason of the construction of said canal.

Deposit of damages.

Expenses. By whom paid.

Crossings. By whom maintained

Bridge Tender. By whom paid.

Dimensions.

SECTION 8. That the said canal so constructed under this act shall be of the dimensions as follows: At least twenty-six feet deep and one hundred and seventy-five feet wide on the surface, and one hundred feet wide at the bottom thereof, and not to exceed three hundred feet at the surface and one hundred and fifty feet wide at the bottom.

Tariff of tolls.

SECTION 9. That the said company are hereby authorized to provide and establish a tariff of tolls for the navigation or use of said canal, or any part thereof, and the same to alter at their pleasure, *provided* that said toll shall not exceed ten cents per ton, *and provided further*, that all vessels shall be free to navigate

said canal upon equal terms, and said canal, when so constructed and open for navigation, shall be and remain a public commercial highway open to all vessels upon terms of the most exact quality. And no higher tolls by any means or device whatsoever, shall ever be charged upon or collected from the citizens of this State, than are charged and paid as through tolls, excepting however, that vessels owned by any citizens of this State and passing through only one half or less of the canal of this State, shall not be charged more than seven cents per ton, nor shall any unfavorable discrimination be made against local freight or trade by any means or device whatsoever.

When canal a public highway.

Restriction as to tolls.

SECTION 10. That for the purpose of securing the complete opening of the ship canal so as to connect the waters of the Chesapeake and Delaware Bays, the said company shall have power and authority to enter into such contract or contracts upon such terms and conditions as may seem proper and expedient, with any other corporation, person or persons, whatsoever, having authority to cut or make any canal or canals in the State of Maryland, and for the carrying out the purposes of this act on such connections being made, the said continuous canal or canals, and all and singular its and their appendages and appertenances, may be used and employed by the said company so far as the authority of this State may extend to give any needful power thereof, as if such other canal or canals lay wholly within the limits of this State, and such contract or contracts as aforesaid, were made by the full approbation of the General Assembly of this State.

Power to make contracts with other corporations.

SECTION 11. That the said company is hereby empowered to purchase, hire, build and construct, steamships of such capacity as may be desirable for the purpose of towing vessels through the said ship canal, or for carrying freight or passengers through the said canal, or for carrying and conveying passengers or freight that may be transhipped at either of the termini of said canal upon such vessels, or for carrying and conveying passengers and freights for transhipments through the said canal upon other vessel or vessels; and the said company shall have power to charge for freight, tonnage and transportation on such vessels, such sum or sums of money as may be from time to time prescribed by the directors of the said company.

Power to purchase tugboats.

SECTION 12. That whenever the government of the United States shall propose or agree to take charge of and construct the said canal, it shall be the duty of the corporation hereby created, and it is hereby required to convey and transfer to the said government of the United States, without charge or compensation all the powers, rights, liberties, privileges, franchises and immu-

When required to transfer to government of U. States.

Consent of the State of Delaware.

nities granted or conferred by this act, and the consent of the State of Delaware, to such construction and transfer is hereby expressly given. And in case of the construction of said canal by the government of the United States, or of the transfer of said canal as aforesaid in this section, provided for the jurisdiction and control over said canal is hereby ceded to the United States, reserving nevertheless, to the State of Delaware, concurrent jurisdiction as far as may be necessary to serving therein of process by any court or officers of the State. *Provided*, that the transfer of the franchise, powers and privileges by this act conferred upon the corporation by this act created, to the United States government, shall only be made and the jurisdiction of this State over the said canal shall only be ceded to the United States upon condition that the said canal shall be maintained and kept open by the United States, as a free public highway: And that whenever after any such transfer to the United States, any tolls shall be charged for transit through the said canal, then and on that event all the powers, privileges, rights and franchises by this act granted and conferred, shall *eo instanti*, cease, expire, and be considered as absolutely forfeited and relinquished.

Concurrent jurisdition of U. S. and State.

Conditions of cession to U. S. of jurisdiction

Public act.

SECTION 13. This act shall be deemed and taken to be a public act.

Passed at Dover, April 5, 1881.

CHAPTER 454.

OF RAILROADS.

Title

A SUPPLEMENT to an act entitled "An act to incorporate the purchasers of the Wilmington and Western Railroad."

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

Del. Western R. R. Co. authorized to construct railroads between certain points.

SECTION 1. That the Delaware Western Railroad Company be and is hereby authorized to locate and construct a railroad or railroads, beginning at such eligible point or points upon the present line of its railroad as may be deemed most favorable, and extending in a southwesterly direction and running within

one-half of a mile of the town of Newark on the north side thereof, passing out of the State of Delaware at some point in the boundary line of said State, north of the point at which the Philadelphia, Wilmington and Baltimore railroad crosses the said boundary line, and in a northwesterly direction to or into the State of Pennsylvania, and for these purposes to enter upon any lands necessary for locating, laying out or making the same, or for the erection of station houses, or freight or passenger depots and shops and necessary sidings and turnouts, or to procure sand, gravel, earth or stone for such use, and to obtain title and right to the same in the same manner as is provided in Sections 12 and 13 of an act entitled "An Act to incorporate the Delaware and Chester County Railroad Company," passed at Dover, February 5th, 1867, and amendments thereto; *Provided*, that the said powers, rights and privileges granted and conferred in this section shall become null and void unless such extension or extensions upon the present line of said railroad shall be commenced within one year, and completed within three years from the date of the passage of this act; but if any attempt be made to hinder or delay the construction of such railroad by litigation, the time occupied thereby shall not be estimated in the said periods; *And provided also*, that on any railroad so to be built, the rate of fare for passengers shall not exceed three cents per mile, but no single fare need be less than fifteen cents; and the rate to be charged for freight of any kind by the car-load for a distance exceeding ten miles shall not be more than five cents per ton per mile; and the whole charge for freight between any two points shall not be greater than the whole charge for the same kind and amount of freight between more distant points on said road.

Mode of obtaining title to lands.

Proviso.

Regulation of fares and freights.

SECTION 2. For the location, construction and operation of such railroad or railroads, the said corporation may from time to time increase its capital stock and issue the same for cash, or for work and labor done, or materials furnished, and generally shall and may have and exercise all the powers, privileges and franchises, and be subject to such provisions and restrictions as are mentioned and set forth in all such act or acts of assembly as have been passed by the General Assembly of this State relative to the said Delaware Western Railroad Company, or to the Wilmington and Western Railroad Company, whose successor it became; *Provided, however*, that three of the directors of said company shall reside in the State of Delaware. And it shall and may be lawful for the said Delaware Western Railroad Company, at any time when it shall be deemed expedient so to do, to operate any road so to be constructed as its main or prin-

Increase of capital stock.

Powers and privileges.

Qualifications of directors as to residence.

Branch roads. How operated.

Consent of the State of Delaware.

nities granted or conferred by this act, and the consent of the State of Delaware, to such construction and transfer is hereby expressly given. And in case of the construction of said canal by the government of the United States, or of the transfer of said canal as aforesaid in this section, provided for the jurisdiction and control over said canal is hereby ceded to the United States, reserving nevertheless, to the State of Delaware, concurrent jurisdiction as far as may be necessary to serving therein of process by any court or officers of the State. *Provided*, that the transfer of the franchise, powers and privileges by this act conferred upon the corporation by this act created, to the United States government, shall only be made and the jurisdiction of this State over the said canal shall only be ceded to the United States upon condition that the said canal shall be maintained and kept open by the United States, as a free public highway: And that whenever after any such transfer to the United States, any tolls shall be charged for transit through the said canal, then and on that event all the powers, privileges, rights and franchises by this act granted and conferred, shall *eo instanti*, cease, expire, and be considered as absolutely forfeited and relinquished.

Concurrent jurisdition of U. S. and State.

Conditions of cession to U. S. of jurisdiction

Public act.

SECTION 13. This act shall be deemed and taken to be a public act.

Passed at Dover, April 5, 1881.

CHAPTER 454.

OF RAILROADS.

Title

A SUPPLEMENT to an act entitled "An act to incorporate the purchasers of the Wilmington and Western Railroad."

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

Del. Western R. R. Co. authorized to construct railroads between certain points.

SECTION 1. That the Delaware Western Railroad Company be and is hereby authorized to locate and construct a railroad or railroads, beginning at such eligible point or points upon the present line of its railroad as may be deemed most favorable, and extending in a southwesterly direction and running within

one-half of a mile of the town of Newark on the north side thereof, passing out of the State of Delaware at some point in the boundary line of said State, north of the point at which the Philadelphia, Wilmington and Baltimore railroad crosses the said boundary line, and in a northwesterly direction to or into the State of Pennsylvania, and for these purposes to enter upon any lands necessary for locating, laying out or making the same, or for the erection of station houses, or freight or passenger depots and shops and necessary sidings and turnouts, or to procure sand, gravel, earth or stone for such use, and to obtain title and right to the same in the same manner as is provided in Sections 12 and 13 of an act entitled "An Act to incorporate the Delaware and Chester County Railroad Company," passed at Dover, February 5th, 1867, and amendments thereto; *Provided,* that the said powers, rights and privileges granted and conferred in this section shall become null and void unless such extension or extensions upon the present line of said railroad shall be commenced within one year, and completed within three years from the date of the passage of this act; but if any attempt be made to hinder or delay the construction of such railroad by litigation, the time occupied thereby shall not be estimated in the said periods; *And provided also,* that on any railroad so to be built, the rate of fare for passengers shall not exceed three cents per mile, but no single fare need be less than fifteen cents; and the rate to be charged for freight of any kind by the car-load for a distance exceeding ten miles shall not be more than five cents per ton per mile; and the whole charge for freight between any two points shall not be greater than the whole charge for the same kind and amount of freight between more distant points on said road.

Mode of obtaining title to lands.

Proviso.

Regulation of fares and freights.

SECTION 2. For the location, construction and operation of such railroad or railroads, the said corporation may from time to time increase its capital stock and issue the same for cash, or for work and labor done, or materials furnished, and generally shall and may have and exercise all the powers, privileges and franchises, and be subject to such provisions and restrictions as are mentioned and set forth in all such act or acts of assembly as have been passed by the General Assembly of this State relative to the said Delaware Western Railroad Company, or to the Wilmington and Western Railroad Company, whose successor it became; *Provided, however,* that three of the directors of said company shall reside in the State of Delaware. And it shall and may be lawful for the said Delaware Western Railroad Company, at any time when it shall be deemed expedient so to do, to operate any road so to be constructed as its main or prin-

Increase of capital stock.

Powers and privileges.

Qualifications of directors as to residence

Branch roads. How operated.

cipal line, and its present line to Landenburg as a branch line, and from time to time to lay out, construct and operate such branches or extensions as may be deemed expedient, in the manner and to the extent provided for in Section 12 of the said act entitled "An Act to incorporate the Delaware and Chester County Railroad Company," and said company may also, at any time, take a lease of any other railroad or railroads, or lease all or any part of its own railroad upon such terms as may be mutually agreed upon between the parties.

Power to lease.

Power to connect with certain railroads.

SECTION 3. That it shall be lawful for the said corporation to connect any railroad or railroads so built or to be built, or any branch or branches, extension or extensions thereof with any railroad or railroads which are or may be incorporated by this State, or the States of Pennsylvania or Maryland; and at any time or times when it may be deemed expedient to merge and consolidate its capital stock, franchises and property into and with the capital stock, franchises and property of such railroad corporation or corporations in this State or in Maryland and Pennsylvania or in either of said States; *Provided*, any such consolidation or consolidations shall be made under the conditions, provisions, restrictions and with the powers and results mentioned and contained in Sections 4, 5, 6, 7, 8 and 9 of an act entitled "An Act to incorporate the purchasers of the Wilmington and Western Railroad," passed at Dover, February 22, 1877; *And provided also*, that nothing herein contained shall be held or construed to authorize the consolidation or merger of the said Delaware Western Railroad Company or any company of which it may, under the provisions of this act, become a part, with any railroad passing entirely across this state.

Power to merge.

Proviso.

SECTION 4. That whenever the Delaware Western Railroad, authorized to be constructed by this act, or any branch or extension thereof, shall unite or become consolidated or connected with the railroad of any railroad company existing or organized under the laws of any other State so as to form a part of a continuous line of railway, the said Delaware Western Railroad Company, it assignee or assignees, lessee or lessees, shall pay to the Treasurer of this State, for the use of the State, a gross annual sum of money, payable in equal semi-annual payments on the first day of October and the first day of April in each and every year, in lieu of all other taxes, which gross annual sum shall bear the same proportion to the sum of forty thousand dollars, the amount now paid annually to this State by the Philadelphia, Wilmington and Baltimore Railroad Company in lieu of taxes, which the length of the Delaware Western Railroad in this State, so forming a part of a continuous line of

Payment of an annual sum in lieu of taxes.

Mode of ascertaining amount

railway, bears to the length of the Philadelphia, Wilmington and Baltimore Railroad within this State. *Provided*, that nothing in this Section shall be deemed, taken or construed to impair or limit the right of the Legislature, at any time hereafter, to determine and fix a different amount of money to be paid by said Delaware Western Railroad Company, it assignee or assignees, lessee or lessees, in lieu of other taxes. Proviso.

SECTION 5. That this act shall be deemed and taken to be a public act, and the power to revoke, alter or amend the same is hereby expressly reserved to the Legislature. Public act.

Passed at Dover, March 1, 1881.

CHAPTER 455.

OF RAILROADS.

AN ACT concerning the "Newark and Delaware City Railroad Company." Title.

WHEREAS, pursuant to the authority in that behalf conferred by the act entitled "An act to incorporate the purchasers of the Pennsylvania and Delaware Railroad," passed at Dover, March 27, 1879, the said purchasers have duly organized the corporation, by the said act created, by the corporate name of the "Newark and Delaware City Railroad Company," as in and by the certificate of incorporation on file in the office of the Secretary of State, and a certified copy thereof duly recorded in the office of the Recorder of Deeds in and for the County of New Castle, will fully appear; and Preamble.

WHEREAS the said the "Newark and Delaware City Railroad Company" is now the owner of so much of the line of railroad and property of the said "Pennsylvania and Delaware Railroad Company" as lies within the State of Delaware, and is also invested with all the franchises, rights, powers and privileges within the State of Delaware, of which the said last named company was possessed; and

WHEREAS the said line of railroad was greatly damaged by the unprecedented storm in October, 1878, and to such an extent as to prevent the operation of the same, and was in that condition when the corporation, now owner thereof, acquired title thereto; and

OF CORPORATIONS.

WHEREAS in order to repair the said road and restore it to a condition for public accommodation a very considerable expenditure of money will be required; and

WHEREAS the said corporation now owning the same, recognizing the necessity that the said road should be repaired as speedily as possible and put in proper running order, is willing to sell that part of its line of road, hereinafter mentioned, to another corporation so that the whole may be more expeditiously repaired and put in operation; and

WHEREAS "The Philadelphia, Wilmington and Baltimore Railroad Company" is willing to purchase so much of the line of road of the said "Newark and Delaware City Railroad Company" as lies south of the northern line of the right of way of the main line of railroad of the said "The Philadelphia, Wilmington and Baltimore Railroad Company," at the point of intersection of the two roads near Newark and between that point and the terminus at Delaware City; *Provided* the necessary legislation is in that behalf obtained; and

WHEREAS by the acquisition of that part of the line of the "Newark and Delaware City Railroad Company" proposed to be sold, the said "The Philadelphia, Wilmington and Baltimore Railroad Company" would be enabled to furnish additional facilities to the people of the State of Delaware and the Peninsula for the transportation of fruits and freights and afford to the traveling public more direct communication between the Peninsula and Baltimore, 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:

N. & D. C. R. R. Co. authorized to sell its road lying south of P., W. & B. main line to the P., W. & B R R. Co.

SECTION 1. That the said "Newark and Delaware City Railroad Company" be and it is hereby expressly authorized and empowered to sell unto the said "The Philadelphia, Wilmington and Baltimore Railroad Company" so much of its line of railroad and other property within the said State of Delaware as lies south of the northern line of the right of way of the main line of railroad of the said "The Philadelphia, Wilmington and Baltimore Railroad Company" at the point of intersection of the two roads near Newark and between said north line of said right of way and the terminus of the said Newark and Delaware City Railroad Company's line at Delaware City, including all real estate, rights of way, depots, depot grounds, rails, ties, bridges, switches, side tracks, property of every kind and appurtenances whatsoever, belonging to the said last named company, and used or intended to be used in connection with

that part of the said line of road so authorized to be sold; and when such sale shall have been effected by the delivery of the deed in the mode hereinafter provided, the said "The Philadelphia, Wilmington and Baltimore Railroad Company" shall thereby acquire all the title to the property sold which the said corporation vendor had therein; and the same shall thereupon become and be part and parcel of the property of "The Philadelphia, Wilmington and Baltimore Railroad Company" and be merged into and consolidated with said property, and so as that the said last named company shall have, exercise and enjoy the same powers, priviliges, and franchises with respects thereto as it has and exercises with reference to its other railroads and property within this State and as fully and completely as though the same had been part and parcel of its original road and property acquired under its own charter.

Merged into P., W. & B.

Transfer of all powers and franchises to P., W. & B

SECTION 2. That the terms of the sale to be effected by virtue of the preceding section as agreed upon by the officers of the said respective corporations shall be submitted to a meeting of the stockholders of the "Newark and Delaware City Railroad Company" for ratification or rejection. Such meeting to be called by notice published in one newspaper in each of the cities of Philadelphia and Wilmington, for at least ten days before the day of meeting, and the said meeting shall be held in the said city of Wilmington at the time and place designated in said notice. If at such stockholder's meeting a majority of the whole number of the shares of the capital stock of said company shall be voted in favor of a resolution approving the terms of sale and directing that it be consummated, then a deed under the corporate seal of the said company, signed by its president, attested by its secretary and duly acknowledged according to the laws of the State of Delaware, conveying and granting unto the said "The Philadelphia, Wilmington and Baltimore Rail Road Company," its successors and assigns, all the real estate, rights of way and the other property mentioned in Section 1 of this act, shall, upon the payment of the price stipulated, be delivered to the said last named company and thereupon by force of the said sale and deed the real estate, rights of way, road bed, depots, depot grounds, side tracks, bridges, ties, rails and all other property of every kind and appurtenances therein mentioned and thereby conveyed or granted shall absolutely rest in and belong to the said "The Philadelphia, Wilmington and Baltimore Rail Road Company," as provided by the preceding section of this act. The said deed shall be lodged in the office of the Recorder of Deeds in New Castle County for record within ninety

Terms sale.

To whom submitted.

Notice of meeting.

When and where held

Majority vote necessary to confirm sale.

Deed.

Execution of.

Recording of deed.

days from the date of its delivery; and the said deed or a duly certified copy of the record of the same shall be competent evidence.

Residue of road not effected by their sale.

SECTION 3. That as to the residue of the line of railroad, rights of way and other property of the said "Newark and Delaware City Railroad Company" not herein authorized to be sold; its capital stock and franchises, all the provisions of the act entitled "An [act] to incorporate the purchasers of the Pennsylvania and Delaware Railroad" mentioned in the recital to this act shall be and remain in full force and effect; and after such sale shall have been effected as hereinbefore provided, consolidation and mergee may be made and effected by the residue of the said line of road, rights of way and other property not disposed of by the said sale; and also of the capital stock and franchises of the said "Newark and Delaware City Rail Road Company" into and with the "Pomeroy and State Line Railroad Company," (a corporation organized under the laws of the State of Pennsylvania and having authority to operate that portion of the "Pennsylvania and Delaware Railroad Company" which is situated in the said State of Pennsylvania) in the mode prescribed by the said act as fully and completely as if no such sale had been made; and generally the said "Newark and Delaware City Rail Road Company" shall have, exercise and possess all the rights, powers, privileges and franchises by the said act conferred as fully and absolutely after said sale with respect to the property remaining unsold as it possessed before with reference to the whole of its property.

Passed at Dover, March 19, 1881.

OF CORPORATIONS.

CHAPTER 456.

OF RAILROADS.

A SUPPLEMENT to the act entitled "An Act to incorporate the Front and Union Street Railway Company," passed at Dover, February 20, 1877. Title.

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 Section 7, of the act entitled "An act to incorporate the Front and Union Street Railway Company," passed at Dover, February 20, 1877, be, and the same is hereby amended by inserting in the eleventh line thereof the word "or" after the word "Front" and before the word "Reed"; and also by inserting therein the words "or" after the word "Reed" and before the word "Chestnut"; and also in the fourteenth line of said section, by inserting after the word "Company" and before the word "The" the following words, to wit: "And also from the intersection of Front Street and Monroe Street, to extend northerly along Monroe Street to Front Street, and thence along Fourth Street to Union Street, and along Broome Street from Fourth Street to Front Street," and also to extend from Front Street along Monroe St. or VanBuren Street to Fourth Street, and thence along Fourth Street to Union Street, and along Broome Street or Clayton Street from Fourth Street to Front Street; and also by striking out the words, "Any street, avenue, highway, or turnpike," in the twenty-first and twenty-second lines of said section, and inserting in lieu thereof the words "either or any of the above mentioned streets or avenues, and no others."

Section 7, amended by inserting certain words.

Course of road.

Certain words changed.

SECTION 2. It shall be the duty of the said corporation fully to construct and equip the said railway according to the different locations, as provided for in this act before the first day of July, 1882, otherwise all the rights, privileges and franchises granted by this supplementary act shall, on said first day of July, 1882, cease and determine, except as to so much of the said streets mentioned in Section 1 of this act on which the railway of said company shall on the first day of July, 1882, be constructed, or in the course of construction.

Road to be constructed by July 1st, 1882.

SECTION 3. The gauge of said railway shall be five feet two inches: It shall be laid with what is known as "flat rail," and the said company shall be required to pave within the rails of their track and for the distance of three feet on each side thereof, and to keep the said pavements in good repair; *Provided however,* that the City Council of Wilmington may, in their discretion

Gauge of road.

Rails used.

Pavement.

Proviso.

permit the said company, for a term not exceeding five years, to leave unpaved such portions of said railway in the rural or unimproved parts of said city as may be specially designated and exempted by ordinance of said City Council.

Passed at Dover, March 29, 1881.

CHAPTER 457.

OF TURNPIKES.

Title.

A BILL entitled a further Supplement to an act entitled "An Act to incorporate a company for making a turnpike road from the borough of Wilmington to the line between this State and Pennsylvania, at or near the house now occupied by Charles Twaddle," passed at Dover, January 21, 1811.

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):

Persons coming on turnpike within 300 yards of gate to pay toll.

SECTION 1. That if any person or persons owning, riding or driving any carriage of burden or pleasure, or owning, riding, driving or leading any horse or mule, or driving any hogs, sheep or cattle, shall come on to or leave the said turnpike road within three hundred yards of any turnpike gate now or hereafter to be lawfully erected, all and every such person or persons shall pay the toll demandable at the said gate in the same manner as if he, she or they had passed through the same, and in case of non-payment of such toll at that time, such person or persons shall be liable to the same penalty or penalties, forfeiture or forfeitures, to be recovered in like manner as provided for in Section 13 of the act to which this is a supplement, and the said toll may also be recovered from the said person or persons by suit to be brought by the said company before any Justice of the Peace for New Castle County.

Penalty in case of non-payment. How recovered.

Public act.

SECTION 2. That this shall be a public act.

Passed at Dover, March 1, 1881.

OF CORPORATIONS.

CHAPTER 458.

OF TURNPIKES.

A FURTHER SUPPLEMENT to an act entitled An Act to incorporate a company for making an artificial road from or near the borough of Wilmington, in the County of New Castle, on the east side of the Brandywine Creek, in the route through West Chester, to the turnpike roads, in the Great Valley in the State of Pennsylvania, passed at Dover, January 23, 1811. Title.

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 said act be and the same is hereby amended by striking out the whole of Section 13, of said act, and inserting in lieu thereof the following: Section 13. That if the said company shall neglect to keep the said road in good order and repair for the space of fifteen days, the Superior Court in and for New Castle County, or any judge thereof in vacation, shall, upon an affidavit made and filed by one or more credible persons setting forth that said road is not in good order and repair, and the place or places where said road is defective and the nature and character of such defects, appoint three disinterested freeholders to meet at a certain time, to be named in such commission at the place or places in said road set forth in said affidavit, of which meeting notice shall be given to the keeper of the gate or turnpike nearest thereto. The said freeholders shall all go to the place or places in said road complained of, and under their respective oaths or affirmations truly inquire whether said road or any part thereof is in good order and repair, and if said road shall be found by the said inquisition not to be in good order and repair, the said freeholders or a majority of them, shall so certify under their hands and seals, and send one copy of said inquisition to each of the keepers of the turnpikes or gates between which such defective place or places shall be and from thenceforth the tolls in said act granted to be collected at such turnpikes or gates for the intermediate distance between them shall cease to be demanded, paid or collected until the said defective part or parts of said road shall be put in good order and repair as aforesaid; and if any of the keepers of the gates aforesaid shall take or attempt to exact tolls for the intermediate distance between the gates aforesaid from any traveler during the time the road shall continue out of repair, such keeper shall forfeit and pay to the person who will sue for the same, the sum of five dollars, to be recovered before any Justice of the Peace, as debts of equal amount are or may be by law recoverable; but if the said defective portion of said road shall not be put in good

Section 13, changed.
Complaints of defect in road to Superior Court.
When and how made.
Appointment and meeting of freeholders
Notice.
Inquiry.
Certificate.
Future intermediate tolls.
When to be collected.
Fine for collecting intermediate tolls.

order and repair before the next ensuing term of the Court of General Sessions of the Peace and Jail delivery for the County of New Castle, the person or persons intrusted by the company with the care and superintendence of such part of said road as shall be found defective as aforesaid, shall be deemed guilty of a misdemeanor, and, upon conviction thereof in said court, shall be fined not less than twenty nor more than one hundred dollars and the fine so to be imposed shall be applied to and for the benefit of the public roads and common highways in the County of New Castle.

Misdemeanor.

Fine.

How applied.

SECTION 2. That if any person or persons owning, riding or driving any carriage of burden or pleasure, or owning, riding, driving or leading any horse or mule, or driving any hogs, sheep or cattle shall come on to or leave the said turnpike road within three hundred yards of any turnpike gate now or hereafter to be lawfully erected, all and every such person or persons shall pay the toll demandable at the said gate in the same manner as if he, she or they had passed through the same, and in case of non-payment of such toll at that time such person or persons shall be liable to the same penalty or penalties, forfeiture or forfeitures, to be recovered in like manner, as provided for in Section 24 of the act to which this is a supplement; and the said toll may also be recovered from the said person or persons, by suit to be brought by the said company before any Justice of the Peace for New Castle County; *Provided*, that nothing in this Section contained shall authorize the collection of toll from any person or persons owning, riding or driving any carriage of burden or pleasure, or owning, riding, driving or leading any horse or mule, or driving any hogs, sheep, or cattle who shall come on to or leave the said turnpike road within the city limits of the city of Wilmington, where such person or persons shall not drive, ride or lead any such vehicle or animal through such turnpike gate.

What persons coming on between gates liable.

Consequence of non-payment of such.

How recovered.

Not applicable to persons coming on in Wilmington.

SECTION 3. That this shall be a public act.

Public act.

Passed at Dover, April 4, 1881.

OF CORPORATIONS.

CHAPTER 459.

OF TURNPIKES.

A FURTHER SUPPLEMENT to an act entitled "An act to incorporate a company for making an artificial road from the borough of Wilmington, on the east side of Brandywine Bridge to the Pennsylvania line, in the leading route to the city of Philadelphia," passed at Dover, February 1, 1813. Title.

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 said act be and the same is hereby amended by striking out the whole of Section 14 of said act and inserting in lieu thereof the following: That if the said company shall neglect to keep said road in good order and repair for the space of fifteen days, the Superior Court in and for New Castle County, or any Judge thereof in vacation, shall upon an affidavit made and filed by one or more credible persons, setting forth that said road is not in good order and repair, and the place or places where said road is defective and the nature and character of such defects, appoint three disinterested freeholders to meet at a certain time, to be named in such commission, at the place or places in said road set forth in said affidavit of which meeting notice shall be given to the keeper of the gate or turnpike nearest thereto. The said freeholders shall all go to the place or places in said road complained of, and under their respective oaths or affirmations, truly inquire whether said road or any part thereof is in good order and repair, and if said road shall be found by the said inquisition not to be in good order and repair, the said freeholders or a majority of them shall so certify under their hands and seals, and send one copy of said inquisition to each of the keepers of the turnpikes or gates between which such defective place or places shall be, and from thenceforth the tolls in said act granted to be collected at such turnpikes or gates for the intermediate distance between them shall cease to be demanded, paid, or collected, until the said defective part or parts of said road shall be put in good order and repair as aforesaid; and if any of the keepers of the gates aforesaid shall take, or attempt to exact tolls for the intermediate distance between the gates aforesaid from any traveler during the time the road shall continue out of repair, such keeper shall forfeit and pay to the person who will sue for the same the sum of five dollars to be recovered before any Justice of the Peace as debts of equal amount are or may be by law recoverable, but if the said road shall not be put in good order and repair before the next ensuing term of the Court of General Sessions of the

Section 14, changed.

Neglect to keep road in good order.

To whom complaint be made.

Appointment and meeting of freeholders.

Notice.

Inquiry.

Certificate.

Intermediate toll not to be demanded until repair of road.

No tolls to be collected between the gates.

Fine.

OF CORPORATIONS.

When superintendent deemed guilty of a misdemeanor.

Peace and Jail Delivery, for the County of New Castle, the person or persons intrusted by the company with the care and superintendence of such part of said road as shall be found defective as aforesaid, shall be deemed guilty of a misdemeanor, and upon conviction thereof in said court shall be fined not less than fifteen, nor more than one hundred dollars, and the fine so to be imposed shall be applied to and for the benefit of the public roads and common highways in the County of New Castle.

Fine. How applied.

Passed at Dover, April 4, 1881.

CHAPTER 460.

OF DITCH COMPANIES.

Title.

AN ACT to renew and re-enact the act of incorporation of "The Marshy Hope 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 the act entitled An act reincorporating "The Marshy Hope Improvement Company," passed at Dover, February 21, 1861, and all other acts under which the said company is organized and acting so far as they are now in force, are hereby re-enacted, and the said "The Marshy Hope Improvement Company," is hereby declared to be continued as a corporation with all the rights, powers and franchises now belonging thereto and conferred thereon by any law of this State, and shall continue as such corporation for the period of twenty years from the passage of this act.

Certain acts renewed and re-enacted.

Powers corporate continued.

Passed at Dover, January 20, 1881.

OF CORPORATIONS.

CHAPTER 461.

OF DITCH COMPANIES.

AN ACT to incorporate "The Tomahawk Branch Ditch Company." Title.

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 the owners and possessors of certain swamp and low ground situate, lying and being in Mispillion Hundred, Kent County and State of Delaware, contiguous to and draining into what is commonly known as "Tomahawk Branch," shall compose a company to be called "The Tomahawk Branch Ditch Company," and shall hold a meeting on the second Saturday in April next, and on the second Saturday in April in each and every year thereafter, at the school-house in School District No. 37, in said hundred, or at such other place, as such company shall determine by a resolution to be adopted at any annual meeting of said company, at which annual meeting said company shall choose by ballot and by a plurality of the votes cast, one treasurer, one secretary, and two managers, and may do all such matters and things as the said company may deem requisite for effectually draining and reclaiming the said swamp and low grounds, and such and every annual meeting of said company may be adjourned from time to time by said company and occasional meetings may be called from time to time by the managers for the time being, or either of them, at such times and places as the managers may appoint by giving ten days public notice by advertisements put up in five public places of the neighborhood, and at such other places as the managers for the time being may think advisable, and if the secretary, treasurer or managers, shall not all or any of them be chosen at the stated or annual meeting for the current year, or for any year thereafter, or if any of them shall die, resign or neglect or refuse to act, such vacancy or vacancies may be filled at any adjourned or occasional meeting of said company by ballot and plurality of votes cast, and if any treasurer, secretary or manager shall remove from the neighborhood and dispose of his interest in said low grounds, the said company may at any meeting declare the place of such officer vacant and elect another to fill such vacancy. At all meetings of said company every owner of any swamp or low grounds ratable and assessed by virtue of this act, may vote if present, or if absent, by proxy duly attested under their hands and seals, and every person so assessed shall be entitled to one vote for every one hundred dollars, or fractional part thereof, for which he shall stand assessed.

Who shall compose company.

Name.

Time and place of holding meeting.

Election of officers.

Adjournment.

Occasional meetings.

Notice.

Vacancies.

Qualification of voters.

OF CORPORATIONS.

Terms of office.

SECTION 2. That the treasurer, secretary and managers chosen in pursuance of this act at the first meeting of said company shall continue in office until the next annual meeting of said company and until successors shall be duly chosen, and the same rule shall apply to all officers elected at any meeting of said company.

Commissioners.

SECTION 3. That Zebulon Hopkins, John W. Smith and Jacob S. Graham be, and they are hereby appointed commissioners to make valuation of said swamp and low grounds, and the said commissioners, or a majority of them, are hereby authorized and empowered to enter upon all the swamp and low grounds lying and being contiguous to or draining into said "Tomahawk Branch" and view, ascertain and determine the width, depth and location of one or more ditches or drains necessary and sufficient to drain said swamp and low grounds, the quantity held by each owner or owners, and shall appraise and determine the benefit and advantage which each owner or owners aforesaid will derive by reason of the cutting and making of such ditch or ditches, drain or drains, having due regard and taking into consideration the benefit and advantage to said company, that any ditch or ditches now cut, either by a company or by private individuals that shall be used by said company, may be to said company, and the said commissioners, or a majority of them, shall make two certificates under their hands, or the hands of a majority of them, containing the names of the respective owners of said swamp or low grounds, the quantity held by each owner or owners, and the appraisement of the benefits and advantages to be derived by each owner or owners, as aforesaid, of said swamp and low grounds, so by the said commissioners to be made as aforesaid, and shall deliver one of said certificates to the secretary of said company, and shall return the other of said certificates into the office of the Recorder of Deeds, in and for Kent county; which certificate shall be final and conclusive upon all parties, and shall be and remain the true appraisement and valuation upon which all and every the tax or taxes, which may be necessary to effect the purpose of this act, shall be assessed, levied and collected, and a copy of the record thereof certified by said Recorder, under his hand and seal of office, shall be good and sufficient evidence in all courts of justice and before all Justices of the Peace in this State. Each commissioner, before he enters upon the duties required of him by this act, shall be sworn or affirmed before some Judge or Justice of the Peace to faithfully perform the duties required by this act according to the best of his skill and judgment. If either of said commissioners shall die, resign, refuse or neglect to act before all

Authorized to lay out ditch.

Dimensions of ditch.

Ascertainment of damages.

Certificates

Appraisement.

When certificates shall be delivered.

Certificates final.

Oaths of commissioners.

Vacancies. How filled.

or any of the duties assigned by this act shall be performed, any Judge of the Superior Court of the State of Delaware shall, upon the application of any two persons having swamp or low ground affected by this act, fill said vacancy which may be occasioned as aforesaid and so as often as it may be necessary until all the duties of the commissioners under this act shall be completed.

Termini of ditch.

SECTION 4. That the commissioners aforesaid shall commence the main ditch to be laid out under this act at that point where the road leading from Farmington to Greenwood intersects the said "Tomahawk Branch," and shall follow the main stream of the said "Tomahawk Branch" from the said point of commencement, passing through lands of James H. Morgan, David P. Anderson, James M. Cain, Ezekiel Fleming and others, unto the confluence of the said "Tomahawk Branch" with the "Marsh Hope" ditch.

New appraisement

SECTION 5. That the said company shall have authority at any annual meeting to be hereafter held, to direct by a majority of the votes cast at such meeting that a new appraisement or valuation of all the marsh or low grounds within the bounds of said company shall be made.

New appraisement How made and returned.

SECTION 6. That whenever at any such meeting the said company by a majority of the votes cast shall have determined to make such new appraisement or valuation they shall at the same meeting elect three commissioners who shall be freeholders of Kent County and not members of said company, to make such new appraisement or valuation, and such new appraisement or valuation shall be made, certified and returned in the same manner as is hereinbefore provided for the certificate and return on the original assessment within sixty days after their election aforesaid, and the said appraisement and valuation upon which all and every the tax or taxes which may be necessary for the purposes of this act shall be levied until the same is altered and supplied by a new valuation and appraisement under the provisions of this act.

Laying and assessing taxes.

SECTION 7. That for the purpose of raising the sum of money necessary to carry into execution the provisions of this act, it shall and may be lawful for the managers, for the time being, and they are hereby authorized and required after the appraisement and valuation aforesaid shall be made and returned to the secretary and recorder as aforesaid, to lay and assess upon the value of the swamp and low grounds benefited by said ditches and drains and mentioned in said certificates according to and upon the value of the benefits and advantages of the respective quantities or parcels of the swamp and low grounds held by the

several owners thereof, a certain rate upon each and every dollar of said valuation and appraisement so as to raise a sum of money sufficient to cut and make all the ditches and drains necessary and proper to drain and reclaim all the said swamp and low grounds intended to be drained and reclaimed by virtue of this act, and at any annual meeting of said company after the said ditch or ditches, drain or drains shall have been cut and made as aforesaid, the said company, by a majority of the votes cast, may determine what sum or sums of money ought to be raised by way of tax as aforesaid for the purpose of keeping the said ditch or ditches, drain or drains in good and sufficient order to drain said swamp and low grounds. which said sum of money shall be levied and assessed according to the provisions hereinbefore mentioned, and the said managers shall from time to time make out duplicate lists under their hands of all the assessments and taxes by them made and levied as aforesaid, which shall contain a minute of all the changes of ownership and transfers of any of said swamp or low grounds known to said managers, and one of the lists shall be delivered to the secretary and the other shall be delivered to the treasurer, and such assessments and lists shall be final and conclusive upon all the parties, and the said lists so delivered to the treasurer shall be a sufficient warrant to him or his successors for levying and collecting all and every the sums of money and taxes in said lists mentioned, and it shall be the duty of the said managers to cut and open all such ditch or ditches, drain or drains, prong or prongs of said ditch or ditches as the said commissioners by their return as aforesaid shall direct to be cut and opened or cause the same to be done, and cause the same to be kept open and in good repair, and generally the managers shall carry into full effect all the directions of the company from time to time given them in relation to their said trusts for which purpose the said managers shall have power to employ such workmen as they may deem necessary to complete the work assigned to them at the common expense of the company, and all the wages and expenses in and about said work shall be paid by orders drawn by the managers on the treasurer. Every order shall specify the services, wages or expenses for which it is drawn and an exact account shall be kept by the managers for all orders drawn by them, specifying the service or expenses for which each order was drawn, and said accounts shall be laid before the annual meeting of said company as the said company may direct. Each manager, before he enters upon the duties assigned him by the requirements of this act shall be sworn or affirmed before some Justice of the Peace to perform the same faithfully and impartially

Determination of amount necessary to repair ditch.

Duplicate list.

What they shall contain.

To whom delivered.

Treasurer ex-officio collector.

Opening of ditchs.

Employment of workmen.

Orders.

What they shall specify.

Accounts. By whom adjusted.

Oaths of managers.

according to the best of his skill and judgment. A certificate of which oath or affirmation under the hand or hands of the person or persons making it duly certified by the Justice of the Peace, before whom it was taken shall be returned to the secretary of the company, to be by him recorded in the books of said company.

Bond of Treasurer.

SECTION 8. That the treasurer for the time being and every treasurer for the time being, before entering upon the duties of his office shall give bond in sufficient sum, with surety or sureties to be approved by the managers for the time being, to and for the use of the company by the name of "Tomahawk Branch Ditch Company," upon condition to be void if he shall pay all orders drawn on him by the managers for the time being, so far as he shall have funds in his hands for that purpose, and shall use due diligence in the collection of taxes placed in his hands for collection, and shall well and truly account for all moneys that shall come into his hands as such treasurer at any annual or other meeting of said company or otherwise as the said company may direct, and shall pay over any balance or sum that shall be due to his successor in office, and shall deliver all books and papers belonging to the said company held by him as such treasurer and shall perform all the duties of his office with fidelity.

Condition of bond.

Time for payment of taxes.

SECTION 9. That the said managers when they lay and assess taxes shall appoint the time for the payment of the same, and it shall be the duty of the taxables respectively to pay to the treasurer of the said company for the time being the sum or sums of money levied and assessed as aforesaid, at the time appointed by said managers as aforesaid, for such payment, and in case of negligence or non-payment as before directed, the treasurer and every treasurer for the time being shall have full power and authority to demand and receive, levy and make all and every the tax or taxes which shall be levied and assessed in pursuance of this act by the managers according to the list of assessments delivered to such treasurer by the said managers in the same manner and by the same means as is prescribed by law for the recovery and collection of county rates and taxes, and every treasurer for the time being shall have power to in the same manner to collect all taxes upon any list delivered to any former treasurer at any time within five years after the same shall have been due and payable.

Power of Treasurer to collect taxes.

Record of act and certificate and all proceeding.

SECTION 10. That the secretary shall procure a correct copy of this act, and record the same among the records of said company, and record the certificate to be delivered to him by the

commissioners as aforesaid, and the lists delivered to him from time to time by the managers and all other proceedings of said company which they shall direct to be recorded in a suitable book which said secretary shall provide for that purpose, and he shall properly file all papers belonging to said company which shall come to his hands and the same shall be a public record for the company to examine at any time under the supervision of the secretary, and he shall deliver all papers and records of said company which may be in his hands to his successors in office when demanded, and shall be paid by the treasurer of said company the amount of all fees he may have to pay in procuring the aforesaid copy of this act and a suitable book as a record for the company and reasonable compensation for his trouble in procuring the same; and every secretary for the time being shall receive compensation for his services, to be fixed by the company, not exceeding one cent for every twenty words recorded by him for said company; and every commissioner shall receive two dollars for each and every days service, and every manager a sum not exceeding two dollars for each and every day's service (to be fixed by a majority of the votes cast at each annual meeting) in which he or they shall be employed about the business of said company, and every treasurer shall be allowed a commission not exceeding six per centum (to be fixed by a majority of the votes cast at each annual meeting), on all money by him collected except money paid to him by his predecessor in office. All expenses attending the passage of this act shall be paid out of the funds of the company by orders drawn by the managers upon the treasurer. The secretary shall give notice of all meetings by advertisements posted in five public places of the neighborhood stating the day, hour and place, at least ten days before the meeting.

Book a public record.

Duty of Secretary with reference to books.

Compensation.

Fees of commissioners.

Compensation to Treasurer.

Expenses.

Notice of meetings.

Suits. How prosecuted.

SECTION 11. That suits may be brought and prosecuted in the name of the said "The Tomahawk Branch Ditch Company" upon any bond given to the said company or for any damage done to the ditch or ditches, drain or drains of the said company, and by the name and title of "The Tomahawk Branch Ditch Company" shall be able to sue and be sued, plead and be impleaded, in all courts of law and equity in this State, or elsewhere, and shall have all the rights and privileges of a corporation aggregate, *provided always* that nothing in this act shall give to this corporation any banking powers.

Corporate powers.

Penalty for obstructions.

SECTION 12. That if any person or persons, shall willfully fill up or obstruct the ditch or ditches, drain or drains, of said company, or shall willfully obstruct or impede the course of the water from running down the same, every person so obstructing

said ditch or ditches, or impeding the course of the water, shall be liable to pay to the treasurer of said company, or his successor in office, for the use of said company, the sum of one hundred dollars, to be recovered by said treasurer by a suit in the name of said company before the Superior Court of the State of Delaware, in and for Kent County, or before any Justice of the Peace in and for Kent County.

Privileges of adjacent owners of low lands with reference to tributary ditches.

SECTION 13. That every owner of swamp or low grounds ratable and assessed by virtue of this act, shall have the right and privilege to discharge the water from their respective lands into the ditches or drains of the company by ditches or drains to be cut and opened through the swamp or low grounds of other owners or possessors, in such place or places and at such width and depth as the commissioners for the time being shall lay out and prescribe; such owners or possessors shall contribute such portion of the expenses of cutting, opening and keeping open said ditch or ditches as the commissioners shall direct, to be recovered in the same manner as is hereinbefore provided for the recovery of the damages for filling up or obstructing the ditches or drains of the company, and the commissioners so laying out said ditch or ditches, shall make return of all their proceedings in and about the said service to the secretary of said corporation to be by him recorded, and such owners or possessors to whom such ditch or ditches will be advantageous, shall pay to each commissioner so employed the sum of two dollars for each and every days service in laying out said ditch or ditches, and shall pay the secretary one cent for every twenty words for recording the same. Every owner or owners of swamp or low grounds referred to in this section, shall have the privilege to cut, open and keep in repair any ditch or ditches through his, her or their own swamp or low ground into any ditch or ditches of said company. The commissioners appointed by this act, or the commissions elected at any annual meeting, shall continue in office until successors are chosen, and any and all vacancies occurring in the commissioners shall be filled as hereinbefore provided. Any person having swamp or low grounds ratable and assessed, and coming within the provisions of this section, may require the service of the commissioners, but before any ditch or ditches shall be laid down, cut or opened under this section, the person or persons through whose lands it shall pass shall have notice in writing of the application to the commissioners and the day of the meeting of the commissioners.

Expenses of opening such ditches. How paid.

Return.

Fees of commissioners for laying out such ditches.

Term of commissioners.

Notice of meeting.

Non-liability of owners to taxation in any other company.

SECTION 14. That the low lands adjudged by the commissioners appointed under this act to be benefited by the ditch or

ditches authorized by this act shall not be subject to or liable for taxes in any other ditch company.

Notice of meeting of owners by commissioners.

SECTION 15. That the commissioners appointed under this act shall give notice, by advertisements posted in five public places of the neighborhood, signed by them or a majority of them, stating the hour and place of the meeting to be held on the second Saturday in April next, which meeting shall be conducted by and under the government of the commissioners appointed under this act, and said commissioners shall exhibit at said meeting the certificate of their proceedings accompanied by a plot of said ditch or ditches, drain or drains, made by a skillful surveyor by them named, and who shall have been sworn or affirmed by one of said commissioners or by a Justice of the Peace to make a true and faithful plot of said ditch or ditches, drain or drains. The expense attending any survey made and plot of said ditch or ditches, drain or drains, shall be allowed and approved by said commissioners and paid out of the treasury of said company.

Exhibition of certificate of proceedings by commissioners.

Plot.

Public act.

SECTION 16. That this act shall be deemed and taken to be a public act.

Passed at Dover, March 15, 1881.

CHAPTER 462.

OF DITCH COMPANIES.

Title.

AN ACT to incorporate the Wharton Branch Canal 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 herein):* That all the different improvement companies for the reclamation of the low lands lying upon the Wharton Branch Canal, and the different streams or branches tributary thereto, be and the same hereby are consolidated and made one great improvement company, and the owners of the lands embraced within their respective limits and also the owners of all lands or low lands benefited or to be benefited by the drainage now made or hereafter to be made by clearing out the said canal or the ditches cut

Certain Improvement Company in Sussex Co. consolidated.

or to be cut for the purpose of relieving the low lands bordering upon said canal, be and they are hereby incorporated and made a body politic and corporate in law and in fact, with all the usual and necessary powers of like improvement companies, and subject likewise to the same obligations and duties as such companies are, by the name and style of Wharton Branch Canal Improvement Company, and as such shall have succession for the period of twenty years from the passage hereof.

Powers.

Name.

SECTION 2. *And be it further enacted*, That the object and purpose of the creation of said company is the more thorough draining and reclaiming the low grounds lying upon the said canal and to be rendered more valuable by promoting the more rapid and unobstructed flowage of water down the same by ditches and drains into and down the said canal.

Objects.

SECTION 3. *And be it further enacted*, That for the purpose of the more complete relief of the low grounds of the said canal from the water which stands upon the same for want of drainage, Philip Short, Hiram T. Downing and George W. Jones be and they are hereby appointed commissioners, whose duty it shall be, having first been sworn or affirmed before a Justice of the Peace to perform the duties devolved upon them by this act, to go upon the low grounds aforesaid and lay out upon the same such ditches or drains as they may deem necessary to relieve said grounds from water and fit them for profitable cultivation by their owners. They shall take to their assistance a surveyor and chain carriers and shall survey the line of the said ditches or drains, and make a plot or plots of the same, showing the courses and distances thereof, and make a general description or delineation of the said low lands bordering upon the said contemplated ditches or drains and to be improved thereby, giving the names of the owners thereof and the estimated quantity of acres held by each, and shall estimate the cost of opening and making the said ditches or drains, and shall make a proper assessment of said cost to be borne by such owners respectively, having reference to the quality of the land and the benefit per acre to be derived thereby to such owners, and if no benefit will be received by any owner, but an injury, they shall also estimate and determine the extent of such injury and the damage that will accrue to such owner by reason of such injury, the amount of which damage shall be deposited in the Farmers' Bank in Georgetown, to the credit of such owner if he will not or cannot receive it before the said company shall occupy his lands and take the same for the improvement to be made by said company. *Provided, however*, that where any prong has already been laid out and made under prior proceed-

Commissioners.

Oaths of commissioners.

Location of ditches.

Surveyor.

Plots.

Costs of opening ditches.

Mode of ascertaining damages.

Where damages shall be deposited.

Proviso in relation to ditches already laid out.

ings of any of the said companies consolidated by this act, and also where any new prong or prongs shall be laid out by the said commissioners under the authority given by this act, the said commissioners shall determine and certify, as part of their proceedings, what portion of the taxes to be hereafter laid by the said consolidated company shall be applied toward the cleansing and scouring out the old or main ditch of the company hereby created, and what in the making and thereafter keeping in repair the said prong or prongs, and such certificate shall be conclusive. The said commissioners shall also make out under their hands or the hands of a majority of them, five lists containing the names of the owners of the low grounds included in the said company's operations, the quantity of acres owned by each, the valuation of the same and the cost of opening and making the ditches or drains for the improvement of the same, and they shall cause one of those lists to be hung up at each of the five most public places in the neighborhood of the said low lands, with a notice thereon that they will sit as a board of appeal, at Hickory Hill, in Dagsboro Hundred, at ten o'clock on some day not less than ten days from the day of giving said notice, to hear and determine appeals from said estimate of quantity, valuation and cost, and they shall sit at that time and place and hear all appeals that may be there made from their action and determine upon the same, which determination, when made, shall be final and conclusive upon all parties. When the said appeals shall have been heard and determined the said commissioners shall give notice of that fact in writing under their hands or the hands of a majority of them, in like manner as is provided in this Section with reference to the appeal notice, and shall therein name and appoint a day when the said company shall meet to commence operations under this act by the election of their officers and the transaction of the other business thereof. And the said company shall, on that day, which shall be the day of their first meeting, proceed with and perform the business provided to be transacted at its annual meetings. The fees of the said commissioners shall be two dollars each for every days' actual service performed by them under this act.

List of owners and grounds.

Valuation.

Notice of appeal. Where held.

Determination final.

Notice of meeting of owners.

Fees of commissioners.

Return of commissioners.

SECTION 4. *And be it further enacted,* That when the duties on the part of said commissioners under this act have been fully performed the said commissioners shall make a record or return of their proceedings under their hands, or the hands of a majority of them, containing also the plot hereinbefore provided for, to the Recorder of Sussex County, within one month from the time when their labors are completed, which recorder shall record the same in his office and then deliver the original to the aforesaid

company. The said original and also the said record, or a duly certified copy thereof, shall be evidence. The Recorder shall be paid by the said company for his services in recording said return and plot the usual fees for similar service. When the said return is so made and completed, and delivered and recorded as aforesaid, the lands shown thereby shall be deemed and taken to be a part of the territory under the control of the said company's operations, and the estimated value of the benefit per acre to be received by the several owners thereof, shall be the basis upon which thereafter the taxes to be laid by said company shall be assessed and levied and collected out of said owners, not including the cost of opening and making the ditches or drains provided for by the third section, which cost shall be collected when the expenses are incurred without any action by the said company, the determination of the said commissioners shall be final, and the treasurer shall collect the said cost and expense through the same powers as is provided with reference to the taxes laid by said company.

