

L A W S
OF THE
STATE
OF
DELAWARE,

FROM THE SECOND DAY OF JANUARY, ONE THOUSAND SEVEN
HUNDRED AND NINETY-EIGHT, TO THE TWENTY-
FIFTH DAY OF JANUARY, ONE THOUSAND
EIGHT HUNDRED AND FIVE.

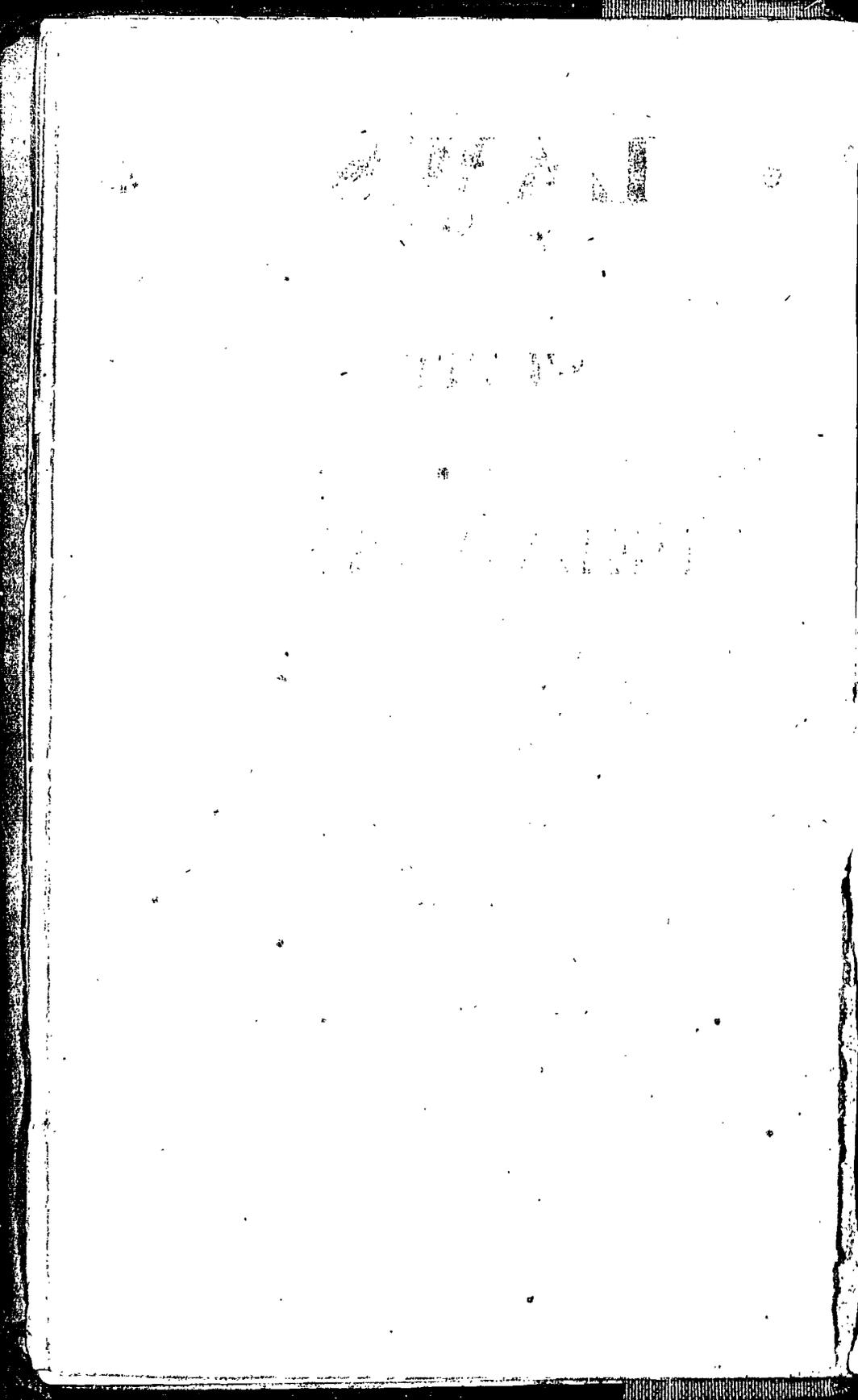
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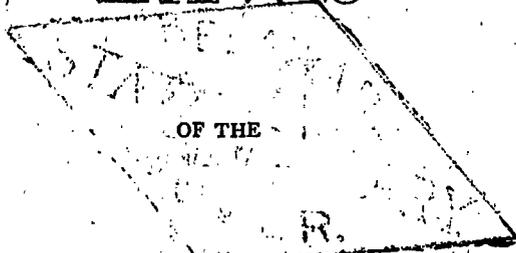
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1816.
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LAWS



