An Act to incorporate the town of Felton and for other purposes

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met two thirds of each Branch of the Legislature concurring.

Section 1. That John T. Carter Nathaniel E. Luff, John Clifton & Andrew J. Wright and Dr Joseph Simpson are hereby appointed Commissioners whose duty it shall be with the assistance of a skilled Surveyor to be by them chosen, to survey and lay down on a plot the town of Felton describing its limits and marking and describing its Streets alleys, Lanes and Side walks; and shall when all the Service is performed return the plot under their hands to the Recorders Office at Dover to be recorded, and the original and the record or certified copy thereof, shall be evidence. All the Commissioners must act, but the decision of a majority shall govern. They and the Surveyor before entering on the duties under this section shall take an oath or affirmation, to discharge them with fidelity; and the aforesaid return shall show that this qualification was complied with.

Section 2. The Commissioners hereby appointed, and their Successors in office, to be chosen as hereinafter provided shall be a body politic and corporate in fact and in law by the name of the Commissioners of Felton and shall sue and be sued by that name. They shall in addition to the powers herein before conferred have power to regulate the Streets Lanes, alleys and side walks of said town and may direct the laying or such part thereof as they may determine to

to be paved or otherwise improved, at the expense of the owners of the ground adjacent: on complaint of any citizen, to examine any chimney stove pipe fixtures or any other matter dangerous to the town and if adjudged dangerous to require and compel it to be repaired or remedied: to prevent or remove nuisances therein. to prohibit the firing of guns or pistols: the making of bonfires, or letting off of fireworks or any dangerous sport or practice: and to prevent or suppress any noisy and turbulent assemblages of negroes, boys or other persons within the town: and generally they shall have any and all of the powers which by any law of this State are confered on the Commissioners of the town of Dover.

Section 3. The Commissioners herein named shall continue in office till the first Saturday in March A.D. 1862. on which day in that year and on the same day in every year thereafter, there shall be held an election in the said town of Felton at the Fountain House Hotel, from the hour of two, till the hour of four o'clock P.M. for five commissioners who shall be residents of said town, and freeholders therein. The said election shall be held by two persons chosen by the voters present, who shall receive the ballots, ascertain the result, and certify the same in the town Record. At such election every white male and female by proxy, taxable of said town above the age of twenty one years, provided such female be unmarried shall be entitled to vote. The two citizens aforesaid shall be the Judges of said election and shall decide on the legality of the votes offered.

Section 4. There shall be four stated meetings in every year of the said

Commissioners, viz: on the third Saturday in March June September and December, at which Meetings they may pass all such ordinances or rules for the good government of the said Town, the improvement of the Streets, to have a stone pavement of the side walks, the planting and protection of ornamental trees, to open and making of public pumps, and for all other matters relating to the said Town, its police, improvements, ornament, and general welfare, as by said Commissioners may be deemed proper, provided the same be not repugnant to the Constitution & Laws of this State. By such ordinances they may impose fines, penalties and forfeitures, and provide for their collection.

Section 5. The aforesaid Commissioners shall at their first Stated Meetings in every year determine the amount of tax to be raised in said town for that year not exceeding one hundred dollars, excluding the dog tax, and shall appoint an assessor to make an assessment of persons and property therein, and shall also appoint a collector and treasurer. It shall be the duty of the assessor of said Town within two weeks from his appointment, to make a true, just, and impartial valuation and assessment of all the real estate and assessable personal property within said town, and also an assessment of all the White male citizens residing in said town above the age of twenty one years, as well those owning real estate, as those not owning such estate, within its limits, and also to ascertain the number of dogs in said town, and the owners of such dogs, assessing each dog to the owner thereof at fifty cents, and the said assessor shall forthwith after making such assessment, deliver to the Commissioners for the time being a duplicate containing the