What evidence.

Fees of Recorder.

Territory of company

Basis of taxation.

Costs and expenses.

How collected.

SECTION 5. *And be it further enacted,* That whenever hereafter the owners of any low grounds bordering upon said canal, and which lands have not had ditches or drains laid out through them by the aforesaid commissioners, shall wish to have such lands brought within the said company's works and ditched, they may at their own expense apply to the Associate Judge of the County by a petition for that purpose, and upon such application the said judge shall appoint three impartial freeholders of the county not owning or being in anywise interested in lands bordering upon said canal, who, qualifying themselves and acting in all respects as provided in third section hereof, may, if they deem proper, lay out other ditches and drains to form part of said company's works and make return thereof in like manner as before provided with reference to the commissioners named in said section, which doings and proceedings, when performed and completed as aforesaid, including the recording thereof by the Recorder aforesaid, shall have the same force and effect as if the services rendered by force of this section had been performed and done under the provisions of the aforesaid third and fourth sections hereof; and all the provisions of said sections shall apply to the proceedings had under this section, and when done, shall have the same force and effect as if done under said section; *Provided however,* that all expenses attending any proceedings by virtue of this section shall be borne and paid by the parties for whose benefit the same are incurred and not by said company.

Owners of adjacent lands may have lateral ditches

How obtained.

Return of commissioners.

Effect of proceeding to lay out lateral ditches.

Proviso.

OF CORPORATIONS.

Ditches already laid out. How treated.

SECTION 6. *And be it further enacted,* That when in the course of the performance of the duties imposed on the commissioners appointed by the aforesaid third section hereof, a ditch or drain shall be laid out at a place where any owners have already cut or opened a ditch or drain, the cost of the whole ditch or drain surveyed and plotted, shall be estimated as if no such ditch or drain so cut or opened existed; but the said company shall make an allowance to the owner or owners of such work, and the same shall be deducted from the taxes payable by him or them, until the said allowance is fully exhausted and paid thereby.

Board of managers. How elected. Time and place of meeting. A record of proceedings to be kept, &c. Number of managers. How ascertained.

SECTION 7. *And be it further enacted,* That the business of said company in cutting and making the new ditches and drains hereinbefore provided for, and in keeping the same well secured and cleaned, and also in the repair and cleansing of the ditches and drains hereby made part of the works of said company by this act of consolidation shall be transacted by a board of managers, members of said company to be elected by the owners or members at their annual meetings the day of holding which, shall be the first Saturday in April, in each year, who shall have for the purpose of enabling them fully to perform their duties, all the usual and accustomed powers vested in such officers, or necessary to the discharge of their official functions. They shall keep and exhibit to the said company, or to any member thereof, at all times when required, a faithful account of all their acts and proceedings and a statement of all the expenses by them incurred, and of the orders given by them on the treasurer of the company in payment of such expenses; and in order to ascertain and fix their number, there shall be two of such managers for the main ditch of said company, and one for each of the lateral or cross ditches or prongs, each acting within his sphere independently of the others.

Election of Treasurer. Bond Conditions. Duties of Treasurer. Fees.

SECTION 8. *And be it further enacted,* That the said company shall, at each annual meeting elect one of their members to be their treasurer, who, before he enters upon the discharge of his duties, shall give bond with surety, to be approved by said company, or a committee of its members, appointed at said meeting for that purpose in the penal sum of ten thousand dollars, with condition for the performance of all his duties as such treasurer with fidelity. His duties shall be the safe keeping and disbursement, upon the orders of the aforesaid managers, of all orders drawn by them for payment or expenses incurred in and about the business of said company, including their own per diem, which shall be two dollars for every day of actual service rendered by them, the keeping proper accounts of all

receipts and disbursements, and the payment over to his successor in office of all moneys in his hands when his term of service expires. He shall also pay all orders or drafts drawn by said company upon him, such payment and also all payments to be made by him to be of funds of the said company in his hands or to come into his hands as such treasurer, after deducting his own commissions which shall be five per cent., on all moneys which shall come into his hands; *Provided, however,* That only one set of commissions shall be allowed upon the same money; *Provided,* That in the collection of taxes by said treasurer he shall collect first from those whose lands are immediately affected by the operations of said company, that is, he shall collect from those below before he collects from those above within the bounds of said company. The said treasurer shall also, *ex-officio,* be the collector of the taxes laid by the said company and for the purpose of such collection he shall have all the powers which by the laws of this State are vested in the collectors of county rates and levies. He shall settle with the company at the annual meeting next after his appointment and also at all times when required by them shall exhibit an account of his receipts and disbursements and the vouchers for the latter. The duties hereby imposed shall be within the condition of his official bond as treasurer of said company.

Orders. Payment of

Compensation of treasurer.

Treasurer ex officio collector.

Annual settlement.

SECTION 9. *And be it further enacted,* That the said company shall at each annual meeting determine what sum of money shall be raised to meet the current expenses of said company for the year thence next ensuing, and shall then determine from the present valuation of the lands lying upon the main ditch and upon any ditch (now maintained by a company) which leads into the same, and also from the valuation of lands to be made under the provisions of this act, what portion of said expenses shall be borne and paid by each and every owner of lands within said company's limits, and shall certify and make known such their determination in the usual mode employed by other ditch companies, to the aforesaid treasurer, with a warrant thereto annexed, under the hand of the chairman of said meeting, and attested by the secretary, for the collection of such expenses, which certificate shall be final and conclusive upon all parties.

Amount necessary to be raised

When and by whom determined

Apportionment of taxes.

Certificate.

Collectors warrant.

SECTION 10. *And be it further enacted,* That at all meetings of said company each person assessed for taxes shall be entitled to one vote for every dollar of taxes for which he has been assessed, and he may deliver that vote in person, or by proxy duly constituted under his hand and seal.

Voting.

OF CORPORATIONS.

Expenses of drawing act, &c.

SECTION 11. *And be it further enacted,* That all expenses attending the drawing and passage of this act and putting the same in force shall be borne and paid by the said company out of any funds in its possession.

Public act.

SECTION 12. *And be it further enacted,* That this act shall be deemed and taken to be a public act, and shall be printed as such among the public statutes.

Inconsistent acts repealed.

SECTION 13. *And be it further enacted,* That all acts and parts of acts heretofore passed with reference to any of the lands embraced or to be embraced within the limits of the company hereby created, be and the same are hereby repealed, made null and void.

Vacancies.

SECTION 14. *And be it further enacted,* That in case a vacancy should occur in the aforesaid body of commissioners by death, removal from the county, or inability to serve, the Judge of the Superior Court, resident in Sussex County, shall have power to fill such vacancy.

Revocation

SECTION 15. *And be it further enacted,* That the power to revoke this act is hereby reserved to the Legislature.

Passed at Dover, March 16, 1881.

CHAPTER 463.

OF DITCH COMPANIES.

Title.

AN ACT to incorporate the Batson Branch Ditch Company, in Baltimore Hundred, Sussex County, Delaware.

Preamble.

WHEREAS under and by virtue of an order heretofore issued out of the Superior Court of the State of Delaware, in and for Sussex County, a certain ditch in Baltimore Hundred, County and State aforesaid, known as the Batson Branch Ditch has been laid out, made and opened;

AND WHEREAS it appears to be the interest of the taxables on said ditch that further provision should be made by this General Assembly for keeping the same cleansed and in repair; therefore

OF CORPORATIONS.

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 James Anderson, Mitchel H. Gray, Henry H. Watson, Nathaniel W. Evans, David M. Warrington, Robert Wilgus, John G. Grise, Jacob A. Wilgus, James H. Law, and all others, who now are, or hereafter may become taxables upon the said Batson Branch Ditch herein mentioned, and their successors, be and the same are hereby declared to be incorporated for the purposes in this act mentioned by the name, style and title of the Batson Branch Ditch Company, and shall have succession, and by the same name may sue and be sued, plead and be impleaded in all courts of law or equity in this State, and shall have all other powers incident to a corporation except banking powers.

Corporators.

Company incorporated.

Powers.

SECTION 2. *Be it further enacted,* That the said taxables or corporators, shall hold their first meeting on the second Saturday in April of the present year, 1881, at the storehouse now occupied by Jacob A. Wilgus & Son, in Roxana, Baltimore Hundred aforesaid, at which said meeting the said taxables or corporators shall elect by ballot and by plurality of votes, two managers and one treasurer for said corporation; said meeting shall be called by five days written notice signed by any four of said taxables or corporators, and posted in three or more of the most public places in the neighborhood of the lands drained or benefited by said ditch, the said managers and treasurer so appointed shall serve for one year and until their successors are duly elected and qualified. The annual stated meetings of said taxables or corporators shall be held at the place aforesaid, or in such other place in Baltimore Hundred as the said taxables or corporators shall have designated for that purpose, by a resolution adopted at any previous meeting, on the second Saturday of April, in each and every year thereafter, of which said annual stated meetings the managers for the time being shall give notice in the same manner as is hereinbefore provided for calling the first meeting, and at which said annual meeting the said taxables or corporators shall choose by ballot and by a plurality of votes, one treasurer and two managers, and may do and determine all such matters and things as the said taxables or corporators may deem necessary for effectually cleansing or repairing said ditch, and such annual meeting of the said taxables or corporators may be adjourned from time to time, and occasional or stated meetings may be from time to time called by the managers for the time being, or the survivor, if either be dead, by giving notice required for the annual stated meetings, and if the managers and treasurer shall not all or any of them be chosen at the stated

First meeting.

When and where held.

Managers and treasurer's meeting.

How called

Term of officers.

Annual meetings.

Notice.

Annual Election of officers.

Adjournment.

Occasional or stated meetings.

How called

OF CORPORATIONS.

Vacancies. How filled.

annual meeting in any year, or if any manager or treasurer shall die, resign, refuse, or neglect to act, vacancies thus happening may be filled at an adjourned or occasional meeting by ballot and plurality of votes as aforesaid, and all the managers and every treasurer elected under this act, shall continue in office until the annual meeting next succeeding their election, and until successors be duly chosen, except that if any manager or treasurer shall, after his election, remove from the neighborhood of such lands drained or benefited by said ditch, the said company may at any of its meetings declare the place of such manager or treasurer vacant and elect another in his place. And further, that said taxables or corporators at any adjourned or occasional meeting may do all such acts or things as may or might be done at a stated meeting, and at all meetings of the said taxables or corporators, the taxables present shall be entitled to vote as 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 or her.

Effect of removal from neighborhood.

Proper acts at occasional meetings

Voting.

Commissioners.

SECTION 3. *And be it further enacted,* That the said taxables or corporators shall, at their first meeting to be held as aforesaid; choose by ballot and a plurality of votes, three substantial and disinterested freeholders of Sussex County, aforesaid, (having no interest in any of the lands drained or benefited by said ditch) as commissioners to go on the aforesaid ditch, and if in their judgment shall deem it prudent and necessary for the draining of any of the low lands of the taxables or corporators of said ditch, they shall lay off, widen, deepen or extend any new or old branch or branches of said ditch. The said commissioners shall have a right to call a surveyor to run out and survey any or all new branches only, and to make a valuation of the lands drained or benefited by said ditch and the said commissioners are hereby further authorized and required to go upon and view all the lands which in their opinion or in the opinion of a majority of them are drained or benefited by said ditch, and to ascertain all of the said owners of the said lands drained or benefited by the said ditch, and the quantity of such lands held by each owner or by the joint or common owners (if any be held undivided), and to appraise all the said lands which in their opinion or in the opinion of a majority of them are drained or benefited by the said ditch, and shall determine the value of the said lands according to the situation thereof, and upon such principles as will do equal justice to all the owners thereof, which said appraisement shall be the basis of assessment for all the taxes levied under this act for the period of ten years next ensuing the date of making said appraisement, and if, at the expiration of said period of ten years, the said taxables or corporators shall [by] ballot and by a

Duties of commissioners.

Surveyor.

Value of lands.

How determined.

Basis of assessment

plurality of votes at a stated annual meeting of said taxables or corporators determine to make a new appraisement of said land drained or benefited by said ditch as a basis for all their subsequent assessments of taxes, they shall choose by ballot and a plurality of votes three other like commissioners for the purpose of making such appraisement, who shall have all the powers vested in and perform all the duties herein required of those first chosen under this act, and whose appraisement, when duly certified to a meeting of the said taxables or corporators, shall continue for ten years thereafter as a basis for all their subsequent taxation under this act, but if the said taxables or corporators shall otherwise determine at said meeting, the appraisement first made under this act shall continue as a basis of all the then subsequent taxation under this act.

Appraisment and subsequent assessment

Second commissioners.

Power and duties.

Basis of assessment shall continue.

How long.

SECTION 4. *And be it further enacted,* That the said commissioners, or a majority of them, shall, within thirty days from the day of their appointment, call a special meeting of said taxables or corporators by giving five days public notice in writing, posted as aforesaid, to which said meeting the said commissioners, or a majority of them, shall return a certificate made under their hands or the hands of a majority of them, containing the names of the respective owners of the said lands, the quantity of said lands held by each owner or by joint owners, (if any be undivided,) and the appraisement of the said several quantities or parcels of said lands by said commissioners to be named as aforesaid, and the said commissioners are hereby further authorized and required, after viewing the said Batson Branch Ditch, to estimate the probable expense of cleansing and repairing the said ditch, and the said commissioners, or a majority of them, shall, within thirty days after their appointment, certify to the managers for the time being the amount of such estimate. If any of the said commissioners shall die, resign, remove from Sussex County, or refuse to act before all the said duties of the said commissioners shall have been completed, then and in that case the said taxables or corporators may at any annual, adjourned or occasional meeting, choose a commissioner or commissioners to fill the vacancy or vacancies, and each commissioner shall be sworn or affirmed by some Judge of the State or Justice of the Peace, in and for Sussex County, to discharge the said duties faithfully and impartially, according to the best of their skill and judgment, and every commissioner shall for each and every days service in and about the business of said company under this act, be entitled to receive of said company the sum of one dollar and fifty cents.

Meeting of taxables upon call of commissioners.

Notice.

Return and certificate of the commissioners.

Contents thereof.

Commissioners to estimate cost of cleaning and repairing ditch.

Certificate.

Vacancies.

How filled.

Qualification of commissioners.

Compensation.

OF CORPORATIONS.

Assessment of taxes by the managers.

SECTION 5. *And be it further enacted,* That for the purpose of raising the necessary sums of money for answering the purposes by this act intended it shall and may be lawful for the managers for the time being, and they are hereby authorized and required (after the appraisement and valuation aforesaid shall be made and returned as aforesaid, and the estimate of probable expense shall be made and returned and certified to them as aforesaid) to lay and assess upon the value of said lands drained or benefited by said ditch mentioned in said certificate of the commissioners such sums of money as the said commissioners or a majority of them shall have estimated as the probable expense as aforesaid or such part of said sum as the said managers may deem expedient to raise in the first instance, which said sum of money shall be apportioned among the several owners of the said land drained or benefited by said ditch upon the basis of the appraisement so as aforesaid returned to said meeting by the said commissioners, and for the raising of any further or other sums of money which may be necessary for cleansing, repairing and keeping in repair the said Batson Branch Ditch, it shall and may be lawful for the managers to lay and assess upon the value of the said lands drained and benefited by the said ditch all such sum and sums of money as the said taxables and corporators at any of their meetings from time to time determine and direct to be levied and raised, and all such sum or sums of money or taxes shall be apportioned in the same manner as is herein directed for the apportionment of the first tax to be levied and raised under this act. And the managers shall from time to time make out duplicate lists under their hands of all assessments and taxes by them levied and assessed as aforesaid, which lists shall also contain a minute of all changes of ownership (if any) by transfer or otherwise, of the said lands drained or benefited by the said ditch so far as the same is known to the said managers, one of which said lists shall be delivered to the treasurer for the time being, and the other shall be retained by the managers and shall be copied into the book where the records of the proceedings of said company are kept. The said list shall be final and conclusive upon all parties and the lists from time to time delivered to the treasurer as aforesaid shall be a sufficient warrant to him or his successors in office for levying and collecting the sum of money or taxes in said lists mentioned. *And, furthermore,* it shall be the duty of the managers, and they are hereby authorized and required, to cleanse and repair the said ditch and to keep or cause to be kept open and in good repair, and generally the managers shall carry into full effect all the lawful directions of the company which shall from time to

Apportionment among owners.

Manner of raising the same.

Duplicate lists of assessment.

Contents of lists.

Lists. To whom delivered.

Lists final and sufficient warrant to treasurer for collecting.

Managers to enforce this act.

time be given them in relation to their aforesaid trusts, for which purpose the aforesaid managers shall have power to employ such workmen and laborers as may be necessary for repairing and keeping in repair; the said work shall be paid by orders drawn by the managers on the treasurer; every order shall specify the service, wages or expense for which it is drawn, and exact and true accounts shall be kept by the managers of all orders so drawn, and said accounts shall be laid before the annual or other meetings of the said taxables or corporators as the said taxables or corporators may direct. Any person assessed for a tax upon said ditch may discharge the same by work done in and about said ditch, which said work shall be accepted by the treasurer in payment of their tax. And every manager shall for such and every days' service in and about the business of said company under this act be entitled to receive of said company the sum of one dollar.

Power to employ laborers, &c

Orders for work.

Accounts.

Taxes may be paid by work.

Compensation of managers.

SECTION 6. *And be it further enacted,* That the managers laying the taxes shall appoint the time for the payment of them, and it shall be the duty of the owners respectively to pay to the treasurer the taxes which (according to the list to be delivered to the treasurer from time to time aforesaid) they shall be liable to pay at the time or times appointed by the managers for such payments as aforesaid.

Payment of taxes.

SECTION 7. *And be it further enacted,* That the treasurer for the time being, and every treasurer for the time being shall, before he enters upon the duties of his office, give bond with security, to be approved by the managers, to the said taxables or corporators by their name aforesaid, in the penalty of double the amount of taxes assessed and to be collected, upon conditions to be void if the said treasurer shall pay all orders drawn upon him by the managers for the time being as far as he shall have funds of the company for that purpose and shall well and truly account for all moneys which shall come to his hands as such treasurer, at any annual meeting of the company or otherwise as the company may direct, and shall pay any balance or sum that shall be due from him on such account to his successor in office or otherwise as the company may direct, and shall perform all the duties of said office as treasurer with fidelity; and every treasurer for the time being shall have the same power to collect and levy all unpaid taxes upon a list delivered to a former treasurer as the treasurer had to whom the list was originally delivered.

Treasurers bond.

Penal sum. When void.

Any treasurer to collect taxes due preceding treasurer.

SECTION 8. *And be it further enacted,* That the treasurer for the time being and every treasurer for the time being shall have full power and authority to demand and receive, levy and make

Treasurer to proceed to collect taxes by law if not paid within ten days after date.

all and every the taxes which shall be laid and assessed pursuant to this act by the managers according to the certificate, or the list which shall be delivered to such treasurer, and in case any tax or taxes so levied or assessed, or any part thereof shall remain unpaid for the space of ten days after the time appointed for the payment thereof as aforesaid, the treasurer for the time being and every treasurer for the time being may and shall proceed to make and levy all such taxes so remaining unpaid in the same manner and by the same means as are provided by law for the recovery of county, road and poor taxes, except that the said treasurer shall advertise at least thirty days before the day of sale, and every treasurer shall be allowed a commission of five per centum on all money by him collected.

Advertisement.

Commission.

Parties owning adjacent ground power to cut ditch to company's ditch.

SECTION 9. *And be it further enacted,* That every person holding any ground adjacent to said ditch and ratable and liable to be assessed under this act, shall have full power and liberty, without any interruption or hindrance, to cut such other ditches or drains as may be necessary to drain such adjacent ground into the company's ditch at such place or places as the owner or owners of such adjacent ground shall find most convenient and proper, *Provided, nevertheless,* that if the said ditches or drains from such adjacent ground shall run through the lands of any other person or persons, the place of cutting the same shall be fixed and determined by three disinterested freeholders to be appointed by the managers for the time being, and the place or places so fixed and determined by said freeholders shall be certified by them under their hands to the managers for the time being, and the certificate entered upon the books of the company.

Location, By whom determined

Certificate thereof.

Entry of certificate.

Fine for obstructing or injuring said ditch.

SECTION 10. *And be it further enacted,* That if any person shall willfully fill up or in any manner obstruct or injure the said ditch, or shall stop, obstruct or impede the course of the water running therein, every person so offending shall pay to the said Batson Branch Ditch Company the sum of thirty dollars, and also the damages sustained by said company by reason of such filling up, obstructing, stopping or impeding, to be recovered before any Justice of the Peace, in and for Sussex County, aforesaid, in the same manner and by the same proceedings as debts under one hundred dollars are by law recoverable, and the jurisdiction necessary for such recovery is hereby expressly given to all and every the Justices of the Peace in said County.

Recovery of fine.

Public act.

Power of revocation reserved.

SECTION 11. *And be it further enacted,* That this act shall be deemed and taken to be a public act and that the power of revoking or repealing this act is hereby reserved to the Legislature.

Passed at Dover, March 22, 1881.

OF CORPORATIONS.

CHAPTER 464.

OF DITCH COMPANIES.

AN ACT to re-incorporate the owners and possessors of the marsh or low ground commonly called and known by the name of The Culbreth's Marsh, situate in North Murderkill and West Dover Hundreds, in Kent County, under the title of "The Culbreth's Marsh Ditch Company." Title.

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 the owners and possessors [of] certain marsh or low ground situate, lying and being in North Murderkill and West Dover Hundreds, in Kent County, State of Delaware, commonly called and known by the name of Culbreth's Marsh, shall compose a company to be called "The Culbreth's Marsh Ditch Company," and by that name shall sue and be sued, plead and be impleaded in all courts of law and equity in this State or elsewhere. Said company shall hold its annual meeting on the second Monday in May, in each and every year, at the village of Hazletville, or at such other place as the company shall determine by a resolution to be adopted at any annual meeting of the company. The meeting shall be opened as near one o'clock in the afternoon of the day as practicable, and shall continue open at least two hours. At said annual meetings said company shall choose by ballot and by a plurality of votes cast, one treasurer, one secretary, five managers and two auditors, who shall hold their offices until the next annual meeting or until their successors are duly chosen and qualified, and may do all such matters and things as the said company may deem requisite for effectually draining and reclaiming the said marsh or low ground and such and every annual meeting of said company may be adjourned from time to time by a vote of those present, or by any member, if from any cause there should not be more than one member present. The secretary shall give notice of all annual meetings by advertisements posted in a least five of the most public places within the territorial limits of the company at least ten days before the day of the meeting. Occasional or special meetings may be called at any time by the secretary upon the written request of the managers, or a majority of them, [to said secretary] upon ten days public notice by advertisements put up in five of the most public places within the territorial limits of said company, and such other places as the managers for the time being, or a majority of them, shall deem advisable. If the secretary, treasurer, managers, or auditors shall not, any or all of them, have been sworn at the annual meeting they

Owners in certain low grounds in N. Murderkill Hd. incorporated.
Name.
Powers.
Annual meetings.
Time and place.
Meeting. When opened.
Election of officers.
Term of offices.
Power to drain low grounds, &c.
Adjourned meetings.
Notice of annual meeting.
Occasional meetings.
Notice.
Officers may be elected at occasional meetings.

Vacancy in office of Secretary. How filled.

may be elected at any adjourned, occasional or special meeting, and until their successors are duly chosen and qualified. If any person elected secretary at any meeting shall after the adjournment of the meeting at which he was elected die, resign, or refuse to act, the managers by writing signed by them, or a majority of them, shall appoint another person in his place to serve until the next annual meeting and until his successor is duly chosen, and such writing appointing such secretary shall be delivered to the secretary to be recorded in the books of the company, and such record, as well as the original, shall be competent evidence of such appointment. If any person elected treasurer at any meeting of the company shall die, resign, neglect or refuse to act, or shall fail, or neglect to give bond as hereinafter provided, the managers shall appoint another person in his place to serve until the next annual meeting and until his successor be duly chosen and qualified. Said appointment shall be by a writing signed by the managers, or a majority of them, which writing shall be delivered to the secretary of the company, to be by him recorded in the books of the company, and such record, as well as the original, shall be competent evidence of such appointment. If any of the managers elected at any meeting shall die, resign, neglect or refuse to act, or shall fail or neglect to give bond as hereinafter provided, the remaining managers shall by a writing signed by them, or a majority of them, appoint other or others to fill his or their places; and if the remaining managers shall be either two or four in number, and they shall be equally divided, the secretary shall determine the matter and sign such writing choosing either the one or the other proposed by the managers, and such writing shall be delivered to the secretary to be by him recorded in the books of the company, and such record, as well as the original, shall be competent evidence of such appointment. If either of the auditors elected at any meeting shall die, resign, neglect or refuse to act, the remaining auditor shall by a writing signed by him appoint another person to fill his place, and shall deliver to the secretary such writing to be by him recorded in the books of the company, and such record, as well as the original, shall be competent evidence of such appointment, and in case both of said auditors shall die, resign, neglect or refuse to act, the secretary shall appoint two persons to fill their places. Such appointment shall be by a writing signed by him as secretary of the company, and shall be by him recorded in the books of the company and such record, as well as the original, shall be competent evidence of such appointment. If any treasurer, secretary, manager, or auditor shall remove from the limits of the company

Record of appointment of secretary.

Vacancy in office of treasurer. How filled.

Appointment of treasurer recorded.

Vacancies in board of managers. How filled.

Record of appointments of managers.

Evidence of appointment.

Vacancies by removal or disposition. How filled.

and dispose of his interest in said marsh or low ground, their places shall become vacant and shall be filled in the same manner as is provided for filling vacancies hereinbefore in this Section. At all meetings of said company every owner of any marsh or low ground ratable and assessed in said company may vote if present, and any female owner of any marsh or low ground, ratable and assessed in said company may either vote in person or by proxy. The proxy must be authorized in writing, under the hand and seal, attested at least by one witness. Any owner of any such marsh or low ground, not residing within the territorial limits of said company, may vote either in person or by proxy duly authorized in writing, under hand and seal, attested at least by one witness. Every person owning any marsh or low ground ratable and assessed in said company, shall be entitled to one vote for every ten dollars or fractional part thereof of tax which he shall have paid, or which shall have been assessed against him or her at the last tax levied prior to the meeting at which he shall offer to vote.

Who may vote.

Proxy.

Non-residents in the territory of company.

How he may vote.

Qualification of voter

*SECTION 2. That the following ditches and drains as are now laid out, cut, made and adopted by the "Culbreth's Marsh Company" shall compose the ditches and drains of the company hereby incorporated, viz: The Culbreth Marsh main ditch; Isaac Thomas pring; Saw Fit pring; Johnson pring; Hubbard pring; Green pring; Gum Swamp pring; Powell pring; Cooper pring; Wolf-pit pring; the new cut through lands of Thomas B. Cooper and terminating in lands of Philip Marvel, and such other ditches as may be hereafter laid out, cut and made under the promise of this act or any amendment thereto.

What ditches already cut shall be embraced in company

SECTION 3. That at any annual meeting of the company the voters present and by proxy may determine upon a new appraisement or valuation by ballot, and a majority of all the votes cast shall be necessary to authorize such new appraisement or valuation, and any such new appraisement or valuation when made shall be the basis upon which any and every tax shall be levied and collected, until another appraisement or valuation is determined upon by a vote of the company as hereinbefore provided for in this Section. But extensions may be made by laying out new ditches and additional owners of any marsh or low ground may be added to the company whose lands may be appraised and valued in the same manner as the lands of persons now belonging to the company, which shall be classed as supplemental appraisement or valuation, and shall form a part of the basis upon which taxes shall be levied and collected, the same as if it were an

New valuation.

How determined upon.

Extensions

*So in enrolled bill.

original appraisement or valuation, and shall continue until a new appraisement or valuation shall be determined upon by the company.

Amount of tax. How determined

SECTION 4. That at any annual meeting of the company the voters present and by proxy shall determine by ballot what amount of tax, if any, shall be levied and collected the ensuing year, for the purpose of cutting and making any new ditch, and for deepening and widening or for straightening any old ditch, or for any other purpose which the company may deem necessary for the draining and improvement of the said marsh or low ground, and a majority of all the votes cast shall be necessary to authorize the levying and collecting of said tax.

Majority necessary to determine all questions.

Making of new appraisements. Alphabetical lists of ratables and taxes.

SECTION 5. That the managers for the time being shall make all new appraisements or valuations, determined upon by the company, and shall make two alphabetical lists of the persons ratable and assessed in said company, setting forth the number of acres assessed, the value or rate of each acre, and the aggregate value of each person's assessment. And after they shall have completed said appraisement or valuation, they shall fix a day of appeal by giving at least ten days notice by at least five advertisements signed by them, or a majority of them, setting forth in said notice the day, hour and place, at which they will attend to hear appeals. Said notices shall be posted in at least five of the most public places within the territorial limits of said company. All appeals shall be in writing signed by the party appealing, or his duly authorized agent, setting forth the matters of which he complains. They shall hear and determine all appeals, (and a majority shall form a quorum for this purpose), and may add to any marsh or low grounds, that has been omitted, may increase, alter or change, any appraisement or valuation, and may deduct from the amount of appraisement or valuation, or may strike from said list any appraisement or valuation erroneously placed thereon, and their decision shall be final. The lists, when completed, shall be signed by the managers, or a majority of them, one copy of which shall be filed with the secretary, to be by him recorded in the books of the company, the other shall be delivered to the Recorder of Deeds in and for Kent County, State of Delaware, to be recorded in the deed records of said office, and that any extension made by the laying out of any new ditch, and taking into said company any additional owners of any such marsh or low grounds, the managers shall proceed in the same manner to make the additional appraisement or valuation, and file the same as directed for an original appraisement or valuation as supplemental, and the same shall remain until a new appraisement or valuation is determined

Appeal. Notice. How posted

Appeals. How made.

Quorum for appeals

Power of managers on appeals.

Lists when completed. How disposed of.

Record of list.

Proceedings in case of extension.

upon by the company; and a copy of any such appraisement or valuation recorded in the books of the company, certified under the hand of the secretary, attested by at least two of the managers, shall be evidence in any court of law or equity and before any Justice of the Peace in this State, and a copy of any such appraisement or valuation recorded in the said recorder's office, certified under the hand of the Recorder and the seal of the office affixed thereto, shall be evidence in any court of law or equity and before any Justice of the Peace in this State.

Record of valuation. When evidence.

SECTION 6. That if at any annual meeting the company shall determine that any sum shall be raised, levied and collected, the managers shall, under their hands or the hands of a majority of them, issue a warrant to the treasurer in duplicate authorizing said treasurer to collect from the persons ratable and assessed, their proportionate part of the amount so authorized to be raised, levied and collected, and the treasurer shall deliver to the secretary of the company the duplicate warrant to be by him recorded in the books of the company, and upon the receipt of such duplicate the secretary shall make an alphabetical list of all persons ratable and assessed according to the appraisement or valuation duly returned and recorded in the books of the company, setting forth the number of acres, the valuation per acre and the gross amount with which each person stands assessed, and shall deliver the same within ten days after the receipt of said warrant to the treasurer, and upon the receipt of said warrant from the managers and the alphabetical list from the secretary, the treasurer shall, after the space of ten days from the receipt thereof, proceed to collect from the persons ratable and assessed their proportionate part or share of the amount authorized by the meeting to be raised, levied and collected, and shall have all the powers by the laws of this State given to collectors of county taxes, and may proceed in all respects in the same manner as collectors of county taxes. The personal property of the tenants living on or occupying or having in charge any lands ratable and assessed in said company, shall be liable for the taxes assessed and levied upon the land of which he is tenant or occupant, and all costs incurred in collecting the same, and such tenant or occupant may deduct the sum or amount so paid by him or collected out of his property by process of law from any rent, whether the rent be of money, or share of the grain, or other crops out of which the tenant or occupant pays rent, and any such payment or collection shall be in full discharge of the rent, to the extent of the payment or amount collected. The treasurer shall not be required to look to any person living without the territorial limits of said company for the payment of any tax

Warrant to treasurer to collect. Record of duplicate warrant. Alphabetical list of ratables and taxes. When delivered. Taxes. When collectable. What property liable for payment of taxes. Liability of tenant for payment of taxes.

authorized to be collected under this act, but may, if he deems advisable so to do, collect from any owner of lands ratable and assessed in said company residing in Kent County. All taxes authorized to be levied and collected under this act shall be a lien upon the real estate of which the marsh or low ground, upon which the assessment is made and taxes levied form a part, for five years from the day of the annual meeting which authorized and determined the raising, levying and collection of said tax, and shall be in addition to the power to sell personal property of the owners, tenants or occupants hereinbefore provided for. The treasurer shall have the same power to sell the real estate as is now given to collectors of county taxes. All taxes which shall remain unpaid after the expiration of one year from the annual meeting at which the tax was authorized to be levied, the treasurer shall add at the rate of six per cent. per annum thereon until the same are paid, and shall account for said additional per cent. so collected the same as other taxes collected. The treasurer shall make a detailed statement, from whom such per cent. has been received and the amount of the same, and shall present such statement, with his accounts and vouchers, to the auditor as hereinafter provided.

Taxes a lien, &c.

Power of treasurer in collecting taxes.

When the treasurer may add 6 per cent.

Statement by the treasurer.

SECTION 7. The secretary shall keep correct proceedings of all meetings held by the company, which shall be signed by the chairman and attested by the secretary, and by the secretary recorded in the books of the company. He shall record all papers which, by this act are required to be recorded in the books of the company. He shall have the custody of and keep safely the bonds of the treasurer and managers hereinafter provided to be given by them to the company, and shall record the same in the books of the company. In case of loss or destruction of any original bond, the production of the book containing the record of such bond shall be evidence of the contents of such bond so lost or destroyed, and may be sued upon as if it were the original bond. The secretary shall receive for his services such compensation as shall be fixed by any meeting of the company. It shall be his duty to attend all meetings of the company, shall preserve all books and papers belonging to the company entrusted to his care and keeping, and when his term of office shall expire, or if from any cause he shall be removed from office, he shall deliver within ten days thereafter to his successor in office, all books and papers in his charge belonging to the company. If the secretary shall neglect or refuse to perform the duties required of him under this act, he shall forfeit the compensation allowed to him. If the managers or a majority of them, shall at any time deem it for the best

Duty of secretary.

Custodian of records.

Compensation of secretary.

Delivery of books, &c., to successor in office.

Penalty for neglect of duty by secretary.

interest of the company, they may remove the secretary and appoint another in his place, to serve until the next annual meeting and until his successor shall be chosen. Removal.

SECTION 8. The managers shall have full power to employ the necessary help and to fix the compensation of the same (unless the compensation shall be fixed by a vote of the company) and shall go upon any lands adjacent to or along any ditch now cut or hereafter to be cut, and may deepen, widen or straighten any ditch now cut or hereafter to be cut, and shall have the right and power to deepen, widen or straighten any ditch now cut or hereafter to be cut, may remove any fence temporarily or put it permanently in another place, and to throw, haul or place on any land adjacent to any ditches of said company, any dirt, sand, earth, gravel, logs or rubbish of any kind that may be necessary in the judgment of the managers of any section for the time being, to be removed out of any such ditches, in deepening, widening and straightening the same, and may cut any tree, sapling or bramble that in his judgment will be likely to fall into said ditch or in any way to obstruct the same, and place anything so cut by him on any land adjacent thereto. The managers shall, within thirty days after their election, meet at the place where the meeting at which they were elected was held, and shall divide the main ditches and the prongs into five sections, and shall number them one, two, three, four and five, and shall designate the manager to take charge of each section, and the said managers shall apportion the amount of money to be expended on each section and shall file under their hands or the hands of a majority of them, with the secretary, to be recorded by him in the books of the company, a statement of the divisions into sections, setting forth what parts of the main ditches and prongs compose each section, the amount apportioned to each section and the name of the manager to take charge of each section. The managers, upon application in writing, signed by any three persons who will be benefited, asking the laying out of a new ditch or ditches, designating the locality where such ditch or ditches are wanted, shall go upon and view the marsh or low ground designated in said application, and shall, if they think necessary, take with them a skillful surveyor (who shall be sworn or affirmed before making a survey to perform the duties required of him faithfully, impartially and with fidelity), and if in the judgment of the managers, or a majority of them, it is deemed necessary for the draining and improving such marsh or low ground that a new ditch or ditches shall be laid out, cut and made, they shall proceed to lay out such ditch or ditches and shall determine the place where such ditch or ditches

Managers to employ help. Compensation of labors.

Power to throw dirt on adjacent land.

Meeting of managers. Place.

Divisions of ditches into sections.

Statement of division recorded by secretary.

Laying out of new ditches.

To employ surveyor.

General courses, location, &c

shall empty into any ditch already cut, and the general courses, location and terminus of the same, and shall determine the width and depth, the amount to be expended in cutting and making the same, and shall determine by whom the expense of cutting and making such ditch or ditches shall be borne and the amount each shall pay for cutting and making the same. The managers shall make an appraisement or valuation for the basis of taxation when the owners of such marsh or low ground shall be admitted into the company. They shall make their [report] in duplicate, signed by them or a majority of them, with a plot of the ditch or ditches so laid out by them, attached, and shall deliver one to the secretary of the company, to be by him recorded in the books of the company, and shall deliver the other to the Recorder of Deeds in and for Kent County, to be by him recorded in the deed records of said county, and the records or certified copies shall be evidence in the same manner as is provided in Section 5 of this act. The managers shall assess any damages that any person shall sustain by reason of the laying out, cutting and making any such ditch or ditches, and such damages shall form a part of the cost of said ditch or ditches as well as any other expense incurred in and about the laying out, cutting and making the same. The assessment or apportionment made by the managers to and upon those who, the said managers shall determine shall bear the expense of laying out, cutting and making any such ditch or ditches, shall be collected as other taxes authorized to be levied and collected by the company, and shall form a lien in the same manner as other taxes of the company and shall be used only in laying out, cutting and making such ditch or ditches. When such ditch or ditches are laid out, cut and made, the owners of any such marsh or low ground ratable and assessed by reason of any such extension shall form a part of the company upon the same terms and with the same advantages and privileges of any other owner or possessor of any marsh or low ground in said company.

Expenses. How paid.

Appraisement of new ditches

Report with plot to be recorded by the secre'ry and by the recorder of deeds.

Damages

Assessment to be collected as other taxes

Owners of new ditches to form part of company.

Treasurer's bond.

SECTION 9. The treasurer, before entering upon the duties of his office, shall give bond with surety to be approved by the managers, or a majority of them, in a penal sum to be fixed by the managers, said bond to be in the following form, viz:

OF CORPORATIONS.

KNOW ALL MEN BY THESE PRESENTS That we, ———— ————, of Kent County, State of Delaware, are held and firmly bound to "The Culbreth's Marsh Ditch Company" in the sum of ———— dollars, lawful money of the United States of America, to be paid to the said "The Culbreth's Marsh Ditch Company," its certain attorney, successors or assigns to which payment, well and truly to be made, we bind ourselves, our heirs, executors and administrators firmly by these presents. Sealed with our seals, and dated this ———— day of ————, in the year of our Lord one thousand eight hundred and ————. Form of bond.

The condition of the above obligation is such that if the above bound ————, being treasurer of "The Culbreth's Marsh Ditch Company," shall faithfully and diligently collect all the rates and taxes, which he shall, according to the alphabetical lists and warrants to be issued to him as such treasurer be required to collect, and all taxes whatever which shall be committed to him for collection, and shall pay the amount of all such rates and taxes, excepting only so far as allowances shall be made to him by vote of a meeting of "The Culbreth's Marsh Ditch Company," for errors, delinquencies, commissions, or otherwise to the officers or persons authorized to receive the same, in the manner and within the time prescribed by law, or legally appointed for the payment of the same. And if the said ———— shall perform the duties of his office as treasurer as aforesaid in all things with fidelity, then the above obligation shall be void. And further we do hereby jointly and severally authorize and empower any attorney or prothonotary of any court of record in the State of Delaware, or elsewhere, to appear for us and each or either of us, at the suit of the said "The Culbreth Marsh Ditch Company," its successors or assigns, and thereupon to confess judgment for the above penalty to the said "The Culbreth Marsh Ditch Company," its successors or assigns, as of the last, next or any other term or time after date hereof. Conditions.

And further we do hereby jointly and severally release all and all manner of error or errors in any such judgment and execution to be issued thereon.

Signed, sealed and delivered } ————————, [L. S.]
in the presence of } ————————, [L. S.]

OF CORPORATIONS.

Treasurer to collect taxes.

It shall be the duty of the treasurer to collect all taxes and moneys due to the said company and pay out of the same to the manager of each section that part of the taxes or moneys which has been apportioned by the managers to each section, within ten days after he shall have collected the same, and take receipts thereof. He shall render his accounts and present his vouchers for settlement to the auditors at such time as shall be appointed by said auditors for the settlement and adjustment of his accounts. The managers, or a majority of them, may at any time demand of the treasurer a statement of his accounts, and his books shall at all times be open to them for inspection. If the treasurer shall neglect or refuse to collect the taxes or moneys due the company, or shall neglect or refuse to perform any of the duties required of him as such treasurer under this act, the managers, or a majority of them, may remove such treasurer and appoint another in his place, and upon such removal and appointment the treasurer so removed shall within ten days thereafter deliver to his successor all books, papers, lists and other property in his possession belonging to the company, and pay over all moneys in his hands collected by him and not before that time paid over to the managers. Upon any treasurer going out of office at the expiration of the term for which he was elected or appointed, he shall within ten days thereafter deliver to his successor all books, papers, lists and other property in his possession belonging to the company and pay over all moneys in his hands, collected by him. If any treasurer shall neglect or refuse to pay over any balance in his hands to his successor, it shall be the duty of the treasurer for the time being to ascertain the balance in the hands of his predecessor and may proceed to collect the amount so ascertained to be due, by execution process out of any property real or personal belonging to either principal or sureties. For any other violation of the conditions of said bond it shall be the duty of the treasurer for the time being to bring suit in a court of competent jurisdiction against either principal or sureties, or both or all of them, to recover any damages sustained by the company. If any treasurer shall neglect, or refuse or fail to bond for the space of thirty days after his election or appointment, the managers may appoint another person in his place. The compensation to the treasurer shall be fixed by a vote at a meeting of the company, but shall not exceed eight per cent. upon the amount collected by him.

To render accounts to auditors.

Books to be open to managers.

Removal and appointment of treasurer

Duties at end of term

Failure.

Treasurer to collect by executive process.

Failure to give bond.

Compensation.

Managers to give bond.

SECTION 10. The managers, each of them, shall, before entering upon the duties of their office, give a bond to the company with surety, to be approved by the treasurer, in the penal sum

of at least double the amount apportioned to his section, the amount to be fixed by the treasurer, which said bond shall be in the following form, viz:

Form.

"KNOW ALL MEN BY THESE PRESENTS That we —— ——, of Kent County, State of Delaware are held and firmly bound to "The Culbreth's Marsh Ditch Company" in the sum of ———— lawful money of the United States of America, to be paid to the said "The Culbreth's Marsh Ditch Company" or its certain attorney, successors or assigns, to which payment well and truly to be made, we, jointly and severally, bind ourselves, our heirs, executors and administrators firmly by these presents, sealed with our seals and dated this ——— day of ——— in the year of our Lord, one thousand eight hundred and ———.

Conditions.

The condition of the above obligation is such that if the above bound ——— ———, being a manager of "The Culbreth's Marsh Ditch Company" shall faithfully disburse and pay out all moneys, that shall come into his hands, and shall, when he goes out of office, as such manager, pay over to the treasurer of the company all moneys in his hands as such manager, and if the said —— —— shall perform the duties of his office, as manager, as aforesaid, in all things with fidelity, then the above obligation shall be void. And further, we do hereby, jointly and severally authorize and empower any attorney or prothonotary of any court of record in the State of Delaware or elsewhere, to appear for us and each or either of us at the suit of the said "The Culbreth's Marsh Ditch Company," its successors or assigns, and thereupon to confess judgment for the above penalty to the said "The Culbreth's Marsh Ditch Company," its successors or assigns, as of the last, next or any other term or time after date hereof.

And further, we do hereby jointly and severally release all and all manner of error or errors in any such judgment and execution to be issued thereon.

Signed, sealed and delivered } ——— ———[L. S.]
in the presence of } ——— ———[L. S.]

Duties of managers in relation to cutting ditches, &c.

It shall be the duty of each manager to employ the necessary help for cutting and making any new ditch, and for deepening, widening, straightening and improving any ditch already cut within the section for which he was designated, and to receive from the treasurer any money apportioned to such section and to disburse the same, for any work, labor, material or necessary

expense incurred by him upon his section. He shall give to the treasurer receipts for all moneys paid to him and shall take receipts for all moneys disbursed by him. He shall keep a book in which he shall enter the amount received and the amount disbursed and the names of the parties to whom disbursed, and shall present his accounts and vouchers for settlement before the auditors as hereinafter provided. He shall at all times when requested by the other managers, or a majority of them, exhibit his books, showing the amount received and disbursed by him. If at any time any manager shall neglect or refuse to perform the duties required of him under this act, the other managers may remove any such manager, and appoint another in his place, and the manager so removed shall pay over to the treasurer all money in his hands, and shall deliver to his successor in office, within ten days after his successor shall have been appointed, all books, papers and other property belonging to the company, in his possession, but he shall be entitled to a copy of any such book, paper or account so delivered, in which he is personally interested, which copy shall be compared by his successor, and shall be certified under his hand that the said copy is true and correct; the expense of said copy to be borne by the manager removed. The compensation of the managers shall be fixed by a vote at a meeting of the company and may be either per diem or a sum in gross. The company may, at any meeting, by a vote, determine the lowest number of laborers which each manager is expected to employ on any day, and if any manager shall work a less number of laborers on any day than the number fixed by the meeting, he shall not receive full pay, but it shall be reduced in proportion to the number worked by him, but nothing herein shall be construed to prevent any manager from working a greater number than the number fixed by the meeting.

To give and take receipts.

To exhibit his book to managers.

Failure to perform duties.

Removal.

To have a copy of books and papers.

Compensation.

Number of laborers.

Duty of auditors.

SECTION 11. It shall be the duty of the auditors to audit the accounts of the treasurer and managers of the company. They shall carefully examine the accounts of the treasurer, and shall report to the annual meeting of the company the amount of tax levied, the number of cents on the hundred dollars, necessary to raise the tax, the amount collected by him and the amount remaining uncollected, and also the interest collected upon all the taxes remaining unpaid after the expiration of one year from the annual meeting at which the tax was directed to be levied, and all errors, if there be any, and any other matter or thing in connection with the accounts of the treasurer, which, in their judgment is for the interest of the company. They shall audit the accounts of the managers, and shall carefully examine the books and vouchers of each manager, and shall endorse on each

To audit accounts and examine books of managers.

voucher approved by them, the day of the month and year with the word "allowed," and if any voucher shall not be approved by them they shall endorse thereon the day of the month and year and the word "disallowed," which said endorsements shall be signed by the said auditors. They shall report to the annual meeting of the company the amount received by each manager, the amount paid out by each, the balance remaining in the hands of each, the amount disallowed, if any, and for what cause, and any other matter or thing in connection with the accounts of the managers, which, in their judgment is for the interest of the company. The said report shall be in writing and signed by said auditors. The meeting may adopt said reports or not, at their pleasure, and may direct a new audit to be made. Any voucher disallowed by said auditors may be allowed by a vote of the meeting of the company. If the report should be adopted by the meeting, it shall be delivered to the secretary, by him to be recorded in the books of the company. It shall be the duty of the treasurer and managers to notify said auditors not less than fifteen nor more than thirty days before the annual meeting, that they are ready to have their accounts audited. That upon such notice said auditors shall fix the time and place they will meet the treasure and managers to audit their accounts. The time fixed by them shall be not less than five days before the day of the annual meeting. The compensation to said auditors shall be fixed by a vote at a meeting of the company, but shall not exceed the sum of two dollars each per day, for the time employed by them in the examination and auditing of the said accounts and the preparation of their report.

Endorsement of vouchers.

Report of auditors.

Meeting to adopt or reject reports.

Duty of managers and treasurer to notify auditors.

Time of auditing.

Compensation of auditors.

SECTION 12. That any treasurer taking any duplicate or tax list for collection shall collect the entire list, errors and delinquencies excepted, and pay over the same to the managers or to his successor in office, and until he has so collected, paid over and closed his accounts he and his sureties shall not be absolved from liability to said company; unless by a vote of the company the uncollected list of taxes shall be directed to be delivered to his successor in office, in which case his successor shall be charged with the uncollected taxes, so turned over, then to the extent of the said uncollected tax list, so turned over, and no more shall the said treasurer and his sureties be absolved from liability to said company. Nothing herein contained shall apply to any treasurer removed by the managers, nor in case of death of any treasurer, whose place has been filled by the managers.

Treasurer to collect all taxes.

Uncollected list to be delivered to successor

Not to apply to treasurer removed from office.

SECTION 13. That if any person shall cut any tree, sapling or bramble, so that the same shall fall into any ditch belonging

Damages done to ditches.

Penalty.

to said company, and shall permit the same to remain in said ditch for the space of ten days, he shall pay to the company the sum of ten dollars, and if any person shall willfully fill up or obstruct the ditches or drains of said company or shall willfully obstruct or impede the course of the water from running down the same, every person so obstructing said ditches or impeding the course of the water thereof shall pay to the company the sum of fifty dollars, to be recovered before any Justice of the Peace of Kent County, by a suit brought in the name of the company. It shall be the duty of the manager of any section where any obstruction mentioned in this Section is found, to report to the treasurer, in writing, by whom such obstruction was made, and it shall be the duty of the treasurer to bring suit against the person or persons so obstructing, and upon the recovery of judgment, to proceed to collect the same by execution process, unless said judgment and costs are paid within thirty days after the rendition of the same.

Suit to be brought before a justice.

Duty of treasurer to bring suit.

No stakes to be driven in ditches.

SECTION 14. No person shall be allowed to drive any permanent stakes at any fence, bridge or road in the ditches of said company; and if any person shall drive any such stakes at any fence, bridge or road in said ditches it shall be considered an obstruction, and he shall pay to the company the same amount as is prescribed in Section 13; and the proceedings for the recovery of the same, shall be in the same manner as directed in said Section 13.

Penalty.

Suits to be brought in the name of the company by secretary.

SECTION 15. All suits brought by the company shall be brought in the name of "The Culbreth's Marsh Ditch Company," and shall be brought by the treasurer, in all cases, except in cases where the treasurer is a party defendant; in which case the suit shall be brought by the secretary. On any bond or obligation now due or owing to "The Culbreth's Marsh Ditch Company," suit shall be brought in the name and style in which such bond or obligation is taken.

Company not required to construct bridges.

SECTION 16. This company shall not be required to construct or repair any bridge over any of its ditches, nor any road leading thereto, either public or private, and any bridge erected across any of the company's ditches, either of a public or private character, shall be built in such a manner, and of such width and height, as not to obstruct the water flowing through the ditches of said company.

Officer to take oath or affirmation.

SECTION 17. The treasurer, managers and auditors, before entering upon the duties of their office, respectively, shall be sworn or affirmed, before the secretary, (who for this purpose is

authorized to administer oaths,) to perform the duties of their office respectively, faithfully and impartially and according to the best of their judgment.

Taxes due old company to be due the new company.

SECTION 18. That all taxes due and uncollected, and all moneys due and owing to "The Culbreth's Marsh Company" shall belong and be paid to the company incorporated by this act, and the proper officers of this company may bring suit in the name of this company for all debts due "The Culbreth's Marsh Company," (except in case of bonds and obligations provided for in Section 15,) and that all laws now in force for the levying and collecting of any tax heretofore assessed and levied and yet uncollected, shall remain in full force for the purpose of collecting any such uncollected taxes and the payment over of the same, with the same powers heretofore contained in any act pertaining to the collection of taxes, and that any bond or obligation heretofore given by any treasurer, officer or other person to said "The Culbreth's Marsh Company," shall remain in full force and effect until all matters to which they pertain shall have been settled and closed. The company by a vote at any annual meeting, by a majority of all the votes cast, may declare the condition of any bond or obligation now held by "The Culbreth's Marsh Company," or any bond or obligation hereafter to be given to "The Culbreth's Marsh Ditch Company" fully performed and completed, and may direct the cancellation of any such bond or obligation, and the delivery of the same to the obligor or obligors, their heirs, executors or administrators. All debts due and owing by "The Culbreth's Marsh Company" shall be and remain the debts of this company, and shall be paid out of any funds belonging to this company.

Meeting of the company to cancel computed bonds.

Transfer of debts.

Bonds to be recorded and record to be evidence.

SECTION 19. In all cases where bonds are required to be given under this act, the bond so given shall be recorded in the books of the company, and any bond so recorded shall be evidence in case of the loss or destruction of the original, and may be sued upon, in the same manner as the original bond. In case of any defalcation on any of said bonds for any money so defaulted, the officer whose duty is hereinbefore made to bring suit on any of said bonds, shall ascertain the cash balance due and shall issue execution against the person so defaulting, and his sureties, or any or either of them, and shall collect the same out of any property they may have. For any other violation of the conditions of said bonds, it shall be the duty of the proper officer to bring suit in any court of competent jurisdiction in this State or elsewhere, and any judgment recovered shall be collected, as like judgments in other cases, but nothing herein

Execution to be issued against defaulter.

contained shall prevent the bringing suit on any of said bonds, for the money defalcation and any other violation of the condition of said bonds at the same time.

Contrary acts repealed.

SECTION 20. And all acts or parts of acts, heretofore passed in relation to "The Culbreth's Marsh Company," except the reservation made in Section 18 of this act are hereby repealed, and made null and void.

Expense of act to be borne by the company.

SECTION 21. That all expenses incurred in preparing this act and procuring a certified copy thereof, or any other expense in and about the same, shall be paid by the treasurer of the company, out of any moneys in his hands belonging to said company, or that may come into his hands as such treasurer.

Penalty in case of an overcharge of managers.

SECTION 22. That if any manager shall willfully and fraudulently take a receipt for or charge in his accounts a greater amount than he shall pay to any person for work and labor or for material furnished, he shall pay to the company the sum of fifty dollars for every such receipt or charge to be recovered as debts of like amount are recovered before a Justice of the Peace of Kent County, and it shall be the duty of the treasurer to bring such suit.

Public act.

SECTION 23. This act shall be deemed and taken to be a public act and shall be published in the laws of this State as such.

Passed at Dover, March 31, 1881.

OF CORPORATIONS.

CHAPTER 465.

OF DITCH COMPANIES.

AN ACT to amend an act entitled "An Act to enable the owners of the Marsh Meadow near Newport, called Conrad's Cripple, to keep the banks, dams and sluices in repair and to raise a fund to defray the expenses thereof, passed at Dover, February 23, 1865. Title.

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 Section 1, of the act entitled "An Act to enable the owners of the Marsh Meadow near Newport, called Conrad's Cripple to keep the banks, dams and sluices in repair and to raise a fund to defray the expenses thereof, passed at Dover, February 23, 1865, be and the same is hereby amended by striking out of the fourth line, of said section the word "March," and inserting in lieu thereof the word "April." That the said section be further amended by adding to the end thereof the following, to wit: "At all elections every owner not in arrears as aforesaid shall have one vote for every acre of marsh land owned by him, and may cast such vote either in person or by proxy, duly authorized under hand and seal; *Provided, however,* that every such owner shall be entitled to at least one vote." Voting qualifications.

Passed at Dover, April 6, 1881.

CHAPTER 466.

OF DITCH COMPANIES.

AN ACT to incorporate The Phillips Ditch Improvement Company. Title.

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 owners of the swamp and low ground situated upon and contiguous to Phillip's Mill Pond, in Dagsboro Hundred, in Sussex County, and State of Delaware, shall compose a company to be called Phillip's Ditch Improvement Company for the purpose of effectually draining, ditching and reclaiming the said swamps and low grounds. Owners of certain swamp lands organized for draining purposes.

OF CORPORATIONS.

Commissioners appointed to view grounds.

SECTION 2. That William Otwell, John Rodney of D., and Robert J. Houston are hereby appointed commissioners to go upon and view the said swamps and low grounds aforesaid and ascertain the quantity of swamps and low grounds which will be benefited by the ditch or ditches to be opened under this act,

Location of main ditch.

and to lay out, locate and direct to be cut and opened a main ditch, commencing at the mouth of Ephraim Steen's ditch and running through the lands of E. W. and G. W. Cannon, Eben Parsons, J. J. W. Simmons, Spencer A. and J. W. Phillips to the lands of J. S. Johnson, and to lay out, locate, direct to be

Other ditches.

cut and opened such other ditch or ditches as the commissioners may deem necessary to effectually drain the swamps and low

Size of ditches.

grounds aforesaid. They shall also determine the width and depth of the ditch or ditches by them directed to be cut and

Valuation and assessment of grounds.

opened, and make a valuation and assessment of all the low grounds and swamps which will be benefited by the opening of said ditch or ditches, and according to the amount of benefit to

Damages. When and how awarded.

be derived therefrom. If the said commissioners shall be of the opinion that any person will be injured by the making of any such ditch or ditches, they shall assess and award to such person damages to the amount of such injury, after taking into consideration all the advantages to be derived therefrom, and the

Payment of damages.

same shall be paid or tendered before the cutting of said ditch or ditches, or deposited in the Farmer's Bank, of the State of

Plot and return.

Delaware, at Georgetown, to the credit of such person or persons; the said commissioners shall make a plot of the ditch or ditches located by them as aforesaid, and a return of all their proceedings under this act to the Recorder of deeds in and for Sussex

Where filed.

County, to be by him recorded as soon as practicable after they

Qualification of commissioners.

shall have performed the duties herein imposed. Before entering upon the discharge of the duties imposed by this act the said commissioners shall be sworn or affirmed to faithfully and

What acts valid.

impartially perform the same. The acts of a majority of said commissioners shall be deemed and taken to be the acts of the whole, touching the duties herein required of said commissioners.

First meeting of company. Time and place.

SECTION 3. That the persons composing said company shall meet at Phillip's Hill, on the first Saturday in May, A. D. 1881, at one o'clock in the afternoon, for the purpose of choosing from the said owners of said swamps and low grounds, one or more

Managers.

suitable person or persons to be manager or managers, and also

Secretary and Treasurer.

a secretary and treasurer, who shall hold their offices respectively

Term of office.

for one year, and until their successors are duly chosen, and that thereafter the time for holding the annual meeting shall be on

Annual meeting.

the first Saturday in May in every year, at one o'clock in the afternoon, at Phillip's Hill, in the Hundred aforesaid; the said

OF CORPORATIONS.

company may hold adjourned meetings or 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.

Occasional and adjourned meetings. Notice. Voting.

SECTION 4. That the manager or managers chosen as aforesaid shall proceed to make or open the ditch or 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, and the ditch or ditches so opened shall be kept opened and in good condition for the benefit of those liable to contribute therefor. If any person shall stop or obstruct any ditch or ditches 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.

Duties of managers. Fine for obstructing ditch.

SECTION 5. 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 for a sum double the amount of 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 retain five per centum on the amount collected as compensation.

Moneys. By whom and how collected. Bond of treasurer. Settlement with company. Compensation.

SECTION 6. That said company at the meeting to be held on the first Saturday in May, A. D., 1881, shall determine how much money shall be raised for the purpose of cutting and making the ditch or ditches which may be laid out by the commissioners aforesaid, and at the annual meetings 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 said company may deem necessary for effectually draining and reclaiming the said swamps and low grounds, situated upon and contiguous to Phillip's Mill Pond. The said manager or managers shall levy and apportion the sum of money determined by said company to be raised for the purpose aforesaid upon the assessment and valuation of the said swamps and low grounds made by the commissioners and returned by them to the Recorder of Deeds as aforesaid.

Matters for determination at first and other annual meetings. Apportionment and assessment of taxes. To whom returned.

OF CORPORATIONS.

Selection of chairman and secretary of meetings.

SECTION 7. 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 a 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.

Company incorporated. Name. Term of incorporation. Powers.

SECTION 8. The said company is hereby created and declared to be a body politic and corporate, by the name and style of "The Phillip's Ditch Improvement Company," and by that name shall have succession for twenty years, and 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.

Passed at Dover, April 7, 1881.

CHAPTER 467.

OF DITCH COMPANIES.

Title.

AN ACT to amend the act entitled "An Act to incorporate "The Fenwick's-Island Improvement Company," passed at Dover, March 15, 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 of the Legislature concurring therein):

Section 6, amended.

SECTION 1. That the words "Baltimore Hundred" be stricken out of line 5 of Section 6, of said original act and the words "Sussex County" inserted in lieu thereof.

Place of annual meetings changed.

SECTION 2. That the place for holding the annual meetings shall be the town of Frederica instead of Tunnel's Store.

Passed at Dover, April 8, 1881.

OF CORPORATIONS.

CHAPTER 468.

OF DITCH COMPANIES.

AN ACT to incorporate the Derrickson's Mill Pond Branch and St. George's Branch Ditch Company. Title.

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 owners and possessors of certain swamp and low lands situate, lying and being in Baltimore Hundred, Sussex County and State of Delaware, known as the low lands of Derrickson's Mill Pond Branch and St. George's Branch shall compose a company to be called the Derrickson's Mill Pond and St. George's Branch Ditch Company, and shall hold a meeting on the second Saturday of May next, and on the second Saturday of May in every year thereafter, at the storehouse now owned and known as Helm's storehouse, in said county, or at such other place as said company shall determine by a resolution to be adopted at any annual meeting of said company; at which annual meetings said company shall choose by ballot and a plurality of the voters present, one treasurer and two managers for said corporation and may do and determine all such matters and things as the said company may deem requisite for effectual draining and reclaiming the low grounds; said meeting shall be called by at least five days written notice, signed by any two of said taxables or corporators, and posted in five or more of the most public places in the neighborhood of the lands drained or benefited by said ditch; the said treasurer and managers so appointed shall serve in office for one year, and until their successors are duly elected and qualified. The annual meetings of the said taxables or corporators may be adjourned from time to time and occasional or stated meetings may be from time to time called by the managers for the time being, or the survivor, if either be dead, by giving notice as required for the annual stated meetings; and if the managers and treasurer shall not all or any of them be chosen at the stated annual meeting in any year, or if any managers or treasurer die, resign, refuse or neglect to act, vacancies thus happening may be filled at an adjourned or occasional meeting by ballot and plurality of votes, as aforesaid, and all the managers and every treasurer elected under this act shall continue in office until the annual meeting next succeeding their election, and until successors be duly chosen, except that if any manager or treasurer shall, after his election, remove from the neighborhood of such lands drained or benefited by said

Owners of certain low lands in Baltimore Hundred, declared a company.

Name.

Meeting. When and where held.

Officers. When and how chosen

Notice of meeting.

Terms of officers.

Adjournment.

Occasional meetings.

How called.

Election to fill vacant offices.

Removal from neighborhood to vacate office.

ditch, the said company may at any of its meetings declare the place of such manager or treasurer vacant and elect another in his place. And further, that said taxables or corporators, at any adjourned or occasional meetings may do all such acts or things as may or might be done at a stated meeting; and at all meetings of the said taxables or corporators the taxables present shall be entitled to vote as each is liable to contribute, that is to say, each taxable shall be entitled to one vote for each and every dollar of tax paid by him or her.

What acts proper at adjourned and occasional meetings.

Voting.

Commissioners to be chosen.

SECTION 2. *And be it further enacted,* That the said taxables or corporators shall, at their first meeting to be held as aforesaid, choose by ballot and by a plurality of votes, three substantial and disinterested freeholders of Sussex County aforesaid, (having no interest in any of the lands drained or benefited by said ditch) as commissioners, to make a valuation of the lands drained or benefited by said ditch, and the said commissioners are hereby further authorized and required to go upon and view all the lands which, in their opinion or in the opinion of a majority of them, are drained or benefited by the said ditch, and to ascertain all said owners of the said land drained or benefited by the said ditch and the quantity of such land held by each owner, or by the joint or common owners, (if any be held undivided,) and to appraise all the said lands, which, in their opinion or in the opinion of a majority of them, are drained or benefited by the said ditch, and shall determine the value of the said lands according to the situation thereof, and upon such principles as will do equal justice to all the owners thereof, which said appraisement shall be the basis of assessment for all the taxes levied under this act for the period of five years next ensuing the date of making said appraisement; and if at the expiration of said period of five years, the said taxables or corporators shall, by ballot and by a plurality of votes, at a stated annual meeting of said taxables or corporators, determine to make a new appraisement of the said lands drained or benefited by said ditch as a basis for all their subsequent assessment of taxes, they shall choose by ballot and a plurality of votes, three other like commissioners, (having no interest in any of the aforesaid lands,) for the purpose of making such appraisement, who shall have all the power vested in and perform all the duties herein required of those first chosen under this act, and whose appraisement, when duly certified to a meeting of the said taxables or corporators, shall continue for ten years thereafter as a basis for all their subsequent taxation under this act, but if the said taxables or corporators shall otherwise determine at said meeting the appraisement first made under this act shall continue as a basis of all the

Their duties.

Basis of assessment

New basis. How and when made

Duration of second basis. When accepted.

then subsequent taxation under this act, and after the second taxation is made, it shall run as a basis for periods of ten years each thereafter.

SECTION 3. *And be it further enacted,* That the said commissioners, or a majority of them, shall within thirty days from the day of their appointment, call a special meeting of said taxables or corporators, by giving five days public notice in writing posted as aforesaid, to which said meeting the said commissioners, or a majority of them, shall return a certificate, made under their hands or the hands of a majority of them, containing the names of the respective owners of the said lands, the quantity of said lands held by each owner, or by joint owners, (if any be held undivided,) and that the appraisement of the said several quantities or parcels of said lands by said commissioners to be named as aforesaid; and the said commissioners are hereby further authorized and required, after viewing the said Derrickson's Mill Pond and St. George's Branch ditch or ditches, to estimate the probable expenses of cutting, cleaning and repairing the said ditch or ditches, and the said commissioners, or a majority of them shall, within thirty days after their appointment, certify to the managers for the time being the amount of such estimate. If any of the said commissioners shall die, resign, remove from Sussex County, or refuse to act before all the said duties of the said commissioners shall have been completed, then, and in that case the said taxables or corporators may at any annual, adjourned or occasional meeting, choose a commissioner or commissioners to fill the vacancy or vacancies, and each commissioner, before he enters upon the duties required of him by this act, shall be sworn or affirmed by some judge of the State, or Justice of the Peace in and for Sussex County, to discharge the said duties faithfully and impartially, according to the best of his skill and judgment; and every commissioner shall for each and every days service in and about the business of said company under this act be entitled to receive of said company the sum of one dollar and fifty cents.

Special meeting of taxables called by commissioners. Notice.

Certificate of return. Contents of return.

Vacancies in commission. How filled.

Qualification of commissioners.

Compensation of commissioners.

SECTION 4. *And be it further enacted,* That for the purpose of raising the necessary sums of money and for answering the purposes by this act intended, it shall and may be lawful for the managers, for the time being, and they are hereby authorized and required (after the appraisement and valuation aforesaid shall be made and returned as aforesaid and the estimate of probable expense shall be made and certified to them as aforesaid) to lay and assess upon the value of said lands drained or benefited by said ditch mentioned by said certificate of the commissioners, such sum of money as the commissioners or a majority of them shall have

Moneys. How raised

estimated as the probable expense as aforesaid or such part of said sum as the said managers may deem expedient to raise in the first instance, which said sum of money shall be apportioned among the several owners of the said land drained or benefited by said ditch upon the basis of the appraisement so as aforesaid returned to said meeting by said commissioners; and for the raising of any further or other sums of money which may be necessary for cutting, cleansing, repairing and keeping in repair the said ditch above mentioned, it shall and may be lawful for the managers, for the time being, and they are hereby authorized and required to lay and assess upon the value of the said lands drained and benefited by the said ditch all such sum and sums of money as the said taxables and corporators at any of their meetings from time to time determine and direct to be levied and raised; and all such sum or sums of money or taxes shall be apportioned in the same manner as is herein directed for the apportionment of the first tax to be levied and raised under this act, and the said managers shall from time to time make out duplicate lists under their hands of all assessments and taxes by them levied and assessed as aforesaid, which lists shall also contain a minute of all changes of ownership (if any) by transfer or otherwise, of the said lands drained or benefited by the said ditch so far as the same is known to the said managers, one of which said lists shall be delivered to the treasurer for the time being, and the other shall be retained by the managers, and shall be copied into the book where the records of the proceedings of the said company are kept. The said lists shall be final and conclusive upon all parties, and the lists from time to time delivered to the treasurer as aforesaid shall be a sufficient warrant to him or his successor in office for levying and collecting the sums of money or taxes in said lists mentioned. And furthermore, it shall be the duty of the managers, and they are hereby authorized and required to cut, cleanse and repair the said ditch, and to keep or cause to be kept the same open and in good repair, and generally the managers shall carry into full effect all the lawful direction of the company which shall from time to time be given them in relation to their aforesaid trusts, for which purpose the aforesaid managers shall have power to employ such workmen and laborers as may be necessary for repairing and keeping in good repair the said ditch, and all hire, wages and expenses in and about the said work shall be paid by orders drawn by the managers on on the treasurer. Every order shall specify the services, wages or expenses for which it is drawn, and exact and true account shall be kept by the managers of all orders so drawn, and said account shall be laid before the annual

Duplicate list.
Contents.
To whom lists shall be delivered
Shall be copied into minutes.
Lists to be treasurer's warrant.
Duties of managers.
Power of managers.
Wages.
How paid.
Accounts of orders kept by the treasurer.
To whom presented.

or other meeting of the said taxables or corporators, as the said taxables or corporators may direct; any person assessed for a tax upon said ditch may discharge the same by work done in and about said ditch by the direction of the managers, and their certificate shall be received by the treasurer in payment of their tax. And every manager shall, for each and every day's services in and about the business of said company, under this act, be entitled to receive of said company a sum of one dollar.

Taxes. How paid.

Certificates thereof to treasurer.

Compensation.

SECTION 5. *And be it further enacted,* That the managers laying the tax shall appoint the time for the payment of them, and it shall be the duty of the owners respectively to pay to the treasurer the taxes which (according to the list to be delivered to the treasurer from time to time aforesaid) they shall be liable to pay at the time or times appointed by the managers for such payments aforesaid.

Managers to appoint time of payment of taxes.

SECTION 6. *And be it further enacted,* That the treasurer for the time being, and every treasurer for the time being, shall before he enters upon the duties of his office, give bond with security to be approved by the managers, to the said taxables or corporators by their name aforesaid, in the penalty of double the amount of taxes assessed and to be collected upon condition to be void if the said treasurer shall pay all orders drawn upon him by the managers, for the time being, as far as he shall have funds of the company for that purpose, and shall well and truly account for all moneys which shall come to him as such treasurer at any annual meeting of the company, or otherwise, as the company may direct, and shall pay any balance or sum that shall be due from him in such account, to his successor in office, or otherwise, as the company may direct, and shall perform all the duties of said office as treasurer with fidelity, and every treasurer for the time being shall have the same power to collect and levy all unpaid taxes upon a list delivered to a former treasurer, as the treasurer had to whom the list was originally delivered.

Bonds of officers.

Penalty.

Condition of bond.

SECTION 7. *And be it further enacted,* That the treasurer for the time being, and every treasurer for the time being, shall have full power and authority to demand and receive, levy and make all and every the taxes which shall be laid and assessed pursuant to this act, by the managers, according to the certificates or the list which shall be delivered to such treasurer; and in case any tax or taxes so laid or assessed, or any part thereof, shall remain unpaid for the space of ten days after the time appointed for the payment thereof as aforesaid, the treasurer for the time being, and every treasurer for the time being, may and shall

Power of treasurer as collector.

proceed to make and levy all such taxes so remaining unpaid in the same manner and by the same means as are provided by law for the recovery of county, road and poor taxes, except that the said treasurer shall advertise at least thirty days before the day of sale, and every treasurer shall be allowed a commission (subject to the decision of said taxables by a majority of votes) on all moneys by him collected.

Compensation.

Power of adjacent owners of lands.

SECTION 8. *And be it further enacted,* That every person holding any ground adjacent to said ditch and ratable and liable to be assessed under this act shall have full power and liberty, without any interruption or hindrance, to cut such other ditches or drains as may be necessary to drain such adjacent ground into the company's ditch, at such place or places as the owner or owners of such adjacent ground shall find most convenient and proper. *Provided, nevertheless,* that if the said ditches or drains from such adjacent grounds shall run through the lands of any other person or persons, the place of cutting the same shall be fixed and determined by three disinterested freeholders to be appointed by the managers for the time being, and the place or places so fixed and determined by said freeholders shall be certified by them under their hands to the managers for the time being, and the certificate entered upon the books of the company.

Proviso.

When bridges shall be maintained by the public.

SECTION 9. If any public road crossed by such ditch or by the branches straightened under the provisions of this act will be benefited so that the public ought to make and maintain a bridge over the same, the commissioners shall so state in their return, and such bridge shall be made and kept up at the public charge.

Provisions in relation to obstruction of ditches.

SECTION 10. That if any person shall willfully fill up or in any manner obstruct or injure the said ditch, or shall stop, obstruct, or impede the course of the water running therein, every person so offending shall pay to the said, "The Derrickson's Mill Pond and St. George's Branch Company," a sum not exceeding fifty dollars nor less than twenty-five dollars and also the damages sustained by said company by reason of such filling up, obstructing, stopping or impeding, to be recovered before any Justice of the Peace in and for Sussex County, aforesaid, in the same manner and by the same proceedings as debts under one hundred dollars are by law recoverable, and the jurisdiction necessary for such recovery is hereby expressly given to all and every the Justices of the Peace in said county.

Penalty.

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SECTION 11. *And be it further enacted,* That this act shall be deemed and taken to be a public act, and that the power of revoking or repealing this act is hereby reserved to the Legislature. Public act.

Passed at Dover, April 8, 1881.

CHAPTER 469.

OF THE DUCK CREEK IMPROVEMENT COMPANY.

AN ACT to further amend an act entitled "An Act to incorporate the Duck Creek Improvement Company." Title.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met, (two-thirds of each branch of the Legislature concurring therein:)* That the seventh Section of an act entitled An Act to incorporate the Duck Creek Improvement Company, passed at Dover, February 17th, 1859, be, and the same is hereby amended by striking out the words "or negligently" in the second line of Section seven; and also by striking out all of said Section after the word "shall" in the sixth line of said Section, and inserting in lieu thereof the words "be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined five hundred dollars, or be imprisoned not exceeding one year," or both in the discretion of the court. Act in relation to D. Creek Improvement Co., amended.

SECTION 2. *And be it further enacted,* That the managers of "The Duck Creek Improvement Company" be, and they are hereby authorized, whenever, on their judgment and discretion it will be advantageous to do so, to change the location of any of the stoppings in Duck Creek which have been erected and maintained therein; and to erect and maintain other stoppings in lieu thereof at other points on said Creek to be by them selected. Location of stopping authorized to be changed.

Passed at Dover, March 31, 1881.

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CHAPTER 470.

OF THE DOVER RIVER IMPROVEMENT AND NAVIGATION COMPANY.

Title.

AN ACT to incorporate "The Dover River Improvement and Navigation 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):

Dover River Company.

Capital stock.

Number and value of shares.

SECTION 1. That a company is hereby established for the improvement of the navigation of Dover River and for navigating the same. The capital stock of said company shall not exceed twenty thousand dollars, and shall be divided into two thousand shares of ten dollars each, and the said company shall go into operation and the incorporation as hereinafter provided, shall begin and take effect as soon as one hundred and fifty shares of the capital stock shall be in good faith subscribed.

Names of commissioners.

Books of subscription.

When and where opened.

Notice.

SECTION 2. That John C. Durborough, Thomas Pickering, George H. Gildersleve, Edgar H. Bancroft, William Dyer, William H. Ridgway, Doctor John W. Sharp, James H. Shepherd and John J. Conner, be and they are hereby appointed commissioners, and they or any three of them, are hereby authorized to procure books and receive subscriptions therein to the said capital stock at Dover, Five Points and Magnolia, and at said last named place shall continue to receive subscriptions until at least one hundred and fifty shares of said capital stock shall in good faith be subscribed. At least ten days notice of the time and place of opening said books to receive subscriptions to the capital stock of said company, shall be given by advertisement in two newspapers published in Dover, and the said subscriptions may be made by proxy and as hereinafter provided.

Name of corporation

Powers.

SECTION 3. That the subscribers to the said capital stock their, successors and assigns, shall be, and they are hereby incorporated by the name of "The Dover River Improvement and Navigation Company," and by that name shall have full power and authority to sue and be sued, plead and be impleaded in all courts of law and equity in this State and elsewhere, to purchase, take, hold and enjoy in fee or for any less estate, lands, tenements, goods, chattels, rights, credits and effects connected with, incident to or in any manner or way conducive to the object or purpose for which the said company is incorporated and established, and may at pleasure sell and convey the same and generally may have, hold and enjoy the franchises incident to corporation aggregate, and may do any and all acts needful and necessary to carry out the objects and purposes of its organization, and

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may have a common seal and the same alter or renew at pleasure; may at the annual meetings make by-laws for the government of the company, provided the same be not inconsistent with this act or the laws of this State or of the United States; and at said annual meetings may alter or repeal the said by-laws. Nothing in this act, however, shall be held, taken or construed to confer any banking power whatever upon said corporation. The business and concerns of the said company, when organized, shall be managed by a board of nine directors, who shall be elected by and from among the stockholders; and as soon as conveniently may be after one hundred and fifty shares of the said capital stock are subscribed. The commissioners named in Section 2 of this act, or any three of them, shall, and they are hereby authorized and directed to call a meeting of the subscribers to said stock in the office of "The Fruit Preserving Company," at "Five Points, in Kent County," for the purpose of holding an election to choose by ballot from among said subscribers the said nine directors. The said meeting shall be organized by appointing a chairman and secretary, who shall receive the votes cast for directors and shall count and declare the result of said election, and the secretary shall record the proceedings of the meeting and the result of the election in a book or books provided for that purpose, which said book or books shall be preserved and kept by the secretary: Each subscriber shall be entitled to one vote for each share of stock by him, her or them subscribed for in good faith. Immediately after the election is closed and the votes counted by the chairman and secretary in the presence the said meeting, the chairman shall declare the three persons having the highest number of votes elected to serve as directors until the third annual election to be held on the first Monday in April, A. D. 1884; and the three persons having the next highest number of votes elected to serve as directors until the second annual election, to be held on the first Monday in April, A. D. 1883; and the three persons having the next highest number of votes elected to serve as directors until the first annual election, to be held on the first Monday in April, A. D. 1882; and at every annual election in April there shall be elected as aforesaid by ballot, three directors to serve for three years as successors to the directors whose term of office shall at that time expire, and may also at said annual election elect persons as directors to fill the unexpired term of any director or directors who shall have ceased to act, whether from death, resignation or otherwise. The said directors shall, at their first meeting after their election and, annually thereafter, choose from among their number a president and secretary, and from among the stockholders, not at the time

Common seal.
By-laws.
Power to alter and repeal.
Board of directors.
Necessary amount of stock to be subscribed in order to organize.
Meeting.
Organization.
Duty of secretary.
Record.
Who entitled to vote
Election of directors.
Term of office of directors.
Vacancies.
Organization of board of directors.

Bond of treasurer. Condition.

directors, a treasurer, who shall, if required, give bond with surety in the discretion of said directors for the faithful performance of his duties and trusts, and he shall have and hold all the moneys and funds of the said company, and receive and collect, demand and sue for all moneys and sums of moneys due, owing and belonging to the said company, when authorized and directed by the president and secretary, and shall pay and disburse the moneys in his hands in the payment of all bills and demands drawn on him by the president and secretary relating to any of the business of the said company; and shall exhibit his books of accounts with vouchers, when demanded, to the directors or a majority of them at such time and place as they may from time to time elect and require, and shall surrender and deliver up all papers, books, moneys and effects in his hands and possession, of the said company, at any time when demanded by the directors or a majority of them. A majority of the directors shall be competent to do any business within the scope and authority of the said board of directors. The annual meetings and elections shall be held at such places within Kent County as the by-laws shall prescribe, and due notice of all such meetings and elections at least for the period of ten days prior to the time of holding the same shall be given by the secretary in such manner as may be prescribed by the by-laws. A failure to hold said annual meeting and election shall work no disadvantage to the said corporation, and the directors and other officers whose terms would of course expire at the time each annual meeting and election should have been held, shall continue in office until the next annual meeting and election, and until their successors are duly chosen. The directors, or a majority of them shall have power to employ any engineer, surveyors, laborers and other persons for the laying out, constructing, cutting or building any wharf or wharves, canal or canals on the said Dover River below Hunn's Landing which they may deem needful and proper, or to deepen, widen, cleanse, or remove any obstructions so as to improve the navigation of said river below the said Hunn's Landing, and to deepen, widen, alter, or improve the mouth of said river; and employ steam-power and other machinery and appliances for effecting the objects and purposes of the said company, and expend the moneys or funds of the said company in the performance of the duties hereby confined imposed on them. Subject to the rules, regulations, and directions, however, that may be contained in the by-laws of said company. No director, as such, shall receive any compensation for any service, unless the same be allowed at an annual meeting of the stockholders, and in pursuance of a resolution adopted

Powers and duties of treasurer.

Disbursement of money.

Exhibition of accounts.

Delivery of books, &c., to successor.

Power of a majority of directors

Place of holding election.

Notice of election.

Failure to hold election not to work a forfeiture.

Power to employ engineer, &c.

Employment of steam-power.

Compensation. When allowed.

by the stockholders at such meeting. The shares of the capital stock of said company shall be personal property and assignable only as the by-laws may prescribe. The said directors shall lay or cause to be laid, before the annual meetings, a general account or statement of what has been done the then past year, showing the debts, credits, and general standing or condition of of the said company, and also such other matters and things as may be required of them by the by-laws. The directors shall have power and authority, if so directed by a majority in value of the stockholders, in writing, to buy, build, erect or construct, any steamboat, barge or float, and the same to use and employ in carrying passengers, or in freighting goods, produce, live stock, or other articles and things to and from any point, or points, on said Dover River at such rates as may be agreed and fixed upon by the by-laws; and they may also contract for land at suitable points on said river for wharves, and build thereon warehouses and other needful fixtures and improvements, and use the funds of the said company for that purpose, when directed and authorized in writing as aforesaid, and generally may do all such matters and things as may be necessary and proper for the carrying into effect the objects and purposes of this act of incorporation, and not inconsistent with the laws of the State.

Shares of stock personal property.

General account to be laid before annual meeting.

Power to construct steamboats for transportation of passengers and freight

Power to purchase lands for wharves.

SECTION 4. The subscriber to the capital stock of said company shall pay into the hands of each person as may be designated by the commissioners named in Section 2 of this act, or by those who are receiving subscription to said stock, at the time of subscribing for the same, or to the treasurer of said company, on the day of the election of the first board of directors or soon as such treasurer shall be elected, one half part of the price or value of the stock so by him, her or them subscribed, and the residue of said subscriptions shall be paid to the treasurer at such times and in such amounts as the directors shall from time to time authorize and direct; and in default of payment the same may be sued for and recovered as debts of a like amount are sued for and recovered by the laws of this State. Fifteen days notice in some newspaper published in Kent County shall be given of the calls for payment on said subscription; and if any of the said subscribers shall fail, neglect or refuse for the space of ten days after such days or times for payment, to pay his or her subscriptions according to such call, the president and directors may declare the share or shares and all payments made thereon forfeited to the said company or otherwise sue for and recover the amount unpaid, with interest and costs, in manner aforesaid.

Payment of subscriptions.

How and in what proportions subscriptions paid.

Remedy in case of default of payment of shares.

Notice.

Forfeiture of shares.

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Power of commissioners.

SECTION 5. The said directors or any three of them, are hereby authorized to go to and upon any lands, marsh or low grounds along or adjacent to said Dover River, for the purpose of viewing the same, and determining what improvements are necessary to improve the navigation of said river, and after viewing and considering the same may proceed to mark and stake off, and if need be, may cause the same or any part thereof, to be surveyed, and a true plot of the same made, showing the length, breadth, or other extent of such contemplated improvement, and the names of all the owners or holders of the lands, low grounds or marsh affected thereby; and the assessed damages to each of them, and the probable cost of the improvement, and every part thereof fairly set down in the report which they or any person under them shall make; and make known to all the owners or holders aforesaid, as soon as conveniently may be; and any damages assessed or agreed upon with any and every of such owners or holders shall be paid to the person or persons entitled to receive the same before the said low grounds, marsh, or lands or any part thereof shall be appropriated, or used as before contemplated; *Provided, always,* that if any person or persons owning or holding any of the lands, marsh or low grounds affected as aforesaid, shall be dissatisfied with the damages allowed or assessed, or other doings of the said directors; it shall and may be lawful for the person or persons, so disatisfied as aforesaid, to notify the said directors of his, her or their objection, whereupon a reference shall be had to disinterested parties, freeholders in Kent County, in the following manner: The said directors shall choose two freeholders, and the person or persons objecting shall choose two freeholders, and the said four freeholders thus chosen shall choose a fifth freeholder, and the five freeholders when duly qualified shall compose a reference to hear and determine all matter complained of, and shall, after hearing the allegations of the parties and their proofs and making a personal examination of the subject matter of complaint and all other matter incident thereto, make report in writing under the hands of the said referee, or a majority of them, of their determination, setting down in detail every item submitted to them as aforesaid, which shall be conclusive upon the parties, if not again objected to within five days from the date of said report, and if the determination and report of said referee shall be objected to within five days from the making of said report, then a review of the same subject matter by five other freeholders selected and chosen in like manner shall be had, whose decision shall be final and conclusive upon the parties thereto. If any person or persons

Survey and plot. What it shall contain.

Costs.

Report.

Damages prepaid.

In case of dissatisfaction of owners a reference to be had.

Reference. How composed.

Report of referees.

Their determin'tion conclusive. When.

Renew.

who may object to the damages assessed by the directors, or any other of the doings of said directors, and shall neglect or refuse to select or choose two freeholders as herein provided; then the five freeholders authorized by this section to be elected and chosen may be selected and chosen by the said directors, and their report shall be final and conclusive and no review therefrom shall be allowed. The Secretary of the said company is hereby authorized and empowered to administer the oath of qualification to any or all of the freeholders selected and chosen in pursuance of the provisions of this Section; that each and every of them will faithfully perform the duties imposed upon them under this act and a just and true report make under their hands, or the hands of a majority of them. The said freeholders, when qualified, may require and have the assistance of such person or persons as they may deem necessary to inform their judgment and aid them in arriving at fair and impartial conclusion in any matter submitted to them. The expenses incurred in any proceedings before freeholders shall be borne by the party or parties as the said freeholders shall direct.

Administration of oaths to freeholders

Freeholders may require the assistance of certain persons.

Expenses.

SECTION 6. The said directors are hereby authorized and empowered, as soon as any canal or canals or other improvements are completed so that vessels drawing five feet of water may safely pass and repass through the same at half tide, to stop and dam up said river at such place or places as they may deem expedient so as effectually to turn the waters of said river into and through said canal or canals; *Provided*, that such canal or canals be of sufficient width to admit vessels usually passing up and navigating said river.

Power to dam up water and direct it into canal.

Proviso.

SECTION 7. That if any person or persons shall designedly or negligently fill up, obstruct or in any way impair the said canals, or any part of them, or the banks thereof, when so cut and made, or shall injure, damage or obstruct the said river or any of the banks, wharf or wharves thereof in any way whatever, he, she or they so offending, shall forfeit and pay any sum not exceeding five hundred dollars, beside the costs of prosecution, and shall be held on complaint made to the directors or any of them, before a Justice of the Peace in and for Kent County, in a recognizance with surety in a sum sufficient in the judgment of said Justice, to insure the appearance of such persons so offending, at the then next Court of General Sessions of the Peace and Jail Delivery, in and for Kent County, to answer such indictment as may be found against him. And if the navigation of said river shall in any way be impaired by reason of the decay of any wharf or wharves, bank or banks, erected for the private use or benefit of any person or persons,

Obstruction and injuries.

How punished.

Remedy for impeded navigation by decayed banks, wharves, &c

corporation or corporations, such person or persons, corporation or corporations, shall without reasonable delay proceed to remove the same, if notified of such impediments, and if such person or persons, corporation or corporations shall fail, neglect or refuse to remove the same for thirty days from the day of such notice, the said directors may proceed to remove the same, and may recover from the person or persons, corporation or corporations double the amount properly incurred in removing and repairing the same by action, as hereinbefore provided, for the recovery of damages for filling the canals or imparing the same.

Penalty for not removing on proper notices.

SECTION 8. That until the amount expended in cutting any canal or canals, or the deepening, widening, or other needful improvements, with costs incident thereto and the interest on sums so expended be fully paid, it shall and may be lawful for the directors or any person authorized by them, to demand and receive from the master, commander, owner or person in charge of any vessel of ten tons and upwards passing up said river, above or through, or along any part or parts of such improvements as aforesaid, a sum not exceeding ten cents per ton for every ton such vessel shall measure; *Provided*, that such charge of ten cents shall entitle such vessels to pass any distance up said river and return again, and if the sum so demanded be not paid, the said directors or any person or persons authorized by them, may levy and seize instanter by distress in the name of said company, "The Dover River Improvement and Navigation Company," upon any cargo or parts thereof, goods, articles, wares, tools, ropes, anchors, chains, furniture or other things found in or about such vessel, and the same, after five days notice by handbills posted in five of the most public places in the hundred in which said articles are seized, expose to sale and sell the same to the highest bidder for cash, and after retaining the sum required to be collected and sum of twenty per centum on said sum for costs, to pay over the balance, if any balance remain, to the captain, master, owner or keeper of the vessel from which the same shall have been taken; and in the event of the refusal of such captain, master, owner or keeper of such vessel to accept and receipt for the same, said balance may be deposited in the Farmers' Bank, of the State of Delaware, at Dover, to the credit of such person or persons whose duty it was to receive the same, and such deposit shall operate as payment, and shall discharge the said company from further liabilities: *Provided, however*, that no charge shall be demanded or collected from any vessel or boat if its tonnage shall not be equal to ten tons burden; except that such vessel or boat of less than ten tons burden should be used as a lighter to vessels lying below and beyond all the improvements, of more than ten tons burden.

When toll may be charged.

Proviso.

How collected.

Exception.

OF CORPORATIONS.

SECTION 9. That for the purpose of ascertaining the tonnage of any vessel passing up said river and liable to toll as aforesaid, it shall and may be lawful for every captain, master, owner or commanding officer of such vessel, and it is hereby made his duty, on demand by the said directors or by any person authorized by them or a majority of them for that purpose, to exhibit the vessel's papers showing the tonnage thereof, and the same shall be the basis upon which the amount to be demanded shall be estimated: but if such papers be not exhibited when demanded, or if false or fraudulent papers be exhibited, then it shall and may be lawful for the said directors or the person by them authorized, to call upon any person competent for the purpose, to measure the said vessel, and such measurement shall form the basis for the estimate of the toll said vessel shall be liable to pay, and may be collected as aforesaid: *Provided*, That no part of this act, or any of its provisions shall apply to any vessel owned in whole or in part by Thomas Draper or his representatives, of one hundred tons burden or measurement or less, and trading above "Hunn's Landing," on said river. Tonnage of vessel. How ascertained. Proviso.

SECTION 10. That all officers of the said company, before entering upon their respective duties and offices, shall be severally sworn or affirmed to perform their several trusts and duties faithfully and impartially according to the best of their skill and judgment. Any member of the company may qualify the secretary, who, when qualified, may qualify all other officers, and a memorandum of such qualifications shall be duly entered on the books of said company by the secretary. Oaths and affirmations of officers.

SECTION 11. That whenever the term "Dover River" is used in this act it shall be construed to mean and embrace the stream of water commonly known as "Jones' Creek," and for the purpose of this act the said "Jones' Creek" shall be known by the name of "Dover River." And the rights and privileges to be used and exercised over said river are hereby expressly limited to that portion of said river between the upper portion of what is known as Hunn's Landing, and the mouth of said river. "Dover River." How constructed.

SECTION 12. This act shall be deemed and taken to be a public act, and the power of revocation is expressly reserved to the Legislature. Public act.

Passed at Dover, April 7, 1881.

OF CORPORATIONS.

CHAPTER 471.

OF THE ST. JONES' RIVER TRANSPORTATION AND IMPROVEMENT COMPANY.

Title.

AN ACT to incorporate the St. Jones' River Transportation and Improvement Company.

Company for improvement of Dover River established.

Capital stock shares.

When to go into effect.

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 a company is hereby established for the purpose of navigating and improving St. Jones' Creek or River from Dover, the head of navigation, to Hunn's Landing. The capital stock of this company shall not exceed twenty thousand dollars divided into one thousand shares of twenty dollars. And the said company shall go into operation and their incorporation as hereinafter provided, shall take effect whenever fifty shares shall be subscribed and not otherwise.

Names of commissioners.

When and where books of subscription opened.

Notice.

Subscription may be made by proxy.

SECTION 2. *And be it further enacted,* That Thomas Draper, Thomas H. Denney, Hiram Reedy, William H. Hobson, Dr. E. S. Anderson, T. K. Jones, David Burton, Thomas E. Draper, Wilson L. Cannon, George Parris and George W. Baker, shall be commissioners, and they or any two of them, are authorized to receive subscriptions to the said capital stock, and for that purpose to open books at such time and at such place in Dover, as the said commissioners, or any two of them may appoint, and such books shall continue open there at least two days, or until a majority of said commissioners shall deem proper to close the same. At least ten days notice of the time and place of opening such books shall be given by advertisement in one of the newspapers published in this State. Subscriptions may be made by proxy as well as in person, and the amount subscribed shall be paid as hereinafter prescribed.

Corporation.

Name.

Term of existence.

General Powers.

Common seal.

SECTION 3. *And be it further enacted,* That the subscribers to the capital stock aforesaid, their successors and assigns, shall be and they are hereby created a corporation by the name of the St. Jones' River Transportation and Improvement Company, and shall continue until the amount of capital stock subscribed and paid in together with all costs and charges accruing in carrying the provisions of this act into effect, shall have been paid, as is hereinafter provided, and by that name shall have power to sue and be sued in courts of law and equity, to purchase, take, enjoy, sell and alien lands, tenements, hereditaments, goods, chattels, rights, credits and effects, which may be conducted with or conducive to the purpose for which said company is established, to have a common seal, to ordain by-laws for their

own government not repugnant to the constitution of the State of Delaware or of the United States, and to enjoy the franchises common to a corporation, but shall have no banking powers whatever. The business and concerns of said corporation shall be managed by five directors. The directors shall be elected by the stockholders. The first election shall be held as hereinafter appointed, and all subsequent elections shall be held at the annual meeting of the stockholders. The directors shall continue in office until the next annual meeting, or until successors shall be elected, but a vacancy occurring by death or otherwise may be filled for the unexpired term by the vote of a majority of the board of directors. The directors shall choose one of their number to be President. They shall meet according to the by-laws of the corporation; any three of them shall form a board to do business and if the President be absent, a president pro tem may be appointed. The directors shall have power to employ engineers and laborers, or steam dredging machines, and agree upon and pay their wages, to appoint officers and agents, and agree upon and pay their salaries or compensation, to take bond from such officers or agents as the by-laws shall require, with or without security as they may deem expedient, to deepen, cut canals, or in any other way inprove the navigation of said St. Jones' Creek or River, so as to shorten or deepen the same, anywhere between Dover and Hunn's landing, and to do all acts requisite to effect and carry on the purposes for which the company is established, and to this end may employ the capital stock and funds of the company, or any other funds that may be by the government of the United States or otherwise entrusted to them for the improvement of said creek or river, under such regulations as the by-laws may prescribe, and may bind by their contracts, deeds or writings under the seal of the corporation and signature of the President all the property and estate, common stock and joint funds of the corporation aforesaid, but not the persons or separate property of themselves or any of the stockholders, and further, the directors shall have power to make by-laws for the government of the said corporation and regulating the business and concerns thereof, and to revise, repeal or amend the same, subject always to the control of the stockholders in regular meeting. The by-laws shall prescribe the officers of the corporation other than those of president and directors, the bonds to be taken from officers, the places of holding meetings, and the mode of regulations of assigning the shares of the capital stock and regulate the toll of vessels. *Provided*, that all meetings of the stockholders and directors shall be held in the town of Dover. There shall be an annual meeting

By-laws.

Election of directors.

First election.

How held.

Subsequent election.

Term of officers.

Vacancies.

Organization of directors.

Quorum.

President pro tem.

Employment of engineers, &c.

Bond.

Cutting canals and improving navigation between certain points.

Government funds intrusted to company

Power to make contracts.

Limitation.

By-laws. Repeal, &c.

What by-laws shall prescribe.

Meeting of stockholders and directors.

Where held.

OF CORPORATIONS.

Annual meeting. Where held. Failure to elect no cause of forfeiture. Quorum. Directors. How elected. Stock personal property. Statement of business.

of the stockholders on the third Wednesday of April in every year during the continuance of the corporation, but if an election shall not take place on that day, the corporation shall not, for that cause be dissolved, but the directors may be chosen at an occasional meeting or hold over until the next annual meeting. The first annual meeting shall be held on the twentieth day of April, 1881. In all meetings of the stockholders regularly held, those present may proceed to business. All elections for directors shall be by ballot, one vote for every share. Absent stockholders may vote by proxy, and a majority of votes given shall determine all questions. The shares of the capital stock shall be personal property and assignable subject to the by-laws of the corporation. The directors shall make a regular statement of all the business of the company at the yearly meeting thereof, and all the by-laws of the corporation shall be open to every stockholder.

General meeting of stockholders. Notice. Business transacted at such meeting.

SECTION 4. *And be it further enacted,* That as soon as the capital stock aforesaid, or one thousand dollars thereof, shall be subscribed, the commissioners aforesaid, or a majority of them, shall call a general meeting of the stockholders, to be held in the town of Dover, on a day in such call to be appointed, and shall give notice of such call and the time and place of such meeting, by advertisements in one newspaper published in this State, and such notice shall also give information that one-half of the sums subscribed is on the day of such meeting to be paid, and the subscribers who shall assemble at such meeting, shall have power to proceed to business, to elect directors, to make by-laws, and to do all acts which the stockholders can do according to this charter.

Power to contract loans.

SECTION 5. *And be it further enacted,* That the directors be and they are hereby authorized to contract for any loan or sum of money not to exceed the balance of unsold stock, should there be any, in such manner as they may deem advisable for the benefit of the corporation.

Power to lay out canals. Assessment of damages. Appeal.

SECTION 6. *And be it further enacted,* That the commissioners, or a majority of them named in Section two of this act, shall have full power and authority to view the grounds, marsh or swamp, through which it may be desired to cut any canal or canals, and to lay out the same, and to assess such damages as they may think such property holders are entitled to and pay the same out of the funds of said corporation, before said cutting shall be commenced, but if objection shall be made by such owners or holders, there shall immediately be made a new estimate of such damage by one disinterested person to be chosen by the person claiming damages and one disenterested person to be chosen by said directors, and they two shall choose a third, and they

shall make a new assessment which shall be final and from which there shall be no appeal, and the directors shall have full power to commence and complete such canal and improvements as they or a majority of them may think proper.

Assessment of damages final on appeal.

SECTION 7. *And be it further enacted,* That if any person shall designedly or willfully fill up or obstruct the said canal or canals, when cut and made, or shall injure or obstruct the navigation of said creek or river, he, she or they, so offending, shall incur a penalty of any sum not exceeding three hundred dollars, with full costs of prosecution to be recovered by indictment in any Court of General Sessions of the Peace of Kent County, and the said company shall have power and authority to stop off by means of piling, dams, or any other means, any wash or sand drift whereby said navigation is injured or obstructed, and any person or persons interfering with said stoppages so that sand or dirt may wash into said creek or river, shall be liable as before mentioned, and subject to the same fines and costs, and to be prosecuted in the same way as though they had obstructed said navigation in any other way.

Obstructions.

Penalty. How recovered.

Power to erect dams.

Penalty for interference with dams.

SECTION 8. *And be it further enacted,* That for the purpose of ascertaining the amount of damages done by any person known to have committed depredations of any sort on said navigation, it shall be the duty of any three of the directors to choose three disinterested freeholders of the county to value the same and make out over their signatures, or the signatures of a majority of them, an itemized report of the damages, and probable costs of repairing the same, and return the same to the directors who shall present the same to the offender, and if he does not within thirty days pay the same, or at once commence and repair the same satisfactorily to the said directors, he or they shall be liable for said amounts, together with all the costs, to be recovered before any Justice of the Peace of Kent County, or any court of record as the case may be.

Damages for injury to navigation. How ascertained

SECTION 9. *And be it further enacted,* That every commissioner and director as aforesaid, before entering upon the duties of their respective offices, shall be sworn or affirmed before some Judge or Justice of the Peace faithfully and impartially to perform the duties required of them by this act.

Oaths of commissioners.

SECTION 10. This act shall be deemed and taken to be a public act, and continue in force for twenty years.

Public act.

Passed at Dover, April 8, 1881.

OF CORPORATIONS.

CHAPTER 472.

OF THE NEWARK UNION.

Title. AN ACT to revive, restore, renew and re-enact Chapter 22, Volume X., of the Laws of Delaware, entitled, "An Act to incorporate the subscribers of the Newark Union, in Brandywine Hundred," passed at Dover, February 5, 1845.

Preamble. WHEREAS Chapter 22, Volume X., of the Laws of Delaware, entitled, "An act to incorporate the subscribers of the Newark Union, in Brandywine Hundred," passed at Dover, February 5, 1845, was suffered to expire and become void through neglect and the lapse of time, and the free church property belonging to the corporation thereby created has no legal body to control, repair and sustain it for public use; 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 herein):

Revival of Chapter 22, Volume 10, Laws of Delaware. SECTION 1. That Chapter 22 Volume X., of the Laws of Delaware, entitled, "An act to incorporate the subscribers of the Newark Union, in Brandywine Hundred," passed at Dover, February 5, 1845, be and the same is hereby revived, restored, renewed, re-enacted and continued in force for a period of twenty years from the passage hereof, and shall have the same effect in law that it might or could have had at any time heretofore.

SECTION 2. The power to change, alter or revoke this act is hereby expressly reserved to the Legislature.

Passed at Dover, February 16, 1881.

OF CORPORATIONS.

CHAPTER 473.

OF THE FARMERS' MUTUAL FIRE INSURANCE COMPANY OF ST. GEORGES' AND APPOQUINIMINK HUNDREDS, IN NEW CASTLE COUNTY.

A SUPPLEMENT to the act entitled "An Act to incorporate the Farmers Mutual Fire Insurance Company of St. Georges' and Appoquinimink Hundreds, in New Castle County." Title.

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 act entitled "An Act to incorporate the Farmers' Mutual Fire Insurance Company of St. Georges' and Appoquinimink Hundreds, in New Castle County," passed, January 31, 1849, as amended by the act passed January 22, 1869, and by the act passed March 16, 1877, and by this act is hereby revived, renewed and re-enacted; and all acts and transactions done or performed, and all rights acquired 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 enacted, revived, renewed and recorded according to law. Revival of act incorporating Farmers' Mutual Fire Insurance Co.

SECTION 2. That the name and style of the said corporation be, and the same is hereby changed from that of "The Farmers' Mutual Fire Insurance Company, of St. Georges' and Appoquinimink Hundreds," to that of "The Cantwell Mutual Insurance Company," by which last mentioned name the said corporation shall continue to have succession for the purposes named in aforesaid acts and this act, with all the rights, privileges, powers and franchises thereby granted or renewed; and all policies of insurance, deposit notes, contracts and obligations heretofore made by, with or to the said corporation shall remain in full force and effect, as if the name of said corporation had not been changed. Name changed. Investiture of new company with corporate powers.