names of all the persons assessed, and the amount of their assessment distinguishing the real and personal assessments of each. When the assessment is returned the commissioners shall give five days public notice of that fact and that they will sit together at a certain day and place to be designated by them from one to four o'clock in the afternoon to hear appeals from said assessment. They shall have power at such day to add to or decrease any assessment except that of dogs which shall always be fifty cents to each owner or keeper of one dog. When the appeal day has passed they shall without delay cause the assessment list to be transcribed and the transcript to be delivered to the collector who shall thereupon collect from each taxable his proportion of the tax laid and pay over the whole amount deducting commissions and delinquencies which shall be allowed by the commissioners to the treasurer by the first day of September next after the receipt of his duplicate. The collector shall have the same powers for the collection of the said taxes as are conferred by the law on the collectors of County taxes.

Section 6. The commissioners or a majority of them shall have authority to employ the money of the treasury of the town for the general improvement and benefit and ornament of the said town as they may deem advisable, and all money paid out by the treasurer shall be paid upon the order of the commissioners or a majority of them.

Section 7. Any ordinance for the pareing or improving of the side walks shall apply only to those persons owning the property fronting upon them. Who and who alone shall bear the expense of making the pavements or other improvements ordered. If such ordinance

be not complied with Within three months the Commissioners may procure the materials and work to be found and done, and collect the expense of the same on ten days notice by advertisements at four of the Stores of said Town out of the personal or real estate of the defaulter within the limits of the town. The Sale may be made by anyone whom they may depute for that purpose and if the proper notice has been given the Sale shall be valid and transfer all the title of the defaulter in such property to the purchaser subject to prior liens and incumbrances. The money realized from the Sale shall be paid to the Treasurer for the use of the Town; but if there be any Surplus after meeting the claim for which the Sale was made it shall be paid to the defaulter. The commissioners shall allow reasonable fees for seizing the property and making Sale.

Section 8. The Justices of the Peace resident in the said Town of Felton or if there be more than one the oldest in commission, and if no Justice of the Peace shall reside in the Town then the Justice longest in Commission holding Office there shall be the Town Alderman; and all the provisions of the Act 11th February 1841 9th Vol: 549. which appertain to the Alderman of the Town of Dover shall be applied and extended to him as Town Alderman of the Town of Felton. The Constable resident in said town and in case no such Officer resides in the town then the Constable resident nearest thereto shall be the town Constable and all the provisions of the Act aforesaid shall be applied to him as town Constable of the town of Felton.

Section 9. All the provisions of the several Acts of the General Assembly of this State in relation to the town of Dover aforesaid not inconsistant with this Act may be applied

by the commissioners of the town of Felton to the government of that town and shall have the same effect when so applied: and all proceedings in accordance with them shall be as valid as if they were authorized in this charter.

Section 10. The commissioners named in the first section of this act, in fixing and establishing the limits of the town of Felton shall start at a point in the centre of the road leading from Frederica through Felton to Barrytown where the Delaware Railroad crosses the same, and shall not extend the limits of the said town of Felton over one quarter of a mile in any direction from said point. Nor shall they have power to close any street lane or alley, now open in said town, upon which any buildings or improvements have been erected, but shall cause the same to be laid down on the plot required to be returned to the Recorders office at Dover, by the first section of this act.

Section 11. The treasurer and collector shall be severally sworn or affirmed, to discharge their respective duties with fidelity by any Justice of the Peace of this State.

Section 12. In case of necessity the Alderman is hereby authorized to appoint a special constable, to execute any duties required to be performed by the town constable and he shall act in the discharge of such duties under a penalty of five dollars to be imposed by the Alderman and collected as other fines.

Section 13. The commissioners shall appoint a town clerk who shall keep a record of the proceedings of the commissioners and the same shall be evidence.

Section 4. The Commissioners named in this act or their successors shall have no power to tax any unimproved property within the limits of said Town.

Passed at Dover.
February 21. 1861.

John S Williamson
Speaker of House of Rep
John Martin
Speaker of the Senate

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the Town of Felton
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Copied

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