SECTION 3. That it shall be optional with said company to repair, rebuild or replace any property lost or damaged by fire, with other of like kind and quality within a reasonable time; *Provided*, said company shall give notice to the assured of its intention so to do within thirty days after the receipt of the proofs of loss required by the charter or by-laws; and in case the company elects to rebuild, the assured shall, if so required by the company, furnish plans and specifications of the building injured or destroyed. To repair, &c., property destroyed by fire left to the option of company

SECTION 4. That in addition to the power heretofore granted to said company to insure property within the limits of the Hundreds of St. Georges', Appoquinimink, Blackbird, Red Territorial limits extended.

Lion and Pencader, the said company is hereby authorised to insure against loss or damage by fire, real and personal property in any other part of the State of Delaware and in the Eastern Shore counties of the State of Maryland; *Provided*, such property shall belong to a member or members of said company then having property in one of the aforesaid five hundreds insured in said company; *And provided further*, that such additional insurance shall continue in force only so long as said assurance shall continue to have property within one of said five hundreds insured in said company.

Proviso.

Public act.

SECTION 5. That this act shall be deemed and taken to be a public act, and shall be published as such, and shall continue in force for twenty years from the date of its passage: and the Legislature hereby reserves the power of revocation.

Passed at Dover, March 4, 1881.

CHAPTER 474.

OF THE DELAWARE TRUST AND SAFE DEPOSIT COMPANY.

Title.

AN ACT to incorporate The Delaware Trust and Safe Deposit Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met, (two-thirds of each branch thereof concurring:)* That Samuel A. Macallister, John P. Allmond, Peter W. Tomlinson, James Ponder, William G. Whiteley and John H. Paynter, and all other persons who shall hereafter become stockholders in the company incorporated hereby, shall be a body corporate by the name of The Delaware Trust and Safe Deposite Company, and by that name shall have perpetual succession, may sue and be sued in any court whatever.

Corporators.

Name.

Powers.

Purpose of act.

SECTION 2. That the purpose of this act is to organize an incorporated company, and to authorize it as such to receive and hold on deposit and in trust, estate, real and personal, including the notes, bonds, obligations, and accounts of States and of individuals, and of companies and of corporations, and the same to purchase, collect and adjust and settle, and also to sell and dispose thereof in any market in the United States or else-

where, without proceeding in law or equity, and for such price and on such terms as may be agreed on between the company and parties contracting with it: That the corporation hereby created shall also possess and have the power to make insurance for the fidelity of persons holding places of responsibility and of trust, and to receive upon deposit, for safe keeping, jewelry, plate, stock, bonds and valuable property of every kind, upon terms and conditions to be prescribed by the by-laws and regulations of the said company. *Provided*, that nothing herein contained shall authorize said company to engage in the business of banking.

Power to insure fidelity of officers.

No banking powers conferred.

SECTION 3. That whenever any court shall appoint The Delaware Trust and Safe Deposit Company a receiver, assignee, guardian, executor or administrator, or other trustee, or shall order the deposit of any moneys with said company, such court, if it deems it necessary, may from time to time appoint a suitable person to investigate the affairs and management of said company, who shall report to such court the manner in which its investments are made and the security afforded to those by or for whom its engagements are held, and the expense of such investigation shall be defrayed by the said company or the court may, if it deem necessary, examine the officers of said company, under oath or affirmation, as to the security aforesaid. That whenever the said company shall receive or accept the office or appointment of executor, administrator, guardian or other trustee as aforesaid, from any person or persons, or court or public officer, the capital stock of said company as paid in and not being less than fifty per centum thereof shall be taken and considered as the security required by law for the faithful performance of their duties as aforesaid, and shall be absolutely liable in case of any default whatever. That any executor, administrator, guardian or other trustee, having the custody or control of any bonds, stocks, securities or other valuables belonging to others, shall be authorized to deposit the same for safe keeping with said company, and the said corporation is, hereby authorized to accept all trusts, of every description, not inconsistent with the laws of this State as may be committed to it by any person or persons whatever, or by any corporation or public officer, or by any court of record, whether of this or any other State, or of the United States, and also to act as agents for the purpose of issuing or countersigning the certificates of stocks, bonds, or other obligation of any corporation, association, municipality, State or public authority, and to receive and manage any sinking fund therefor, on such terms as may be agreed upon between the contracting parties; and in like manner

Courts authorized to investigate certain affairs of company. When.

Report.

Expense of investigation.

Examination of officers.

Appointment as executor, &c., and security therein.

Company authorized to accept all trusts not inconsistent with laws of this State.

Power to act as agent for certain purposes.

May receive funds of other institutions.

and on similar conditions may act as treasurer of any incorporation. That it may be lawful for the said company and it is hereby authorized to become sole surety in any case where by law one or more sureties may be required for the faithful performance of any trust or office, and it shall be lawful for said company to stipulate, and provide for indemnity from the person or persons or parties for whom it shall so become responsible and to enforce any contract, pledge or other security made or given for that purpose as may be equitable and just.

Power to become surety, being properly indemnified.

Capital stock.

SECTION 4. The capital stock of said company shall consist of one thousand (1,000) shares of stock, of the value of one hundred ($100) dollars each, being one hundred thousand dollars ($100,000) with the privilege to increase the same by a vote of the stockholders, at an annual or special meeting, to two million dollars; and the corporators, or a majority of them, named in the first Section of this act shall have power to open books for subscriptions at such times and places as they may deem expedient; and when not less than five hundred (500) shares shall have been subscribed, and ten per centum thereon shall have been paid in (active business shall not be commenced, however, until at least fifty thousand dollars shall have been paid on the capital stock) the shareholders may elect a board of directors, five in number, (which number may be increased by a vote of the stockholders to any number not exceeding twenty-five) to serve until the next annual election, or until their successors shall be duly elected and qualified, and the directors so elected and qualified, and the directors so elected of said company, when it shall have been organized, may, and they are hereby authorized and empowered to have and receive in the name and in behalf of the company all the rights and privileges incident to a corporation and which are hereby given, subject only to such liabilities as other shareholders are subject to, which liabilities are no more than for the payment to the company of the sums due or which may become due on the shares held by them; and should the capital stock at any time be increased, the stockholders at the time of such increase shall be entitled to a *pro rata* share of the increase, upon the payment of par value of the same.

Privilege of increasing the same.

Subscription books.

Time and place of opening.

Election. When held

Number.

Term.

Duties and powers.

Liabilities.

Stock increased.

When and to whom.

Principal office.

SECTION 5. The principal office of the said company shall be in the city of Wilmington, but the directors, under such rules and regulations as they may prescribe, may establish branches or agencies in other parts of the State, or elsewhere. All the directors of said company shall be shareholders to the amount of at least twenty shares each at the time of their election and a majority of them shall constitute a quorum—they shall be

Branch offices.

Directors to be shareholders.

Quorum.

elected annually by the stockholders on the second Tuesday in June, unless otherwise ordered by the by-laws, and they shall be empowered to create such offices and employment as the business of the company may require—and they shall adopt a common seal and alter and break the same at pleasure and make such by-laws as may be deemed proper, and call in such installments upon the capital stock and make such dividends as may be proper, and they shall give notice of all meetings of the stockholders, elections, assessment of stock and dividends in at least two newspapers in Wilmington, two in Kent County, and two in Sussex County. At all elections each share of stock shall entitle its holder to one vote.

When elected. Other offices. How created. Powers. Common seal. By-laws. Installments on capital stock. Notices. Voting.

SECTION 6. This act shall be deemed and taken to be a public act, and the power to amend, alter or revoke the same is hereby reserved to the Legislature.

Public act. Power of revocation reserved.

Passed at Dover, April 7, 1881.

CHAPTER 475.

OF THE UNION GAS COMPANY.

AN ACT to incorporate The Union Gas Company.

Title.

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

SECTION 1. That J. P. Heister Jones, Charles Maxwell, Albert L. Murphey, J. H. Shakespeare, A. P. Robinson, J. P. Saulsbury and Edward Ridgely and their associates or persons who shall become stockholders be, and the same are hereby made and constituted a body politic and corporate by the name, style and title of The Union Gas Company, and by the said name, they and their successors or assigns, shall and may have perpetual succession, and shall be in law capable of suing and being sued, pleading and being impleaded in all courts and judicatures whatsoever, and also of contracting and being contracted with, relative to the business and objects of the said corporation as hereinafter declared, and they and their successors or assigns may have a common seal, and may change and alter

Corporators. Corporate Name. Powers and privileges. Common seal.

the same at pleasure, and they and their successors or assigns shall have power to lease or purchase in fee simple such real estate as may be necessary for carrying on the business of said corporation, and in their corporate name to make and execute their obligations for their liabilities created for the purchase money for the same, and other necessary effects of said corporation as they may deem expedient; *Provided*, that such liabilities be created only for the purposes stated in this act.

Proviso.

To supply gas to cities and towns.

SECTION 2. That the corporation hereby created shall have authority for supplying with gas, for the purpose of producing artificial light and fuel all cities and towns within the State of Delaware, and such individuals. corporations or companies residing and being therein, as may desire a supply of the same, and for distributing and selling gas for the production of artificial light and fuel, in any or all of said cities or towns as aforesaid, and for making and erecting the necessary apparatus for manufacturing, distributing and introducing said gas and constructing the requisite buildings and machinery and purchasing and procuring the necessary materials, with the right to enter upon any public street, lane or highway for the purpose of laying down the pipe or pipes necessary for conducting said gas, of any city or town within the State of Delaware, and to repair, alter or inspect the same; *Provided*, that the public travel shall at no time be unnecessarily impeded by the laying of the said pipes or the erection of lamp posts, and the streets, lanes and public roads shall be left in as good order and condition as before the laying of said pipes or the erection of said lamp posts; *Provided, however*, that the said Union Gas Company shall not enter for the purposes aforesaid upon any public street lane or highway of any city or town within the State of Delaware, without the consent of the city council of any city, or the town council or commissioners of any town first had and obtained.

Apparatus to be constructed.

Right to enter any street, lane &c.

Public travel not to be impeded.

Proviso.

Consent of council necessary.

Capital stock.

SECTION 3. That the capital stock of said company shall be five hundred thousand dollars to be divided in ten thousand shares of fifty dollars each with the right to increase said capital stock from time to time as the board of directors shall deem necessary; *Provided*, that the whole capital stock shall not at any time exceed one million dollars; *And provided further*, that the said company may in lieu of increasing their stock, be authorized if the board of directors so determine, to borrow money to an amount not exceeding the amount said capital stock may be increased, and to make and execute a mortgage or mortgages, pledge or pledges, of the property and effects of said corporation for the security of the payment of the amount borrowed and for such other evidence of indebtedness as may be agreed

Not to exceed one million dollars.

Power to execute mortgages.

upon; *Provided*, that no increase of capital stock, in the manner aforesaid shall be permitted unless the stockholders holding a majority of the stock already subscribed shall first give their written consent thereto. Proviso.

SECTION 4. That the management and control of the said company shall be vested in the persons named in the first Section of this act until the period herein fixed for the regular election of directors of said company, who shall choose from their number a president, a secretary and a treasurer, and that the stockholders of said company shall meet annually on the first Monday of January, at such place as they shall determine upon and elect five directors for said company, all of whom shall be stockholders, who shall elect from their own number as aforesaid, a president, a secretary and a treasurer for said company. The notice of such election for directors as aforesaid, and the manner of conducting the same, shall be provided for in the by-laws of said company, and any vacancy in said Board of Directors may be supplied by appointments to be made by the Board of Directors until the next annual election, and all elections shall be by ballot of the stockholders or their proxies; allowing one vote for each share of stock which shall have been held in his, her or their name or names, at least fifteen days before the time of voting, and all votes by proxy shall be on such terms and conditions as shall be prescribed by the by-laws and compatable with the laws of the State of Delaware. The Board of Directors for the time being, shall have power to take from any treasurer or secretary, or other officers or agent, appointed by them, such security for the faithful performance of their respective duties as they may deem proper.

Management until regular election of directors.

Officers to be chosen.

Annual meeting.

Time and place.

Notice of election.

Vacancies. How filled.

Election to be by ballot.

Officers to give security.

SECTION 5. That if at any time an election of directors be not held on the day herein appointed for that purpose, the corporation shall not be dissolved for that cause, but an election shall be held thereafter at such time and place as the directors may appoint.

In case of no election corporation not dissolved.

SECTION 6. That the directors for the time being, shall form a board, and they or a majority of them, shall be a quorum for the transaction of business, but any less number thereof may have power to adjourn.

Board of directors.

Power to adjourn.

SECTION 7. The aforesaid company shall procure certificates of evidences of stock for all the shares of said company and shall deliver one such certificate, signed by the president and countersigned by the secretary and treasurer and sealed with the common seal of said corporation, to each person for such share or shares of stock as by him or her are respectively owned, which certificate of stock shall be transferable at his or her

Certificates of stock.

Certificates to be transferrable.

pleasure in person or by attorney duly authorized, in the presence of the president or treasurer and secretary, in a book to be kept by the corporation for that purpose.

Dividend declared.

SECTION 8. The board of directors of said company shall declare dividends of so much of the net profits of the company as shall appear to them advisable, on the first Monday in July of each year, which shall be paid to the stockholders on demand ten days after the same shall have been declared.

Penalty for opening communication with gas holder or gas pipes.

SECTION 9. If any person shall open any communication with the gas holder, main or other gas pipes of said company without authority from the street inspector or other authorized agent of said company, or shall let on the gas after it has been stopped off by order of the inspector or other authorized agent of said company, for repairs or any other cause or purpose, or shall put up any pipes or burners in addition to the pipes originally put up and inspected, and introduce into them the gas without authority as aforesaid, or shall willfully do or cause to be done any act whereby any pipe, conduit or structure whatsoever or any other thing appertaining to the works of said corporation whereby the same may be stopped, obstructed or injured, the person or persons so offending shall be considered as guilty of a misdemeanor, and being thereof convicted shall be punished by a fine not exceeding three hundred dollars, or imprisonment not exceeding one year, or both, at the discretion of the court; *Provided*, that such criminal prosecution and conviction shall not in any way impair the right of action for damages by a civil suit hereby authorized to be brought for any such injury aforesaid, by and in the name of the said corporation, in any court having cognizance of the same.

Fine or imprisonment or both.

Proviso.

Public act.

SECTION 10. This act shall be deemed and taken to be a public act and the right to revoke, alter or amend the same is hereby reserved to the Legislature.

Passed at Dover, April 7, 1881.

OF CORPORATIONS.

CHAPTER 476.

OF THE DIAMOND STATE COAL GAS COMPANY.

AN ACT to incorporate the Diamond State Coal Gas 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 as follows:

SECTION 1. That Joseph L. Carpenter, Jr., James Bradford, Henry C. Robinson, Robert H. Taylor, Henry B. McIntire, Charles B. Lore, Caleb P. Johnson, Martin Maloney and Joseph G. Hendrickson, and their associates, or persons who shall become stockholders, be and the same are hereby made and constituted a body politic and corporate by the name and style of "Diamond State Coal Gas Company" and by the said name they and their successors shall and may have perpetual succession, and shall be in law capable of suing and being sued, pleading and being impleaded in all courts and judications whatsoever; and also of contracting and being contracted with relative to the business and objects of the said corporation, as hereinafter declared; and they and their successors may have a common seal, and may change and alter the same at pleasure; and they and their successors as aforesaid shall have power to lease or purchase in fee simple such real estate as may be necessary for carrying on the business of said corporation, and in their corporate name to make and execute their obligations for their liabilities created for the purchase money for the same, and other necessary effects of said corporation, as they may deem expedient; *Provided*, that such liabilities shall be created only for the purposes stated in this act.

Names of corporators.

Name.

General powers.

Common seal.

Proviso.

SECTION 2. That the corporation hereby created is so created for the purpose of making furnishing and distributing gas, steam, heat, electricity or any other substance which may be utilized for the production of artificial light or for heating and culinary purposes, or for supplying power for engines and motors of all kinds, and to estimate, ascertain and measure the same by means which it may adopt, and to sell and dispose of the same at such reasonable and fair price or prices as it may determine; and the said corporation is hereby authorized and empowered to make and erect the necessary buildings, apartments and machinery for manufacturing and distributing gas, steam, heat, electricity or substance for lighting, heating and all other purposes aforesaid; to purchase and prepare all materials necessary for such manufacture and distribution; with full power and authority to extend the works and

Production of gas, &c.

Erection of buildings, &c., for the production and distribution of gas, &c.

Territorial limits.

operations of said company throughout the State of Delaware so as to supply gas, light, heat and electricity to persons residing in said State and to houses and establishments therein and to enter upon any street, lane, highway, bridges or tenements in said State for the purpose of laying the necessary pipes, wires and other conductors of gas, steam, heat and electricity, and to repair, alter and inspect the same, with as little delay as possible and proper regard to the safety and security of citizens from danger and accident; *Provided*, that the said Diamond State Coal Gas Company shall not erect any buildings or enter upon any streets or roads to lay pipes, wires or other conductors as before provided for without the consent of the duly authorized authorities of the cities, towns and villages of this State.

Power to enter streets, &c.

Capital stock.

Number of shares.

SECTION 3. That the capital stock of said company shall be one hundred thousand dollars, to be divided into one thousand shares of one hundred dollars each; which said capital stock may be increased to a sum not exceeding five hundred thousand dollars, either at one time or from time to time as the directors may determine; and the directors of said company shall have power to issue the additional stock in shares of the same par value as those of the original stock and to dispose of the same in such manner and at such time or times as the said directors may deem expedient; *Provided*, that the said company may, in lieu of increasing their capital stock, be authorized, if the board of directors and a majority of the holders of the stock already subscribed shall so determine, to borrow money to an amount not exceeding the amount the said capital stock may be increased, and to make and execute a mortgage or mortgages, pledge or pledges of the property and effects of said corporation, for the security of the repayment of the amount borrowed, or give such other evidences of indebtedness as may be agreed upon.

Additional stock.

Proviso.

Power to borrow money.

Temporary managers.

SECTION 4. The management and control of the "Diamond State Coal Gas Company" shall be vested in the persons named in the first Section of this act, until the period herein fixed for the regular election of directors of said company, who shall choose a president, treasurer, and secretary; and the stockholders of said company shall meet annually on the first Monday of January, in the city of Wilmington, or such other place as they may determine upon, and elect nine directors for said company, all of whom shall be stockholders, who shall select from their number a president, and also a treasurer and secretary of said company, who may or may not be a director or directors of said company. The treasurer and secretary of said company shall hold their offices during the will and pleasure of the

Election of officers.

Time and place of annual meeting.

Organization of board.

Term of office; secretary and treasurer.

directors, the notice for such election for directors as aforesaid and the manner of conducting the same, to be provided for in the by-laws of said company, and in all elections every share of the stock shall entitle the holder to one vote, so that in elections and upon all questions, every stockholder shall be entitled to as many votes as he holds shares of stock; and no share shall confer a right of voting which shall not have been holden one calendar month 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 or her own right, or in the right of his wife, or for his or her sole use and benefit, as an executor, administrator, trustee or guardian, or in the right and for the use of some co-partner, corporation or society of which he or she may be a member.

Voting.

Certain qualifications of voters.

SECTION 5. Said company shall procure certificates or evidences of stock for all the shares of said company, and shall deliver one such certificate signed by the president and countersigned by the secretary, and sealed with the common seal of said corporation, to each person for each share or shares of stock as by him or her are respectively owned; which certificate of stock shall be transferrable at his or her pleasure in person or by attorney duly authorized, in the presence of the president or secretary, in a book to be kept by the said corporation for that purpose.

Certificates of stock.

Certificates transferrable.

SECTION 6. The board of directors of said company shall meet at such times and places as shall be provided in the by-laws of said company, five of whom shall be a quorum, who in the absence of the president may choose a chairman and shall keep the minutes of their transactions fairly entered in a book; and a quorum being formed they shall have full power and authority to purchase lands for works required for the purposes stated in this act and erect the same; to appoint all officers and employ such assistants as shall be necessary to carry out the objects of this corporation; to direct what orders shall be drawn upon the treasurer, which shall be signed by the president and countersigned by the secretary, to fix all salaries and rates for the use of gas, light, heat, electricity or other substance which said corporation is empowered to manufacture and sell under this act; to enact by-laws for the proper regulation and government of said corporation, and generally to do such other matters, acts and things as by this act and the by-laws of such corporation they are authorized to do.

Meeting of board of directors.

Quorum.

Temporary chairman.

Records.

Powers.

Employment of assistants.

Orders.

Salaries.

By-laws.

SECTION 7. The board of directors of said corporation shall declare dividends not exceeding twelve per centum per annum

Dividends.

When declared.

of so much of the net profits of the company as shall appear to them advisable, on the first Monday in January and July of each year, which shall be paid to the stockholders on demand, ten days after the same shall have been declared.

Penalty for unauthorized communication into pipes.

SECTION 8. If any person or persons shall open a communication into the gas main or other pipes, wires or conductors of said company without authority from the street inspector or other authorized agent of said company, or shall let on the gas, steam, heat, or electricity after it has been stopped by order of said inspector or other authorized agent of the company for repairs, or any other cause or purpose, or shall put up any pipes, conductors or burners, in addition to those put up and inspected, and introduce into them gas, heat, steam or electricity, without authority as aforesaid, he, she or they, shall be subject to a penalty of not less than five nor more than fifty dollars, to be recovered before any Justice of the Peace as debts of like amount are by law recoverable, one-half to be paid to the informer and the other half to said company.

Recoverable before Justice of the Peace.

Penalty for obstructions of pipes, &c.

SECTION 9. If any person shall willfully or maliciously do or cause to be done, any act or acts whatever, whereby any building, construction or works of said company, or any gas pipe, gas post, burner or reflector, or conductor, or any matter or thing appertaining to the same, shall be stopped, obstructed, injured or destroyed, the person or persons so offending shall be considered guilty of a misdemeanor, or may be thereof indicted in the Court of General Sessions of the Peace and Goal Delivery in and for the county in which such offence is committed, and on conviction thereof shall be punished by fine not exceeding five hundred dollars, or imprisonment not exceeding one year, or both in the discretion of the court; *Provided*, that such criminal prosecution shall not in any way impair the rights of said company to a full compensation in damages by civil suit.

Proviso.

Charges for use of gas, &c.

SECTION 10. That the said company shall have the right to charge all persons or parties using their gas, steam, heat and electricity, a reasonable sum every three months, and collect the same in advance, and at the end of every three months if the gas, steam, heat or electricity actually used amounts to less than the sum paid in advance it shall be refunded, and if to more than the sum paid in advance it shall be forthwith paid to the said company; and if any person shall neglect or refuse to pay the advance demanded which shall be reasonable, for ten days after demand, said company shall have power to stop off the supply of the gas, steam, heat or electricity and sue for the sum due.

When collectable.

When refunded.

OF CORPORATIONS.

SECTION 11. That said company shall not have the right to charge the owners of property with any gas, steam, heat or electricity unpaid for by an out-going tenant, except with the written consent of said landlord, nor shall said company withhold the gas, steam, heat or electricity from any in-coming tenant who may desire it upon the terms hereinbefore mentioned; and upon such refusal by the said company, after reasonable request, it shall forfeit and pay for each and every offense fifty dollars to the person or party aggrieved, who may sue for and collect the same before any Justice of the Peace or Mayor, as other debts of like amount are collectable.

Non-liability of owners for charges against outgoing tenants.

Incoming tenants right to use gas.

SECTION 12. That the said company shall have the right to withhold gas, steam, heat or electricity from in-coming tenants that may be indebted to the company until said bills are paid.

Right to withhold gas, &c. When.

SECTION 13. That this act shall be deemed and taken to be a public act and shall be published with the other public acts passed at this session of the Legislature; *Provided*, that the said The Diamond State Coal Gas Company shall pay the expense of publishing this act in the laws and shall pay to the Secretary of State the same fees and taxes for this act as though it had been a private act.

Public act.

Proviso.

SECTION 14. The power to alter, amend or revoke this act is hereby expressly reserved to the Legislature.

Revocation

Passed at Dover, April 8, 1881.

CHAPTER 477.

FOR THE PREVENTION OF CRUELTY TO CHILDREN.

AN ACT supplementary and amendatory of an act entitled "An Act for the prevention of Cruelty to Children," Passed at Dover, March 18, 1879.

Title.

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. When any husband and wife shall live in a state of separation without being divorced, and shall have any minor child of the marriage, the wife, if she be an inhabitant of this

Women in certain cases may have the custody of minor children.

State, may apply to the Judge of the Superior Court residing in the county where such wife may reside, for a writ of *habeas corpus* to have such minor child brought before him. On the return of such writ the said Judge, on due consideration may award the charge and custody of the child so brought before him to the mother, for such time, under such regulations and restrictions and with such provisions and directions as the case may require. At any time after the making of such order the said Judge may annul, vary or modify the same.

Certain fines and forfeitures to enure to the benefit of the society for prevention of cruelty to children.

SECTION 2. All the fines, penalties and forfeitures imposed and collected in any county of this State, under the provisions of this and every act passed or which may be passed relating to or affecting children in every case where the prosecution shall be instituted and conducted by the society incorporated pursuant to the provisions of Chapter 97, Vol. 16, Laws of Delaware, being an act entitled "An Act to incorporate the Delaware Society for the Prevention of Cruelty to Children" shall enure to such society in aid of the purposes for which it was incorporated.

Section 4, Chap. 150, Volume 16, Laws of Delaware, amended.

SECTION 3. That Section 4, of Chapter 150, of Volume 16, of the Laws of Delaware entitled, "An Act for the prevention of Cruelty to Children," be, and the same is hereby amended by striking out all thereof after the word "Committed," in the fifth line thereof, and substituting in lieu of the portion so stricken out, the following: "Or to either of the Judges thereof in vacation for the appointment of a proper guardian of the person of such minor, and the said Court or Judge may in its or his discretion, make such appointment, having due regard in the selection of a guardian to the religious persuasion of the parent of former guardian, or it or he may place such child in any asylum or house for children with the powers of a guardian of the person as may be most expedient: *Provided, however*, that the children of Roman Catholic parents shall be placed in asylums under the control and care of that denomination and the said Court or either of said Judges in vacation may order the parent to pay such a reasonable sum towards the maintenance of of such child and at such times and in such amounts as said court or either of said Judges may see fit, and such Court or either of said Judges, at any subsequent time, may, upon being satisfied that the parent has become a fit person to resume the custody of said minor, and upon reasonable security, to be fixed by the court or by either of said Judges in vacation, being given for the faithful observance of the provisions of this act remand such minor to the custody of such parent, subject,

Appointment of guardians.

Proviso.

nevertheless, to the obligations of any indentures or legal engagements already entered into on behalf of said minor by his guardian.

SECTION 4. All acts or parts of acts inconsistent with this act be, and the same are hereby repealed.

Passed at Dover, April 8, 1881.

CHAPTER 478.

OF THE VALLEY VIEW CEMETERY.

AN ACT to incorporate The Valley View Cemetery Company. Title.

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 William Jenks Fell, Charles M. Morris and William E. Taylor, and their successors, are hereby constituted a corporation by the name of the "Valley View Cemetery Company," and by that name shall have perpetual succession, being able to sue and be sued, plead and be impleaded, having power to contract for, purchase, lease, receive, have, hold and enjoy in fee simple or otherwise, real estate personal or mixed, and the same to sell, grant, mortgage, alien, convey or dispose of in such manner and upon such terms as it may deem proper; to have a common seal and the same to alter or renew at pleasure; to make and ordain by-laws and regulations for the government of the corporation and its cemetery, not inconsistent with the constitution and laws of the United States or of this State; and generally to do and perform all and singular the matters and things which shall lawfully appertain to it for the well ordering of its affairs, as well as all other franchises usually incident to a corporation; *Provided*, that no authority herein given shall be so construed as to authorize the exercise of banking powers. Names of corporators. Name. General powers. Proviso.

SECTION 2. The capital stock of the corporation shall be of such amount as may from time to time be determined upon by the stockholders, but shall not exceed the sum of two hundred thousand dollars. The shares of stock shall be of the par value of ten dollars each and shall be certified, held or transferred in Capital stock. Maximum amount. Par value of shares.

How held and transferred. How paid.

such manner as may be provided for in the by-laws. Subscriptions to the capital stock shall be paid in such manner and at such times as the directors may appoint, and payments therefor may be enforced, or forfeiture of stock for non-payment may be incurred and declared in such manner as may be provided in the by-laws.

Cemetery. By whom owned.

SECTION 3. The cemetery to be owned by said corporation shall be located in Christiana Hundred, New Castle County, adjacent to the town of Newport.

Lot. How used. Exemption from taxation.

SECTION 4. All lots of ground sold or leased by the said corporation for burial purposes in its cemetery shall be exclusively so used. The cemetery grounds, with the buildings and improvements thereon, shall be exempt from taxation and shall not be levied upon or taken by execution or other process of law or equity, and all lots sold or leased therein shall be held subject to the by-laws and regulations which shall be adopted by the corporation.

Streets, lanes, &c. How laid out.

SECTION 5. No street, road, lane or walk shall be opened, made or laid out through or upon the land of said corporation or upon any land used by the said corporation for cemetery purposes, except by and with the consent of the said corporation.

Penalty for injuries, &c to buildings, &c.

SECTION 6. Any person who shall deface, mutilate, injure or destroy any building, fence, gate, shrub, vine, plant, bush, tree, grave, gravestone, tomb, monument, natural object or work of art, belonging to, or in or about said cemetery, or commit any trespass thereon, or shall be guilty of a misdemeanor, and on conviction thereof shall forfeit and pay a fine of not less than fifty dollars and may also be imprisoned for any period not exceeding three months, at the discretion of the court.

Annual meeting. When held Special meetings. Voting. Failure to hold regular not to work a dissolution of corporation

SECTION 7. The annual meeting of the stockholders shall be held on the second Monday of February in each year; special meetings may be called in such manner as the by-laws may provide. On all questions at meetings of the stockholders, each share of stock shall be entitled to one vote, to be given by the owner thereof or by his or her proxy. A failure to hold the annual meetings as above provided for shall not dissolve the corporation. The stockholders at any annual meeting called for the purpose may adopt by-laws, or amend the same; *Provided*, that in order to give such by-laws or amendments validity they must be approved by the owners of a majority of the entire number of shares then issued.

Board of directors. Vacancies in directors

SECTION 8. The business of the corporation shall be managed by a board of directors who shall be elected by the stockholders in such manner and at such time as may be provided in the by-laws. In case of a vacancy among the directors the remainder

of the board may elect any stockholder to supply such vacancy. Until others are chosen the corporators herein named shall be the board of directors.

SECTION 9. The corporation hereby created is hereby declared to be an incorporation for public improvement, and this shall be deemed and taken to be a public act, the right of revoking the same being here reserved by the Legislature. Public act.

Passed at Dover, February 17, 1881.

CHAPTER 479.

OF THE HOLLYWOOD CEMETERY.

AN ACT to incorporate the Hollywood Cemetery, of Harrington, Delaware. Title.

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 James A. Smith, Thomas H. Dorman, Henry C. Wolcott, George L. Baird, William H. Wix, Zebulon Hopkins, William T. Sharp and Beniah L. Lewis, and such other persons as may hereafter be associated with them, for the purpose of establishing a public cemetery, shall be and are hereby constituted and declared to be a body politic and corporate by the name of "Hollywood Cemetery Company" and by that name they and their successors and assigns, shall and may have a capacity and power to sue and be sued, plead and be impleaded in courts of law and equity, to purchase, receive, take, hold, enjoy, sell and alien such lands, tenements and hereditaments as may be necessary for, or connected with, or conducive to the purchase of and laying out of said Hollywood Cemetery, and to have a common seal and to ordain by-laws for their own government, not repugnant to the constitution and laws of the United States or of this State, and to enjoy the privileges and franchises incident to a corporation, *Provided always*, that the said corporation shall not have nor exercise any banking powers whatever, and that the capital stock of the corporation shall not exceed twenty thousand dollars.

Corporators.

Name of corporation

General powers.

Common seal.

By-laws.

Proviso.

OF CORPORATIONS.

Directors. When elected.

Term of office.

Voting.

Failure to elect for vacancies shall not work a dissolution.

Temporary directors.

SECTION 2. *Be it further enacted by the authority aforesaid,* That the business and management of the said corporation shall be conducted by seven directors, who shall be stockholders, and shall be elected at each annual meeting of the stockholders, which shall be on the second Tuesday of May, in each and every year after the passage of this act. The directors shall continue in office until the next succeeding annual meeting, or until their successors shall be duly chosen. They shall be elected by ballot by the stockholders in person or by proxy, who shall have a vote for every share of stock by them respectively held, and a majority of votes given shall be necessary to a choice. If from any cause the annual meeting in any year shall not be held, or if vacancies shall at any time exist in the board of directors, or if such directors shall not be chosen at the annual meeting of the corporation, the corporation shall not cease to exist. The directors shall choose one of their number as president, who shall have such powers and perform such duties as may be provided by the by-laws. The directors, until the first annual meeting after this act shall go into operation, and until others shall be duly elected as aforesaid, shall be James A. Smith, Thomas H. Dorman, Henry C. Walcott, George L. Baird, William H. Wix, Zebulon Hopkins, William T. Sharp and Beniah L. Lewis.

Capital stock. Value of each share.

SECTION 3. *Be it enacted by the authority aforesaid,* That the capital stock shall be divided into shares of twenty-five dollars each, and be personal property, and shall be certified, held and arranged and be assignable as shall be provided by the by-laws of the corporation.

Exemption from taxation and execution process.

Power to alien a devise, qualified.

Proviso.

SECTION 4. *Be it further enacted by the authority aforesaid,* That so much of said cemetery as shall be laid out and appropriated to burial purposes shall hereafter be exempt from taxation, and their respective lots shall be of qualified inheritance, that is to say, the same shall descend as real estate to heirs, but it shall not be levied upon nor taken by execution nor 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 the board of directors and the said lots shall be held subject to the constitution, by-laws and regulations of the said corporation; *Provided,* that the said exemption from attachment, execution &c., shall not extend to more than the lot or lots designated or actually used for family sepulcher.

Opening streets, &c.

SECTION 5. *Be it further enacted by the authority aforesaid,* That no street, road, lane or walk shall be opened, made or laid out through or upon the land aforesaid, or any adjoining land of said company which may be added to the said cemetery except

by and with the consent of the corporation and all the regulations and the entire management of the said cemetery shall be under the exclusive control of the directors aforesaid.

SECTION 6. *Be it further enacted by the authority aforesaid,* That the directors aforesaid may contract debts upon their own responsibility for the benefit of the cemetery and in order to enable the directors to pay the debts adready contracted by them or which may be hereafter contracted or to reimburse to them any money which they or either of them may advance in payment of such debts or otherwise for the use of the cemetery they shall have a claim or lien upon the proceeds of the sales of burying lots in the cemetery and such proceeds shall be applied to the payment of such debts or the reimbursements of such advances so as fully to indemnify the directors in the premises, and if a director be removed from office this lien or claim shall be valid to him, his heirs, executors or administrators.

Burial lots liable for debts contracted by directors. When.

Consequences of removal from office.

SECTION 7. *Be it further enacted by the authority aforesaid,* That this cemetery shall be located not exceeding two miles from the station house at Harrington, Kent county. Certificates of burial lots according to the form prescribed by the board of directors signed by the president and attested by the secretary shall be valid and sufficient title. The record and record books of the corporation kept by the secretary under the constitution shall be competent evidence in any court of Law or equity and copies of said record and all entries in said books certified by the secretary shall also be competent evidence in such courts.

Location of cemetery.

Records competent evidence.

SECTION 8. *Be it further enacted by the authority aforesaid,* That any person who shall willfully do any injury to said cemetery, or the buildings, fences or fixtures thereof, or the monuments or trees therein, or the shrubbery, or commit any trespass on said land, shall pay to the corporation for every such injury or trespass, the sum of two dollars, and for willfully doing the same injury, or any injury of the like kind, or committing a like trespass a second time, the sum of three dollars, and for willfully doing an injury of the like kind or committing a like trespass a third time, the sum of six dollars, or in every such case the corporation may elect to proceed for damages, and in that case shall recover treble damages. And if any person shall place any matter in the cemetery in controvention of the regulations of the board of directors, or of the constitution, and shall not remove the same upon request and pay all damages, he shall be deemed a trespasser ab initio. The Justices of the Peace in and for Kent 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.

Injuries to buildings, &c. How punished.

Penalties. How recovered.

OF CORPORATIONS.

Public act. SECTION 9. *Be it further enacted by the authority aforesaid,* That the corporation hereby created is hereby declared to be an incorporation for public improvement, and this shall be deemed and taken to be a public act, the right of revoking the same being hereby reserved by the Legislature.

Passed at Dover, February 21, 1881.

CHAPTER 480.

OF LINCOLN CEMETERY.

Title. AN ACT to incorporate The Lincoln Cemetery Association, of Lincoln, 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):

Names of corporators

Name of corporation

Limitation upon the acquiring of property

Estate qualified inheritance

SECTION 1. That Abel S. Small, S. W. Shockley, Frank Morrison, A. W. Small, B. W. Truitt, George W. Risler, George L. Stevens, and Henry A. Wright, and their successors be and they are hereby constituted a corporation by the name of the Lincoln Cemetery Association, of Lincoln, Delaware, with capacity and power to take and hold by contract, devise, bequest, gift, assignment or purchase of lands, goods and property, to alien, 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 lotholders respectively, or of the persons who may become lotholders, 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 directors 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.

OF CORPORATIONS.

SECTION 2. That certificates of burial lots, according to a form that may hereafter be prescribed by the board of directors, 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.

Certificates of lots.

Records competent evidence.

SECTION 3. The primary object of the Lincoln Cemetery Association shall be to procure suitable land not exceeding ten (10) acres, and establish a cemetery at some convenient point within one-half mile of the village of Lincoln, 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 directors for the purpose of the cemetery. The land aforesaid shall not be liable to taxation or assessment.

Procurement of land.

Location.

Exemption from taxation.

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 Justice 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.

Injuries to buildings, &c.

How punished.

Justices jurisdiction

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.

Public act.

Passed at Dover, February 25, 1881.

OF CORPORATIONS.

CHAPTER 481.

OF THE NEW CASTLE CEMETERY COMPANY, OF NEW CASTLE, DELAWARE.

Title.

AN ACT to incorporate the New Castle Cemetery Company, of 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 concurring):

Names of commissioners.

SECTION 1. That John J. Black, M. D., William Herbert, Thomas Holcomb, Edward Connelly, David B. Stewart, Elmer W. Clark, John H. Rodney, John Gormly, Jonathan E. George, James T. Eliason, John E. V. Platt, James G. Shaw and Edward Challenger 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 subscription to the capital stock of the New Castle 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.

Books of subscription.

Who may subscribe.

Necessary amount of subscriptions to organize.

SECTION 2. That when, 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 New Castle 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 law and equity in this State and elsewhere, and shall have capacity and power to take and hold by contract, devise, bequest, gift, assignment or purchase to them and their successors forever, real and personal estate of every kind whatsoever; *Provided*, the same shall not exceed in value the sum of forty thousand dollars, and the same to grant, mortgage, for purchase money only, sell, alien, 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

Name of corporation

General powers

Proviso.

Limitation to amount of stock.

Dividends.

Common seal.

OF CORPORATIONS.

and things which to them it shall lawfully appertain to do for the well ordering of the same.

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 ten public places in the city of New Castle, call a meeting of the said subscribers to organize the said company by the election of not less than five nor more than eleven 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 city of New Castle and elect 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. But a failure to elect annually as aforesaid shall not work a forfeiture of this charter.

Notice of organization.

Number of directors.

Term of office.

Place and time of annual meeting.

Failure to elect not to work a forfeiture.

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.

Organization of board.

Vacancies.

Security for faithful performance of duty.

SECTION 5. That the capital stock of said company shall be forty thousand dollars, to be divided into four thousand shares of ten dollars each, and the said company shall procure certificates of stock for all the shares, and shall deliver one such certificate, signed by the president and 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 transferrable 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.

Capital stock.

Number of shares.

Certificates of stock.

Transferrable.

SECTION 6. That the said corporation shall be for public improvement, and all 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 subject to the

Object of cemetery.

Exemption from taxation.

by-laws and regulations of the corporation, provided that this Section shall not be so construed as to prevent the holder of a mortgage given for the purchase money, from inforcing his, her or their lien or liens in the usual manner.

Defacing or injuring ground, fence, &c.

SECTION 7. That any person who shall willfully deface, mutilate, injure or destroy any fence, shrub, vine, plant, bush, tree, grave, gravestone, tomb, monument, buildings, or any natural object or work of art, belonging to, in or about the said cemetery grounds, or commit any trespass on said grounds, shall forfeit and pay to said corporation for every such injury or trespass, a sum not less than two dollars. The Mayor of the city of New Castle, and the Justices of the Peace for New Castle 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.

How punished.

Jurisdiction of Mayor and Justices of the Peace.

Name.

How changed.

SECTION 8. That the board of directors shall have power to give to the cemetery any name they may deem proper; but the name of the corporation shall continue The New Castle Cemetery Company until changed by act of the Legislature.

Public act.

SECTION 9. That this is an incorporation for public improvement, and this is a public act, but the right to revoke the same is hereby reserved to the Legislature.

Passed at Dover, March 14, 1881.

CHAPTER 482.

OF THE "CATHEDRAL CEMETERY COMPANY, OF WILMINGTON, DELAWARE."

Title.

AN ACT to incorporate the "Cathedral Cemetery Company, of Wilmington 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 said General Assembly herein concurring):

Certain persons constituted a body politic.

SECTION 1. That Right Reverend Thomas A. Becker, Reverend Patrick Reilly, Reverend Benjamin J. Keiley, Reverend Martin X. Fallon, Reverend Wendelier M. Mayer, Reverend William Dallard, Reverend Matthew McGrane, and such other persons as now are or hereafter may become members of the

OF CORPORATIONS.

clergy of the Roman Catholic Church, residing and exercising their functions as such in the city of Wilmington, Delaware, be and the same are hereby constituted a body politic and corporate in law and in fact, under the name, style and title of the "Cathedral Cemetery Company, of Wilmington, Delaware." Name.

SECTION 2. The said corporation shall have power and capacity to take and hold by contract, gift, devise, bequest, assignment or purchases any lands, tenements and hereditaments, to alien, transfer, mortgage, use or dispose of the same; to sue and be sued; to implead and be impleaded in any court of law or equity in this State, or elsewhere; to have a common seal with power to make, alter or break the same; to make by-laws and rules for the government of the said corporation, not inconsistent with the laws of this State or of the United States, and to possess all the other franchises of a corporation, subject, however, to the limitations and conditions hereinafter expressed. Power to acquire lands. Power to sell. Common seal. By-laws.

SECTION 3. This corporation shall not have nor exercise any banking powers, nor hold property real and personal of a greater value than fifty thousand dollars over and above the lands used for cemetery purposes and the buildings, fixtures and burial lots on and belonging to the same. The estate of the lotholders, owned or controlled by the said corporation, shall be of qualified inheritance and such estate shall be held by the lotholders aforesaid strictly subject to all the conditions and limitations expressed in the lotholders certificate, and the said corporation shall have power to declare said estate forfeited upon the failure upon the part of any of the said lotholders, their heirs or assigns, to comply with any of the said conditions or limitations so expressed as aforesaid. The estate of the lotholders respectively, or of the persons who may become lotholders, shall not be levied upon nor taken in execution by any process of law or equity, and it shall not be aliened or devised without the approval of the said corporation. Not to exercise banking powers. Qualified inheritance of lot-holder. Forfeiture of estate. Exemption from taxation.

SECTION 4. That certificates of burial lots, according to a form that may hereafter be prescribed by the said corporation, signed by the president and secretary and sealed with the seal of the said corporation, shall be sufficient and valid in law and equity as evidence of the estate granted to any of the lotholders. The records and record books of said corporation that may or shall be kept in accordance with the by-laws and rules of the same by the secretary thereof, shall be competent evidence in any court of law or equity, and copies of said records and entries in said books, signed by the president and secretary, and sealed with the seal of the said corporation, shall also be competent evidence in such courts. Certificates of lots. Record competent evidence.

OF CORPORATIONS.

Primary object of corporation

SECTION 5. The primary object of this corporation shall be to procure suitable land, (whether the same be land now used for cemetery purposes or new land), within the corporate limits of the city of Wilmington, or within six miles of said limits, and to establish a cemetery or cemeteries thereon, and no streets, 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 or lanes in any of the cemeteries by the said corporation for cemetery purposes. Such of the property of the said corporation and of the lotholders under the said corporation, as shall be used for a cemetery, shall be free and exempt from all taxation and assessment.

Location of cemetery.

Streets and lanes.

Avenues.

Exemption from taxation.

Injury to property. How punished.

SECTION 6. That any person who shall willfully do any injury to any of the property of this corporation or to any of the buildings, fences, fixtures, monuments, trees or shrubbery situated on any land owned or controlled by this corporation, or shall commit any trespass on said land, shall forfeit and pay to the said corporation a sum not less than two dollars. The Justices of the Peace for New Castle County, shall severally have jurisdiction of all injuries, trespasses and causes of actions arising under this Section, if the damages do not exceed one hundred dollars.

Trespass.

Jurisdiction of Justices.

Public act.

SECTION 7. That this act 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.

Passed at Dover, March 10, 1881.

OF CORPORATIONS.

CHAPTER 483.

OF THE UNION CEMETERY OF GEORGETOWN.

AN ACT to incorporate the Union Cemetery, of Georgetown. Title.

WHEREAS, certain lands in Georgetown, Sussex County, have been purchased for the purpose of a cemetery, viz: A lot of three and three-quarters acres from Thomas W. Hatfield, lying upon the eastern side of said town, and the same having been laid out and a plot thereof made and a portion of the lots therein sold for burial purposes, and application is made to the General Assembly for an act of incorporation. Preamble.

SECTION 1. *Be it enacted by the Senate and House of Representatives, of the State of Delaware, in General Assembly met, with the concurrence of two-thirds of each branch of the Legislature:* That George W. Piper, George R. Pettyjohn, Charles C. Pepper, Asbury C. Pepper, Joseph S. Wilson, Winfield S. Walls, B. Frank Wagamon, Philip Windsor, George C. Calhoun, Charles R. Jones, Daniel F. Joseph, Benjamin F. Butler, George W. Bennum, Frank Hull, Jacob E. Faucett, Thomas W. Hatfield, Charles H. Taylor, John T. Taylor, James H. McGlothen, George B. Taylor, James H. Speakman, Charles T. Pepper, Peter R. Short, John D. Rodney, George W. Wilson, Samuel R. Wilson, William A. Pettyjohn, Joseph S. Jones, John L. Carmean, Nathaniel W. Short, Henry T. Carmean, John D. Ennis and Elihu M. Lynch, and such other persons or associations and others as are now or hereafter may become proprietors of lots in the said cemetery, be, and they are hereby constituted and made a corporation by the name of The Union Cemetery Company, of Georgetown, with capacity and power to take and hold by contract, devise, bequest, gift, assignment, or purchase, lands, goods and property; to alien, transfer, use or dispose of the same; sue and be sued, have a common seal, make by-laws, rules and regulations, and with all other the franchises incident to a corporation, subject to the following restrictions, viz: The said corporation shall not have or exercise any banking powers, nor hold property real and personal of a greater amount than twenty thousand dollars over and above the land aforesaid and such other land as may be added to said cemetery for burial purposes, and the buildings, fixtures and burial lots in the cemetery, and belonging to the same: and the said corporation shall have no power to alien the land aforesaid, or any part thereof, or any land that shall be hereafter added to said cemetery, nor by mortgage, judgment or otherwise to charge the said land or any

Certain persons constituted a corporation.

Name of corporation

General powers.

Restrictions.

Negative powers.

Power to alien land and to execute mortgage.

part thereof with any lien or incumbrance; the said corporation shall be perpetuated by the transmission or transfer of burial lots; all proprietors of burial lots shall become members of said corporation, and shall have in all meetings each one vote for every lot held by him, her, it, or them. The estate of the proprietors respectively in their respective lots shall be a qualified inheritance, that is to say, the same shall descend as real estate to heirs, but it shall not be levied on, nor taken in execution by any process of law or equity, and the said lots shall be held subject to the constitution, by-laws and regulations of the said corporation.

Who members of corporation. Voting.

Qualified inheritance of estates.

Temporary directors.

SECTION 2. *And be it further enacted,* That the directors and officers chosen under the constitution under which the proprietors of the said cemetery have acted up to this time, shall continue in office according to the terms or nature of their said appointments.

Certificates of lots transferrable.

SECTION 3. *And be it further enacted,* That the certificates of burial lots according to the form that has been prescribed by the constitution of said cemetery signed by the President and attested by the secretary under the seal of said corporation, shall be deemed and taken as sufficient evidence of title; and the records and record books that shall be kept under the constitution aforesaid, shall be competent evidence in any court of law or equity.

Streets, roads, &c.

SECTION 4. *And be it further enacted,* That no street, road or lane shall be opened or made or laid out through or upon the lands aforesaid or any adjoining land that shall be added to the same; but this prohibition shall not apply to the laying out and making of avenues and lanes in the cemetery by the board of directors for the purpose of the cemetery; the land of said corporation shall not be liable to State or County assessment or taxation.

Avenues.

Injuries to buildings, &c. How punished.

SECTION 5. *And be it further enacted,* That any person who shall willfully do any injury to the said cemetery or to the buildings, fences, or fixtures thereof, or to the monuments, trees or shrubbery therein or commit any trespass on said lands, shall, upon due conviction thereof, be liable to the said corporation quadruple the amount the damages sustained for every such injury, and that said corporation shall make a just compensation to the owner of the property sustaining the damage. If any person shall place any matter in the cemetery in contravention of the regulations of the board of directors or of the constitution, and shall not remove the same upon request of the directors and pay all damages, he shall be deemed a trespasser *ad initio*. The Mayor of Georgetown and the Justices of the Peace for Sussex County shall severally have jurisdiction of all injuries,

Removal of nuisances when requested.

Jurisdiction of Justices and Mayor of Georgetown.

trespasses and causes of action arising under this section; *Provided* the damages do not exceed one hundred dollars. In every case of recovery double costs shall be awarded to the plaintiff.

SECTION 6. *And be it further enacted,* That the power of revocation is reserved to the Legislature and that this act shall be deemed and taken as a public act. Public act.

Passed at Dover, March 24, 1881.

CHAPTER 484.

OF FRANKFORD OYSTER PLANTING COMPANY.

AN ACT to incorporate the Frankford Oyster Planting Company. Title.

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 Thomas Daisey, Robert W. Daisey, Albert Murray, Samuel B. Hitch and Thomas A. Hitch, and their successors, shall be and are hereby created and made a corporation and body politic by the name and style of "The Frankford 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 government 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 design of said corporation. Corporators. Name. Powers. Common seal.

SECTION 2. That the said corporation shall annually, on the first Saturday in July, at Frankford in Sussex County, or at such other time or place as by the by-laws may be appointed, to elect from the members of said corporation a president and vice-president, and shall also appoint a treasurer and such other Annual meeting. Election of officers.

officers as may be necessary for conducting the business of the corporation. At said election only those owning shares of the capital stock shall be allowed to vote and a majority of all the votes cast shall elect. Each stockholder shall be entitled to as many votes as he owns shares. The capital stock of said corporation shall not exceed thirty thousand dollars, divided into twelve hundred shares at twenty-five dollars each.

Qualification of voters.

To appropriate a part of Rehoboth Bay for planting oysters.

To be staked off.

Oysters to be private property.

Not to infringe on other corporations.

SECTION 3. That the said corporation, in order to carry into effect the provisions of this act, shall have the right to appropriate to its own use a part, not exceeding thirty acres, of the bottom of Rehoboth Bay or Indian River in said county, for planting oysters, which part shall be designated by stakes not more than one hundred yards apart, to show at least, one foot above 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 and exclusive property. This corporation in staking off the thirty acres mentioned in this Section shall not infringe upon or lap over the fifty acres included in the stakes of the Indian River and Rehoboth Bay Oyster Planting Company, a corporation created by an act of the General Assembly of this State, passed at Dover, March 23, 1875, and amended March 1st, 1877.

Public act.

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 31, 1881.

OF CORPORATIONS]

CHAPTER 485.

OF THE TOWN OF ODESSA.

A SUPPLEMENT to an act entitled, "An Act to incorporate the town of Odessa, and for other purposes," passed at Dover, April 2, 1873. Title.

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 whenever there shall happen to be no Justice of the Peace residing in the town of Odessa, a Notary Public residing there (or if there be more than one, the oldest in commission) shall be, and he is hereby authorized to have and exercise all the powers conferred on the Justice of the Peace oldest in commission in said town, in and by Section 1, of the act to which this is a supplement. Regulations in relation to Justice of the Peace in Odessa.

SECTION 2. That at the next election to be held on the first Monday of April next, five commissioners shall be elected, and the three commissioners having the highest number of votes shall be declared elected for two years and until their successors be duly qualified, and the two commissioners having the next highest number of votes shall be declared elected for one year, and until their successors be duly qualified. Election of commissioners.

SECTION 3. Written or printed notice of all elections provided for in Section 1, as hereby amended, of the act to which this act is a supplement, shall be posted by the said Justice of the Peace or Notary Public in three of the most public places in said town, at least ten days before the day of election. Notice of election prescribed.

Passed at Dover, February 4, 1881.

OF CORPORATIONS.

CHAPTER 486.

OF THE TOWN OF SEAFORD.

Title. AN ACT authorizing and empowering the town commissioners of the town of Seaford, to sell a certain lot called "Market Space."

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

Town commissioners of Seaford authorized to sell certain land.

SECTION 1. That the town commissioners of the town of Seaford be and they are hereby authorized and empowered to sell at public sale, whenever they may deem best, the lot of land in said town known as "Market Space." The said commissioners may sell the same, without division or in as many different parcels, and upon such terms, as they shall elect, and shall, before making such sale, duly advertise the same in the paper published in said town, and by printed hand-bills posted in ten or more of the most public places in said town, at least ten days previous to the day of sale. The said advertisements shall describe the parcel or parcels to be offered for sale, the place, time and terms of sale, and the said commissioners may direct one of their number to bid for them.

Notice of sale.

Proceeds of sale. How applied.

SECTION 2. That the proceeds of said sale or sales shall pass into the town treasury, and shall be expended by the said town commissioners, as other public funds coming into their hands.

Unanimous consent.

SECTION 3. That it shall require the consent and agreement of the whole board of commissioners, and no sale under this act, shall be made without such agreement.

Drainage of waters.

SECTION 4. That it shall be the duty of the said town commissioners to make due and ample provisions for the drainage and escape of water from the culvert leading from Front and East Streets, before making any sales under this act which may be liable to obstruct said drainage.

Public act.

SECTION 5. This act shall be deemed and taken to be a public act.

Passed at Dover, February 11, 1881.

OF CORPORATIONS.

CHAPTER 487.

OF THE TOWN OF MILTON.

AN ACT to reincorporate the town of Milton. Title.

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

SECTION 1. That the limits, streets, alleys, lanes and sidewalks of the town of Milton, in Sussex County, shall be and they are hereby declared to be the same as surveyed, located and established by the commissioners under the act entitled, "An act for the establishing the boundaries of the limits, streets, alleys, lanes and sidewalks of said town of Milton, and for other purposes therein mentioned," passed at Dover, March 17th, 1865. The council of the town of Milton, may at any time hereafter, cause a resurvey and plot to be made of the said town, and the said plot, when so made and approved by the said council, shall be recorded in the Recorder's office in and for Sussex County, and shall be evidence in all courts of law and equity in the State. Limits of the town of Milton. Plot and survey. Where recorded. Evidence of plot and survey.

SECTION 2. There shall be a council of the town of Milton, to be composed of nine members, one of whom shall by said council be elected president of said council for the term of one year, and until his successor shall be elected. The councilmen and president now constituting the town council shall hold their office for the residue of the term for which they have been previously elected, that is to say, the three members, (to wit: John W. Fox, Erasmus N. Lofland and Thomas L. Black) of the said council who were elected on the first Saturday in March, A. D. 1878, for the term of three years, shall continue in office until the first Saturday in March of the present year, A. D. 1881, and until their successors shall be duly elected; the three members, (to wit: John C. Hazzard, James P. Ellingsworth and John H. Davidson) of the said council who were elected on the first Saturday in March, A. D. 1879, for the term of three years, shall continue in office until the first Saturday in March, A. D. 1882, and until their successors shall be duly elected, and the remaining three members, (to wit: James Ponder, E. P. Warren and William J. White) of the said council who were elected on the first Saturday in March, A. D. 1880, for the term of three years, shall continue in office until the first Saturday in March, A. D. 1883, and until their successors shall be duly elected on the first Saturday in March next following the passage of this act, and on the first Saturday in March, annually thereafter, there shall be held an election in the old academy in the town of Council. How composed. President. Term of his office. Term of office of present council to continue until expired. Annual election. When and where held

OF CORPORATIONS.

Election of three councilmen.

Term.

President.

How chosen.

Term of his office.

Eligible to re-election.

Qualification of councilmen

Opening and closing of elections

Qualifications of voters.

Counting the votes.

By whom election shall be held.

Ballots.

Polo list.

Inspection of tickets.

Deciding voto in case of tie.

By whom cast.

Certificates of election.

Notice of meeting.

Councilmen to be qualified.

Vacancies.

How filled.

Minutes of elections.

Milton, for three councilmen of the said town of Milton, to succeed those whose term of office will expire. The councilmen shall be elected for the term of three years, and until their successors shall be duly elected, and the president of the council shall be elected from the board of council for the term of one year and until his successor shall be duly elected, but any councilman or the president may be re-elected. The councilmen shall be resident freeholders of the town of Milton at the time of their election, but any married man resident of said town whose wife is a freeholder of said town may be elected a member of said council or the president of the said council, although he may not be the owner in his own right of any real estate within the said town. The election shall be opened at one o'clock p. m., 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. Immediately after the election shall be closed the vote shall be counted, and the person or persons, as the case may be, resident in said town, having the highest number of votes, shall be elected. The election shall be held by the Alderman and two of the six members of council who hold over, to be chosen by the council at a previous meeting to be held during the month of February. The Alderman shall receive the ballots and deposit them in a box to be prepared for that purpose, and the assisting councilmen 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 ballots out of the box, open and read out the same and pass the same over to one of the said assistants for his inspection, while the third election officer shall tally the votes. In case of a tie of persons voted for for councilmen the Alderman shall 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, with a notice of the time and place of the next meeting of the town council. Before entering upon the duties of their respective offices, the councilmen elect shall be sworn in at said meeting, or any subsequent meeting, by the Alderman or one of the councilmen holding over. 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 elect, shall be entered immediately after said election in a book provided for that pur-

pose and subscribed by the persons holding said election; said book shall be preserved by the town council and shall be evidence. If any vacancy shall occur in the said council by the death, resignation, removal from the town, refusal to serve, or otherwise, of any member thereof, the remaining councilmen shall have power to fill such vacancy or vacancies for the residue of the whole term for which the person or persons whose vacancy or vacancies is or are to be supplied was or were elected.

Vacancies in council. How filled.

SECTION 3. The town council at the meeting after each annual election as herein before provided for, or as soon thereafter as convenient, shall proceed to elect, by ballot, some suitable person resident in said town to be alderman of the town of Milton, who may or may not be a Justice of the Peace, resident in said town, to serve as such for the term of one year, or until his successors shall be duly elected, subject, however to be removed from office at any time by a vote of two-thirds of all the members composing the town council. Before entering upon the duties of his office he shall be sworn or affirmed by the president of the town council, or by any one of the councilmen, to perform the duties of his office honestly, faithfully and diligently. It shall be his duty to execute all laws enacted for the government of said town, and to carry it 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 the Justice of the Peace within the town, and shall have jurisdiction and cognizance of all breaches of the peace and other offenses in said town so far as to arrest and hold to bail, or fine and imprison offenders, and also of 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 also 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 exceeding twenty-five dollars or have jurisdiction in civil matters, exceeding one hundred dollars, exclusive of costs. His fees for any services under this section shall be the same as those of a Justice of the Peace for a like service, 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. If any vacancy shall occur in the office of alderman of the town of Milton by death, resigna-

Election of alderman.

Term of his office. Removal.

Oath of office.

His duties.

His powers

Proviso.

Vacancies in alderman's office. How filled.

tion, removal from office or otherwise, such vacancy may be supplied by the town council at a meeting thereof for the residue of the term. If any alderman shall be removed from his office by the town council, as hereinbefore provided, he shall deliver to his successor in office, within two days after the election of his successor, all books and papers belonging to his office, and shall pay over to the treasurer of the town all moneys in his hands belonging to the town within five days after his removal. Upon his neglect or failure to deliver to his successor in office within the time aforesaid, all the books and papers belonging to his office, or upon his neglect or failure to pay over to the treasurer of the town, within the time aforesaid, all moneys belonging to the town, he shall be deemed guilty of a misdemeanor, and upon conviction thereof, by indictment, shall be fined not less than twenty nor more than one hundred dollars.

His duties concerning successor.

Penalty for neglect of such duty.

Monthly report of alderman.

SECTION 4. The alderman shall, at every stated meeting of the town council report to the council all fines and penalties imposed by him during the preceding quarter and pay to the treasurer of the town of Milton all such fines and penalties received by him during the said time, and in default of making such report or paying such fines and penalties for a period of twenty days after such report should be made, and such fines and penalties should be paid, as aforesaid, he shall be deemed guilty of a misdemeanor, and upon conviction thereof by indictment, shall be fined not less than twenty nor more than one hundred dollars.

Duties of president of council.

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 infraction or violation of the law or ordinances as require immediate action, to cause the same to be proceeded on before the alderman. He shall issue and sign all licenses for every exhibition within the town of Milton, which by Section 1, of Chapter 51, of the Revised Code, a license therefor is required; he shall sign all warrants on the treasurer for the payment of any money, and shall perform such other duties as may be prescribed by any ordinance or ordinances of the town council.

Incorporated.

Powers.

SECTION 6. The councilmen and the president of council, as hereinbefore provided for, shall be and they are hereby created a body politic and corporate in law [and] equity, and shall be able and capable to sue and be sued, plead and be impleaded in courts of law and equity in this State, by the corporate name of

OF CORPORATIONS.

"The Town of Milton," and shall have a corporate seal, which they may alter, change or renew at their pleasure; 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 alien, grant, devise 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 superintendance and oversight of all the roads and streets now open or hereafter to be opened within the limits of said town, and no overseer of any such roads or streets shall be appointed by the Levy Court of Sussex County, but the said Levy Court shall annually appropriate for the repair of said roads and streets a sum of money not less than four hundred dollars and shall make an order for the payment thereof to the treasurer of the town of Milton for the use of said town.

Name.

Power to hold real estate.

Superintendence of streets, &c.

Appropriations by Levy Court for use of streets.

SECTION 7. The town council shall have power, upon the application of ten citizens of the town, by petition for the purpose, to locate, lay out and open or widen any new street or streets, lane or lanes or alley or alleys or widen any street, lane or alley heretofore laid out or hereafter to be laid out in said town, or reopen any old street or streets, lane or lanes, alley or alleys now closed, or which may hereafter be closed, which ten or more citizens may desire to be located, laid out and opened or widened, or reopened, allowing to the persons respectively, through or over whose lands such street or streets, lane or lanes, alley or alleys 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 order of the council aforesaid.

Location of new streets &c.

Reopening of old streets, &c.

Compensation for damages.

By whom and how paid.

SECTION 8. Whenever the town council shall have determined to locate and lay out or widen any street, lane or alley, and shall have fixed the compensation therefor, it shall be their duty immediately after the survey and location of the said street, lane or alley, to notify in writing, the owner or owners of the real estate through or over which such street, lane or alley may run, of their determination to open and widen 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 or tenant of said real estate, but if there be no holder or tenant resident in said town, the said notice may be affixed to any part of the premises. If any owner be dissatisfied with the

Notice to owners of real estate.

Notice to tenant.

When posted on premises.

amount of the compensation or damages allowed by the town council, as aforesaid, he or she may within ten days after such notice, as aforesaid, appeal from the said assessment of compensation or damages by serving written notice to that effect to 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 Sussex 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, three of whom shall be residents of said town of Milton, and two of whom shall be non-residents of said town, commanding them to assess the damages which the owner of the real estate through or over whose lands said street, lane or alley 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 Associate Judge at a time therein appointed. The freeholders named in such commission, being first sworn or affirmed, as in said commission shall be directed, shall view the premises, and they or a majority of them, shall assess the damages as aforesaid, and shall make return, in writing, of their proceedings in the premises to the said Associate Judge, who shall deliver said return to said town council, which shall be final and conclusive. The said Associate Judge shall have power to fill any vacancy in the commission. 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 Farmers' Bank of the State of Delaware, at Georgetown, within said time, and thereupon the said property or land may be taken or occupied for the uses aforesaid. In the ascertainment and assessment of damages by freeholders appointed by the Associate Judge aforesaid, if the damages shall be increased, the costs of the appeal shall be paid by the treasurer of the town out of any money in his hands belonging to the town, but if said damages shall not be increased, the costs of the appeal shall be paid by the party appealing. The fees to the freeholders shall be two dollars per day to each, which shall be taxed as part of the costs. After the damages shall be fixed and ascertained by the freeholders, the town council shall have

Appointment of commission.

Qualifications of commissioners.

Assessment of damages.

Return of freeholders

Qualification of freeholders

Assessment of damages.

Return.

Delivery of return to council.

Power to fill vacancies in commissioners.

Payment of damages.

When deposited in bank.

By whom costs of appeal shall be paid.

Fees of freeholders

the option to pay the damages assessed, within the time aforesaid, and to proceed with the said improvements, or upon the payment of the costs only may abandon the proposed improvements. Prosecution of improvement, &c.

SECTION 9. The town council shall have power to enact ordinance to prevent nuisances, 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, and the drainage thereof, to direct the paving or graveling of footways and to prescribe the width thereof, to regulate and provide for the making of gutters, and the placing of gutter-stones, or plates therein, and for curbing wherever in their opinion such paving or graveling, making of gutters and the placing of gutter-stones or plates therein, and curbs may be necessary or proper; to prescribe the extent of steps, porches, cellar doors and other inlets to lots and buildings; to regulate the construction and repair of chimneys and provide for keeping the same cleaned and in good order; to regulate the storage of gunpowder or any other dangerous or combustible materials, and to provide against casualties by fire. No person shall be obliged to pave any footway to greater breadth than four feet in front of any vacant lot or lots 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 for a period of ten years, except upon the petition of a majority of the property owners holding land on such street or part of street where such alteration or change is proposed to be made, and upon such petition, the town council shall have the option to make such change or alteration, or not. The town council shall also have power to enact ordinances in relation to the keeping or harboring of dogs, to provide for the registration of the same, and to regulate their running at large, and may impose annual tax not exceeding fifty cents on every male dog, or one dollar on every female dog, and may provide for the collection of the same from each and every person owning or harboring any dog or dogs; and also shall have power to impose fines and penalties for the enforcement of any of said ordinances. The said council shall have power also,

Nuisances, infections, disease, &c.

Extent of jurisdiction

Ordinances defining and for the removal of nuisances.

Boundaries &c.

Ascent and decent of streets, &c.

Paving and graveling.

Gutters and curbing.

Steps, porches, &c

Chimneys.

Gunpowder, &c.

Breadth of footways.

Changing of grade.

Dogs.

Fines for enforcement of ordinances, surveys and plots.

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 to do and perform all such matters and things as they may deem necessary for carrying into effect the provisions in this section contained.

Notice to owners of real estate.

SECTION 10. Whenever the said town council shall have determined that any paving and curbing, or any or either, or all of them shall be done, they shall notify the owners of the land in front of whose premises the same is to be done, particularly designating the nature and character thereof, and thereupon it shall be the duty of such owner to cause such paving, graveling and curbing, 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 when done the treasurer of the town shall, as soon as convenient thereafter, present to the owner or owners of such lands a bill showing the expense of such paving, graveling and curbing; if such owner or owners be not resident in the town of Milton, such bill may be presented to the occupier or tenant of said land, or if there be no occupier or tenant resident of said town of Milton, such bill may be sent by mail to such owner or owners, directed to him or them at the post office nearest his or their residence. If such bill be not paid by the owner or owners of such lands, within thirty days after the presentation thereof as aforesaid, then it shall be the duty of said town council to issue a warrant in the name of the town of Milton, under the hand of the president of the town council and the seal of the said corporation, directed to the treasurer of the town of Milton, commanding him that of the goods and chattels, lands and tenements of such owner or owners, he should cause to be levied and made the amount of the said bill, together with all costs. It shall be the duty of the treasurer of the town of Milton, as soon as convenient, after the said warrant shall be delivered to him, and after ten days notice to the owner or owners of such lands, and after posting five or more notices of sale in at least five of the most public places in the town of Milton, at least ten days before the day of sale, to sell the goods and chattels of such owner or owners at public auction, or so much thereof as may be necessary to pay the amount of said bill with all costs. If no goods and chattels of such owner or owners can be found within said town sufficient to satisfy the amount of said bill with all costs, then it shall be the duty of the said treasurer of the said town of Milton, after ten days notice to such owner or owners aforesaid, and after posting five or more notices of sale in at least five of the most public places.

Penalty for failure to comply with notice for 30 days.

Warrant for collection of costs upon non-payment.

How issued

To whom directed.

Time of sale of goods.

Amount necessary.

When lands shall be sold.

Notice.

Time and place of notice.

of the town of Milton, for at least ten days before the day of sale, and after causing such notice of sale to be published twice in one newspaper printed in the said town of Milton, (or, if there be no newspaper printed in the said town of Milton, then in a newspaper printed anywhere in Sussex County); to sell the lands and tenements of such owner or owners in front of which such paving, graveling and curbing, or either of them, have been done or so much of said lands and tenements as may be sufficient to satify the amount of said bill with all costs, and a deed from the treasurer of the said town of Milton shall convey to the purchaser or purchasers of such lands and tenements as full and complete title, in fee simple or otherwise, as if the same were executed by the owner or owners thereof. The claim for paving, graveling and curbing shall be a lien on the premises in front of which the said work was done, and shall have priority over any lien, incumbrance or conveyance suffered or made by the owner or owners after the presentation of the said bill as aforesaid. It shall be the duty of the treasurer of said town, of the purchase money of the said goods and chattels, or lands and tenements, sold as aforesaid, to pay all costs arising from the proceeds and sale to the parties entitled thereto, and to retain for the use of said town the amount of the said bill as aforesaid, and the residue of the said purchase money, if any, shall immediately be deposited in the Farmers' Bank of the State of Delaware, at Georgetown, to the credit of the said owner or owners. The treasurer of the said town shall be entitled to receive five dollars for every sale of personal property under this Section, and ten dollars for every sale of real estate under this Section, together with such additional sum as may be reasonable and proper for the keeping, taking care of such personal property, for selling the same and for advertising, all of which shall be part of the costs to be paid out of the purchase money as aforesaid. Any notice required by this Section to one co-owner shall be notice to all, and in case no owner shall reside in the said town, notice served upon the occupier or tenant shall be sufficient, or if there be no owner or occupier or tenant of said premises resident in the said town, it shall be sufficient to send notice by mail to any owner of said premises directed to him or her at the post office nearest his or her place of residence. The provisions hereinbefore contained in this Section shall apply to any order made by the council of said town in respect to any pavement, sidewalk, or curb heretofore made or done, which the said council may deem insufficient or to need repairing. The said council in addition to the provisions of this Section hereinbefore contained, shall have power and authority to enforce, by ordinance, all the

Publication.

Sale of lands.

Amount of land to be sold.

Deed.

Title.

Claim for paving, &c.

Costs. By whom and how paid.

Deposit of residue.

Fees of treasurer.

What costs shall include.

Sufficient notice.

When served on tenant.

When mailed.

To what foregoing provisions shall apply

Power of council.

requirements of this Section by imposing such fines and penalties, as shall in the judgment of said council, be necessary and proper.

Further power of council.

SECTION 11. The town council of said town, shall have power and authority to make, establish and publish such ordinances as they may deem beneficial for the good government of the said town, at any stated meeting. There shall be four stated meetings in every year of the said council, to wit: on the first Saturday in March, June, September and December. They shall have and are hereby vested with power and authority to prescribe the fines and penalties for violations of any of the provisions of this act, or of the ordinances which they may enact in pursuance hereof, 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 enacted as aforesaid, may be collected before the Alderman of said town, or any Justice of the Peace of said town, and in default of payment said Alderman or Justice of the Peace may commit for any time not exceeding thirty days.

Stated meetings. Time of.

Power.

Collection of fines.

Commitment for non-payment of fines.

Constables.

SECTION 12. The council of said town may appoint such number of town constables as shall be deemed necessary, who, with the Constable of Sussex County, residing in said town, shall constitute the town police. The council of said town shall also have power and 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.

Who shall constitute police.

Removal of constables.

Annual statement.

SECTION 13. The council of said town shall cause a statement of their receipts and expenditures to be published once a year in at least one newspaper printed in said town; but if there be no newspaper printed in said town, it shall be the duty of said council to submit their book of accounts containing the amounts received and paid out during each year, to the voters of said town at their regular March meeting, for inspection, revision and approval. The said councilmen shall be allowed for their attendance at each of said stated meetings, a sum not exceeding one dollar.

When accounts shall be submitted to voters.

Fees of councilmen

Council to make ordinances concerning streets.

SECTION 14. The council of said town shall have power and authority to make such regulations and enact such ordinances relative to the traveling over and upon the streets, lanes or alleys in said town, and to the use thereof, and the standing or placing of carts, carriages or other vehicles or obstructions in and upon the public square or any of said streets, lanes, alleys, or sidewalks, as they shall deem proper to secure the free and uninterrupted use and enjoyment thereof, and if any person shall

violate the regulations and ordinances of the said council in that behalf, every person so offending shall forfeit and pay to the treasurer of said town, for the use of said town, a sum not exceeding ten dollars, to be recovered, with costs, by the treasurer of said town, in the name of the town of Milton, before the Alderman of said town or before any Justice of the Peace residing in said town, in the same manner as debts of like amount are recoverable by law.

Fine for violation of ordinances.

Recovery of fine and costs.

SECTION 15. It shall and may be lawful for the council of said town to use the jail of Sussex 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 ordinances or regulation adopted under the provisions of this act, and it shall be the duty of the keeper of said jail to receive and lock up in said jail any person committed to his custody under the provisions of this act, or under the provisions of any ordinance of the council of said town.

Jail to be used by the town council.

Duty of keeper of the jail.

SECTION 16. The council of said town shall have the power and authority to use the money in the treasury of said town, or of any portion thereof, 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 council of said town shall be as good and binding as the acts, doings and determinations of the whole. In case of a vacancy or vacancies in the council of said town, the remaining members, until such vacancy or vacancies shall be filled as hereinbefore provided, shall have the same power and authority as the whole.

Power of council.

A majority neccessary to make acts legal.

Vacancies.

How filled.

SECTION 17. It shall be the duty of the Alderman of said town and council of said town, and of the constables of Sussex County residing in said town, and of the town constables, to suppress all riotous, turbulent, disorderly or noisy assemblages or gathering of persons in or about any buildings used for any fair, festival, concert or any other social, literary, or religious meeting, or any entertainment whatsoever, or in the streets, lanes, squares or alleys of said town at any time or season whatever, to prevent all gatherings whatever which may obstruct or interfere with the free use of the streets, lanes, alleys or sidewalks, 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 him or them before the Alderman of said town, whose duty it shall be to hear and determine the case, and upon conviction before him the Alderman shall sentence any such person so convicted to pay a fine not exceeding ten dollars, and may commit the party or parties to prison for a period not exceeding thirty days or

Duty of town officers.

Duty of constables.

Duty of alderman.

Fine and imprisonment.

until said fine and costs shall be paid. It shall be the duty of the Alderman of said town, 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 arrest and bring any such person so offending as aforesaid before him for trial. It shall be the duty of the constable 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 of said town who shall proceed forthwith to hear and determine the case, and upon conviction before him he shall sentence such person in the same manner and to the same punishment provided in this section for the punishment of persons brought before him for the offences in this section first enumerated. If, upon view of the person or persons who may be brought before the Alderman of said town for violation of this section, it shall appear to the Alderman that in his judgment such person or persons are not in a condition to be heard and tried, he may use his own discretion in fixing or appointing a time for trial of all such person or persons brought before him for violating this section. The fee to the Alderman of said town for the trial of 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 two dollars, and the keeper of said jail shall be entitled to a fee of fifty cents for each commitment whether by a constable or by the Alderman of said town, 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 prisoners: *Provided*, the town shall pay for the board of all prisoners committed to jail for violation of the charter or by-laws of the town of Milton.

Alderman to issue warrants.

Drunken or disorderly person.

Sentence.

Proceedings.

Fees.

Town to pay board of prisoners committed to jail.

Fire-works bon-fires, &c., prohibited.

SECTION 18. The Alderman of said town, the Council of said town, and the 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 setting off of fire crackers or other fire works, or the making and throwing of fire balls within the limits of said town, and the Council of said town may by ordinance or ordinances impose fines and penalties upon the persons violating the provisions of this section, and may provide for the collection of such fines and penalties so imposed.

Fines.

Nuisances and obstructions abated and removed.

SECTION 19. The Council of said town 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 on the public square, or 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 Council of said town 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 the obstruction or nuisance, and where the same exists. If the Council of said town 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, signed by the President of said Council, 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, to remove or abate such obstruction or nuisance, the Council of said town shall have power and authority to cause such obstruction or nuisance to be removed or abated; and for this purpose the Council of said town may issue a warrant in the name of the Town of Milton, under the hand of the President of the Council and the seal of the said corporation, and directed to any constable of the Town of Milton, commanding him forthwith to remove or abate such obstruction or nuisance; whereupon the constable to whom the said warrant may be delivered, shall forthwith proceed to remove or abate the same, and for this purpose he shall have full power and authority to enter into and upon any lands and premises within the town of Milton, and to take with him such assistants, implements, horses, carts, wagons or other things, as may be necessary and proper, and do and perform all matters and things, right and proper to be done, for the removal of such obstruction or the abatement of such nuisance. The costs and damages of all the proceedings shall be determined and adjudged by the council of said town, for the use of the town, and shall be paid by the person causing the obstruction or nuisance, or who is responsible for its existence or continuance, within ten days after a bill stating the amount of such costs and damages shall have been presented to such person, then the council of said town may proceed to collect the same out of the goods and chattels of such person by warrant issued to the treasurer of said town in the same manner as is provided in Section 10 of this act for the collection of the expenses of any paving, graveling, &c., and the treasurer of said town, upon the receipt of such warrant, shall have all the powers to sell the goods and chattels of such person conferred, and shall proceed in the same manner as directed by said Section 10 of this act on warrants directed to him under said Section to collect the expense of paving, graveling, &c., except that nothing in this Section contained shall confer any power

Notice By whom signed.

Council to issue warrant.

Directed to whom.

Constable to abate such nuisance.

Constables' authority therein.

Costs and damages.

Costs. How collected.

No power to sell lands and tenements.

upon the treasurer of said town to sell any lands and tenements. If the person causing such obstruction or nuisance, or who is responsible for its existence or continuance, shall neglect or refuse to remove or abate the same for the space of two days after such notice as aforesaid, he shall, in addition to the provisions hereinbefore in this Section in that behalf contained, forfeit and pay to the treasurer of said town for the use of the town the sum of five dollars, and one dollar additional for each and every day such obstruction or nuisance shall continue unremoved or unabated after the expiration of the two days' notice as aforesaid, to be recovered with costs of suit in the name of the town of Milton before the Alderman of said town or any Justice of the Peace residing in said town, as debts of like amount are recoverable. In ascertaining the amount of the judgment, the person before whom the case is heard and determined, shall compute the time beginning with and including the day following the expiration of the said two days' notice up to and including the day on which judgment is rendered, if the obstruction or nuisance be then not removed or abated, or if then removed or abated up to and exclusive of the day on which such obstruction or nuisance was removed or abated, and one dollar for every such day shall be added to the five dollare and judgment rendered accordingly. If the amount of the judgment, exclusive of costs, shall exceed one hundred dollars, the case shall not be cognizable before the Alderman or a Justice of the Peace, but in such case suit in the name of the town of Milton may be brought in the Superior Court of the State of Delaware in and for Sussex County. These last provisions shall be cumulative and additional to the provisions hereinbefore in this section contained.

Additional costs.

Recovery of such costs.

Time to be computed and included.

Further costs.

When not cognizable before alderman.

Where suit may be brought.

Cumulative provisions.

Misdemeanor.

SECTION 20. If any constable shall neglect or refuse to perform any of the duties required of him by this act, he shall be deemed guilty of a misdemeanor, and it shall be the duty of the council of said town to present him to the Grand Jury of Sussex County, and upon conviction thereof, by indictment, he shall be fined in a sum not less than ten nor more than one hundred dollars, and may be imprisoned in the discretion of the court for any term not exceeding one year, and upon such conviction he shall *ipso facto* forfeit his office.

Fine and imprisonment.

Forfeiture of office.

Election of officers.

SECTION 21. It shall be the duty of the council of said town, as soon as conveniently may be after each annual election of members of said council on the first Saturday in March of every year as hereinbefore provided, to elect by ballot a treasurer, clerk and assessor for said town, who shall hold their offices for the term of one year, and until their successors shall be duly elected. The treasurer and clerk may or may not be the same person.

Time of.

Term.

OF CORPORATIONS.

The assessor shall be a freeholder resident in said town, and may or may not be a member of said council. The said council shall also have authority to elect, by ballot, a collector of taxes in any year they may think proper to do so. The treasurer, before entering upon the duties of his office, shall be sworn or affirmed faithfully, honestly and diligently to perform the duties of his said office, which oath or affirmation may be administered to him by the president of said council or by any member thereof, or by any Justice of the Peace or Notary Public. He shall also, before entering upon the duties of his office, give bond to the town of Milton, with sufficient surety, to be approved by the council of said town, in the penal sum, of double the amount of what may be likely to come into his hands, conditioned for the faithful discharge of the duties of his said office, and for the payment to his successor in office of all sums of money belonging to said town which may remain in his hands upon the settlement of his accounts, to which said bond and condition there shall be annexed a warrant of attorney for the confession of judgment for said penalty. The said treasurer shall pay all orders drawn on him by order of said council and signed by the president thereof out of any moneys in his hands belonging to said town. He shall settle his accounts with the said council annually in the month of February, and oftener and at such other times as the said council may require. The said treasurer shall also, in any year when no collector of taxes shall be elected by the council of said town, and when required to do so by said council, collect all the taxes assessed in said town as hereinafter provided. It shall be the duty of the clerk of said town to keep a true and faithful record of all the proceedings of the council of said town at all meetings held by them, and to do and perform such other matters and things as may be required of him by this act or which may be prescribed by any ordinance or ordinances enacted by said council. The treasurer, clerk, and assessor of said town shall each receive a reasonable compensation for their services to be determined by the council of said town: *Provided,* The compensation of the said treasurer as such shall not exceed two per cent. on all moneys received by him belonging to said town, and of the treasurer acting as collector shall not exceed eight per cent. on the taxes collected by him.

Collector.
Oath of treasurer.
Bond.
Sureties approved.
Penal sum.
Conditions.
Warrant of attorney.
Orders.
How drawn and paid.
Settlement of accounts.
Treasurer to collect taxes.
When.
Record of proceedings kept by clerk.
Duties of.
Compensation of treasurer, clerk and assessor.
Proviso.

SECTION 22. It shall be the duty of the assessor of the said town annually to make a true, just and impartial valuation and assessment of all the 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

Assessors duties.

OF CORPORATIONS.

Return of assessment to council.

and taxation. The said assessor shall make such assessment and return the same to the council of said town within six weeks next after the election of said assessor. The council of said town shall assess the real estate and person and taxable personal property of the assessor. The council of said town shall, within five days next after receiving said assessment list cause a full and complete transcript of said assessment list to be hung up in the post office in said town, there to remain for the space of ten days thereafter, for public inspection; and the said council shall on the Saturday next after the expiration of the said ten days, hold a court of appeal, which shall continue open from one o'clock, P. M., till four o'clock, P. M., of said day, when they shall hear and determine appeals from the said assessment, and may make correction of, addition to, or alteration in the said assessment. Notice of the hanging up of the said assessment list, and also at the same time, notice of the time and place of hearing appeals shall be given by posting such notice in at least six public places in said town of Milton. The determination of the council of said town upon any appeal, or upon any matter relating to such assessment shall be final and conclusive. No member of Council of said town shall sit upon his own appeal, but the same shall be heard and determined by the other members of said Council. After the said valuation and assessment shall be examined and adjusted by the Council of said town, all taxes shall be levied, assessed and raised on the real estate, personal property and persons thus valued and assessed, in just and equal proportions and rates. The assessor, before entering upon the duties of his office, shall be sworn or affirmed diligently, faithfully and impartially to perform the duties of his office to the best of his ability, knowledge and judgment, which oath or affirmation may be administered to him by the President of said Council, or by any member thereof, or by any Justice of the Peace or Notary Public.

By whom assessed.

Assessment list to be hung up

Where.

How long.

Court of appeal.

When held

Proceedings.

Notice.

Determination final

Adjournment of assessment.

Taxes.

How levied

Assessor to be sworn.

By whom.

SECTION 23. The Council of said town, after having ascertained the sum necessary to be raised on the said town for the purposes of this act, which sum shall in no year exceed two hundred dollars, clear of dog tax and all delinquencies and expenses of collecting, and after having apportioned the same on the assessment and valuation aforesaid, shall annually, in the month of April or as soon thereafter as convenient, cause to be delivered to the collector of taxes, if there be one elected by the Council of said town in said year, or if there be none, to the treasurer of said town, a list containing the names of the taxables, as well the owners of real estate as those not owning real estate, and opposite the name of each the amount of the real estate, his poll and

Taxes not to exceed two thousand dollars.

List of assessment.

When and to whom delivered.

What to contain.

assessable personal property, and the tax on the whole valuation and assessment, and the rate per hundred dollars, and which list shall be signed by the President of said Council. The collector of taxes, or if there be none elected in said year, the treasurer of said town, immediately after receiving said list, and in collecting the same shall have all the powers conferred by law on the collectors of the county rates and levies by the provisions of Chapter 12, of the Revised Code of 1852. In the collection of said taxes, the Council of said town shall have the power and authority to order the collector of taxes, or if there be none, the treasurer, to deduct five per cent. from the amount of the tax assessed against the person or property of any one who will pay such tax by the first day of July in any year following the assessment of the same. The collector of taxes, before entering upon the duties of his office, shall give bond to the town of Milton, with sufficient surety to be approved by the council of said town, in the penal sum of twice the amount likely to come into his hands, conditioned for the faithful performance of the duties of his office and the payment to the treasurer of said town of all moneys collected by him belonging to said town, and for the settlement of his accounts with the council and treasurer of said town, in the month of February next following his election as collector of taxes, and at such other times as the council of said town may require, to which said bond and condition there shall be annexed a warrant of attorney for the confession of judgment for said penalty. The collector of taxes shall receive a reasonable compensation for his services to be determined by the council of said town: *Provided*, that he shall not receive more than eight per cent. on the taxes collected by him. The council shall have power to make just allowances for delinquencies in the collection of taxes.

By whom signed.

Collectors and treasurers powers in collection of taxes.

Power of council.

Bond of collector.

Condition.

Warrant of attorney.

Compensation.

Proviso.

SECTION 24. The present Alderman, treasurer, clerk, assessor, collector and town constables shall continue and hold their respective offices for and during the term for which they were respectively elected or appointed, and until their successors shall be duly elected or appointed under the provisions of this act.

Present officers continued in office.

SECTION 25. The act entitled "An act incorporating the town of Milton," passed at Dover, March 17, 1865, and the act entitled "An act to amend an act entitled 'An act to incorporate the town of Milton,'" passed at Dover, February 7, 1877, and the several acts and parts of acts therein and thereby repealed, and all acts or parts of acts inconsistent with or supplied by this act are hereby repealed and made null and void; saving and excepting, however, from the effect of such repeal, and hereby

Acts repealed.

Exception.

Town ordinances declared legal.

expressly declaring that all the ordinances of the town of Milton, heretofore enacted or adopted, and now in force in pursuance of any law of this State, shall continue in full force and effect until repealed, altered or amended by the council of said town.. That

Acts of council legalized.

all the acts and doings of the council (formerly called commissioners) of said town, or of any officer of said town, lawfully done or performed under the provisions of any law of this State, or of any ordinance of the council of said town, are hereby

Debts, fines, &c., declared valid.

ratified and confirmed. That all debts, fines or penalties and forfeitures due said town of Milton, and all debts due from said town of Milton to any person or persons whomsoever, or to any corporation, are hereby declared to be unaffected and unimpaired by this repeal, and all laws of this State for the collection and enforcement thereof, shall continue in full force until the same

Powers of collector.

shall be fully paid and discharged. That all the powers now conferred by law upon the collector for the collection and enforcement of all taxes in said town heretofore assessed and uncollected, shall continue in full force and effect until all of

Collector's bond unaffected.

said taxes shall be fully collected and paid; that the official bond of said collector shall be unaffected and unimpaired by this repeal, and that he and his sureties therein shall continue liable for any breaches of any of the conditions of said bond. That

Treasurer's bond unaffected.

the official bond of the treasurer of said town shall not be affected or impaired by this repeal, and that he and his sureties therein shall continue liable for any breaches of any of the conditions of said bond; and that all proceedings heretofore commenced for the collection of any penalty, fine, forfeiture or debt due to said town under any law or ordinance, shall not be affected or impaired by this repleal, but the same may be prosecuted to judgment and execution until the same be fully paid, liquidated and discharged.

Public act.

SECTION 26. This act shall be deemed and taken to be a public act.

Passed at Dover, March 3, 1881.

OF CORPORATIONS.

CHAPTER 488.

OF THE TOWN OF DOVER.

AN ACT to amend the act entitled "An act to reincorporate the town of Dover," passed at Dover, February 27, 1879. Title.

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 to reincorporate the town of Dover," passed at Dover, February 27, 1879, be and the same is hereby amended by striking out, in Section 2, of said act, in the 8th line from the end of said Section, the word "town" between the words "the" and "refusal" and inserting in lieu thereof the words "district" in which he resided at the time of his election. Act to incorporate the town of Dover, amended.

SECTION 2. That the said act be further amended by striking out the word "survey," the last word in Section 6 of said act, and inserting in lieu thereof the words "sum of money," and also by adding at the close of said section the following, viz: "*Provided*, that the several bridges leading into the said town shall be under the jurisdiction and care of Kent County, and the costs and charges of keeping and maintaining the same in proper repair shall be borne by said county." Bridges leading into Dover, under jurisdiction of Kent Co.

SECTION 3. That the said act be further amended by inserting in the 60th line of Section 10, between the words "done" and "and" the words "and said lien shall relate back to the time when the notice herein required, shall have been served upon the owner or owners or occupants of said premises," and by striking out in the 62nd and 63d lines of the same section, after the word "the" the words "presentation of the said bill as aforesaid," and inserting the words "service of said notice," and it shall be sufficient to establish said lien, if the said notice shall have been served upon the person or persons who appeared by the record to be the owner or owners at the time of said service." Lien. Service of notice.

SECTION 4. That the said act be further amended by striking out in the 11th line of Section 19, the word "and" and inserting in lieu thereof the word "or."

SECTION 5. That the said act be further amended by inserting in the 15th line of section 22, between the words "post office" and "in," the words "or such other public and convenient place as the said council may select."

SECTION 6. That the said act be further amended by inserting in the 4th line of Section 23, between the words "thousand" and "dollars" the words "five hundred."

Passed at Dover, March, 15, 1881.

OF CORPORATIONS.

CHAPTER 489.

OF THE CITY OF NEW CASTLE.

Title. AN ACT to amend an act 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 thereof concurring):

Section 4 of the act to incorporate the city of New Castle, amended.

SECTION 1. That the act entitled "An act to incorporate the City of New Castle," be, and the same is hereby amended by striking out of Section 4 of said act all after the word "election," in the seventh line of said section and inserting in lieu thereof the following: "And having paid the city tax assessed next before said election, and none others shall be entitled to vote."

Passed at Dover, March 15, 1881.

CHAPTER 490.

OF THE TOWN OF LAUREL.

Title. AN ACT authorizing the improvement of the streets in the town of Laurel, in Sussex County.

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

Improvement of streets in Laurel by the use of oyster shells, &c.

That it shall and may be lawful for the property owners in the town of Laurel, in Sussex County to improve the streets of said town by the use of oyster shells, or such other suitable substance as may be most desirable. Each of the said owners improving the portion of such street as may be in front of his or her property to the middle of such street, and it shall and may be lawful for every such owner as shall improve that portion of the street in front of his or her property to plant shade trees along the line of such street, and cause to be placed at proper distances between such shade trees, good and substantial hitching-posts in front of the business places or along said streets.

Shade trees.

Hitching horses near shade trees, prohibited.

SECTION 2. *And be it further enacted by the authority aforesaid:* That it shall not be lawful for any person to hitch or stop a horse or other animal to or near enough such shade trees as to

endanger the same, and every person offending against the provision of this section, shall be liable to the payment of a fine of five (5) dollars besides the costs of prosecution, and shall in addition thereto be liable in damages to the owner of the property in front of which any shade tree may be injured by reason of such violation of this section. *Provided however*, that no person shall be subject to the payment of the fine herein imposed or liable to the payment of any damages, if the hitching-post provided for in Section one of this act, shall not be settled and kept in good condition. Proviso.

SECTION 3. *And be it further enacted by the authority aforesaid:* That it shall not be lawful for any person to feed any horse or other animal on any of the streets of said town where they are improved as provided for in Section one of this act, and every person violating the provision of this Section shall be liable to the payment of a fine of five dollars besides the cost of prosecution. Feeding horses in streets, prohibited.

SECTION 4. *And be it further enacted by the authority aforesaid:* That every person who shall obstruct or hinder the free flowing of water in any of the gutters along the streets of said town, shall be liable to the payment of a like fine of five dollars, besides the cost of prosecution. Obstruction of flow of waters in the streets, prohibited.

SECTION 5. *And be it further enacted by the authority aforesaid:* That the Justice of the Peace residing in the town of Laurel, shall have jurisdiction in all cases of a violation of the provisions of this act. The proceeding shall be as in other cases in the name of the State, and one half of all fines shall be for the use of the town of Laurel, and the other half for the use of the constable making the arrest. The action to recover damages by any person whose shade trees may be injured, shall be in debt and the amount recovered shall in no case exceed twenty-five dollars. It shall be and is hereby declared the duty of the Justice of the Peace and the constable residing in the town of Laurel, to enforce the provisions of this act; and a refusal or neglect to do so shall make such officer refusing or neglecting, liable in damages to any person who may have their property injured in consequence of such failure, in a sum not exceeding twenty-five dollars, to be recovered by an action of debt before any Justice of the Peace in Sussex County. Jurisdiction of Justice of the Peace. Appropriation of fines. Penalty in cases of neglect.

Passed at Dover, March 22, 1881.

OF CORPORATIONS.

CHAPTER 491.

OF DELAWARE CITY.

Title. A FURTHER additional supplement to an act entitled "An additional supplement to an act entitled 'An Act for the better regulation of the streets of Delaware City,'" and for other purposes, passed March 5, 1851.

Preamble. WHEREAS the commissioners of the city of Delaware City were authorized and empowered to issue their bonds as said commissioners of the said town to the amount of thirty thousand dollars, in such denomination as they should see best, bearing interest at not more than six per centum per annum, payable in a time not less than ten (10) years and not more than twenty years from the date of their issue, and to provide for the payment of the interest on such bonds, to have power to raise annually by taxation of the persons and property within the limits of the town according to all acts in regard to the assessment and collection of taxes within the said term, such a sum as might be necessary for that purpose.

AND WHEREAS the amount of bonds outstanding and falling due July 1, A. D. 1881, is twenty-nine thousand dollars, and it is deemed expedient to lower the rate of interest on said bonds, and also to provide a sinking fund for the extinguishment of said principal sum now for that purpose.

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):

The Mayor and council to issue bonds to redeem old bonds.

Amount of issue.

Interest not to exceed twenty years.

To raise interest by taxation.

SECTION 1. That the Mayor and Commissioners of Delaware City, be and they are hereby authorized and empowered for the purpose of redeeming the bonds heretofore issued by the commissioners of Delaware City to issue the bonds of the said "The Mayor and Commissioners of Delaware City" under the corporate seal to the amount of twenty-nine thousand dollars, the said new bonds to bear interest at not more than four and a-half per cent. per annum, the said bonds to be payable in a time not less than ten years and not exceeding twenty years from the date of their issue. And to provide for the payment of the interest on said bonds the said "The Mayor and Commissioners of Delaware City," shall have power to raise annually by taxation of the persons and property within the limits of the city according to the various acts in relation to the assessment and collection of taxes within said city such sum as may be necessary for this purpose, and as the bonds to be redeemed are so redeemed they shall be cancelled.

OF CORPORATIONS.

SECTION 2. That the "Mayor and commissioners of Delaware City" be further authorized and empowered to raise annually by taxation, of the persons and property within the said city, in the same manner as prescribed in Section 1, such sum of money as shall amount to one tenth of one per cent. on the whole assessment which shall constitute a sinking fund for the extinguishment and payment of the principal sum of twenty nine thousand dollars, as the same may fall due or be payable, such annual sum so raised to be safely invested by the said "the Mayor and commissioners of Delaware City," until it shall be applied to the purposes specified in this Section. Sinking-fund provided for.

SECTION 3. The bonds provided for in the first Section of this act shall be exempt from taxation of every kind and shall not be disposed of by "the Mayor and commissioners of Delaware City" at less than their par value. Bonds exempt from taxation.

Passed at Dover, March 24, 1881.

CHAPTER 492.

OF THE TOWN OF GEORGETOWN.

AN ACT to amend Section 6, of Chapter 473, of Volume 13, of the Laws of Delaware, entitled "An Act to incorporate the town of Georgetown." Title.

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 Section 6, of Chapter, 473, of Volume 13, of the Laws of Delaware, be amended by striking out of lines thirty and thirty-one, of said section, the words "one hundred and fifty dollars" and inserting lieu thereof the following words, to wit: "Three hundred dollars;" and by inserting after the word "roads" and before the word "provided," the following words, to wit: "*Provided,* that the said Levy Court shall not make the appropriation of said sum until the said commissioners of the town have settled with and satisfactorily accounted to them for the money received for the preceding year." Chap. 473, Volume 13, amended.

Passed at Dover, March 24, 1881.

OF CORPORATIONS.

CHAPTER 493.

OF THE TOWN OF FELTON.

Title. AN ACT authorizing the sale and conveyance of certain real estate in the town of Felton.

Preamble. WHEREAS, an appropriation was made by the General Assembly in 1859, for the purchase of a lot and the erection of a school house thereon in the town of Felton;

AND WHEREAS, Benjamin D. Reed by his deed of bargain and sale being date February 6, A.D. 1861, conveyed unto Alfred O. Clifton and David Needles a certain lot of ground in the aforesaid town now known as the town lot;

AND WHEREAS, the school house several years ago burned down and the lot has been ever since vacant and useless, the trustees, and the citizens of the town of Felton, being the *cestius que trusto*, ask the Legislature for an act authorizing the sale of the said lot by the trustees either at public or private sale for the purpose of turning the proceeds into the town treasury; therefore,

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

Trustees to sell the lot known as the town lot. That when and as soon as the town commissioners of the said town of Felton shall have passed an ordinance directing the said Alfred O. Clifton and David Needles, such trustees so to do, the said trustees be and they are hereby authorized, empowered and directed to sell the said lot either at public or private sale as the said ordinance shall prescribe, and either for cash or on credit, and upon the receipt of the purchase money therefore if for cash, or such security as they may deem proper, if on credit, to make, execute. acknowledge and deliver to the purchaser a deed conveying the said lot in fee simple, which said deed shall be in all respects as valid and sufficient to pass the title thereto as if the said lot was the individual property of such trustees; and the proceeds of sale shall be paid to the treasurer of the town of Felton for the benefit of the said town; also any moneys received as rent or hire of any part of the said house or lot which the trustees may have in hand shall be paid into the treasury of the town.

To deliver deed to purchaser.

Proceeds. How disposed of.

Passed at Dover, March 30, 1881.

OF CORPORATIONS.

CHAPTER 494.

OF THE CITY OF NEW CASTLE.

AN ACT for the improvement of the City of New Castle. Title.

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 for the purpose of repairing and improving the streets, squares, lanes, alleys and gutters of the city of New Castle, and also for the purpose of improving and preserving the general health and sanitary condition of the said city, "the Mayor and Council of New Castle" be, and they hereby are authorized and directed to borrow upon the credit of the said city, such sum or sums of money as may be deemed necessary by the commissioners hereinafter appointed, or a majority of them, not exceeding in the aggregate thirty thousand dollars, and for such purpose may issue certificates of indebtedness of such denominations, in such form, payable at such time, not exceeding twenty years from the date thereof and bearing such rate of interest, not exceeding the legal rate, as the said commissioners or a majority of them may deem expedient, any and all sum or sums of money borrowed under the provisions of this act shall be immediately paid over to the treasurer of said city and placed to the credit of the commissioners under this act, to be drawn out and used by them as hereinafter provided. *Provided, however,* that the said the mayor and council of New Castle, shall not at any time have the power to issue said certificates of indebtedness or any of them, for the purpose above stated, until a special election of the citizens of New Castle has been held, by authority of the commissioners appointed by this act, and a majority of the votes cast thereat by the legal voters of said city, has been ascertained to be in favor of the issuance thereof. As many such elections may be held, and in the manner aforesaid, as the said commissioners may deem necessary to accomplish the objects and purposes of this act.

Improving streets.

Council is directed to borrow money.

Certificates of indebtedness.

All money borrowed hereunder to be immediately paid to treasurer.

Proviso.

Special election.

Number of elections.

SECTION 2. In order to provide for the payment of the interest on said certificates of indebtedness, the city Council of New Castle shall raise annually by taxation of the persons and property within the limits of said city (according to the provisions of the act entitled "An act to incorporate the city of New Castle," passed at Dover, February 25th, 1875, and any supplement or supplements thereto in regard to the assessment and

Provision for payment thereof.

collection of taxes within said city) such sum as may be necessary for the purpose of paying said interest.

Times and manner of borrowing money.

SECTION 3. That any and all money borrowed under the authority of this act shall be borrowed by the said the Mayor and council of New Castle, at such times and in such amounts as the said commissioners hereinafter appointed and provided for shall direct and shall be applied, and expended, through and by said commissioners, and that James G. Shaw, Walter F. Wolfkeil, Lewis Eliason, Andrew J. Brown and Frank P. Richardson, shall constitute and they and their successors are hereby appointed commissioners under this act who, or a majority of whom shall have the supervision, management, direction and control of, and over any and all the work and expenditure of money contemplated by this act; and shall let the work out by contract, in whole or in part, in the discretion of said commissioners. All expenditures shall be made in a judicious and economical manner. All moneys borrowed as aforesaid for the purposes named in Section 1 of this act, shall be paid out by the city treasurer of New Castle only on orders drawn on him by the commissioners appointed as aforesaid, or a majority of them. Any vacancy or vacancies in said commission shall be filled at a special election of the citizens of New Castle to be held for that purpose by authority of the remaining commissioner or commissioners, and the person or persons receiving a majority of the votes cast thereat by the legal voters of said city shall be the commissioner or commissioners to fill such vacancy or vacancies. The said commissioners shall, when requested, make report to the city council of their proceedings in detail; and shall cause to be filed in the office of the clerk of the city council aforesaid, all their accounts, bills, contracts and other papers relating to the performance of their duties under this act, and the same shall be kept in the clerk's office as other city papers are kept.

By whom applied and expended.

Commissioners appointed.

Powers.

Contracts.

Expenditures.

Money.

How paid.

Vacancies.

How filled.

Report of commissioners.

Filing accounts, &c.

Term of commissioners.

SECTION 4. The commissioners appointed and provided for under Section 3 of this act shall continue and be in force for a period of five years from and after the time any sum or sums of money authorized and directed to be borrowed under Section 1 of this act, is or are in fact borrowed and placed in the hands of the said city treasurer and longer, and if at the expiration of that time or at any other time when the duties of said commissioners as contemplated by this act shall have been performed and ended there should remain any surplus of such money borrowed as aforesaid, in their hands or subject to their order, all such surplus shall be placed by them in the city treasury to the credit of the city council of New Castle, and shall be drawn out

Surplus money placed in city treasury.

and appropriated by said council towards paying the principal or interest upon said certificates of indebtedness issued by authority of Section 1 of this act, as the same shall become due and payable, and for no other purpose.

Passed at Dover, March 31, 1881.

CHAPTER 495.

OF THE TOWN OF DOVER.

A SUPPLEMENT to an act entitled An Act to reincorporate the town of Dover, passed at Dover, February 27, 1879. Title.

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 town Council of the town of Dover, upon the petition of a majority of persons owning property along any of the streets or a portion of any of the streets of said town, asking that such street or a portion of such street between the curb lines thereof be paved with stone, macadamized or shelled with oyster shells as the case may be, may direct the said street or such portion of said street as set forth in the petition to be paved with stone, macadamized or shelled with oyster shells between the curb lines thereof in such manner as they in their judgment may deem best. The streets of Dover shall be paved. When.

SECTION 2. That the expenses incurred by the paving, macadamizing or shelling of any of the streets of said town or any portion of the said streets between the curb lines thereof, shall be borne in the following manner, to wit: Two-thirds of the expense to be paid by the property owners along the street or portion of the street so paved, macadamized or shelled as aforesaid; the remaining third to be paid by the town of Dover. Paving. By whom paid for.

SECTION 3. That the town council or a committee appointed by them for that purpose shall assess two-thirds of the cost of paving, macadamizing or shelling the said street or any portion thereof upon the property owners upon such street or portion thereof so paved, macadamized or shelled as aforesaid, according Committee of council to assess two-thirds of cost of paving.

Assessment shall be a lien upon property. How collected.

to the frontage of each owner on said street or portion of said street and the assessment so made shall be a lien upon the property, and said lien shall be collected as the cost of paving of sidewalks and curbing is now collected by the said town council under and by virtue of Section 10 of the act to which this is a supplement.

Passed at Dover, April 4, 1881.

CHAPTER 496.

OF THE TOWN OF MILFORD.

Title.

A FURTHER SUPPLEMENT to the act entitled "An Act to incorporate the town of Milford.

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

No discrimination to be made in the assessment and levying of taxes in Milford.

SECTION 1. That the town commissioners now elected, or who may or shall be hereafter elected as provided for under and by virtue of the act of incorporation of the town of Milford, passed at Dover, March 29, A. D. 1871, and all supplements thereto shall make no discrimination nor allow any to be made in the assessment, and levy of taxes shall be required annually, but the same shall be made and levied at a like rate upon all assessable property liable to be passed within the corporation for town purposes and the proceeds arising or accruing for such assessment and taxation shall constitute one fund and be equitably appropriated, disbursed and accounted for as under one and the same corporation. And the commissioners, assessors and collectors hereafter elected, shall in the discharge of the functions of their respective trusts, conform in every respect to and with such consolidation: *Provided, nevertheless,* that all arable lands within the limits of the town as now incorporated shall be hereafter exempt from taxes for town purposes.

Fund. How constituted, &c. Officers to conform with consolidation. Exempt from taxation.

Not more than two thousand dollars per annum to be levied.

SECTION 2. *And be it further enacted,* That the commissioners now elected, or [who] shall hereafter be elected, shall at no time in and for any one year levy upon any assessment that shall or may be made a tax for any and all purposes to exceed in the aggregate the sum of two thousand dollars.

OF CORPORATIONS.

SECTION 3. *And be it further enacted,* That the Levy Court in and for Kent County, be and they are hereby directed and required in making the apportionment of the sum of road taxes in the county to be paid to overseers of roads annually to make an order for the payment of the sum of fifty dollars annually to the commissioners of the town of Milford, in addition to the sum now required to be paid by the said Levy Court annually to the said commissioners to be expended for the same purpose and to be accounted for in the same manner as is provided for in Section 6 of the act of incorporation of the town of Milford.

Levy Court of Kent Co. to make an additional annual allowance.

How expended, &c. accounted for.

SECTION 4. *And be it further enacted,* That all acts or parts of acts, either public or private, passed by the Legislature of this State, inconsistent with this act, be and the same are hereby repealed.

Inconsistent acts repealed.

Passed at Dover, April 7, 1881.

CHAPTER 497.

OF THE TOWN OF NEWARK.

AN ACT to amend an act entitled "An Act for the better regulation of the streets of Newark, and for other purposes," passed at Dover, February 5th, 1852.

Title.

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 for the better regulation of the streets of Newark, and for other purposes," passed at Dover, February 5th, 1852, be, and the same is hereby amended by striking out all thereof after Section 3, and inserting in lieu thereof, the following. That the said commissioners shall have full power and authority to cause the side walks of all streets, lanes and alleys in said town to be regulated and maintained as they may deem necessary and proper for the convenience and comfort of the citizens of said town, and that in regulating and maintaining said sidewalks they shall not be less than four feet and six inches nor more than six feet wide, and that the said commissioners shall have authority to straighten and define the boundaries of the main

Section 3 of act for better regulation of streets of Newark changed.

Commissioners authorized to regulate streets, &c.

Width of streets.

Power of commissioners.

street or public highway running through said town in an easterly and westerly diredtion, and the said street shall be forty feet wide between the curbings on the outside of the sidewalks; *Provided,* that the said commissioners shall not be obliged to regulate and maintain such streets, alleys or lanes as are now deemed and taken to be public highways and subject to be kept up by the county of New Castle.

Public highways not to be kept up by town.

Power of commissioners.

SECTION 2. That the said commissioners shall have power, upon the petition of twenty-five or more citizens of said town, to locate, lay out and open any new street or streets, lane or lanes, alley or alleys or to widen any street or streets, lane or lanes, or alley or alleys already opened; or to reopen any old street or streets, lane or lanes, alley or alleys now closed or which may hereafter be closed, allowing to the person or persons through or over whose lands such street or streets, lane or lanes, alley or alleys may pass, such compensation as the said commissioners may deem just and reasonable, which compensation, if any, shall be paid by the treasurer of the town upon warrant drawn upon him by the commissioners aforesaid.

Reopen old streets, &c.

Compensation.

By whom paid.

SECTION 3. That whenever the commissioners shall determine to locate and lay out any new street, lane or alley, or widen any old one, it shall be their duty immediately after the survey thereof, to notify the owner or owners of the lands through or over which said street, lane or alley is to go, of their determination so to do, and stating the amount of damages or compensation allowed to said owner or owners. The notice shall be in writing, giving a general description of the location of said street, lane or alley. Should such owner or owners not be residents of said town the notice shall be given to the tenant, and if there should be no tenant then the said notice may be posted up on any part of such premises. And if any owner or owners shall be disatisfied with the amount of the damages or compensation allowed by said town commissioners, he, she or they may, within ten days after said notice is received, appeal from the assessment of damages or compensation aforesaid, by serving on the president of the said board of commissioners a written notice to that effect, and said owner or owners shall within ten days after the expiration of the ten days allowed for appealings, and upon ten days notice to the president aforesaid, make written application to the Associate Judge of the Superior Court, resident in New Castle County, for the appointment of a commissioner to hear and determine the matter in controversy, and thereupon the Associate Judge aforesaid shall issue a commission under his hand directed to five freeholders of the said county, two of whom shall be residents of the said town, commanding them to assess-

Survey.

Notice to property owners.

Contents.

To whom given.

Appeal.

Notice.

Application for appointment of a commission.

Duties.

the damages which the owner or owners of the said lands through or over which the said street, lane or alley is to pass. The freeholders named in said commission being sworn or affirmed shall go upon and view the premises, and they or a majority of them shall assess the damages and make return in writing of their proceedings in the premises to the said Associate Judge, who shall deliver the said return to the commissioners of said town, which return shall be final and conclusive. Any vacancy in the commission may be filled by the Associate Judge aforesaid. The amount of damages so ascertained shall be paid or tendered to the person or persons entitled thereto by the said town commissioners within one month after the same shall have been so ascertained, if the person or persons so entitled reside out of, or are absent from the town, during said period of one month, then the said money shall be deposited to his, her or their credit in the National Bank of Newark, and thereupon the said land may be taken and occupied for the uses aforesaid, in the assessment of damages by the freeholders appointed as aforesaid when the damages shall be increased the cost of the appeal shall be paid by the treasurer of said town out of any money in his hands as such treasurer; but if said damages shall not be increased, the cost of the appeal shall be paid by the party or parties appealing. The compensation to the said freeholders for their services shall be two dollars per day to each of them, which shall be taxed as part of the costs. After the damages shall have been ascertained and fixed as aforesaid, the said town commissioners shall have the option to pay the damages assessed within the time aforesaid and to proceed with the said improvements, or upon the payment of costs only, may abandon the proposed improvements.

Qualification.

Written return.

To whom made and delivered.

Vacancies.

How filled.

Damages.

How paid.

Where deposited in bank.

Costs of appeal.

By whom paid.

Compensation.

Option of commissioners.

SECTION 4. That for the purpose of creating a fund out of which to pay the necessary expenses of regulating and maintaining the sidewalks aforesaid and of opening and keeping in order new streets, lanes and alleys as provided for in Sections 1, 2 and 3 of this act, or any other necessary expenses incurred by them for the benefit of the said town, are hereby empowered and directed to levy annually a tax on all the real property and also on all the votable citizens of said town.

Expense fund.

SECTION 5. That the said commissioners shall have power and authority to make, establish and publish such ordinances as they may deem necessary for the good government of said town and also to prescribe fines and penalties for the violations of said ordinances, and to enforce the same by prosecution before any Justice of the Peace of said town.

Power of commissioners.

OF CORPORATIONS.

Duty of Justice of the Peace.

SECTION 6. That it shall be the duty of the Justice of the Peace in said town, upon complaint made before him by any person of any injury done to any public or private property in said town, or any fence or trees along the streets or lanes within said town, to issue his warrant to bring any such offender before him, and upon conviction of any of said offences, to impose a fine not exceeding ten dollars, with costs, and to commit said offender to some place of confinement until said fine and costs be paid, the said Justice shall pay one half of said fine to the person informing and prosecuting the suit, and the other half to the treasurer of said town, for public purposes, and to be paid out on the order of the town commissioners.

Fine. When imposed. Payment thereof.

Annual Election.

SECTION 7. That it shall be the duty of said commissioners, or a majority of them, to appoint some suitable and convenient place for holding the annual elections in said town, and they shall give at least ten days notice of the time and place of holding said election, by five or more advertisements posted in the most public places in said town, and they shall appoint two judicious citizens of said town, who, with the treasurer, shall be judges of the election. The commissioners shall receive one dollar per day for every day's attendance on the duties of their office: *Provided*, that no commissioner shall receive more than five dollars for his services in any one year, said commissioners shall, at the expense of said town, provide some suitable place of confinement for disorderly persons in said town of Newark.

Place of holding. Notice. Judges of election. Compensation.

Publication.

SECTION 8. That the said commissioners shall annually, in the month of April, publish a statement of their accounts for the previous year.

Who disqualified from voting

SECTION 9. That no person whose tax for the previous year remains unpaid shall be entitled to a vote at the annual election for town commissioners.

Certain acts repealed.

SECTION 10. That the act entitled "An act for establishing a market in the town of Newark, and for other purposes," passed June 13, 1772, also the act entitled, "An act for the better regulation of the streets of Newark and for other purposes," passed February 21, 1851, shall be and they are hereby repealed.

Passed at Dover, April 7, 1881.

OF CORPORATIONS.

CHAPTER 498.

OF THE TOWN OF DOVER.

AN ACT allowing the Council of the town of Dover to issue bonds for certain purposes. Title.

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 the town council of the town of Dover, be and the same are hereby vested with full power and authority to provide for said town an ample supply of pure water for domestic use and for the suppression of fires; and for this purpose to lay pipes for the proper conveyance and distribution of said water on any land or lands of any person or persons whomsoever through whose lands the said town council may deem it expedient to convey said water; and to erect, make and establish all receivers, reservoirs, edifices and other works that may by the said town council be deemed necessary for the proper collection, conveyance and distribution of said water; and also to contract and agree with the owner or owners for the purchase of any land or lands which may be necessary for the purpose of carrying into effect the objects of this act.

Power to provide a water supply.

Laying of pipes.

Water works.

Purchase of lands.

SECTION 2. That whenever application shall be made for that purpose by the said town council, the associate judge of the Superior Court of this State, resident in Kent county, shall issue a commission under his hand, directed to five freeholders of the said county, commanding them to assess the damages, if any, which the owner or owners of any land or lands which the said town council shall deem it expedient to take, occupy or use for the purposes of this act, as aforesaid, may incur by reason thereof. And if the owner or owners of said land, or any of them, refuse to permit the said town council to enter upon and occupy said land or lands for the purposes aforesaid, and if such owner or owners be unable or unwilling to contract and agree with the said town council for the sale of the said land, or cannot agree with the said town council upon the compensation to be made for any real or supposed injury that may be done to said land by such entry and occupation, then the freeholders named in the said commission on being notified by the town council and being first sworn or affirmed as in said commission shall be directed, shall go upon the said land or lands, and they, or a majority of them, shall assess the damage of such owner or owners fairly and impartially and certify their finding and award in writing to both the said owner or owners and the said town council. But

Commission to assess damages.

When and by whom appointed.

To whom directed.

Duties.

On refusal of owners to negotiate, damages to be assessed by freeholders

Certificates of freeholders.

When and how writ of *ad quod damnum* shall issue.

if either party be dissatisfied with the damages so assessed such party may, on application to the Prothonotary of the Superior Court in and for Kent County, within ten days after such assessment, sue out a writ of *ad quod damnum*, requiring the Sheriff to inquire of twelve impartial men of his bailiwick of the damages aforesaid and their report shall be final, whereupon the said town council on paying the damages so assessed shall become entitled to have, use and enjoy the said lands for the purposes of this act forever, and in case any owner or owners of land necessary for the purposes of this act, as aforesaid, shall be a minor or non-resident, or for any cause incapable of receiving or unwilling or neglecting to receive said damages, or to call on said town council for the same, the town council may deposit the amount of said damages to the credit of such owner or owners in the Farmers' Bank of the State of Delaware, at Dover, subject to his, her or their order; wherepon the said town council shall be entitled to have, use and enjoy the said lands required for the purposes of this act for or on account of which the damages shall have been assesssed as aforesaid. Every freeholder named in said commission shall be allowed the sum of two dollars per day for every day he shall be actually engaged in the service required by this act, and in the case of the death, resignation, neglect or refusal to serve of any such freeholders, the said Associate Judge shall appoint another or others to fill the vacancy. The costs on appeal shall be paid by the party appealing, unless the award be in his favor, and the costs under the commission shall be paid by the town council in every case where the amount of damages awarded shall be greater than the amount previously offered by them and by the owner of the land or lands in every case where the damages awarded shall not exceed the amount which they had refused to accept from the said town council.

Final report.

Town entitled to use land.

When.

Action of council.

Compensation.

Vacancies. How filled.

Costs of appeals. By whom borne.

All necessary powers conferred.

SECTION 3. That the town council of the town of Dover be, and the same are hereby authorized and required to do all things necessary for the location, construction and operation of waterworks for furnishing the said town with an ample supply of pure water as aforesaid; and to purchase hose and hose-carriage or carriages and such other instruments and machines for use in suppression of fires as to them may seem expedient, and to provide for the proper care, maintenance and use of the same. And the said town council shall have full power and authority to lay main and branch pipes for the conveyance and distribution of water and to make and establish receivers, reservoirs, public fountains and fire hydrants in such parts of the streets and squares of the said town as the said council shall from time to time deem

Hose and hose-carriages.

Mains and pipes. Reservoirs.

expedient; and shall grant to all persons whomsoever the privilege of using the water conveyed and distributed by them in said town, in such manner and on such terms and conditions as to them may seem just and proper; and shall pass such ordinances touching the said water, its distribution through the said town and all the streets thereof, the regulation of its use in case of fire and its general management and control, as to them, the said town council, shall at any time seem most expedient.

Water privileges.

Ordinances relating thereto.

SECTION 4. That the town council of the town of Dover be, and the same are hereby vested with full power and authority to issue for the purpose of carrying into effect the provisions of this act, bonds of the town of Dover to an amount not exceeding in the aggregate the sum of twenty thousand dollars and of the denominations of one thousand, five hundred and one hundred dollars respectively, and in such proportions as to each or any of those denominations as shall have been determined by said town council; which said bonds shall be dated on the first day of July, A. D. 1881, and numbered consecutively, commencing with number one, and shall bear interest from and after that date at the rate of four per centum per annum, payable semi-annually on the first days of January and July in each year, while they remain unpaid, at the Farmers' Bank of the State of Delaware, at Dover, on presentation of the coupon representing said semi-annual interest, each semi-annual installment of interest being represented by coupons attached to said bonds. And said bonds shall be payable at the Farmers' Bank of the State of Delaware, at Dover, on the first day of July, A. D. 1901, but may be redeemed at the option of the said town council at any time after the first day of July, A. D. 1886; *Provided however*, that if the said town council elect to redeem any of the said bonds according to their tenor, such redemption shall be effected either on the first days of July and January, and in pursuance of notice signed by the president of said town council, and the treasurer of the said town, published for the space of thirty days in one newspaper published in the city of Wilmington, one published in the town of Dover, and one in Georgetown, in this State; such notice shall indicate the bonds called, and in making the calls the said town council shall call the bonds according to their numbers, beginning with the lowest number.

Power to issue bonds.

Amount.

Dates and numbers.

Interest.

When payable.

When bonds shall be paid.

Redemption.

When effected.

Notice.

When and where published.

Contents of notice.

SECTION 5. That the said town council shall direct and effect the preparation, printing and sale of the bonds authorized by this act, at such time or times and on such terms as they may deem expedient, but that all the money, the proceeds of such sale shall be applied to carrying into effect the provisions of this act. And the said bonds shall be signed by the president of

Control of matter by council.

Application of money.

Bonds.

council and treasurer of the town of Dover, and sealed with the seal of the corporation; shall be exempt from State, county and municipal taxation, and denominated "Dover Water Bonds," and shall be in the following form, to wit:

Exemption from taxation.

Form.

"UNITED STATES OF AMERICA.

STATE OF DELAWARE. THE TOWN OF DOVER.

No.——— $———

These Presents Certify and make known that the town of Dover is held and firmly bound unto the bearer in the sum of ——— dollars, lawful money of the United States of America, which the said town binds itself to pay to the bearer on the First Day of July, A. D. One Thousand Nine Hundred and One, with interest at the rate of four per centum per annum, payable at the Farmers' Bank, of the State of Delaware, at Dover, on the first days of January and July in each and every year until the principal be paid, upon presentation of the coupon hereto annexed representing such semi-annual installment of interest, *Provided, however,* and it is expressly stipulated that the said town reserves to itself the power at its option, to call in and redeem this bond on the first day of January or July in any year after the first day of July, A. D. One Thousand Eight Hundred and Eighty-Six, pursuant to the notice provided for by the act of Assembly, in accordance with the provisions of which this bond is issued; *And provided further,* that when this bond shall be called by the notice aforesaid, interest thereon shall cease to accrue from and after the first day of January or July (as the case may be) next succeeding the date of such notice.

Dated at Dover, the first day of July, A. D. 1881.

Witness the seal of the said town of Dover, and the hand of the president of council and the treasurer of said town.

Corporation Seal.

———, President of Council.

———, Treasurer."

Cancellation.

As the said interest coupons and said bonds are paid, the same shall be cancelled in such manner as the said town council shall direct.

OF CORPORATIONS.

SECTION 6. That the said town council be and they are hereby directed and required to apply all the water rents and other revenues which may be derived from the water works provided for by this act, to paying the expenses of properly keeping up and operating said water works as directed by this act, and shall apply the surplus, if any, remaining after the payment of said expenses to the payment of the interest accruing on the bonds issued in accordance with the provisions of this act. And if after the payment of said interest, there should still remain a surplus from the revenue of said water works, the said surplus shall be used for the redemption of said bonds in the manner provided for by this act. And the said town council are authorized and required to levy upon all assessable real estate in the town of Dover, a special tax sufficient to pay all the interest accruing on said bonds, and all the expenses of properly keeping up and operating the said water works, as aforesaid, which the rents and revenues derived from said water works may be inadequate to meet. And said council are also authorized and empowered to levy a further special tax upon said real estate in said town for the purpose of establishing a sinking fund adequate to the redemption, at or before maturity, of all the bonds which may be issued under the provisions of this act.

Application of money received from water rents &c.

Special tax upon real estate.

Sinking fund. How established

SECTION 7. That any person or persons designedly or negligently injuring the said water works, or any part thereof, or obstructing the passage of water to or from the same, or in any manner polluting the water required for said water works at its source, or at any point below said source, shall for every offence forfeit and pay to the said town council a fine not exceeding one hundred dollars, to be recovered by said council before any Justice of the Peace residing in Kent County. And the said town council shall also have power to impose fines and penalties for the enforcement of all such ordinances as they shall make touching the regulation, management and protection of the water works provided for by this act.

Unlawful to interfere with works

Fine. How recovered. General powers.

Passed at Dover, April 8, 1881.

OF CORPORATIONS.

CHAPTER 499.

OF THE WILMINGTON CITY RAILWAY COMPANY.

Title. A FURTHER SUPPLEMENT to an act entitled "An Act to incorporate the Wilmington City Railway Company," passed at Dover, February 4, 1864.

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):

Wilmington City R. R. Co. authorized to borrow money to extend railroad. Amount. Manner of securing the same.

SECTION 1. That for the purpose of making an extension or extensions of their railway, the Wilmington City Railway Company shall be and they are hereby authorized to borrow money to an amount not exceeding the sum of thirty thousand dollars in addition to its present mortgage debt and to secure the payment of the same by issuing its bonds and by mortgage of all or any part of its railway franchises and property real and personal.

Public act.

SECTION 2. This act shall be deemed and taken to be a public act.

Passed at Dover, March 1, 1881.

CHAPTER 500.

OF THE CITY OF WILMINGTON.

Title. AN ACT to further amend an act entitled "An Act to 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 thereof concurring):

Chap. 376, Volume 11, amended.

SECTION 1. That Section 24 of the act entitled "An act to amend the Charter of the City of Wilmington," being Chapter 376 of Volume 11, Laws of Delaware, be and the same is hereby amended by striking out of said section the words following, to wit: "The goods and chattels of such owner, or if no such

goods and chattels can be found within said city sufficient to satisfy said debts and costs, then to levy the same on."

Passed at Dover, February 1, 1881.

CHAPTER 501.

OF THE CITY OF WILMINGTON.

Title.

AN ACT to authorize the City Council of the City of Wilmington to sell and convey the City Hospital property.

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):

Council authorized to sell hospital property.

SECTION 1. That the city council of the City of Wilmington, be and it is hereby authorized and empowered to sell and convey in fee the city hospital property, either for cash or upon a credit secured by the bond and mortgage of the purchaser or purchasers.

Terms.

Proceeds. How to be used.

SECTION 2. The proceeds of the sale said property shall be paid into the city treasury and be applied to the current expenses of said city.

Passed at Dover, February 7, 1881.

OF CORPORATIONS.

CHAPTER 502.

OF THE CITY OF WILMINGTON.

Title. AN ACT to further amend Chapter 73 of the Revised Statutes, 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 5. Chapter 73, Revised Code, amended. Persons authorized to qualify members of city council

SECTION 1. That Section 5 of 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 adding at the bottom of the said Section the words following, to wit; "in the case of president and members of the city council the oath or affirmation may be administered by any holding over member of council to the president elect, who, after being sworn or affirmed may administer the oath or affirmation to new members of the city council, and in case of his absence the same may be administered by the president *pro tempore*."

Passed at Dover, February 8, 1881.

CHAPTER 503.

OF THE CITY OF WILMINGTON.

Title. AN ACT to vacate a portion of Water Street, in the City of Wilmington.

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

Certain portions of certain streets vacated to accommodate P., W. & B. R. R. Co.

SECTION 1. For the purpose of allowing the Philadelphia, Wilmington and Baltimore Railroad Company to enlarge and extend its buildings on Water Street in the city of Wilmington so much of said Water Street as lies between the easterly building line of French Street, and the westerly building line of Poplar Street and between the northerly curb line and the northerly building line of said Water Street, is hereby vacated;

and the Philadelphia, Wilmington and Baltimore Railroad Company is hereby authorized to enclose and build upon the same. Company to enclose the same.

Passed at Dover, February 10, 1881.

CHAPTER 504.

OF THE CITY OF WILMINGTON.

AN ACT authorizing the Mayor and Council of Wilmington to levy and collect taxes upon telegraph poles erected within the City of Wilmington. Title.

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 Mayor and council of Wilmington shall have power and authority to levy and collect taxes upon all telegraph poles erected within the limits of the city of Wilmington, and the city council may by ordinance prescribe the mode of levying and collecting the same. In case any of the owners or lessees of telegraph poles erected with said city shall refuse or neglect to pay the taxes that may be levied upon such poles, the city council shall have authority to cause the same to be removed and may institute suit to recover the amount of taxes so levied and the expenses incident to the removal of such poles. Telegraph poles taxable. Power to remove the same. Recovery of taxes.

Passed at Dover, February 10, 1881.

OF CORPORATIONS.

CHAPTER 505.

OF BIRTHS, DEATHS AND MARRIAGES.

Title.

AN ACT to amend Chapter 73 of the Revised Statutes of the State of Delaware, entitled "Of the City of Wilmington," relating to the registration of Births, Deaths and Marriages.

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):

Sections 79, 80, 81 & 82 of Chapter 73, Revised Code, changed.

SECTION 1. That 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 chapter Sections 79, 80, 81, and 82, relating to "Registry of Deaths and Burials," and substituting in lieu thereof the following:

Appointment of Register of births, marriages and deaths.

Section 79. The City council shall appoint on the first Thursday of July, A. D. 1881, and on the first Thursday of July in each fifth year thereafter, a city Registrar, who shall be Register of deaths, births and marriages and secretary of the board of health. His term of office shall be five years and the salary shall be fixed by the City Council. The said Registrar shall keep a separate record of deaths, births and marriages with a correct alphabet of reference of every name and page. The said Registrar shall also perform such other duties as the City Council shall from time to time direct properly appertaining to his office, and shall be subject to removal by the City Council for just cause. The said City Council shall furnish the Registrar a suitable office and also find all necessary books, blanks and stationery.

Term of office and salary.

Duty of.

Record of births, marriages and deaths.

Removal.

Office, books, blanks and stationery.

Notice of birth.

By whom and when filed.

Contents.

Section 80. It shall be the duty of the parents of the child, mid-wife, nurse or one of them, or such person as City Council shall determine, within ten days after the birth of any child, to file notice thereof with said Registrar. Such notice to contain a full, truthful and complete statement of all such facts as may be required by the registrar, and be filled out and written in and upon such blank or blanks as may be furnished by the Registrar. It shall be the duty of the officiating clergyman, or magistrate, or other person performing any marriage ceremony, within five days thereafter, to file a notice thereof, in writing, with said Registrar, containing a full, truthful and complete statement of all such facts as may be required by the Registrar; and to be filled out and written on such blank or blanks as may be furnished by the Registrar. It shall be the duty of every physician who has attended any person, deceased, during last illness, or in case there shall have been no attending physician, then it shall be the duty of the householder in whose family any death occurs,

Notice of marriages.

By whom and when filed.

Contents.

Blanks.

Return of deaths.

By whom made.

and in case of any inquest being had, it shall be the duty of the Coroner holding such inquest, to make return to the said Registrar of the facts of such death; such return to be in writing and to contain a full, truthful and complete statement of all such facts as may be required by the Registrar and to be filled out and written in such blank or blanks as may be furnished by the Registrar. Upon the return of such certificate the said Registrar shall issue a permit signed by him authorizing the removal for burial of the body of the person deceased; and no keeper of any hearse, or hackney coaches, or other person, shall receive carry or convey said body from any premises, and no undertaker or other person shall remove or assist in the carrying or conveying of said body from any premises; and no sexton. undertaker or other person shall bury or assist in the burial of any body, except upon the production to him or them of such certificate duly issued by the Registrar. It shall be the duty of any undertaker, or other person, before they shall remove any dead body from the city, to obtain a health permit from the Registrar, and to file a notice containing a full, truthful and complete statement of all such facts as may be required by the Registrar; to be filled out and written on such blank or blanks as may be furnished by the Registrar.

Manner of making returns.

Permit for burial.

When issued.

Unlawful to remove or bury body where no permit has been issued.

Health permit.

Section 81. Any person neglecting or refusing to comply with any of the provisions of this act, and any person violating any of its provisions shall be subject to a fine of ten dollars for every such violation or neglect or refusal, to be recovered before the Mayor or any Magistrate in the name of the Registrar and paid into the city treasury.

Penalty for violating this act.

Recovery of fine.

Section 82. The Registrar shall have a seal of office and his records of deaths, births and marriages, or certified copies thereof under his hand and seal of office, shall be competent evidence in all cases. The City Council shall have full power to enact all ordinances, in its discretion necessary and proper, to effect the purposes of this amendment.

Official seal.

Evidence.

Power of council.

Passed at Dover, March 15, 1881.

OF CORPORATIONS.

CHAPTER 506.

OF THE CITY OF WILMINGTON.

Title. AN ACT to further amend Chapter 73 of the Revised Code, entitled "Of the City of Wilmington," and in relation to the fiscal concerns of said city.

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 45, Chapter 73, Revised Code, amended.

Annual publication in July of fiscal concerns.

Contents of statement.

SECTION 1. That Section 45, of Chapter 73, of the Revised Code, be and the same is hereby amended by striking out all of said Section after the words "city council," in the first line thereof, and inserting in lieu thereof the words following, viz: "in the month of July in each year, shall publish for three days in all the daily newspapers printed in the city of Wilmington, a summary of the fiscal concerns of said city for the previous year, setting forth the whole amount of the existing debt of the city, by certificate, bond, note or otherwise, the rate and amount of interest paid and when payable, the purpose for which each loan was created, the date of the ordinance under which each loan was issued, the amount issued and the amount outstanding at the time of publication; also the whole receipts of the treasury for the same year, the sources from which derived, and the amount received from each source, and the total payments made during the year on account of the several appropriations.

Section 46, amended.

SECTION 2. That Section 46 of said Chapter be and the same is hereby amended by striking out of the first line thereof the words "early in November," and in the seventh line thereof the word "November," and substituting in said lines the word "May," and by striking out of the fourteenth line thereof the word "January," and inserting in lieu thereof the words "first stated meeting in June."

Fiscal year to begin July 1st.

Annual appropriations. When made.

Annual estimate. When made.

SECTION 3. The fiscal year of the City of Wilmington shall hereafter begin on the first day of July, and the time for making the annual appropriations is hereby changed from the first stated meeting in January to the first stated meeting in June. The annual estimates of the probable revenue and expenses of the city, for the ensuing year, shall hereafter be made during the month of May instead of in the month of November, as heretofore.

SECTION 4. As the taxes levied for the year A. D. 1881 are not collectable or made available until in the month of July in said year, in order to meet the current expenses of the said city until the first day of July, 1881, on which day the new fiscal year shall commence as herein provided, the Mayor and council of

OF CORPORATIONS.

Wilmington shall have power and authority to borrow a sum or sums of money sufficient to defray the ordinary current expenses of said city until the said first day of July, 1881; *Provided*, That said sum or sums of money so to be borrowed shall not exceed in the aggregate the sum of sixty thousand dollars, and for that purpose may issue promissory notes or certificates of indebtedness therefor which shall bear interest from the date of their issue at a rate not exceeding four per centum per annum. The money so borrowed shall be divided into four equal parts, and the promissory notes or certificates issued therefore shall be made payable, with the interest thereon, on or before the first day of August, 1881, the first day of August, 1882, the first day of August, 1883, and the first day of August, 1884, respectively, and the city council shall thereafter in making the annual appropriations, under the provisions of this act, include therein the amount of said promissary notes or certificates of indebtedness, with the interest thereon, falling due during the year for which such appropriations shall be made.

Mayor and council authorized to borrow money.

Amount.

Issuance of certificates of indebtedness.

Interest.

Money borrowed divided into series.

When payable.

Council to provide for payment.

SECTION 5. The annual appropriations for the year 1881, made during the month of January in said year, shall on the thirtieth day of June, A. D. 1881, be called in and closed, and the city council shall make such appropriations as shall be necessary for the new fiscal year commencing on the first day of July, A. D. 1881, and ending on the thirtieth day of June, A. D., 1882.

Annual appropriations.

SECTION 6. The Mayor and council of Wilmington shall not have power or authority to borrow money for any purpose whatsoever, except in such cases as are or may be expressly authorized by law.

Borrowing money.

Passed at Dover, March 16, 1881.

OF CORPORATIONS.

CHAPTER 507.

OF THE CITY OF WILMINGTON.

Title. AN ACT in relation to railway tracks in 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):

Power of council to grant railroad privileges in said city.

SECTION 1. The City Council of Wilmington shall, by a two-thirds vote of all the members thereof, have power and authority by ordinance to authorize the construction of railroad tracks for the use of cars propelled either by steam or horsepower [for the purpose of affording business or manufacturing establishments within said city with greater facilities for the shipment and receipt of freight] on any of the streets of said city; and in like manner may authorize such alteration in the grade of any street as may be necessary for the proper construction and maintenance of such railway, and may further provide in like manner that any owner of land fronting upon such railway may construct a convenient siding or turnout into and upon his premises:

Regulation of grade.

Proviso.

Provided, however, that all expense of construction, grading, paving, keeping in repair and removing such railway tracks or sidings shall be paid by the person or persons, firms or corporations, for whose use or benefit the same shall be so constructed or thereafter used: *And provided further,* that nothing herein contained shall authorize the connection of any such railway track with the track or tracks of any railway company without an agreement in writing with such railway company, and when any connection shall be so made with the tracks of any such company no other or greater right shall be acquired by the parties interested to have such connection maintained than shall be expressly stipulated in said agreement.

Further proviso.

Regulations of track sidings by council.

SECTION 2. The City Council shall, by such ordinances, provide and establish such regulations and restrictions as it may deem proper for the grading, construction, paving, use, keeping in repair and the removal of such track sidings.

Passed at Dover, March 17, 1881.

OF CORPORATIONS.

CHAPTER 508.

OF THE CITY OF WILMINGTON.

AN ACT to further amend the charter of the City of Wilmington. Title.

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 boundaries of the city of Wilmington be further extended as follows, namely: By a line beginning at a point where the main roadway or tracks of the Philadelphia, Wilmington and Baltimore Railroad Company intersects the southerly city line; thence southwesterly along the centre of said roadway of the said Philadelphia, Wilmington and Baltimore Railroad Company to line of lands of Henry Latimer; thence northwesterly along the line of said lands to a point where the said line extended crosses the centre of the Wilmington and Newport Turnpike Road and thence in a straight line northwesterly to the corner-stone which marks the southwesterly boundary of the city of Wilmington, at the intersection of Beach and Union Streets. Extension of boundaries.

SECTION 2. Within the limits of the city of Wilmington, extended by this act, the Mayor and council of Wilmington shall be vested with all powers, rights, and immunities which before this time belonged to them as a municipal corporation, and all the laws, ordinances and regulations in force within the former city limits and not locally inapplicable shall be extended and applied to the new territory comprised within the boundaries as set forth in the first Section of this act. Power of Mayor and council renewed. Ordinances and laws extended.

SECTION 3. The city assessor shall, as soon as may be after the passage of this act, assess the real estate by this act added to and included within the city limits, and rate for poll and school tax persons residing or owning property within said new boundaries in the same manner and subject to the same rights, rules and restrictions as in other cases within the said city: *Provided,* That the money collected from taxes for the year one thousand eight hundred and eighty-one, in the said new territory, or so much thereof as the city council may direct, shall be applied exclusively for improvements and other expenses to be made or incurred therein. Assessment of additional property. Application of moneys raised on additional property.

SECTION 4. The city of Wilmington shall be divided into eleven wards, as follows: the First Ward shall consist of all that part of the city lying and being south of Sixth Street, and bounded on the east by a line passing southerly through the middle of Market Street extended, to the southerly city line, Divided into eleven wards. 1st ward.

and on the west by a line passing southerly through the middle of Washington Street extended, to the southerly city line. The Second Ward shall consist of all that part of the said city east of Market Street and South of Third Street. The Third Ward shall consist of all that part of the said city lying and being south of Sixth Street, and bounded on the east by a line passing southerly through the middle of Washington Street extended, southerly to the point of intersection with the middle of West Liberty Street extended, on the west by a line passing southerly through the middle of Adams Street, to the point of intersection with the middle of Maryland Avenue, and having for its general southerly boundary a line commencing at the point of intersection of the middle of Adams Street with the middle of Maryland Avenue; thence along the middle of Maryland Avenue to its intersection with the middle of West Liberty Street extended, southeasterly to its intersection with the middle of Washington Street extended southerly; the Fourth Ward shall consist of all that part of the said city lying and being east of Market Street and between Third Street and Sixth Street; the Fifth Ward shall consist of all that part of the said city lying and being west of Market Street and between Sixth Street and Ninth Street; the Sixth Ward shall consist of all that part of the said city lying and being east of Market Street and West of Poplar Street, between Sixth Street and Brandywine River; the Seventh Ward shall consist of all that part of the said city lying and being west of Market Street and between ninth Street and the northerly boundary line of the said city as established by an act of the General Assembly, passed at Dover, March 7, A.D. 1861; the Eighth Ward shall consist of all that part of the said city lying and being east of Poplar Street and between Sixth Street and the Brandywine River; the Ninth Ward shall consist of all that part of the said city lying and being north of the northerly boundary line established as aforesaid; the Tenth Ward shall consist of all that part of the said city lying and being west of Adams Street and bounded on the north by Sixth Street, and on the south by Linden Street; the Eleventh Ward shall consist of all that part of the said city lying and being within the following boundary lines to wit: Beginning at the intersection of the middle of Linden Street with the westerly city line; thence along the middle of Linden Street easterly to its intersection with the middle of Maryland Avenue; thence along the middle of Maryland Avenue northeasterly to its intersection with the middle of West Liberty Street; thence southeasterly along the middle of West Liberty Street extended to its intersection with Washington Street extended, southerly; thence southerly along

2d ward.
3d ward.
4th ward.
5th ward.
6th ward.
7th ward.
8th ward.
9th ward.
10th ward.
11th ward.

the middle of Washington Street extended, to its intersection with the present southerly city line; thence by the said southerly city line northwesterly to its intersection with the centre of the main roadway or tracks of the Philadelphia, Wilmington and Baltimore Railroad Company, and thence by the extended boundaries as described in Section 1 of this act, to the corner stone marking the city line at the intersection of Beach and Union Streets, and thence northerly by the present city line to Linden Street, the place of beginning. Wherever a street is named as a boundary in this section, the centre or middle thereof shall be understood.

Explanation of the term street when used.

SECTION 5. For the purpose of holding elections for city, State and county officers in Wilmington city and hundred, the shall be divided into seventeen election districts, as follows, to wit: All that part of the First Ward lying and being south of Third Street shall form the First Election District; all that part of the First Ward lying and being north of Third Street shall form the Second Election District; the Second Ward as in this act bounded and described shall form the Third Election District; the Third Ward as in this act bounded and described, shall form the Fourth Election District, that portion of the Fourth Ward lying and being west of Poplar Street shall form the Fifth Election District; that portion of the Fourth Ward lying and being east of Poplar Street shall form the Sixth Election District; that portion of the Fifth Ward lying and being east of Washington Street shall form the Seventh Election District; that portion of the Fifth Ward lying and being west of Washington Street shall form the Eighth Election District; all that portion of the Sixth Ward lying and being south of Ninth Street shall form the Ninth Election District; all that portion of the Sixth Ward lying and being north of Ninth Street shall form the Tenth Election District; all that portion of the Seventh Ward lying and being east of Franklin Street shall form the Eleventh Election District; all that portion of the Seventh Ward lying and being west of Franklin Street shall form the Twelfth Election District; all that portion of the Eighth Ward lying and being south of a line commencing at the intersection of the middle of Taylor Street with the middle of Poplar Street; thence easterly along the middle of Taylor Street to Buttonwood Street; thence southerly along the middle of Buttonwood Street to Decatur Street, and thence easterly along the middle of Decatur Street to the Brandywine River, shall form the Thirteenth Election District; all that portion of the Eighth Ward lying and being north of the last above described line shall form the Fourteenth Election District; the Ninth Ward as in this act defined and bounded shall form the Fifteenth Election

Election districts.

Number and limits of 1st election dist.

2d election district.

3d election district.

4th election district.

5th election district.

6th election district.

7th election district.

8th election district.

9th election district.

10th election dist.

11th election dist.

12th election dist.

13th election dist.

14th election dist.

15th election dist.

16th election dist. 17th election dist. District; the Tenth Ward as in this act defined and bounded shall form the Sixteenth Election District; the Eleventh Ward as in this act defined and bounded shall form the Seventeenth Election District.

Election. When held. An election shall be held in each election district on the first Saturday in the month of June, in the year 1882, and on the same day in each and every year thereafter;

Annual election. How conducted. the election shall be opened between the hours of eleven o'clock in the forenoon and twelve o'clock noon and shall continue open until seven o'clock in the afternoon when the same shall be closed;

Place of holding to be advertised. the place of holding such elections in each district shall be advertised by the inspectors and assistant inspectors of election for said district, or any two of them, by advertisement posted in three or more public places in such district, at least five days before the day of election.

Place in 1st district. The election in the First Election District shall be held at the house known as the "White Horse Tavern";

2d district. in the Second Election District at the house situated on the northeast corner of Fifth and Orange Streets;

3d district. in the Third Election District at the house known as the "Felton House";

4th district. in the Fourth Election District at some convenient place in said district to be chosen by the inspector and assistant inspectors of said election district, or by any two of them;

5th 6th 7th 8th 9th 10th 11th & 12th districts. in the Fifth, Sixth, Seventh, Eighth, Ninth, Tenth, Eleventh and Twelfth Election Districts in the several places now used as voting places, in each of the said districts;

13th dist. in the Thirteenth Election District at the house situated on the northeast corner of

14th dist. Eighth and Pine Streets; in the Fourteenth Election District at some convenient place in said district to be chosen by the inspector and assistant inspectors for said district, or by any two of them;

15th dist. in the Fifteenth Election District at the house known as the "Brandywine Academy;"

16th dist. in the Sixteenth Election District at the house situated at the southeast corner of Jackson and Pleasant Streets;

17th dist. in the Seventeenth Election District at some convenient place in said district to be chosen by the inspector and assistant inspectors for said district or any two of them.

Inspectors. Names of. SECTION 6. The following designated persons are hereby appointed the inspectors for the election to be held on the first Saturday in June, in the year 1882: Austin V. Gaynor, inspector for the First Election District,; Samuel S. Curlett, inspector for the Second Election District; James Taggart, inspector for the Third Election District; Henry Witsel, inspector for the Fourth Election District; William J. Morrow, inspector for the Fifth Election District; Joseph W. Hart, inspector for the Sixth Election District; Thomas M. Culbert, inspector for the Seventh Election District; George R. Roberts, inspector for the Eighth Election District; Ferdinand Chairs, inspector for the Ninth

Election District; Enoch Townsend, inspector for the Tenth Election District; Thomas C. Doud, inspector for the Twelfth Election District; Lewis Zebley, inspector for the Eleventh Election District; James F. Dailey, inspector for the Thirteenth Election District; Solomon Cook, inspector for the Fourteenth Election District; Jesse U. Johnson, inspector for the Fifteenth Election District; Hewson E. Lannan, inspector for the Sixteenth Election District, and Edward Maguire, inspector for the Seventeenth Election 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 district 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 shall hold the same under and subject to all the rules and regulations prescribed by law in reference to the annual city election.

Appointment of assistant inspectors.

Officers of election.

SECTION 7. From and after the passage of this act James McKenna and William F. Robinson, present members of the city council shall hold office in said council as members from the First Ward as defined and bounded by this act; Merris Taylor and William H. Blake, present members of the city council shall hold office in said council as members from the Third Ward, as defined and bounded by this act, and Josiah V. Lawrence and Alfred Denney shall hold office in the city council as members from the Eleventh Ward, as defined and bounded by this act. The members of the city council from the First, Third and Eleventh Wards as appointed and designated in this section shall hold office until the annual city election in the year 1882, when their term of office shall expire and at the said annual city election in the said year 1882, there shall be elected in each of the said First, Third and Eleventh Wards two members of said city council, one member in each of the said wards to hold office until the annual city election in the year 1883, and one member in each of said wards to hold office until the annual city election in the year 1884, and at the city election to be held in each year after the year 1882, there shall be elected in each of the said wards one member of the city council, each member so elected to hold office 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 of Wilmington, so that from and after the passage of this act the said city council shall consist of twenty-two members (two from each ward) and the president of said city council, and with respect to the terms of members of the city council for the wards of said city other than the First,

Councilmen. Manner and times of holding.

Number of councilmen

Terms of members.

Third and Eleventh Wards above mentioned, all of said members whose terms would otherwise have expired in the month of September next, including the president of said city council shall continue to hold office until the annual city election in the year 1882, and all of said members whose terms would otherwise have expired in the month of September 1882, shall continue to hold office until the annual city election in the year 1883. The present mayor and city treasurer of said city shall respectively continue to hold office until the 1st day of July 1882. The city council shall hold a meeting for organization annually on the Tuesday evening next ensuing the annual city election.

Terms of Mayor and Treasurer extended.

Annual meeting for organization.

Places for holding all elections.

SECTION 8. At the said places named in Section fifth 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 said hundred and for inspectors of said election districts.

Election officers for next election for Board of Education.

SECTION 9. The inspectors of election named and designated in Section sixth of this act, and the assistant inspectors provided for therein shall hold the next annual election for members of the Board of Public Education in the city of Wilmington; in wards, however, containing two districts the inspector and assistant inspectors residing in the district in which the polling places are situated shall hold the said election. The members of the said Board of Public Education in the city of Wilmington, now holding office from the First and Third Wards as heretofore existing, shall hold office only until the next annual election on the first Saturday in May of the present year (1881), when their terms shall expire, and there shall be chosen two members from the First, Third and Eleventh Wards, as defined and bounded in this act, one member in each of the said wards to serve until the annual election for members of said Board of Public Education in Wilmington, in the year (1882), and one member to serve until said annual election in the year (1883), and at every said election to be held after the present year (1881) one member of the said Board of Public Education in Wilmington shall be chosen for the term of two years as is now provided by law for the election of members of said board in each of the several wards of the said city of Wilmington. All the laws, rules and regulations in force previous to the passage of this act concerning the elections of members of the said Board of Public Education, in Wilmington, and not inconsistent with the provisions of this act shall still be applicable thereto. *Provided*, that in the new territory by this act added to the city of Wil

Terms of members from 1st & 3d wards.

Election laws for Board of Education renewed.

mington, all persons who shall have been assessed for and paid a school tax in any district in New Castle County for the preceding year and are otherwise qualified voters in said county, shall be entitled to vote at the next annual election for members of the Board of Public Education in Wilmington. Qualification for voting in new part of city.

SECTION 10. That all laws and parts of laws inconsistent with the provisions of this act be and the same are hereby repealed. Inconsistent acts repealed.

Passed at Dover, April 7, 1881.

CHAPTER 509.

OF THE CITY OF WILMINGTON.

AN ACT to further amend the Charter of the City of Wilmington. Title.

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 City Council of Wilmington, at its first stated meeting in May, A. D. 1881, and at its first stated meeting in May each and every three years thereafter, shall elect a city solicitor and a city auditor for said city, who shall respectively hold office for the term of three years from their election or appointment. Election of City Solicitor and City Auditor. Term of offices.

SECTION 2. The city solicitor shall have been admitted an attorney and counselor of the Superior Court of this State, at least five years prior to his election, and shall also be a solicitor in the Court of Chancery. The duties, obligations, fees and compensations of said officers shall be such as the city council aforesaid, by ordinances may prescribe. Qualifications. Fees and compensations.

SECTION 3. All statutes, ordinances, and parts of statutes and ordinances, inconsistent herewith, are hereby repealed. Inconsistent statutes repealed.

Passed at Dover, April 8, 1881.

OF CORPORATIONS.

CHAPTER 510.

OF THE CITY OF WILMINGTON.

Title. AN ACT to amend Chapter 451 of Volume 15 of the Laws of Delaware, entitled "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 thereof concurring herein):

Section 9, Chap. 451, Volume 15, amended.

SECTION 1. That Section 9 of Chapter 451, Volume 15, Laws of Delaware, be and the same is hereby amended by striking out the word "thirty" in the fourth line of said section, and inserting the word "fifteen" in lieu thereof.

Section 11, amended.

SECTION 2. That Section 11 of Chapter 451, Volume 15. Laws of Delaware, be and the same is hereby amended by striking out the word "thirtieth" in the second line of said section and inserting the word "fifteenth" in lieu thereof.

Passed at Dover, April 8, 1881.

CHAPTER 511.

OF THE CITY OF WILMINGTON

Title. 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 thereof concurring):

Property in the addition to Wilmington to be taxed ⅓ usual rate 3 years.

SECTION 1. That the real estate in the territory taken into the corporate limits of the City of Wilmington, by virtue of the extension of the boundaries thereof, by and under the provisions of an act entitled "An Act to further amend the Charter of the City of Wilmington," passed at Dover, April 7, A. D. 1881, for the space of three years from and after the passage of this act, shall be subject to taxation for municipal and school purposes for the City of Wilmington, at the rate of only one-third the regular tax rate levied and laid upon real estate in other portions

of said city; and for the following three years thereafter, at the rate of only one-half the regular tax rate levied and laid upon real estate in other portions of said city. Thereafter at ½ rate.

Passed at Dover, April 8, 1881.

CHAPTER 512.

OF THE CITY OF WILMINGTON.

AN ACT to amend Chapter 32 of Volume 16 of Laws of Delaware, and to amend Chapter 453 of Volume 15 of Laws of Delaware, in relation to the Public Schools in Wilmington. Title.

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. That Section 2 of Chapter 32, Volume 16, Laws of Delaware, be and the same is hereby amended by striking out the word "January" in the fourth line of said section and inserting the word "June" in lieu thereof. Section 2, Chapter 32, Volume 16, amended.

SECTION 2. That Section 3 of Chapter 453, Volume 15, Laws of Delaware, be and the same is hereby amended by striking out the word "October" in the fourth and thirteenth lines of said section and inserting the word "May" in lieu thereof; and also by striking out the word "January" in the eighth and thirty-first lines of said section and inserting the word "July" in lieu thereof. Section 3, amended.

Passed at Dover, April 8, 1881.

OF CORPORATIONS.

CHAPTER 513.

OF THE CITY OF WILMINGTON.

Title. A FURTHER SUPPLEMENT to the 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):

Mayor and Council authorized to borrow money. When. How applied and expended. By whom. Repayment. How provided for.

SECTION 1. That the mayor and council of Wilmington shall have power and authority, and are hereby authorized, under an ordinance or ordinances of the city council to be passed with the concurrence of two-thirds of all the members thereof for the time being, at any time hereafter to borrow upon the faith and credit of the city a sum or sums of money not exceeding in the aggregate sixty thousand dollars to be applied and expended under the direction of the Board of Public Education in building and furnishing additional school houses in the city of Wilmington, the repayment of the said sum or sums and the payment of interest thereon to be provided for at such times and in such manner as the city council shall by said ordinance or ordinances prescribe and appoint.

Payment of bonds. Annual installments. First installment.

SECTION 2. The bonds which may be issued under the provisions of this act shall be made payable with the interest thereon in twelve equal annual installments, and the city council of Wilmington shall when making the annual appropriations include therein any portion of the principal and interest on said bonds falling due within any year for which such appropriations shall be made. The first installment shall be payable on the first day of August, A. D. 1882, and the remaining installments shall be payable upon the first day of August in the succeeding years.

Passed at Dover, April 8, 1881.

OF CORPORATIONS.

CHAPTER 514.

OF THE WATER WITCH FIRE COMPANY.

AN ACT to revive, restore, renew and re-enact Chapter 306, Volume 8, of the Laws of Delaware, entitled "An Act to incorporate the members of the Water Witch Fire Company, of the City of Wilmington," passed at Dover, January 22, 1835. Title.

WHEREAS, Chapter 306, Volume 8, of the Laws of Delaware, entitled "An Act to incorporate the members of the Water Witch Fire Company, of the city of Wilmington," passed at Dover, January 22, 1835, expired and became null and void through neglect and the lapse of time, and at the time of the expiration of said Chapter 306, Volume 8, of the Laws of Delaware, the corporation thereby created was seized and possessed of real and personal property remaining undisposed of, and Preamble.

WHEREAS, an act, entitled "An Act to re-incorporate the Water Witch Fire Company, of the City of Wilmington, Delaware, instituted March 13, 1833, incorporated January 22, 1835," was passed at Dover, March 11, 1869, which said last mentioned act was intended to revive, restore, renew and re-enact said Chapter 306, Volume 8, of the Laws of Delaware, and to continue the provisions thereof for a period of twenty years, and to vest the real and personal property remaining undisposed of as aforesaid absolutely in the corporation thereby revived, restored, renewed and re-incorporated, and by virtue and force of the act aforesaid, passed at Dover, March 11, 1869, the corporation thereby created went into the possession and enjoyment of the real and personal property remaining undisposed of as aforesaid and still continues in the possession and enjoyment of the same, and

WHEREAS, the act aforesaid, passed at Dover, March 11, 1869, is informal, uncertain and defective, and it is the true intent and meaning of the Legislature as well as the intent and meaning of this act to give the corporation hereinafter revived, restored, renewed and re-incorporated, full and absolute power and authority to take and hold the real and personal property remaining undisposed of as aforesaid, as well as the real and personal property since acquired by the corporation created by the act aforesaid, passed at Dover, March 11, 1869, and to dispose of the same, therefore

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met (two-thirds of each branch of the Legislature concurring therein)*: That the act entitled "An Act to re-incorporate the Water Witch Fire Company, of the City of Wilmington, Delaware, instituted March 13, 1833, incorporated January 22, 1835," passed Certain acts repealed.

at Dover, March 11, 1869, be and the same is hereby repealed, revoked and made null and void, and the members of the corporation thereby created are hereby declared to be members of the corporation herein after revived, restored, renewed and re-incorporated and the real and personal property of the corporation thereby created are hereby declared to be absolutely vested in the corporation hereinafter revived, restored, renewed and re-incorporated, and may be disposed of by the same.

Members of certain fire company declared to be members of another company.

Property vested in restored company.

Chap. 306, Volume 8, renewed.

SECTION 2. *And be it further enacted,* That Chapter 306, Volume 8, of the Laws of Delaware, entitled "An Act to incorporate the members of the Water Witch Fire Company, of the city of Wilmington," passed at Dover, January 22, 1835, be and the same is hereby revived, restored, renewed, re-enacted and continued in full force and virtue for the period of twenty years from the passage hereof, and the corporation hereby revived, restored and renewed shall have the same effect in law, that it might or could have had at any time heretofore or which the corporation heretofore by this act repealed, revoked and made null and void might or could have had at any time heretofore, and shall have full power and authority to dispose of all property real and personal of either of said corporations remaining undisposed of.

Continuance for 20 years.

Powers.

Name of company changed.

Amendment.

SECTION 3. *And be it further enacted,* That the act hereby revived, restored, renewed, re-enacted and continued, be and the same is hereby amended by striking out the words "The Water Witch Fire Company, of the city of Wilmington," in lines ten and eleven of Section 1, and inserting in lieu thereof the words ("Water Witch Steam Fire Engine Co. No. 5, of Wilmington, Delaware,") and by striking out the word "hundred," in the fifteenth line of Section 2, and inserting the word "thousand," in lieu thereof.

Public act.

Power to revoke reserved.

SECTION 4. *And be it further enacted,* That this act and the act hereby revived, restored, renewed, re-enacted and continued and amended shall be taken and deemed to be a public act, and the power to revoke, alter or amend the same is hereby expressly reserved by the Legislature.

Passed at Dover, March 25, 1881.

OF CORPORATIONS.

CHAPTER 515.

OF THE NEW CASTLE GAS COMPANY.

AN ACT to revive and re-enact the act entitled "An Act to incorporate the New Castle Gas Company." Title.

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 herein:* That the act entitled "An Act to incorporate the New Castle Gas Company," passed at Dover, February the nineteenth, A. D. one thousand eight hundred and fifty-seven be, and the same is hereby revived and re-enacted; and that the same shall continue in force for the period of twenty years from the passage of this act. Act incorporating New Castle Gas Co. renewed. Continuance for 20 years.

Passed at Dover, March 16, 1881.

CHAPTER 516.

OF THE DELAWARE STATE GRANGE OF THE PATRONS OF HUSBANDRY OF THE STATE OF DELAWARE.

AN ACT to incorporate the Delaware State Grange of the Patrons of Husbandry of the State of Delaware. Title.

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 John J. Rosa, Henry Thompson, William B. Records and E. H. Bancroft and such other persons as now or hereafter shall become members of the Delaware State Grange of the Patrons of Husbandry, of the State of Delaware in accordance with the constitution, by-laws, rules and ordinances of the said Delaware State Grange, be by virtue of this act a body politic and corporate in law and fact, and shall have a continuance and succession for twenty years and no longer, by the name, style and title of the Delaware State Grange of the Patrons of Husbandry of Delaware. Corporators. Declared a body politic. Continuance for 20 years. Name.

SECTION 2. That the said corporation and their successors shall, for the said term of twenty years, be able and capable in law to take, receive and hold to the amount hereinafter specified, Powers.

such lands, buildings, tenements, hereditaments, rents, leases, stocks, goods, chattels, bonds, mortgages, notes, money and other real and personal property, as may come to them by contract, transfer, devise, bequest, gift or conveyance or which may accrue from the payment of fees, dues and fines from members as well as dues from subordinate Granges in accordance with the by-laws, rules and ordinances of the said corporation. And also to sell, grant, alien, let, bestow, assign, transfer, use or dispose of the same or any part or parts thereof. And to do all other matters touching the same, which an individual owner thereof could in law do by the same style and title aforesaid. And to make and have and use a common seal and the same to alter, change and renew at pleasure, and the said corporation shall also be able and capable to sue and be sued, plead and be impleaded in any court of law or equity in this State in all manner of actions, suits, complaints, pleas, causes and matters whatsoever and of what nature or kind soever.

Power to make officers.

SECTION 3. That the members of the said corporation shall have power to elect or appoint such officers as they may deem necessary or proper to conduct or manage the affairs or business of the said corporation, and from time to to time to make and establish such by-laws, rules and ordinances not contrary or repugnant to the laws and constitution of this State or of the United States as they may deem necessary or proper for the good government of the said corporation and for the management of its business.

By-laws, &c.

Limit to value of property.

SECTION 4. That the said corporation shall not have, possess, or in any manner hold goods, chattels, rights, credits, lands, tenements or property of any kind the clear yearly income or revenue of which shall exceed two thousand dollars, and shall have no banking powers other than the lending of money on security for the purpose of permanent investment.

No banking powers.

Public act. Power to revoke reserved.

SECTION 5. That this act shall be deemed and taken to be a public act and the power to revoke or alter this act is hereby reserved to the Legislature.

Passed at Dover, April 4, 1881.

OF CORPORATIONS.

CHAPTER 517.

OF THE MISPILLION NAVIGATION COMPANY.

AN ACT to amend an act entitled, 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, March 4, 1875. Title.

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 act entitled 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, March 4, 1875, be, and the same is hereby amended by substituting the name of John C. Hall, as commissioner in lieu of James H. Deputy, deceased. Name of Commissioners in certain navigation act changed.

Passed at Dover, April 7, 1881.

CHAPTER 518.

NEW CASTLE COUNTY MUTUAL INSURANCE CO.

A FURTHER SUPPLEMENT to "An Act to incorporate the New Castle County Mutual Insurance Company," passed at Dover, Feb. 6, 1849, and *renewed by an act passed January 25, 1869.* Title.

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 Section four, of the act to which this is a supplement, be, and the same is hereby amended by striking out the words "on land (plate, jewelry, and paintings excepted)" in lines six and seven of said section, and all policies of insurance of said company which may have been issued, wherein plate, jewelry or paintings or property not on land are mentioned as specifically insured thereby shall be deemed and taken to be valid and of the same force and effect as if the foregoing amendment had been made prior to the date of any such policy. Certain powers enlarged. Certain policies declared valid.

SECTION 2. That Section Ten, of the act to which this is a supplement as supplied by the act passed February 11, 1875, What stricken out.

being Chapter 121, of Volume XV, of the Laws of Delaware, be, and the same is hereby amended by striking out the words "within thirty days," in the sixth line of said section as amended, being the ninth line of Section three of the said act passed February 11, 1875.

All after the word void in 20th line, Sec. 4, stricken out.

SECTION 3. That Section Four, of the said last mentioned act being Chapter 121, of Volume XV, of the Laws of Delaware, be, and the same is hereby amended by striking out all of said section after the word "void," in the twentieth line thereof.

Power of company.

SECTION 4. The said company shall have power, in the case of temporary risks, re-insurance, trust property, public buildings and in such other cases as it may deem expedient, to issue policies of insurance upon such terms as may be agreed upon between the parties and to receive premiums therefor without making the assured in such cases members of the company or liable to any assessment beyond the premium paid, and full power and authority is hereby given to the said company to enact any by-laws suitable and necessary for carrying this provision into effect, and from time to time to alter and amend the same: *Provided*, that the members of said company shall not be liable to assessment for the payment of losses upon such policies beyond the annual interest or premium paid by them.

Power to enact necessary by-laws.

Proviso.

Power to rebuild.

SECTION 5. The said company shall have power in case of loss under any policy, at its option, to rebuild or replace the property insured or repair the loss.

Public act.

Power of revocation.

SECTION 6. This act is declared to be a public act and shall be published, and the power to alter or revoke the same is hereby reserved to the Legislature.

Passed at Dover, April 7, 1881.

TITLE ELEVENTH.

Of the Domestic Relations.

CHAPTER 519

OF MASTERS, APPRENTICES AND SERVANTS.

AN ACT in relation to the binding of apprentices by "The Western Home for Poor Children," and "The Southern Home for Destitute Children." Title.

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

SECTION 1. That indentures of apprenticeships made or to be made by the corporations of the State of Pennsylvania called "The Western Home for Poor Children," and "The Southern Home for Destitute Children," with any citizen of this State, by which any minor subject to their authority has been or shall be bound as an apprentice or servant, shall be as valid and effectual in all respects as a legal binding made in this State, of a minor resident within the same; and the law of this State in relation to apprentices and servants shall apply to all such cases of binding.

Indentures of apprenticeships by two Pennsylvania Institutes to people of this State, lawful.

State to apply therein.

Passed at Dover, March 22, 1881.

TITLE TWELFTH.

Of Titles to Real Property.

CHAPTER 520.

OF CONVEYANCES.

Title.

AN ACT to amend Chapter 83, of the Revised Code, of 1852, as amended and published in 1874, entitled "Of Conveyances," and for other purposes.

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

Section 14, Chapter 83, R. Code, amended.

Recording of letters of attorney.

SECTION 1. That Chapter 83, of the Revised Code of 1852, as amended and published in 1874, be and the same is hereby amended by striking out Section 14 thereof, and inserting in lieu of said Section the following, to wit: "Section 14. A deed or letter of attorney concerning lands or tenements being acknowledged or proved and the acknowledgment or proof being certified as hereinbefore provided, shall with the certificate of the acknowledgement or proof and all indorsements and annexations, be recorded in the Recorder's office for the county wherein such lands or tenements, or any part thereof, are situated, when lodged in such office at any time after (the day of) the sealing and delivery of such deed or letter of attorney; and the said record or an office copy thereof shall be sufficient evidence.

Evidence.

Section 14, amended.

SECTION 2. That the said Chapter of the said Revised Code be and the same is hereby further amended by striking out Section 17, thereof, and inserting in lieu of said Section the following, to wit: "Section 17. If a deed concerning lands or tenements be not recorded in the proper office within one year after the day of the sealing and delivery thereof said deed shall not avail against a subsequent fair creditor, mortgagee or purchaser for a valuable consideration unless it shall appear that such creditor when giving the credit, or such mortgagee or purchaser when advancing the consideration had notice of such deed. But this provision shall not extend to a lease under a fair rent for a term not exceeding twenty-one years, when the possession accompanies the lease, or the lessee is to come into possession within one year after the making of it.

Deed not recorded within 1 year not to avail in certain cases.

Not to extend to a lease for 21 years or under.

Recording of letters of attorney.

SECTION 3. That all deeds and letters of attorney concerning lands or tenements, heretofore sealed and delivered being duly

acknowledged or proved, and the acknowledgement or proof being duly certified may with the certificate of the acknowledgement or proof and all indorsements and annexation, be at any time hereafter recorded in the Recorder's office for the county wherein such lands or tenements or any part thereof are situate; *Provided*, That no such deed, unless recorded in the proper office within one year after the day of the sealing and delivery thereof, shall avail against a subsequent fair creditor, mortgagee or purchaser for a valuable consideration, unless it shall appear that such creditor when giving the credit, or such mortgagee or purchaser when advancing the consideration had notice of such deed. Proviso. Notice.

SECTION 4. That all acts or parts of acts inconsistent with the provisions of this act be and the same are hereby repealed. Inconsistent acts repealed.

Passed at Dover, March 16, 1881.

CHAPTER 521.

OF CONVEYANCES.

AN ACT to amend Chapter 83, of the Revised Statutes, of the State of Delaware, entitled, "Of Conveyances." Title.

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

SECTION 1. That Section 6, of Chapter 83, of the Revised Statutes, of the State of Delaware, be and the same is hereby amended by inserting in the second line thereof, after the word "be" and before the word "acknowledged" the words "executed and," and by striking out the "or" in the sixth line thereof, and inserting in lieu thereof, after the word "office," and before the word "legally" the words following, to wit: "duly authorized by resolution of the directors, trustees or other managers, or by the." Section 6, Chap. 83, R. Code, amended.

Passed at Dover, April 4, 1881.

TITLE THIRTEENTH.

Of the Administration of Estates.

CHAPTER 522.

OF THE SETTLEMENT OF PERSONAL ESTATES.

Title. AN ACT to amend Section 29, of Chapter 89, of the Revised Code of 1852, as amended and published in 1874, entitled "Of the Settlement of Personal Estates."

Section 29, Chapter 89, R. 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 29, of Chapter 89, of the Revised Code, of 1852, as amended and published in 1874, be, and the same is hereby amended by striking out the word "not," in the twenty-fourth line of said section.

Passed at Dover, February 8, 1881.

CHAPTER 523.

OF EXECUTORS, ADMINISTRATORS AND TRUSTEES.

Title. AN ACT for the relief of Executors, Administrators and Trustees.

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

When executor, administrator or trustee shall pay moneys into Court of Chancery in certain cases.

SECTION 1. If an executor, administrator or trustee cannot pay over a legacy, residue of intestate personal estate, distributive share, or trust fund in his hands, because the person entitled to the same, or any part thereof, is absent from the State, unknown or incompetent to receive the same or because the shares of the persons entitled to the same are unknown, such executor, administrator or trustee may prefer to the Chancellor a petition setting forth the premises and praying relief, and thereupon, the Chancellor upon being satisfied that it is a proper case for relief, shall order the petitioner to pay into the court of chancery the amount in his hands as aforesaid, with the interest which may

have accrued thereon, less such costs, expenses and counsel fees as may be allowed by the Chancellor; and upon compliance with such order the petitioner and his sureties shall be discharged from all further liability in respect to the money so paid. Discharged from liability. When.

SECTION 2. Any money paid into court as aforesaid may, by order of the Chancellor, be deposited in the name of the court, in the Farmers' Bank of this State, or in any savings bank in this State, or invested in the name of the State in the funded debt of this State or of the United States, or upon bond or mortgage or both for the benefit of the parties entitled to the same. The costs of such investment shall be payable out of the fund. Investment of moneys.

SECTION 3. The Chancellor shall have power to direct such proceedings, issue such writs, and make such orders as he may deem expedient for ascertaining the parties entitled to the money paid into court as aforesaid, and for the payment and distribution of the same; and for this purpose he may cause notice to parties interested, residing out of this State or whose residences are unknown, to be given by publication or otherwise as he may direct and may appoint an auditor to investigate and report to him as to any matter necessary to be determined in the premises. Any proceeding, writ, or order authorized by this act may be taken, directed, issued, returned or made as well in vacation at chambers as at term time. Power of Chancellor. Notice. Appointment of auditor. Duty of.

SECTION 4. Any payment or distribution of money paid into court as aforesaid made by order of the Chancellor under the provision of this act, shall be final and conclusive as to the right of the parties interested therein. Action of chancellor final.

Passed at Dover, March 23, 1881.

TITLE FOURTEENTH.

Of Courts of Justice.

CHAPTER 524.

OF GENERAL PROVISIONS.

Title. AN ACT supplementary to an act entitled, "An Act for the removal of the seat of Justice of New Castle County, from the city of New Castle to the city of Wilmington," passed at Dover, March 20, 1879.

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

Building committee New Castle Levy Court invested with certain powers

SECTION 1. That all acts or authorities which in the 4th and 5th Sections of the act to which this act is supplementary, are required or directed to be done or exercised by the Levy Court of New Castle County, may, when said court is not in session, be done or exercised by the committee of said Levy Court, known as the "Building Committee," that have had in charge the erection of the county buildings provided for in the said act to which this act is supplementary; and that for that purpose the said committee shall, until the first Tuesday of February, A. D. 1881, consist of all those who were members thereof on the first day of November, A. D. 1880, without regard to the expiration of the terms of office of any members thereof on the day of the general election in the said year A. D. 1880.

Terms of some members extended.

Writs. When to be returned.

SECTION 2. That after the removal of the county offices as provided for in the said 5th Section of the act to which this act is supplementary, all writs and process of the respective courts of New Castle county, which have been theretofore issued and not returned shall be returnable to the Court House in the city of Wilmington.

Passed at Dover, January 13, 1881.

OF COURTS OF JUSTICE.

CHAPTER 525.

GENERAL PROVISIONS.

AN ACT in relation to the purchase of Law books for the use of the Courts of New Castle County. Title.

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 New Castle County is hereby authorized and required to appropriate annually such sum as they may deem expedient not exceeding one hundred and fifty dollars to be expended under the direction of the Associate Judge for said county for the purchase of law books for the use of the courts of said county. Levy Court of N. Castle Co. to appropriate moneys for law books. Under whose direction.

Passed at Dover, April 6, 1881.

CHAPTER 526.

OF THE SUPERIOR COURT.

AN ACT authorizing the Superior Court to deposit or invest money paid into said Court. Title.

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

SECTION 1. The Superior Court shall have authority to deposit, in the name of the court, in any savings bank of this State, or to invest in the name of the State in the funded debt of this State or of the United States, or upon bond or mortgage, or both, any money which has been or may be paid into said court when the person entitled to the same is a non-resident of this State, unknown or incompetent to receive the same, or when for any sufficient cause it may be impossible or improper to pay the same to the party interested therein. Court to deposit or invest money of non-residents, et al.

SECTION 2. The money so deposited or invested may be called in, collected, redeposited, reinvested or paid to the parties entitled to the same, as said court may from time to time direct. And costs incurred under this act shall be payable out of the fund. Calling in, reinvestment or payment of the same.

Passed at Dover, March 9, 1881.

OF COURTS OF JUSTICE.

CHAPTER 527.

OF THE COURTS OF GENERAL SESSIONS.

Title. AN ACT to amend an act entitled "An Act appointing additional times for holding the Court of General Sessions of the Peace and Jail Delivery in New Castle County," passed at Dover, March 18, 1879.

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

Section 1, Chap. 134, Volume 16, amended. SECTION 1. That Section 1 of Chapter 134, Volume 16 of the Laws of Delaware, be and the same is hereby amended by inserting after the word "said" and before the word "court" in the fourth line of said Section 1, the words "court the."

Passed at Dover, February 23, 1881.

TITLE FIFTEENTH.

Of the Justices of the Peace.

CHAPTER 528.

OF THE JURISDICTION OF JUSTICES OF THE PEACE IN THE CITY OF WILMINGTON.

AN ACT to repeal Chapter 139, Volume 16 of the Laws of Delaware, entitled "An Act in relation to the jurisdiction of Justices of the Peace in the city of Wilmington, and for other purposes." Title.

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

SECTION 1. That Chapter 139, of Volume 16, of the Laws of Delaware, entitled "An Act in relation to the jurisdiction of Justices of the Peace in the city of Wilmington, and for other purposes," passed at Dover, March 28th, 1879, be and the same is hereby repealed. Chap. 139, Volume 16, repealed.

Passed at Dover, March 31, 1881.

CHAPTER 529.

OF JUSTICES OF THE PEACE AND MAYORS OF CITIES.

AN ACT to amend an act entitled "An Act limiting the term of imprisonment of persons committed to jail upon a failure to pay fine and costs in cases before the Mayors of Cities and Justices of the Peace," passed at Dover, March 10th, 1879. Title.

SECTION 1. *Be it enacted by the Senate and House of Representatives, of the State of Delaware, in General Assembly met:* That Chapter 138, Volume 16 of the Laws of Delaware, entitled "An Act limiting the term of imprisonment of persons committed to jail upon a failure to pay fine and costs in cases before the mayor Chap. 138, Volume 16, amended.

OF JUSTICES OF THE PEACE.

of cities and Justices of the Peace," passed at Dover, March 10, 1879, be and the same is hereby amended by striking out the words "thirty days" in the seventh line of Section 1 of said act, and inserting the following in lieu thereof, viz; "twenty days if the fine be under five dollars; forty days if the fine be five dollars and under ten dollars; sixty days if the fine be ten dollars or over.

Passed at Dover, April 8, 1881.

TITLE SIXTEENTH.

Of Civil Actions in General.

CHAPTER 530.

OF THE COMMENCEMENT OF ACTIONS.

A SUPPLEMENT to the act entitled "An Act relating to arrests in civil actions." Title.

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 relating to arrests in civil actions" passed March 3, 1875, be, and the same is hereby amended by adding to the same the following, to wit: An Act relating to arrests in civil actions, amended.

Section 2. That the superior Court in term time or any Judge in vacation, upon the petition of any person arrested, and reasonable notice in writing to the party in whose favor the process issued, his attorney or agent, shall investigate the allegations contained in any affidavit made and filed under the foregoing section, that the defendant has absconded or is about to abscond from the place of his usual abode, and the allegations and specifications of fraud contained in such affidavit, and if upon such investigation, the court or judge shall consider that there was not or is not sufficient cause for the arrest, the person arrested shall be discharged, and the plaintiff shall pay the costs. The court or judge shall have power to make and enforce all necessary and proper orders in the premises. Superior Court, or any judge, power to investigate allegations. When persons arrested shall be discharged. Power to enforce orders.

Passed at Dover, March, 15, 1881.

OF CIVIL ACTIONS IN GENERAL.

CHAPTER 531.

OF THE COMMENCEMENT OF ACTIONS.

Title. AN ACT in relation to arrests for debts not due.

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

When Court or judge shall investigate allegations in certain cases.

SECTION 1. That the Superior Court in term time, or any Judge in vacation, upon the petition of the person arrested under any writ of capias, issued under Section 14, of Chapter 103, of the Revised Statutes, of this State, or under Section 58, of Chapter 120, of said Revised Statutes shall investigate the allegations contained in any affidavit required by either of said Sections to be made and filed before the issuing of such writ, except such allegations as relate to the indebtedness of the defendant to the plaintiff and the time for payment of the same, or the rent which the tenant is to pay or render and when it will be due.

Notice to other party

SECTION 2. Reasonable notice in writing of the hearing upon such petition shall be given to the party in whose favor such writ issued, his attorney or agent.

When defendant shall be discharged

Enforcement of orders.

SECTION 3. If upon such investigation, the court or judge shall consider that there was not sufficient cause for the arrest, the person arrested shall be discharged and the plaintiff or landlord shall pay the costs. The court or judge shall have power to make and enforce all necessary and proper order in the premises.

Passed at Dover, March 15, 1881.

OF CIVIL ACTIONS IN GENERAL.

CHAPTER 532.

OF ATTACHMENTS.

AN ACT in relation to attachments of property under mesne process. Title.

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

SECTION 1. The Superior Court, in term time, or any judge in vacation, upon the petition of any defendant or tenant whose property, rights or credits may be attached under any mesne process of attachment issued out of said court or by a Justice of the Peace, shall investigate the allegations contained in any affidavit required by law to be made and filed before the issuing of such process except such allegations as relate to the indebtedness of the defendants to the plaintiff, or the rent which the tenant is to pay or render, and when the same will be due. Power of Superior Court. Judge in vacation to investigate allegation filed by plaintiff in mesne process.

SECTION 2. Reasonable notice in writing of the hearing upon such petition shall be given to the party in whose favor such process issued, his attorney or agent. Notice to plaintiff.

SECTION 3. If upon such investigation the court or Judge shall consider that there was not sufficient ground for the attachment, the property, rights and credits attached shall be discharged and the plaintiff or landlord shall pay the costs. The court or Judge shall have power to make and enforce all necessary and proper order in the premises. Property discharged When. Costs. Enforcement of orders.

Passed at Dover, March 15, 1881.

CHAPTER 533.

OF ATTACHMENTS.

AN ACT to amend Section 19, Chapter 104, of the Revised Statutes. Title.

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

SECTION 1. That the nineteenth Section, of Chapter one hundred and four, of the Revised Statutes be, and is hereby amended by adding the following to the end thereof: And where there are two or more defendants, one a resident of the State Section 19, Chap. 104, R. Code, amended.

OF CIVIL ACTIONS IN GENERAL.

When process shall issue against non-resident defendent.

but without available means to pay the plantiff's claim, the fact may be so stated in such affidavit, and the attachment thereon may issue against the non-resident defendant or defendants with the same effect as if such non-resident defendant or defendants was or were the only defendant or defendants in the cause.

Passed at Dover, April 8, 1881.

CHAPTER 534.

OF PLEADING AND PRACTICE IN CIVIL ACTIONS.

Title.

AN ACT to amend Section 8, Chapter 106, Revised Code.

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

Section 8. Chap. 106. R. Code. How printed. When defendant shall have a rule for security for costs.

That from and after the passage of this act Section 8, of Chapter one hundred and six, of the Revised Code, shall read and hereafter be printed as follows: "In all actions at law wherein the plaintiff is a non-resident in *qui tam* actions, in actions upon administration or official bonds, and also in actions wherein the plaintiff, after suit brought, has been discharged under any bankrupt or insolvent law, the defendant, upon motion, and affidavit filed, that he has a legal and just defence to the whole of the plaintiff's demand therein, and stating the nature and character of such defence, the sufficiency whereof shall be determined by the court, may have a rule for security for cost by a certain day, or that non suit be entered. Such security, where ordered, may be by bond, recognizance or deposit of money with the Prothonotary, to be approved by the court when in session, or by the Prothonotary or any Judge in vacation. And the said court, Prothonotary or Judge may at any time thereafter, for cause shown, change or increase such security.

Security. How given.

Change or increase of security.

Passed at Dover, March 24, 1881.

OF CIVIL ACTIONS IN GENERAL.

CHAPTER 535.

OF PLEADING AND PRACTICE IN CIVIL ACTIONS.

Title. AN ACT to amend Section 6, of Chapter 106, of the Revised Statutes of Delaware, entitled Of Pleading and Practice 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 Section 6, of Chapter 106, of the Revised Statutes, be, and hereby is amended by adding thereto the following, viz: And in any action by or against any corporation, it shall not be necessary for the plaintiff or the trial to prove the incorporation and existence of such corporation, but the same shall be taken to be admitted as alleged on the record unless the defendant, or when there is more than one defendant, some one of the defendants shall have filed, at or before the time of filing the plea in such action, an affidavit denying the existence of the corporation as alleged. Such affidavit may be made by the president, secretary, treasurer, cashier or any director of any corporation defendant.

Section 6, Chap. 106, R. Code, amended. Existence of Corporation as party to suit admitted unless denied by affidavit. Affidavit. By whom made.

Passed at Dover, April 5, 1881.

CHAPTER 536.

OF WITNESSES AND EVIDENCE.

Title. AN ACT relating to the proof of the genuineness of disputed writings.

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

SECTION 1. Comparison of a disputed writing with any writing proved to the satisfaction of the court to be genuine, shall be permitted to be made by witness in all trials and proceedings; and such writings and the evidence of witnesses respecting the same may be submitted to the court and jury as evidence of the genuineness or otherwise of the writing in dispute.

Comparison of disputed writing with genuine writing. By whom made. Evidence.

Passed at Dover, March 22, 1881.

OF CIVIL ACTIONS IN GENERAL.

CHAPTER 537.

Title.

OF WITNESSES AND EVIDENCE.

AN ACT in reference to the competency of witnesses.

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

Interest in suit does not render witness incompetent in case of executors, &c.

How to testify.

SECTION 1. No person shall be incompetent to testify in any civil action or proceeding whether at law or in equity, because he is a party to the record or interested in the event of the suit or matter to be determined: *Provided,* that in actions or proceedings by or against, executors, administrators or guardians in which judgment or decree may be rendered for or against them, neither party shall be allowed to testify against the other as to any transaction with or statement by the testator, intestate or ward unless called to testify thereto by the opposite party.

Not applicable to pending actions.

SECTION 2. The provisions of this act shall not apply to any civil action or proceeding pending at the time of its passage.

Passed at Dover, April 6, 1881.

CHAPTER 538.

OF EXECUTION.

Title.

AN ACT exempting from execution or attachment process and from distress for rent, sewing machines of seamstresses and private families.

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

Sewing machines of certain parties exempted from executive process.

Not applicable to persons selling or hiring the same.

SECTION 1. That in addition to articles now exempt by law, all sewing machines owned and used by seamstresses or private families, shall be exempt from levy and sale on execution or attachment process and also from distress and sale for rent: *Provided,* this act shall not apply to persons who keep sewing machines for sale or hire.

Passed at Dover, February 9, 1881.

OF CIVIL ACTIONS IN GENERAL.

CHAPTER 539.

OF EXECUTION.

AN ACT to amend Section 45, Chapter 111, Revised Code. Title.

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

That Section forty-five, of Chapter one hundred and eleven, of the Revised Code, be and is hereby amended by adding the following to said Section: The answer of a garnishee in any execution attachment, at the option of the plaintiff therein, may be taken by affidavit before any person legally authorized to administer oaths; and when so taken and filed with said writ of attachment shall be docketed in the same manner and have the same effect as if taken in open court; and the garnishees mileage, in such cases shall be counted from his residence to the office of the person taking his affidavit, and endorsed thereon.

Section 45, Chap. 101, amended. Answer of garnishee may be taken by affidavit out of court. How docketed. Effect. Mileage. How counted.

Passed at Dover, February 17, 1881.

CHAPTER 540.

OF EXECUTION.

AN ACT to amend Chapter 111, of the Revised Statutes of the State of Delaware, entitled "Of Execution." Title.

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

SECTION 1. That Section 24, of Chapter 111, of the Revised Statutes of the State of Delaware, be and the same is hereby amended by adding to the end thereof the following: "The Court House in each county shall be considered a public house for the purpose of such sales."

Section 24, Chap. 111, amended. Court Houses public houses for public sales.

Passed at Dover, February 25, 1881.

OF CIVIL ACTIONS IN GENERAL.

CHAPTER 541.

OF EXECUTION.

Title.

A SUPPLEMENT to the act entitled "An Act to exempt wages from execution attachment process."

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

Chap. 185, Volume 15, amended. What stricken out.

SECTION 1. That the act, entitled "An Act to exempt wages from execution attachment process," passed February 2, 1875, be and the same is hereby amended as follows, to wit: That the word "execution" be stricken from the title of said act, and that the words "mesne attachment process and" be inserted after the word "from" and before the word "execution" in the fifth line of Section 1 of said act.

Act as amended to be published in laws.

SECTION 2. That the said act as amended by this act shall be published with the acts passed at the present session of the Legislature.

Passed at Dover, March 22, 1881.

CHAPTER 542.

OF EXECUTION.

Title.

AN ACT to exempt wages from execution 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 Castle County, shall be exempt from (mesne attachment process and) execution attachment process, under the laws of this State.

Wages exempt from execution attachment process.

Not apply to debts contracted prior to passage of this act. Inconsistent laws repealed.

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 22, 1875.

Amended at Dover, March 22, 1881.

TITLE NINETEENTH.

Of the Fees of Public Officers.

CHAPTER 543.

OF THE COUNTY TREASURER OF SUSSEX COUNTY.

AN ACT to amend Section 1, of Chapter 480, of Volume 15, of the Laws of Delaware, entitled, "An Act to amend Section 33, of Chapter 125, of the Revised Code of Delaware Laws." Title.

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 480, of volume 15, of the Laws of Delaware, be, and the same is hereby amended by striking out the following words, to wit: to the treasurer of Sussex County an annual salary of four hundred dollars," and inserting in lieu thereof the following: To the County Treasurer of Sussex County a certain per centum upon all money duly accounted for to be annually fixed and determined by the Levy Court in the month of February or March for the ensuing year: *Provided,* that he shall not receive as compensation more than four hundred dollars in any one year." Section 1, Chap. 480, Volume 15, amended. Salary of County Treasurer of Sussex County changed. How fixed. Shall not exceed $400 per annum

SECTION 2. This amendment shall not effect the compensation of the present incumbent. Not applicable to incumbent.

Passed at Dover, March 16, 1881.

OF FEES OF PUBLIC OFFICERS.

CHAPTER 544.

OF THE TRUSTEES OF THE POOR.

Title.

AN ACT to further amend Chapter 125, of the Revised Code.

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

Section 35, Chap. 125, R. Code, amended.

Not applicable to N. Castle.

Compensation of Trustees of the Poor.

Not to exceed 12 meetings.

SECTION 1. That Section 35, of Chapter 125, of the Revised Code of the State of Delaware be, and the same is hereby amended by adding thereto the following: "*Provided*, that the provisions of this section hereinbefore contained shall apply only to the counties of Kent and Sussex. The trustee of the poor of New Castle County shall receive for attendance at the almshouse in performance of their duties, for each meeting of the board of trustees, each trustee, three dollars, also three cents per mile going and returning. But no trustee of the poor of New Castle County shall receive fees or compensation, as before provided, for attendance upon more than twelve meetings of the board, as aforesaid in one year."

Passed at Dover, April 7, 1881.

TITLE TWENTIETH.

Of Crimes and Punishment.

CHAPTER 545.

OFFENSES AGAINST THE LIVES AND PERSONS OF INDIVIDUALS.

AN ACT concerning offences against the persons of individuals. Title.

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

SECTION 1. If any person shall lewdly and lasciviously play or toy with any female child under the age of twelve years, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding five hundred dollars and shall be imprisoned for a term not exceeding three years. Playing lasciviously with female child a misdemeanor.

Passed at Dover, February 21, 1881.

CHAPTER 546.

OF OFFENCES AGAINST LIVES AND PERSONS OF INDIVIDUALS.

AN ACT for the better security of life and limb in cases of fire. Title.

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

SECTION 1. That the owner or owners of any building now erected or hereafter to be erected, and being more than two stories in height and which shall be used in the third or any higher story, in whole or in part as a college, seminary, school-house, hotel, hospital, asylum, almshouse, factory or workshop, or as a tenement-house, or when rooms are let to families or lodgers, or for the accommodation of organized Colleges, seminaries, school-houses, hotels, factories, more than two stories in height to have fire escapes.

associations of any discription, shall be required to furnish such building with sufficient permanent fire-escapes from the third and all higher stories, and which escapes shall be kept and maintained in good order. Such fire escapes may be by means of stairways or ladders outside the building, or by stairways in a separate tower or structure furnished with safe and easy communication with such building. *Provided*, that this act shall not apply to any building whatever that is already supplied with two or more independent stairways leading from the highest story to the ground floor, if said stairways shall not be nearer to each other at any point than a distance of sixty feet.

Provisos.

Duty of chief of fire department of cities and towns, or of the mayor or chief officer

SECTION 2. That it shall be the duty of the chief engineer of the fire department in any city, town or borough where there may bes uch officers, or if there be no such officer therein, then of the Mayor or chief officer thereof, and in all other places of the clerk of the school district wherein any such building is located to examine such fire escapes as to their suitableness and sufficiency, whether as to quality, location or number. If upon such examination such escapes be found to be sufficient and suitable, the person examining shall give the owner of such building or some one of them, if more than one, a certificate stating such examination and his approval, which certificate shall be good for two years, at the expiration of which time another examination shall be had and a like certificate given. Such certificate of approval shall be evidence of sufficient compliance with the requirements of this act and shall protect such owner from any penalty herein prescribed during the time for which it may have been given. The fee for such examination shall be one dollar.

Certificate of examination evidence of compliance with act.

School houses, theaters, churches, &c., more than one story in height, required to be furnished with doors affording means of speedy egress.

SECTION 3. That all public school-houses, theaters, lecture-rooms, churches and public halls where large numbers of people assemble, if more than one story in height, now erected or hereafter to be erected, shall be furnished with doors opening outwardly and hung in such manner as to afford the most convenient and ready means of safe and speedy egress; *Provided*, That any building having doors of egress that open outwardly as provided in this act may also have outer doors on the front that do not so open, if said outer doors are habitually kept open during the services or performances.

Non-compliance with provisions of this act a misdemeanor.

SECTION 4. That every owner of any such building as is specified in this act, whether an individual or a body corporate, who shall fail to comply with the provisions thereof shall be deemed guilty of a misdemeanor and be liable to indictment, and upon conviction shall forfeit and pay to the State a fine not exceeding two hundred dollars, and in case of a corporation, pay-

Penalty.

ment of the fine may be enforced by a writ of *fieri facias* to be issued out of the court where such conviction was had on the judgment thereof and continued by *venditioni exponas* as upon judgments in the Superior Court.

Passed at Dover, April 1, 1881.

CHAPTER 547.

OFFENCES AGAINST PRIVATE PROPERTY.

AN ACT relating to Chapter 128 of the Revised Statutes of the State of Delaware, entitled "Offences against private property." Title.

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

SECTION 1. If any person shall unlawfully and willfully break and enter the dwelling-house of another; or if any person shall unlawfully and willfully break and enter into any store, warehouse, shop, office or other building of another, wherein any goods, money or other thing being the subject of larceny are kept or deposited; or if any person shall, in the night time, unlawfully and willfully break and enter into any house or office wherein public records are kept; or if any person shall, in the night time, unlawfully and willfully enter the dwelling house of another, every such person shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than three hundred dollars, or shall be imprisoned for a term not exceeding three years, or both, at the discretion of the court. Breaking into dwelling-houses warehouses and offices where public records are kept, declared a misdemeanor.

SECTION 2. Upon the trial of any person for any felony whatever, where the crime charged shall include a breaking and entering of the dwelling-house of another; or the breaking and entering of any store, warehouse, shop, office, or other building of another, wherein any goods, money or other thing being the subject of larceny are kept or deposited; or the breaking and entering into any house or office wherein public records are kept; it shall be lawful for the jury to acquit of the intent charged (whether such intent be executed or not) and to find a verdict of guilt of the breaking and entering alone, if the evidence shall warrant such finding; and when such verdict shall Persons on trial for felony. When the crime charged shall include certain offences. The jury may acquit as to the intent.

be found the court shall impose a fine on the person so found guilty of the breaking and entering, not exceeding three hundred dollars, or shall imprison him for a term not exceeding three years, or both, at the discretion of the court.

Penalty.

Passed at Dover, February 24, 1881.

CHAPTER 548.

OF OFFENSES AGAINST PUBLIC JUSTICE.

Title.

AN ACT providing for the punishment of persons carrying concealed deadly weapons.

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

Unlawful to carry concealed deadly weapons.

Punishment.

SECTION 1. That if any person shall carry concealed a deadly weapon upon or about his person other than an ordinary pocket knife, or shall knowingly sell a deadly weapon to a minor other than an ordinary pocket knife, such person shall, upon conviction thereof, be fined not less than twenty-five nor more than one hundred dollars or imprisoned in the county jail for not less than ten nor more than thirty days, or both at the discretion of the court: *Provided,* that the provisions of this section shall not apply to the carrying of the usual weapons by policemen and other peace officers.

Discharging fire-arms in any public road, a misdemeanor. Penalty.

SECTION 2. That if any person shall, except in lawful self-defence discharge any fire-arm in any public road in this State, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by fine not exceeding fifty dollars or by imprisonment not exceeding one month, or both at the discretion of the court.

Unlawful to point a gun or pistol at another.

SECTION 3. That it shall be unlawful for any person, either in jest or otherwise, intentionally to point a gun, pistol or other fire-arms at or towards any other person at any time or place. Any person violating any provision of this section shall, upon conviction thereof, pay a fine of not less than ten dollars nor more than one hundred dollars and the cost of prosecution, and should

death result to any person by the discharge of such gun, pistol or other fire-arm while so pointed, the person pointing the same shall be guilty of manslaughter when such killing shall not amount to murder, and shall be punished accordingly. Penalty.

Passed at Dover, April 8, 1881.

CHAPTER 549.

GENERAL PROVISIONS CONCERNING CRIMES AND PUNISHMENTS.

AN ACT to amend Chapter 133 of the Revised Code, (General Provisions Concerning Crimes, &c.) Title.

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

SECTION 1. That Section 10 of Chapter 133 of the Revised Code, be amended by adding thereto as follows: If no order has been made by the court at the term when the sentence was made, or at a succeeding term, the resident judge of the county, shall have power to make such order upon petition and proof of inability; and the said order when made and filed with the Clerk of the Peace, shall be sufficient authority for the discharge of the prisoner. It shall be the duty of the Clerk of the Peace to furnish the sheriff at once with a certified copy of said order. Section 10, Chap. 133, R. Code, amended.

Passed at Dover, January 26, 1881.

OF CRIMES AND PUNISHMENTS.

CHAPTER 550.

GENERAL PROVISIONS CONCERNING CRIMES AND PUNISHMENT.

Title.

AN ACT relative to convicts.

Preamble.

WHEREAS, our present jail system is very expensive and burdensome to our people and demoralizing and injurious to the prisoners themselves. Therefore,

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

Governor authorized to contract with other States for custody of prisoners.

Sentenced for six months or longer.

Proviso.

SECTION 1. The Governor of this State is hereby authorized from time to time as occasion may require to contract with the proper authorities of any other State of the United States for the custody, maintenance, discipline, medical attendance, clothing andtransportation of all or so many of the convicts now in any of the jails of this State, and of such also as may be hereafter sentenced for a term of six months or longer, as the court may deem proper to be sent: *Provided*, that no expense shall accrue to this State in consequence of any such contract except as hereinafter provided.

When court may sentence convict directly.

SECTION 2. Hereafter and while any contract made in pursuance of this act is in force, the court may, in its discretion, in passing sentence of imprisonment upon any convict, sentence such convict for such imprisonment directly to such State prison or penitentiary as may have been provided for in any such contract.

Lists of prisoners transported.

By whom made.

To whom given.

Receipt for prisoners.

Return of receipts.

SECTION 3. Whenever any convicts are to be transported to a prison outside of this State it shall be the duty of the Clerk of the Peace of the proper county to make out two lists under the seal of the court, of such convicts, with the date and term of their sentences respectively: one of which he shall deliver to the officer or agent charged with carrying such convicts to their destination, and the other he shall transmit by mail to the superintendent of the prison to which they are sent. The officer or agent receiving the first mentioned list shall take a receipt of the superintendent of said prison upon the back thereof for the delivery to him of the convicts named therein and return the same to the clerk, who made the same to be filed in his office.

Contracts for prisoners for longer than one year.

When State to pay.

SECTION 4. No contract made in pursuance of this act shall bind the State to pay anything whatever on account of convicts sentenced for one year or more, except only the incidental traveling expenses of the officer or agent of the State, in superintending their transportation and delivery at the place of destination, and a reasonable compensation to him for such superintendence not

exceeding five dollars per day for every day necessarily employed in the business. But when convicts are sentenced for less than a year, such contract may provide for the payment by the State of the actual cost of transportation and the expenses incident thereto. And also when the proportion of female to male convicts exceeds one-third the expense of transporting, the excess over one-third may be paid for in the same manner as is above provided for in the case of convicts sentenced for less than one year.

Payment of expenses by State for shorter terms.

Distinction between male and female prisoners.

SECTION 5. All incidental expenses in making and carrying out any contract authorized by this act, shall be paid by the treasurer of the respective counties on orders drawn by the clerk of the peace of the respective counties.

Incidental expenses.

Orders. How drawn

SECTION 6. It shall be the duty of Sheriffs and other State and county officers to aid and assist in carrying out the provisions of this act; and all acts or parts of acts inconsistent herewith are hereby repealed.

Sheriff, et al, to aid in executing this act.

Inconsistent acts repealed.

SECTION 7. Should the Governor, from any cause, be unable to make satisfactory arrangements for the custody and maintenance of convicts as hereinbefore provided for, then the Levy Courts of the respective counties, directly or by committees thereof, are hereby authorized and empowered to hire out said convicts upon the most favorable terms for their county, or to employ them upon the roads or any public works: *Provided,* the same can be done without endangering the escape of the convicts. And all officers, State or County, are hereby required to aid and assist in carrying out the provisions of this act according to its true intent and meaning.

When and how Levy Court shall hire out prisoners.

All officers, State and County, to assist in enforcing act.

Passed at Dover, April 8, 1881.

OF CRIMES AND PUNISHMENTS.

CHAPTER 551.

GENERAL PROVISIONS CONCERNING CRIMES AND PUNISHMENTS.

Title. AN ACT in relation to witnesses in behalf of indigent defendants in criminal cases.

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

Affidavit of indigent persons indicted as to materiality of witnesses.

SECTION 1. Whenever any person indicted in a court of this State make affidavit setting forth that there are witnesses whose evidence is material to his defence, their names, that he cannot safely go to trial without them, what he expects to prove by each of them, that they are within this State and that he is not possessed of sufficient means and is unable to pay the fees of such witnesses, the court in term or any judge thereof in vacation, may order that witnesses be subpœned in such case; the cost of issuing and serving the process and the fees of the witnesses shall be paid in the same manner that similar cost and fees are paid in case of the witnesses subpœned in behalf of the State.

Order for subpœnas.

Passed at Dover, April 8, 1881.

TITLE TWENTY-SECOND.

Miscellaneous.

CHAPTER 522.

IMMIGRATION.

AN ACT to encourage immigration to the State of Delaware. Title.

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

SECTION 1. All unimproved marsh lands lying adjacent to the Delaware Bay or any of its tributaries within this State that are not now assessed at more than two dollars per acre, when purchased and located upon by colonies of immigrants, composed of ten or more families, shall be exempt from the assessment and payment of State and county taxes for a period of ten (10) years from and after the date of first purchase and occupancy. Certain marsh lands exempt from taxation.

Passed at Dover, April 8, 1881.

CHAPTER 553.

AN ACT for the payment of claims against the State. Title.

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: State Treasurer authorized to pay following claims.

1.	To William J. Maxwell, requisition,	650.00
2.	To C. L. Williamson, requisition,	125.00
3.	To Benton V. Welden, requisition,	100.00
4.	To William L. Rothwell, service as constable,	28.40
5.	To Hollowbush & Carey, for stationery,	467.60
6.	To William Hunter, for services,	54.00

MISCELLANEOUS.

7.	To Richard R. Kenney, Capital Building,	12.55
8.	To John E. Collins, for services &c.,	104.02
9.	To C. F. Thomas & Co, for stationery,	819.36
10.	To Thomas Cox, for repairs,	7.00
11.	To James & Webb Printing Company,	17.00
12.	To Harris & Hynson, for printing,	7.75
13.	To G. W. Vernon & Sons, for printing,	51.41
14.	To J. H. Groves, for engraving,	31.50
15.	To H. D. Walls, for repairs,	19.55
16.	To John R. McFee, postage and expressage,	103.35
17.	To Pride and Hart, for printing,	223.12
18.	To Every Evening Publishing Company, printing,	184.74
19.	To Scott & Townsend,	17.75
20.	To F. M. Dunn, for attending court,	51.00
21.	To John D. Burton, for attending court,	84.00
22.	To Thamas T. Lacey, for attending court,	13.50
23.	To Marion G. Hawkins, for attending court,	42.00
24.	To James Frazier, for attending court,	84.00
25.	To James W. Wise, for attending court,	86.00
26.	To John F. Statts, for reports,	195.71
27.	To R. J. Reynolds, for expenses,	88.00
28.	To H. R. Lewis, Clerk Divorce Committee,	125.00
29.	To David F. Burton, for express,	51.35
30.	To Andrew Smithers, for postage stamps,	234.60
31.	To T. K. Jones & Bro., repairs,	3.57
32.	To Robert D. Hoffecker, for printing;	249.69
33.	To *The Delawarean*, printing,	786.34
34.	To C. P. Johnson, for printing,	246.25
35.	To Williams & Clark, for printing,	29.00
36.	To I. H. D. Knowles, for printing,	22.00
37.	To Marvel & Downham, for printing,	145.00
38.	To W. Scott Way, for printing,	233.00
39.	To James Kirk & Sons,	512.04
40.	To Conrad & Pennypacker,	22.32
41.	To Wm. P. Godwin, for repairs,	12.49
42.	To Wm. G. Kirbin, for newspapers,	256.12
43.	To J. Frank Allee, for repairs,	10.00
44.	To Wm. G. Purnell, Board of Education,	104.65
45.	To James Cowgill & Son, for sundries,	65.08
46.	To Richardson & Robbins, gas,	288.10
47.	To Stevenson & Slaughter, for coal, &c.,	306.93
48.	To Jacob G. Lewis, for ice,	33.80

Passed at Dover, April 9, 1881.

RESOLUTIONS.

CHAPTER 554.

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.

Committee to wait on Governor and inform him of organization.

Adopted at Dover, January 4, 1881.

CHAPTER 555.

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 take into consideration that portion of his excellency the Governor's message in relation to the conversion of the State bonds into bonds bearing a lower rate of interest.

Committee to consider the question of converting State bonds into bonds at a lower rate of interest.

Said committee to report by bill or otherwise.

Adopted at Dover, January 5, 1881.

RESOLUTIONS.

CHAPTER 556.

Committee to consider arrears of tax due from Nat. Banks.

Be it resolved by the Senate and House of Representatives, of the State of Delaware, in General Assembly met, That a joint committee consisting of two on the part of the Senate and three on the part of the House be appointed for the purpose of taking into consideration that part of the Governor's message relating to arrears of tax due and unpaid by National Banks.

Adopted at Dover, January 5, 1881.

CHAPTER 557.

Committee to examine accounts of State Treasurer.

Resolved, That a committee of two on the part of the Senate and three on the part of the House of Representatives, be appointed to examine the account of the State Treasurer.

Adopted at Dover, January 5, 1881.

CHAPTER 558.

Committee appointed to examine State Library.

Resolved, That a committee of two on the part of the Senate and three on part of the House of Representatives, be appointed to examine the State Library, and take into consideration the suggestions of the State Librarian, and report to the two Houses.

Adopted at Dover, January 5, 1881.

RESOLUTIONS.

CHAPTER 559.

Resolved, That a joint committee of two on the part of the Senate and three on the part of the House, be appointed to draft joint rules for the government of intercourse between the two Houses.

Committee appointed to draft rules.

Adopted at Dover, January 5, 1881.

CHAPTER 560.

Resolved by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That when the two Houses adjourn to-day, that they adjourn to meet on Monday next, the 10th inst., at 3 o'clock, P. M.

Adjournment.

Adopted at Dover, January 6, 1881.

CHAPTER 561.

Joint resolution appointing a joint committee to settle with C. S. Pennewill.

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 of Representatives be appointed to settle with C. S. Pennewill, Esq., in relation to expenses incurred in making alterations and improvements in the capitol building.

Committee appointed to settle with C. S. Pennewill.

Adopted at Dover, January 11, 1881.

RESOLUTIONS.

CHAPTER 562.

Preamble.

WHEREAS, by a joint resolution of the Senate and House of Representatives of the General Assembly of the State of Delaware, adopted, February 13, 1879, C. H. B. Day was authorized and empowered to collect any claim that the State may have against the General Government, under the provisions of the act of Congress approved, February 28, 1867, entitled An act for the relief of certain drafted men: Therefore,

C. H. B. Day requested to make a report to General Assembly.

Be it resolved by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That the said C. H. B. Day be, and he is hereby requested to make a report to this Assembly, setting forth his transactions and doings in this behalf together with such statements and recommendations that he may have to make.

Adopted at Dover, January 13, 1881.

CHAPTER 563.

State Treasurer to confer with Attorney General in relation to taxes claimed to be due from Nat. Banks.

Be it resolved by the Senate and House of Representatives, of the State of Delaware, in General Assembly, That the State Treasurer be and he is hereby directed to confer with the Attorney-General in relation to the arrears of taxes claimed to be due the State from certain National Banks therein, and in case the same shall appear to be due, to further confer as to the best and most economic method of collecting the same and to proceed in such manner as in his judgment shall seem best for the interest of the State.

Adopted at Dover, January 13, 1881.

RESOLUTIONS.

CHAPTER 564.

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 shall be appointed, to whom shall be referred the petition of certain citizens of St. Georges and Red Lion Hundreds, in relation to the rebuilding and maintenance of certain public roads, and that the said committee are hereby empowered and directed to go upon and view the said roads and embankments thereto adjacent, and to report by bill or otherwise.

Committee appointed to consider the petition for certain roads and embankments.

Adopted at Dover, January 19, 1881.

CHAPTER 565.

Resolved by the Senate and House of Representatives, of the State of Delaware, in General Assembly met: That the Clerks of the respective Houses be and they are hereby directed to omit the Auditor's Report from their Journals when they publish them.

Auditor's Report to be omitted from the journals.

Adopted at Dover, January 20, 1881.

CHAPTER 566.

Joint resolution appointing the Auditor of Accounts.

Resolved by the House of Representatives with the concurrence of the Senate, That John F. Staats, be and he is hereby appointed Auditor of Accounts.

John F. Staats appointed Auditor of Accounts.

Adopted at Dover, January 20, 1881.

RESOLUTIONS.

CHAPTER 567.

Joint Resolution appointing State Treasurer.

Robert J. Reynolds appointed State Treasurer.

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

Adopted at Dover, January 20, 1881.

CHAPTER 568.

Joint resolution appointing a State Librarian and custodian of the State and Capitol Buildings.

Richard R. Kenney appointed State Librarian and custodian of State Capitol building.

Inventory to be made.

Where filed.

Register to be kept.

Time for library to be open.

Compensation.

Resolved by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That Richard R. Kenney be and he is hereby appointed State Librarian and custodian of the Capitol Building, and shall take charge of the library and State Capitol building on the ninth day of April next ensuing, and continue to hold the position for two years, unless sooner removed. He shall in company with a committee for that purpose, make 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 that may be damaged or destroyed by his neglect, 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, except during the session of the Legislature and sessions of the courts in Kent County, when it shall be kept open from 8 o'clock in the morning until 9 o'clock, P. M. He shall, if requested by the Governor or Secretary of State, to 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.

RESOLUTIONS.

And be it further 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 State Librarian and custodian of the Capital shall fail to perform his duties as such officer.

Removal and appointment of successor

Adopted at Dover, January 26, 1881.

CHAPTER 569.

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 council to defend any person or persons now under indictment or who may hereafter be indicted in the District Court of the United States at Washington, 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 to employ counsel to defend persons indicted in U. S. District Court at Washington.

Adopted at Dover, January 27, 1881.

CHAPTER 570.

Joint Resolution granting an audience to the Delaware State Temperance Alliance.

Resolved, That the members of the Senate and House of Representatives do hereby accept the invitation of the State Temperance Alliance to meet them and hear their representations, and do hereby fix Wednesday, the second day of February, A. D. 1881, at seven o'clock in the evening for that purpose, to meet in the hall of the House of Representatives.

Acceptance of invitation of State Temperance Alliance.

Adopted at Dover, January 31, 1881.

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CHAPTER 571.

Joint Resolution appointing a joint committee to destroy old State Bonds.

Committee appointed to destroy old State Bonds.

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 House of Representatives to destroy a lot of old State Bonds, that have not been signed by any of the officers of the State, said bonds being now in the possession of the Farmers' Bank at Dover.

Adopted at Dover, February 2, 1881.

CHAPTER 572.

Joint Resolution.

Adjournment.

In view of the lack of accommodations to be obtained from the burning of the Capital Hotel, *Be it resolved by the Senate and House of Representatives, of the State of Delaware, in General Assembly met,* That when both Houses of the General Assembly adjourn, that they adjourn to meet on Tuesday, the eighth instant, at three o'clock P. M.

Adopted at Dover, February 4, 1881.

CHAPTER 573.

Joint committee of 5 appointed to settle with certain officers on 3d Tuesday of Jan. 1882.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That a joint committee of five be appointed on the part of the General Assembly to consist of the following two members of the Senate, viz: Charles J. Harrington and J. Wilkins Cooch; and the three fol-

RESOLUTIONS.

lowing members of the House of Representatives, viz: Moses S. Van Burkalow, Peter Robinson and John Piling, whose duty it shall be to meet at Dover, on the third Tuesday of January, 1882, for the purpose of settling the account of the State Treasurer and receiving the report of the Auditor of Accounts for the current year.

Publication of settlement with State Treasurer.

Resolved, That it shall be the duty of 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 accounts of Clerks of Legislature and Secretary of State.

Resolved, That the said committee shall have full power and authority to audit the account of the Clerk of the Senate and of the Clerk of the House of Representatives for superintending the printing of the Journals of the House of the Legislature during the present session and for making indexes thereto; also the account of the Secretary of State for superintending the printing of the Acts of the present session and for indexing the same, and make such allowance 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 said Secretary of State respectfully.

Allowance. Payment of.

Compensation of committee. How paid.

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.

Orders for expenses. By whom drawn.

Adopted at Dover, February 8, 1881.

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CHAPTER 574.

Committee appointed to consider duty in reference to Reagan Inter-State Commerce Bill.

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 take into consideration the duty of the Legislature, as representatives of the people respecting the bill now pending in the Congress of the United States, known as the "Reagan Inter-State Commerce Bill," and that said committee report to this General Assembly by joint resolution or otherwise.

Adopted at Dover, February 9, 1881.

CHAPTER 575.

Joint Resolution.

Governor's special message relating to battle of Cowpen's and documents referred to committee.

Resolved by the Senate and House of Representatives of the State of Delaware, in General Assembly met: That the special message of the Governor together with the accompanying documents relating to the battle of Cowpens and Yorktown be referred to a joint committee consisting of two on the part of the Senate and three on the part of the House of Representatives with the privilege of reporting what action in their opinion should be taken in reference thereto.

Adopted at Dover, February 9, 1881.

RESOLUTIONS.

CHAPTER 576.

Joint Resolution.

Resolved by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That the standing Divorce Committee of either House of the General Assembly may and shall meet in joint committee with any special or standing Divorce Committee of the other House, to which any case of divorce has been or hereafter shall be referred with full power vested in such joint committee to take testimony, hear and make report in such case subject to such rules and regulations as shall be adopted by such joint committee or prescribed by joint resolution of the General Assembly.

Committees on divorce to meet jointly on cases referred to either.

Power to take testimony and to act.

Adopted at Dover, February 15, 1875.

CHAPTER 577.

Resolved by the Senate and House of Representatives, of the State of Delaware, in General Assembly met, That our Senators and Representative in Congress be requested to give the matter now before the House of Representatives (introduced by Mr. Regan, of Texas, to establish a board of commissioners of Inter-State Commerce and for other purposes) or any amendment or substitute having the like end in view, their personal attention and cordial support, and that a copy of this resolution, signed by the Speaker of the Senate and House of Representatives, be forwarded to each of our U. S. Senators and our Representative in Congress.

Senators & representatives in congress quested to give Inter State Commerce bill their attention and support.

Copy hereof to be sent to them.

Adopted at Dover, February 15, 1881.

RESOLUTIONS.

CHAPTER 578.

Joint Committee on temperance.

Be it resolved by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That a joint committee of eight, three on the part of the Senate and five on the part of the House, be appointed, to whom all matters relating to temperance shall be referred.

Adopted at Dover, February 15, 1881.

CHAPTER 579.

Title. Joint Resolution supporting a joint committee to take into consideration that part of the Governor's message relating to fees of public officers.

Joint Committee appointed to consider part of Governor's message relating to fees of officers.

Be it resolved by the House of Representatives, with the concurrence of the Senate, That a joint committee of three on the part of the House and two on the part of Senate, be and are hereby appointed to take into consideration that part of the Governor's message relating to fees of public officers, with leave to report by bill or otherwise.

Adopted at Dover, February 17, 1881.

CHAPTER 580.

Wm. P. Jones appointed to purchase supplies for next Legislature.

Accounts and vouchers.

Resolved by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That William P. Jones, 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 William P. Jones, Esq., is hereby directed to present his accounts and vouchers to the Legislature at its next session for allowance.

Adopted at Dover, February 21, 1881.

RESOLUTIONS.

CHAPTER 581.

Joint Resolution relating to the commutation claims of this State against the government of the United States.

Title.

Resolved by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That William Townsend, James G. Waples, Major W. Allen and Richard G. Cooper, and all other persons having in their possession or under their control any books, papers, documents or receipts pertaining to the business of the late Commissioners of Draft of this State and especially all receipts for commutation money be and they are hereby required and directed to deposit the same in the Executive Office of this State, and it shall be the duty of the Secretary of State to give to the party or parties depositing the same, a receipt acknowledging their reception in said office. And such receipt shall be sufficient evidence of their having performed the requirements of this resolution, and that Charles H. B. Day, who was authorized and empowered by resolution of the last General Assembly to collect from the government of the United States the claims of this State for commutation be, and he is hereby authorized and directed to examine said books, papers, documents and receipts, and to select therefrom all such as may be required to be exhibited and filed in the War Department at Washington or as may be, in his judgment, useful in prosecuting said commutation claims and use the same in that behalf.

Books, papers, &c., of commissioners of draft to be deposited in Executive office.

Receipt therefor by Secretary of State. Evidence.

C. H. B. Day, authorized to examine the same and select therefrom those necessary for use.

Resolved further, That the said Charles H. B. Day be, and he is hereby directed to file in said War Department such papers, books, documents or receipts as may be required under the rules of said department to establish said commutation claims and to file in the Executive Office of this State true and correct copies of all such books, papers, documents or receipts as he may be required to file in said War Department as aforesaid, duly certified under his hand; and said copies so certified shall be as good and valid to all intents and purposes for which they may be required in this State as the original might have been.

Filing of books, &c., in War Department.

Copies to be filed in Executive office.

Copies as valid as originals.

Resolved further, That the form of said certificate should be as follows, viz: I, Charles H. B. Day, agent of the State of Delaware, duly authorized to collect all claims for commutation money due to said State from the United States, do hereby certify that the foregoing is a true copy of an original (book, paper, document or receipt as the case may be), and that said original was under the rules of the War Department of the United States demanded and required to be filed by me in said Department in the prosecution of said commutation claims.

Form of certificate of copy.

Adopted at Dover, February 23, 1881.

RESOLUTIONS.

CHAPTER 582.

Title. Joint Resolution directing the State Librarian to insure certain property of the State.

Librarian authorized to have certain property of State insured.

Authorized to draw upon State Treasurer for premiums.

Limit.

Be it resolved by the Senate and House of Representatives, of the State of Delaware, in General Assembly met, That Richard R. Kenney, the State Librarian, be and he is hereby authorized and directed to have insured against fire, in suitable companies for two successive years, the sum of fifteen thousand dollars on the capitol building, the sum of two thousand dollars on the furniture therein, and the further sum of twenty-five thousand dollars upon the contents of the State library; and he is hereby authorized to draw upon the State Treasurer for the amount of the premiums that will be required for such insurance for said two years, provided that said premiums shall not exceed in all the sum of one hundred and eighty dollars per year.

Adopted at Dover, March 2, 1881.

CHAPTER 583.

Sympathy of Legislature for the people of Ireland, expressed.

Resolved by the Senate and House of Representives, of the State of Delaware, in General Assembly met. That the people of Ireland, oppressed by the misgovernment of rulers and excited by the selfish the appeals of domestic agitators, are entitled to the sympathy of mankind, and this General Assembly tenders to them the assurance of its sincere regard and the expression of its earnest wish that such settlement of their difficulties may be had as will secure their highest and most enduring prosperity.

Adopted at Dover, March 4, 1881.

RESOLUTIONS.

CHAPTER 584.

Joint Resolution in relation to the Farmers' Bank and its branches. Title.

WHEREAS by the report of the Farmers' Bank and its branches made to His Excellency the Governor, there is in the aggregate quite a large amount of real property reported as held by the said bank and its branches, which real property they report has been purchased to secure debts due the said bank and its branches, and Preamble.

WHEREAS it is deemed unwise and unprofitable for banking institutions to hold or have invested any considerable part of their funds in real property, and

WHEREAS the State is largely interested in the said Farmers' Bank and its branches, and therefore interested in the manner of conducting the affairs of the said bank and branches, therefore

Be it resolved by the Senate and House of Representatives, of the State of Delaware, in General Assembly met, That in the opinion of this Legislature it would be wise and proper, and for the best interest of the State as a stockholder in said bank and branches, that the president and directors of the said bank and its branches would at as early a time as the same can be effected without too great a sacrifice, dispose of the said real property that is held by them, excepting the property used by them for banking purposes. Opinions of Legislature that Farmers' Bank should dispose of its real estate not used for banking purposes.

Adopted at Dover, March 8, 1881.

CHAPTER 585.

Resolved by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That the proposition to erect a memorial column in honor of the victory achieved by the valor of American soldiers at the battle of Cowpens, in South Carolina, one hundred years ago, in the cause of our "National Indepeudence," meets with the hearty and sympathetic concurrence of the people of Delaware. Preamble.

Resolved, that we cherish with gratitude and pride memories of the valor and patriotism of the brave men whose victory at Cowpens marked so important a step in the progress of the

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United Colonies to be free and independent and United States, and that the blood of Delaware men, shed in that conflict is a cement which should bind their descendants and those of their compatriots in the struggle in never dying brotherhood and unity.

$250 appropriated to help erect Cowpen's column. To whom paid.

Resolved, That the sum of two hundred and fifty dollars be and the same is hereby appropriated out of any money in the treasury, not otherwise appropriated, to be paid by the State Treasurer to the proper officer of the committee in charge of the said celebration, as a contribution of the State of Delaware to the said celebration.

Copy hereof to be sent to Mayor of Charlestown, S. C.

Resolved, That a copy of these resolutions be engrosed and forwarded by the Secretary of State to the Hon. W. A. Courtenay, Mayor of Charleston, South Carolina, and chairman of the said committee.

Adopted at Dover, March 8, 1881.

CHAPTER 586.

Title.

Joint Resolution in relation to the certificates of loan to the Philadelphia, Wilmington and Baltimore Railroad Company.

State Treasurer to sell certificates of loan of P., W. & B. R. R. Co., or to convert the same into stock.

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 and directed to sell and assign the certificates of loan held by the State against the Philadelphia, Wilmington and Baltimore Railroad Company to the highest and best bidder or bidders for the same, or if the State Treasurer shall deem it more advantageous to the interest of the State to convert said certificate of loan into stock of said company, according to the terms expressed in said certificate, and sell and assign the same, then he is hereby authorized and directed in his discretion to convert said certificates of loan into the capital stock of said company at par upon the surrender of said certificate to the said company, and to sell and assign the same to the highest and best bidder or bidders for the same.

Sale of said stock.

Adopted at Dover, March 11, 1881.

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CHAPTER 587.

Joint Resolution in relation to the Centennial Celebration at Yorktown. Title.

WHEREAS at a meeting of the Governors of the thirteen original States, held in the city of Philadelphia, in 1879, in Old Independence Hall, it was determined to celebrate the Centennial Anniversary of the Surrender of Cornwallis, at Yorktown, and Preamble.

WHEREAS it is an event in which the people of Delaware feel a profound interest on account of the significance of the results achieved by the patience, endurance, courage and patriotism of our colonial ancestors, and

WHEREAS it is proper that the remembrance of the hardships and perils incident to the revolutionary struggle should be preserved, therefore

Be it resolved by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That the Governor be and he is hereby authorized to make such arrangements as he shall deem necessary for a proper participation of the State officials and the militia in the celebration of the Centennial Anniversary of the Surrender at Yorktown. And to defray the expenses thereof he is hereby authorized to draw his warrant upon the State Treasurer for a sum of money not exceeding two thousand dollars.

Governor to make preparations for Delaware's participation in Yorktown celebration

Authorized to draw upon State Treasurer for $2,000.

Adopted at Dover, March 15, 1881.

CHAPTER 588.

WHEREAS the State Treasurer has been directed by a joint resolution recently adopted by this General Assembly to sell the certificates of loan of "The Philadelphia, Wilmington and Baltimore Railroad Company" at the best price that could be obtained therefor; and Preamble

WHEREAS such certificates represent a part of the assets of the school fund, and when converted some proper provisions should be speedily made for the investment of the funds to be

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derived from such conversion, so that an income of six per centum per annum should be received therefrom for school purposes; therefore,

Conversion of funds for sale of R. R. certificate into 6 per cent. State bonds. Payment of principal. To whom payable. Necessary legislation.

Be it resolved by the Senate and House of Representatives of the State of Delaware, in General Assembly met: That as soon as such conversion shall have been effected and the funds received by the State Treasurer, the said funds shall be invested in a bond of this State bearing interest at six per centum per annum payable semi-annually; and the principal thereof to be paid in twenty-five years from the date of such bond. The said principal and interest to be payable to the trustee of the school fund; and this General Assembly pledges itself to enact such legislation at the present session as will carry into effect the spirit of this resolution.

Adopted at Dover, March 16, 1881.

CHAPTER 589.

Title. Joint resolution in relation to the sale of the copies of the Code as amended and published in 1874.

Prothonotary to sell R. Code for $1.50.

Be it resolved by the Senate and House of Representatives of the State of Delaware, in General Assembly met: That the prothonotaries of the respective counties of this State, and their successors in office, be and they are hereby authorized and directed to sell the copies of the Code of this State, as amended and published in 1874, and now remaining unsold, at one dollar and fifty cents per copy.

Adopted at Dover, March 17, 1881.

RESOLUTIONS.

CHAPTER 590.

Joint resolution in relation to a Ship Canal. Title.

WHEREAS the States of Maryland and Delaware having charted the Choptank and Delaware and the Sussex County Ship Canal Company for the purpose of constructing a ship canal acoss the peninsula of Maryland and Delaware, connecting the waters of the Chesapeake and Delaware Bays, and opening a direct route to sea for vessels trading at the ports of Baltimore, Washington, Norfolk, Richmond, Annapolis and the interior of Delaware, thereby shortening the distance to European ports, New York, Philadelphia and the New England sea-board, some 200 miles, and avoiding the dangerous and tedious route doubling Cape Charles, thereby saving loss of life and property: and Preamble

WHEREAS this General Assembly approves of the wisdom and foresight of urging the speedy construction of said ship canal and its paramount importance to the growing wants of commerce and the great agricultural, mining and manufacturing interests of the entire country as just in proportion as a State or Nation increases and protects her agricultural and manufacturing interest, so does her commerce grow and expand: and

WHEREAS the said ship canal will afford the cheapest and most effectual means of defending the cities of Washington, Annapolis and Baltimore on the south side, and Philadelphia, Wilmington and Chester, on the Delaware, and the New England sea-board in case of war, by enabling the naval forces of the United States freely to pass from bay to bay, and on the interior lines to pass up the Atlantic Coast for the defence of the exterior points, and would also enable merchant shipping and coasting vessels to pass from bay to bay in case of danger from a hostile fleet; and

WHEREAS the Federal Government is charged with the public defence, and it is its duty to adopt the most complete modes of rendering the Capitol of the United States and the great sea-board cities impregnable, and the interest heretofore mentioned are of national, and the construction of said ship canal of international importance; therefore,

Be it resolved by the General Assembly of the State of Delaware, That the Senators and Representative of this State in the Congress of the United States, are hereby requested to urge upon Congress the importance of at once constructing said ship-canal from Ferry Creek, on the Choptank River, across to and up the Nanticoke, and to and down the Broadkiln Creek to the Delaware Bay at or near the town of Lewes. Senators & representatives in Congress to urge the construction of ship canal by the Choptank river.

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Governor to transmit copies hereof to said officers.

And be it resolved, That the Governor of this State be, and he is hereby requested to transmit a copy of these resolutions to each of the said Senators and Representatives from this State.

Adopted at Dover, March 17, 1881.

CHAPTER 591.

Title. Joint Resolution in reference to the Militia.

Adjutant General and Col. of 1st Reg't invited to address the legislature on public arms and defence.

Be it resolved by the Senate and House of Representatives, of the State of Delaware, in General Assembly met: That the Adjutant-General and Colonel S. A. Macallister be invited to address the General Assembly upon the proposed amendments to Chapter 15, of the Revised Code, entitled "Of the Public Arms and Defence," now pending in the House of Representatives, on Thursday evening, March 24, 1881, at half-past seven o'clock, in the Hall of the House of Representatives.

Adopted at Dover, March 17, 1881.

CHAPTER 592.

Invitation of Board of Education of Wil. accepted and committee appointed to inform them thereof.

Be it resolved by the Senate and House of Representatives, in General Assembly met: That the invitation of the Board of Education of the Public Schools of the City of Wilmington, be accepted and a joint committee of five, two from the Senate and three from the House be appointed to notify said board that on Wednesday, March the 23d inst., the Legislature will visit said Public Schools.

Adopted at Dover, March 17, 1881.

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CHAPTER 593.

Joint Resolution in relation to adjournment. Title.

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

First.—That no new business shall be received after 12 o'clock noon, on the twenty-second instant. Limit to reception of business.

Second.—That both Houses of the Legislature adjourn on Saturday, the ninth day of April next, *sine die.* Final adjournment.

Adopted at Dover, March 21, 1881.

CHAPTER 594.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That John R. McFee, the Insurance Commissioner, be and he is hereby authorized and empowered to have printed and bound 300 copies of his insurance report, made to the present session of the General Assembly, and that he be also authorized to prepare or cause to be prepared copies of the annual statements of all companies doing the business of insurance in this state for the year ending December 31, 1880, and tabular statements setting forth the assets, liabilities, income, expenditures and other information showing the business, condition and standing of said companies, which he may incorporate in or add to the said Insurance Report before printing and publishing the same. Printing of Insurance Report authorized. Preparation of annual statements of companies. Contents of such statements. Same to be printed with report

Resolved, That the said Insurance commissioner be, and he is hereby authorized to contract for the printing and binding of the said number of copies: and the Governor is hereby authorized, upon the certificate of the said Insurance Commissioner that said printing and binding is done to his acceptance, and also upon his certificate stating the price and the several items of charge, to draw an order on the State Treasurer for the payment of said printing and binding, according to said contract. Authorized to contract for necessary work. Warrant by Governor upon certificate for commissioner and contents of certificate.

Resolved, That the committee appointed by this General Assembly to meet at Dover, on the third Tuesday of January, 1882, for the purpose of settling the account of the State Treas- Legislature committee to audit his accounts and make him proper allowance.

urer and receiving the report of the Auditor of Accounts, shall have full power and authority, and they are hereby directed to audit the accounts of the said Insurance Commissioner for preparing copies of said annual statements and said tabular statements, and for superintending the printing of said insurance report, and shall make such allowances for said services as they may think just and proper, which said allowances shall be paid by the State Treasurer upon an order drawn by the chairman of the said committee in favor of the said Insurance Commissioner.

Payment of allowances.

Adopted at Dover, March 29, 1881.

CHAPTER 595.

Title.

A Joint Resolution in relation to moneys paid by the State of Delaware on account of bounties during the late civil war.

C. H. B. Day authorized to collect all moneys due this State on bounties &c.

Resolved by the Senate and House of Representatives of the State of Delaware, in General Assembly met: That Charles H. B. Day, be and he is hereby authorized and empowered to collect and receive from the Government of the United States any and all moneys which may be due or owing to the State of Delaware by the Federal Government for or on account of bounties paid by this State to volunteers during the late civil war, and the said Charles H. B. Day is also hereby authorized and directed to retain out of any moneys so collected and received as his compensation for his services in this behalf twenty per centum of all moneys so received, and to pay the residue thereof into the Treasury of this State, and to take receipts therefor from the State Treasurer, and make full report of his doings in the premises to the General Assembly at its session in 1883; *Provided,* that no expense incurred by said Day in making said collection shall be reimbursed by this State, but said twenty per centum shall be in full of all services rendered and expenses incurred by him.

Compensation therefor to be 20 per cent.

Payment of residue into treasury.

Not to be reimbursed for expenses.

Adopted at Dover, March 30, 1881.

RESOLUTIONS.

CHAPTER 596.

Joint Resolution for the benefit of the Breakwater and Frankford Railroad Company. Title.

WHEREAS the Legislature of the State of Delaware has at its present session passed an act, entitled "An Act to provide for the Refunding of the present Bonded Debt of this State at a Lower Rate of Interest," authorizing the funding of the debt of said State at the rate of interest of four per centum per annum; and Preamble.

WHEREAS the bonds issued by said State for the benefit of the said Breakwater and Frankford Railroad Company were under the provisions of said act authorized to be funded at said rate of interest of four per centum per annum, now, therefore

Be it resolved by the Senate and House of Representatives, of the State of Delaware, in General Assembly met, That it shall and may be lawful for the said Breakwater and Frankford Railroad Company at its semi-annual payment of interest to be made on the first day of January, A. D. 1882, and all subsequent payments of interest on the mortgage which the State of Delaware holds against the said corporation for two hundred thousand dollars until said mortgage shall fall due, to pay the interest due on said mortgage at the rate of four per centum per annum, and that the payment by said corporation to the State Treasurer of four per centum per annum on the debt of the two hundred thousand dollars in said mortgage mentioned, shall be in full discharged, and payments of all interest hereafter to become due thereon after said first day of January, A. D. 1882, until said mortgage shall fall due, as fully and to all intents and purposes as if the rate of interest on said debt in said mortgage mentioned had originally been four instead of six per centum per annum, nothing in this joint resolution contained to otherwise affect or impair the obligation of said mortgage; *Provided, however,* that in consideration of the abatement of interest hereinbefore provided for, the said company shall pay to the State Treasurer a sum of money which shall be to the whole expense of refunding the bonded debt of this State as the amount secured by said mortgage is to said bonded debt. *And provided further,* That this resolution shall not go into effect until the completion of the refunding of the bonded debt of this State as aforesaid. *And provided further,* That nothing in this joint resolution shall be construed to release the said Railroad Company from paying to the State such a sum of money as shall make its total pay-

Rate of interest on B. & F. R. R. Co's mortgage on and after Jan. 1, '82, reduced to 4 per cent.

Discharge of all interest due thereafter.

Not to otherwise impair effect of mortgage.

Company to pay its share of refunding expenses.

Resolution not to go into effect until debt is funded.

Not to release said road from any back interest due.

ment of interest equal to six per cent. annually from the date of said loan, to the time all of the said State debt shall be refunded at four per cent. yearly interest.

Adopted at Dover, March 31, 1881.

CHAPTER 597.

Title. Joint resolution for the benefit of the Junction and Breakwater Railroad Company.

Preamble. WHEREAS the Legislature of the State of Delaware, at its present session, passed an act entitled "An Act to provide for the refunding of the present bonded debt of this State at a lower rate of interest, authorizing the funding of the debt of said State at the rate of interest of four per centum per annum; and

WHEREAS the bonds issued by said State for the benefit of the said Junction and Breakwater Railroad Company, were under the provisions of said act authorized to be funded at said rate of interest of four per centum per annum: Now therefore

Rate of interest on J. & B. R. R. Co's mortgage on and after Jan. 1, '82, reduced to 4 per cent.

Be it resolved by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That it shall and may be lawful for the said Junction and Breakwater Railroad Company at its semi-annual payment of interest to be made on the first day of January, A. D. 1882, and all subsequent payments of interest on the mortgage which the State of Delaware, holds against said corporation of four hundred thousand dollars, until said mortgage shall fall due, to pay the interest due on said mortgage at the rate of four per centum per annum, and that the payment by said corporation to the State Treasurer of four per centum per annum, on the debt of four hundred thousand dollars in said mortgage mentioned, shall be in full discharge and payment of all interest hereafter to become due thereon after said first day of January, A. D. 1882, until said mortgage shall fall due as fully and to all intents and purposes, as if the rate of interest on said debt in said mortgage mentioned had originally been four instead of six per centum per annum, nothing in this joint resolution contained to otherwise effect or impair the obligations of said mortgage; *Provided however*, that

Payment thereof to discharge all interest falling due after such date.

Not otherwise to impair effect of said obligation.

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in consideration of the abatement of interest hereinbefore provided for the said company shall pay to the State Treasurer a sum of money which shall be to the whole expense of refunding the bonded debt of this State as the amount secured by said mortgage is to said bonded debt. *And provided further,* that this resolution shall not go into effect until the completion of the refunding of the bonded debt of this State as atoresaid; *Provided* that this joint resolution shall not go into effect until the owners of the second mortgage for two hundred and fifty thousand dollars on the Junction and Breakwater railroad, and the extension thereof from Lewes to Rehoboth, and the bonds issued thereon, shall enter into a legal and binding contract with said corporation to accept interest on said debt secured by said second mortgage at the rate of four per centum per annum.

Company to bear its share of expense in funding debt.

Resolution not to go into effect until completion of refunding.

Not to go into effect until holders of 2d mortgage reduced to 4 per cent.

Adopted at Dover, March 31, 1881.

CHAPTER 598.

Joint resolution in relation to the publication of Equity Reports.

Title.

WHEREAS by sundry resolutions of the General Assembly, Daniel M. Bates was authorized and requested to complete the collection and publication of the Equity Cases determined in this State in the Court of Chancery, prior to his retirement from office of chancellor, for which the sum of two hundred dollars annually was allowed to him in addition to the purchase by the State of one hundred copies of each edition at the rate of two dollars per page for the number of pages contained in any volume thereof; and

Preamble.

WHEREAS the said Daniel M. Bates, after completing the publication of the cases determined by the Chancellors prior to his own incumbency, died leaving the cases determined by himself unreported, and leaving the manuscripts of such cases in the hands of George H. Bates; therefore,

Resolved by the Senate and House of Representatives, of the State of Delaware, in General Assembly met: That George H. Bates be, and he is hereby authorized and requested to prepare for publication and to publish the cases in equity determined by the said

G. H. Bates requested to prepare and publish certain equity cases.

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Terms of publication. Daniel M. Bates, as Chancellor, upon the same terms and subject to the requirements of the several resolutions in relation to the publication of the same by the said Daniel M. Bates, except as to the number of pages to be contained in any volume as to which the said George H. Bates is to exercise his discretion, and with right to receive the same compensation to be paid in like manner as authorized and directed in said resolutions, and the money necessary to pay the said George H. Bates, for the services to be performed under this resolution in the preparation and publication of such cases, and for the volumes to be deposited in the State Library is hereby appropriated out of any money in the treasury, and shall be paid in like manner as provided in the resolutions aforesaid, authorizing the publication of Equity Reports by the said Daniel M. Bates; *Provided* that such annual sum of two hundred dollars shall not be paid for more than two years.

Compensation.

Limit.

Adopted at Dover, March 31, 1881.

CHAPTER 599.

Title. Joint Resolution concerning the recovery of certain official papers and records belonging to the State of Delaware.

Preamble. WHEREAS it has been represented to this General Assembly that certain manuscript papers and documents of great historical value and interest, comprising original public records, official letters, *et cetera*, pertaining to the colonial and early State history of Delaware, have been recently purchased for the use of the Congressional Library at Washington, from the heirs of Dr. William R. Gilbert, late of Philadelphia; and

WHEREAS it has also been represented to this General Assembly that some of the said papers and documents were taken from the archives of the State of Delaware and disposed of without lawful authority, to the said Dr. Gilbert, or to the person or persons from whom he obtained them; therefore

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Be it resolved by the Senate and House of Representatives in General Assembly met, That the Senators and Representative of this State, in Congress, be and they are hereby requested to endeavor to recover possession of such of the said papers and records as belong to this State, in order that they may be restored to the offices from which they were taken.

Senators representatives requested to recover certain State records, &c

Adopted at Dover, April 5, 1881.

CHAPTER 600.

Joint resolution appointing Directors for the Farmers' Bank of the State of Delaware.

Title.

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, agreeable to the act of the General Assembly in such case made and provided. For the principal bank in Dover, Robert Clifton, Samuel W. Hall and Edward Lord. For the branch at Wilmington, John P. Allmond, W. M. Kennard and J. P. Doughton. For the branch at New Castle, James T. Eliason, David Boulden and A. H. Silver. For the branch at Georgetown, Hugh Martin, Ebe W. Tunnell and Charles B. Houston.

Appointment of State Directors of Farmers Bank.

Dover.

Wilmington.

New Castle

Georgetown.

Adopted at Dover, April 6, 1881.

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CHAPTER 601.

Title. Joint Resolution relating to the State Capitol.

C. S. Pennewill authorized to make purchase in repair of Capitol building, &c. Authorized to draw therefor on State Treasurer. Settlement

Resolved by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That C. S. Pennewill, Esq., be empowered to purchase such things for the use and protection of the State House, and to make such repairs to the Capitol building as shall be necessary to properly protect the same from any injury or damage that may arise by reason of leaks in the roof or from any other cause. And [he is] hereby authorized and directed to draw on the State Treasurer for the amount of the expenses of the same and to present his account and voucher to the next session of the General Assembly for settlement.

Adopted at Dover, April 6, 1881.

CHAPTER 602.

Title. Joint Resolution relating to duplicate copies of works in the State Library.

Preamble. WHEREAS there are many duplicate copies of works in the State Library;

AND WHEREAS, all available space in said library is already occupied, and it is necessary that more space should be secured for deposit of the works annually sent to said library: therefore,

State Librarian to deposit books in New Castle Co. Law Library. When. Subject to call of State Librarian.

Be it 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 empowered to deposit in the Library of the New Castle County Law Library Association copies of works in the State Library when there are two or more copies of the same works; such copies when deposited with the New Castle County Law Library Association to be subject to the call of the State Librarian at any time.

Adopted at Dover, April 7, 1881.

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CHAPTER 603.

A Joint Resolution in Relation to the Breakwater and Frankford Railroad Company. Title.

Be it resolved by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That upon the due payment by the Breakwater and Frankford Railroad Company to the State Treasurer for the use of the State, of the sum of three thousand dollars on the first day of July, A. D. 1881, and on the first days of January and July, A. D. 1882, and on the first day of January, A. D. 1883, on account of interest on its mortgage to the State no process shall be had to collect the moneys secured by the said mortgage until after the fifteenth day of January, A. D. 1883; *Provided, however,* that when and as soon as the bonded debt of this State shall have been refunded in accordance with the provisions of the act passed at the present session authorizing the refunding of said debt, this resolution shall become null and void; *And provided further,* that nothing herein contained shall be so construed as to affect or impair the right of the State to collect the whole interest accrued or to accrue under the said mortgage, nor shall this resolution be treated or considered as a contract between the State of Delaware and the said company; *And provided further,* that if the clear semi-annual income of said company shall exceed the sum of three thousand dollars, the whole of such income shall be so paid and applied on account of such interest.

When process shall not be issued for interest of B. & F. mortgage.

Proviso.

Not to effect right to collect all interest.

This resolution not to be treated as a contract.

When more than that sum shall be paid

Adopted at Dover, April 7, 1881.

CHAPTER 604.

Joint Resolution Relating to the Bonds of the State. Title.

WHEREAS there has been an act passed at this session providing for the funding of the State debt into bonds bearing a lower rate of interest; and

Preamble.

WHEREAS it is expected that the funding of the bonded debt of the State provided for, will in all probability be completed before the meeting of the Legislative Committee now appointed

to settle with the State Treasurer, in January, A. D. 1882, which will leave in the hands of the State Treasurer a large number of the present outstanding bonds of the State which should be destroyed, therefore

Legislative committee to destroy cancelled bonds and make a record thereof.

Be it resolved by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That the Legislative committee appointed to settle with the State Treasurer, in January, A. D. 1882, be and it is hereby empowered and directed in case the funding of the State debt provided for by the act passed at this session shall have been effected, to destroy the bonds that will have come into the hands of the State Treasurer and to make a proper record of the number of the bonds so destroyed, together with the coupons attached to the same.

Adopted at Dover, April 8, 1881.

CHAPTER 605.

Title.

Joint Resolution directing the State Treasurer to pay James L. Wolcott and George V. Massey for legal services rendered to the State at the present session.

Certain professional services of J. L. Wolcott & G. V. Massey. Compensation for.

Resolved by the Senate and House of Representatives, of the State of Delaware, in General Assembly met, That the State Treasurer be, and he is hereby directed to pay to James L. Wolcott and George V. Massey each the sum of two hundred (200) dollars for professional services rendered to the joint committee of both houses of the General Assembly raised at the present session to consider and mature the necessary legislation for refunding the bonded debt of the State; and especially for preparing and drafting the bill entitled "An act to provide for refunding of the present bonded debt of this State at a lower rate of interest," and also the supplement thereto.

Adopted at Dover, April 8, 1881.

RESOLUTIONS.

CHAPTER 606.

Joint Resolution in relation to the Auditor's report. Title.

Be it resolved by the Senate and House of Representatives, in General Assembly met: That the clerks of the respective houses be, and they are hereby directed to omit the Auditor's Report from their Journals when they publish them. Auditor's Report to be omitted from Journal.

Adopted at Dover, April 8, 1881.

CHAPTER 607.

Joint Resolution in relation to public printing. Title.

Be it resolved by the Senate and House of Representatives of the State of Delaware, in General Assembly met: That all public officials, having any printing done at the expense of the State, shall endorse all bills for the same as correct before the same shall be allowed. Public officials to endorse bills for State printing.

Adopted at Dover, April 8, 1881.

CHAPTER 608.

Joint Resolution appointing a janitor to Capitol Building. Title.

Be it resolved by the Senate and House of Representatives of the State of Delaware, in General Assembly met: That William Hunter be, and he is hereby appointed janitor of the State Capitol Building for the term of two years from and after the ninth day of April, A. D. 1881, at the salary of one hundred dollars per annum, for which amount he is hereby authorized to draw upon the State Treasurer as other officers and servants of the W. Hunter appointed janitor of Capitol. Term. Salary. Manner of drawing same. Duties.

State do. That he shall clean the building and property of the State and do all work and service around said building that is proper to be done.

Adopted at Dover, April 9, 1881.

CHAPTER 609.

Title. Joint Resolution appropriating four hundred dollars to the contingent expenses of the office of the Secretary of State.

$400 appropriated as contingent expenses of Secretary of State. Accounts thereof.

Resolved by the Senate and House of Representatives, of the State of Delaware, in General Assembly met: That the sum of four hundred dollars be, and the same is hereby appropriated and made payable to James L. Walcott, Secretary of State, to defray the contingent expenses of his office for the present and ensuing years and that he is required to present his accounts and vouchers to the General Assembly of this State at its next session for settlement.

Adopted at Dover, April 9, 1881.

CHAPTER 610.

Committee appointed to settle with Secretary of State.

Resolved by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That a committee of five, three on the part of the House and two on the part of the Senate, be appointed to settle with the Secretary of State.

Adopted at Dover, April 9, 1881.

RESOLUTIONS.

CHAPTER 611.

Joint Resolution.

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 is hereby directed to have published forthwith, in one newspaper in each county of this State the act passed at the present session of the General Assembly entitled "An act in relation to the collection of taxes for school purposes," and he is hereby authorized to draw upon the State Treasurer for the amount of the costs of publication.

Publication of "An Act in relation to collection of taxes for school purposes," by Sec'y of State.

Payment therefor.

Adopted at Dover, April 9, 1881.

CHAPTER 612.

Joint Resolution returning thanks to the several railroad companies.

Title.

Resolved by the Senate and House of Representatives, of the State of Delaware, in General Assembly met: That the thanks of the General Assembly are hereby tendered to the several railroad companies for the courtesy of passes to the members over their respective roads during the session.

Thanks to railroad companies for passes.

Adopted at Dover, April 9, 1881.

RESOLUTIONS.

CHAPTER 613.

Collection of Senate and House Journals by R. R. Kenney.

Bound for library.

Erection of shelving.

Certificate of performance, &c., to Governor.

Warrant for cost.

Resolved by the Senate and House of Representatives, of the State of Delaware, in General Assembly met: That Richard R. Kenney, the present librarian, be, and he is hereby authorized and empowered to collect two complete sets of the Journals of both the Senate and House of this State, and have the same bound into volumes of suitable size for the use of the library; and be he further empowered to have erected all necessary shelving for books so far as the present space will allow, and contract for the work herein authorized. When the above work is done to the satisfaction of the said Richard R. Kenney, he shall certify to the Governor the sum due according to the contract stating the price and all items of charge, upon the receipt of which certificate, the Governor shall draw an order on the State Treasurer for the payment of the same.

Making catalogue.

Number of copies.

Distribution of the same.

Sale and price.

Resolved, That Richard R. Kenney is hereby authorized and empowered to make a complete catalogue of the library and have 200 copies published at his own cost and distribute the same as follows: one to the Library of each State and Territory, one to the Library of Congress, one to the Smithsonian Institute, one to Delaware College, one to the New Castle County Law Library, one to each member of the bench, and one to each of the State officers, the remaining ones to be deposited in the library and for sale by the Librarian at one dollar per copy, the proceeds to be paid to the State Treasurer.

Certificate by Sec'y of State to Governor.

Warrant of Governor.

To whom payable.

Sum.

Appropriation for same.

Resolved, That when the said catalogue is printed and deposited in the library for distribution as aforesaid, and the same certified to by the Secretary of State, the Governor be, and he is hereby authorized to draw an order on the State Treasurer, payable to the said Richard R. Kenney for the sum of five hundred dollars ($500) to reimburse him for the expense of such publication and for his services for preparing and having published the said catalogue, and that the said sum of five hundred dollars be and the same is hereby appropriated for said purpose out of any moneys in the treasury not otherwise appropriated.

TITLES OF ACTS OF INCORPORATION

Excluded from publication by act of February 17, 1866.

CHAPTER 614.

An Act to incorporate the German Library Association of the City of Wilmington.

Passed at Dover, January 20, 1881.

CHAPTER 615.

An Act to renew and continue in force, An Act to incorporate The Saint Mary's Beneficial Society, of the City of Wilmington, Delaware, passed at Dover, January 22, 1861.

Passed at Dover, January 20, 1881.

CHAPTER 616.

An Act to re-incorporate the members of The Fame Hose Company, of the City of Wilmington.

Passed at Dover, January 20, 1881.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 617.

An Act to renew and continue in force, An Act to incorporate The Saint Michael's Beneficial Society, of the City of Wilmington, Delaware, passed at Dover, January 22, 1861.

Passed at Dover, January 20, 1881.

CHAPTER 618.

An Act to incorporate "The Laurel Union Company."

Passed at Dover, January 26, 1881.

CHAPTER 619.

An Act to incorporate St. Paul's Beneficial Society, of Wilmington, Delaware.

Passed at Dover, January 26, 1881.

CHAPTER 620.

An Act to incorporate the Philadelphia, Wilmington and Baltimore Beneficial Association.

Passed at Dover, January 27, 1881.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 621.

An Act to incorporate The Ancient Order of Hibernians (Division Number 2), of Brandywine Banks, New Castle County, Delaware.

Passed at Dover, February 1, 1881.

CHAPTER 622.

An Act to incorporate The Star Club Stable Company.

Passed at Dover, February 9, 1881.

CHAPTER 623.

An Act to incorporate The Sand Blast File Sharpening Company.

Passed at Dover, February 9, 1881.

CHAPTER 624.

An Act to incorporate The Athenean Literary Society, of Delaware College.

Passed at Dover, February 11, 1881.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 625.

An Act to incorporate the "Easton and McMahon Transportation Company."
Passed at Dover, February 25, 1881.

CHAPTER 626.

An Act to renew the Act incorporating the Kiamensi Woolen Company.
Passed at Dover, February 25, 1881.

CHAPTER 627.

An Act to incorporate the Ancient Order of Hibernians (Division Number Three), of the City of New Castle, Delaware.
Passed at Dover, January 27, 1881.

CHAPTER 628.

An Act to incorporate the "Marshall Iron Company."
Passed at Dover, March 2, 1881.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 629.

An Act to incorporate The George P. Whitaker Company.
Passed at Dover, March 2, 1881.

CHAPTER 630.

An Act to incorporate The Penn Loan Association No. 2, of Wilmington.
Passed at Dover, March 4, 1881.

CHAPTER 631.

An Act to incorporate The New Castle Loan Association, of New Castle.
Passed at Dover, March 8, 1881.

CHAPTER 632.

An Act to extend an act entitled "An Act to incorporate Tripple Link Lodge, Independent Order of Odd Fellows, of Frederica, State of Delaware."
Passed at Dover, March 14, 1881.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 633.

An act to incorporate the Wilmington Real Estate Company.
Passed at Dover, March 15, 1881.

CHAPTER 634.

An Act to renew the charter of the Kennebec Ice Company, and to change the name thereof.
Passed at Dover, March 15, 1881.

CHAPTER 635.

An Act to incorporate the Dover Gas Light Company.
Passed at Dover, March 21, 1881.

CHAPTER 636.

An Act to incorporate "The Peninsular Transportation Company."
Passed at Dover, March 24, 1881.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 637.

An Act to incorporate the "Delaware Steam Appliance Company."
Passed at Dover, March 24, 1881.

CHAPTER 638.

An Act to incorporate the James and Webb Printing and Stationery Company.
Passed at Dover, March 28, 1881.

CHAPTER 639.

An Act to incorporate the New Castle and Delaware Elevator Company.
Passed at Dover, March 30, 1881.

CHAPTER 640.

An Act to incorporate "The Atlantic and Carribean Steam Navigation Company."
Passed at Dover, March 31, 1881.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 641.

An Act to incorporate the "Jackson Lime and Marble Company."
Passed at Dover, March 31, 1881.

CHAPTER 642.

An Act to re-enact the act entitled "An Act to incorporate the Sisters (of Charity) of St. Peter's School, and to grant said corporation certain lands in Mill Creek Hundred."
Passed at Dover, April 1, 1881.

CHAPTER 643.

An Act to incorporate The News Publishing Company.
Passed at Dover, April 1, 1881.

CHAPTER 644.

An Act to incorporate "The Kent County Paper Manufacturing Company."
Passed at Dover, April 4, 1881.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 645.

An Act to incorporate "The Brandywine Cornet Band of Wilmington, Delaware."

Passed at Dover, April 4, 1881.

CHAPTER 646.

An Act to incorporate the Ancient Order of Hibernians No. 1, of the City of Wilmington.

Passed at Dover, April 5, 1881.

CHAPTER 647.

An Act to incorporate "The Delaware Manufacturing Company."

Passed at Dover, April 6, 1881.

CHAPTER 648.

An Act to incorporate "The Delaware Elevator Company."

Passed at Dover, April 6, 1881.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 649.

An Act to incorporate the William Lea and Sons Company.
Passed at Dover, April 6, 1881.

CHAPTER 650.

An Act to incorporate the "Exchange Building Company, of Wilmington, Delaware."
Passed at Dover, April 7, 1881.

CHAPTER 651.

An Act to incorporate the Wilmington Malleable Iron Company.
Passed at Dover, April 7, 1881.

CHAPTER 652.

An Act to incorporate the "Capelle Hardware Company."
Passed at Dover, April 7, 1881.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 653.

A Supplement to the act entitled An Act to revive Chapter DCX, of the Eleventh Volume, of the Laws of the State of Delaware, entitled An Act to incorporate the Delaware City, Salem and Philadelphia Steamboat Navigation Company, passed at Dover, January 29th, 1879.

Passed at Dover, April 7, 1881.

CHAPTER 654.

An act to incorporate "The Farmers Market Company, of Wilmington."

Passed at Dover April 7, 1881.

CHAPTER 655.

An Act to incorporate The Delaware Heat, Light and Water Company.

Passed at Dover April 7, 1881.

CHAPTER 656.

An Act to incorporate The Shipley Street Drain Company, of Wilmington.

Passed at Dover, April 7, 1881.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 657.

An Act to incorporate the "Diamond State Wheel Company."
Passed at Dover, April 8, 1881.

CHAPTER 658.

An Act to incorporate the "J. M. Chambers Packing Company."
Passed at Dover, April 8, 1881.

CHAPTER 659.

An Act to incorporate the Arlington Mills Manufacturing Company.
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CHAPTER 660.

An Act to incorporate The Star of Bethlehem, of the Town of Milford, Kent County, Delaware.
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CHAPTER 662.

An Act to incorporate the Delaware Locomotive Company.
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CHAPTER 663.

An Act to incorporate the Farmers' Loan and Improvement Association.
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CHAPTER 664.

An Act to incorporate The Gregg and Bowe Carriage Company, of Wilmington.
Passed at Dover, April 8, 1881.

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CHAPTER 665.

An Act to re-enact an act, entitled "An Act to incorporate The Academy of the Visitation, of Wilmington," passed at Dover, April 4, A. D., 1873, and for other purposes.

Passed at Dover, April 8, 1881.

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CHAPTER 666.

An Act for the relief of Robert D. Hoffecker and John S. Hoffecker.
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CHAPTER 667.

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CHAPTER 668.

An Act to authorize the execution of a deed for certain real estate of an insane person.
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TITLES OF PRIVATE ACTS.

CHAPTER 669.

An Act for the relief of Laura C. Drake.
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CHAPTER 670.

An Act for the relief of the heirs of James P. Walls, deceased.
Passed at Dover, March 16, 1881.

CHAPTER 671.

An Act to divorce Sylvester G. Downs from his wife Clara A., and for other purposes.
Passed at Dover, March 18, 1881.

CHAPTER 672.

An Act to divorce Robert Alvin Cochran and Emma Cochran, a vinculo-matrimonii.
Passed at Dover, March 22, 1881.

TITLES OF PRIVATE ACTS.

CHAPTER 673.

An Act to divorce James A. Conner from his wife Clara V. Conner.
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CHAPTER 674.

An Act to authorize William W. Dashiell to locate certain vacant lands in Sussex County, and complete his title to the same.
Passed at Dover, March 30, 1881.

CHAPTER 675.

An Act for the relief of the heirs of James Price, deceased.
Passed at Dover, March 30, 1881.

CHAPTER 676.

An Act to divorce Nathaniel Holmes from his wife Helen M.
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CHAPTER 677.

An Act to divorce Ann E. Davis from her husband Robert Davis.
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CHAPTER 678.

An Act to divorce Samuel Tippet from his wife Matilda.
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CHAPTER 679.

An Act to divorce Georgiana Hadley and Frank Hadley from the bonds of matrimony.
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CHAPTER 680.

An Act to divorce Samuel H. Otwell and Hannah A. Otwell from the bonds of matrimony.
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CHAPTER 683.

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CHAPTER 686.

An Act to divorce William T. Burton and Irena Burton, his wife, from the bonds of matrimony.

Passed at Dover, April 8, 1881.

SECRETARY'S OFFICE,

DOVER, July 30, 1881.

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 fourth day of January, A. D. 1881.

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.

Through a mistake of the printer Chapter 307 was put under Title First instead of under Title Second, where it properly belongs.

JAMES L. WOLCOTT,

Secretary of State.

ERRATUM.

The word "northwesterly," in line 10, Section 1, Chapter 454, (line five of page 527,) should be "northeasterly," as in enrolled bill.

J. L. WOLCOTT, *Secretary of State.*

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