STATE OF DELAWARE.



CHAP. I.

CHAP.
I.
1798

An ACT to prevent the issuing of warrants for the location of land.

BE it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That, from and after the passing of this act, it shall not be lawful for the Recorder of Deeds, in any county in this State, to issue any warrant, directed to the surveyor of the county, authorising him to survey and locate any land or lands whatever; and that no surveyor of any county shall survey, locate, or make any plot of any lands upon any warrant of any recorder, which may be hereafter issued; and that all and every such warrant, survey, location, and plot shall be utterly null and void; any law to the contrary thereof in any wise notwithstanding.

Warrants issued hereafter, and surveys made thereon, declared void.

Passed January 11, 1798.

C H A P.

II.

1798

C H A P. II.

An ACT to provide for the erection of a public bridge across Broad-creek, in the county of Sussex.

Commissioners appointed to erect a bridge over Broad-creek,

and to make the necessary roads and causeways to and from the same.

The place for the erection of the bridge, &c. shall be ascertained by a jury;

SECTION 1. **B**E it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That William Barclay Cooper, William Townsend, and Manaen Bull, of the said county, or any two of them, are hereby authorised and empowered to cause to be erected, as soon as may be, a safe, good, and sufficient bridge and abutments over Broad-creek in the said county, at such place between the saw-mill of George Mitchell and the landing of Isaac Cooper, on the said creek, as the freeholders herein after directed to be summoned for that purpose, or any four of them, may determine is most conveniently situated for the erection of the same: and the above named Commissioners, or any two of them, are hereby further empowered to have the necessary roads and causeways leading to and from the said bridge, made in the direction, and for the distance, which shall be assigned by the said freeholders, or any four of them.

SECT. 2. *And be it further enacted,* That it shall and may be lawful for the said Commissioners, or any two of them, to apply to the Prothonotary of Sussex county, and thereupon the said Prothonotary is hereby required and directed, by a writ directed to the Sheriff of the said county, to cause six good and substantial freeholders of said county, not inhabitants of either of the said hundreds of Little-creek or Broad-creek, to attend and view the premises in the presence of the parties interested, if they will attend upon notice given them by the Sheriff for that purpose ten days at least before the meeting of the said Sheriff and freeholders, who shall, upon their oaths or affirmations respectively, to be administered by the said Sheriff, determine the place most proper for the erection of the said bridge, and the roads and causeways leading to and from the same, and thereon to proceed to ascer-

tain the place for the erection of the said bridge, and to survey and lay out the roads to and from the said bridge; and also by their verdict to say and determine, whether any and what damages the owner or owners of any land through which the road and causeway may be laid; and after a verdict given by a majority of said freeholders, the Sheriff is hereby commanded, by a certain instrument in writing, under his hand and seal, and the hands and seals of the said freeholders, or a majority of them, to certify and return the verdict and determination of the said freeholders into the Court of General Quarter Sessions of the Peace, where (if the same shall be approved by the said Court) the same shall remain upon record, and be deemed and taken a public bridge, road, and causeway: *Provided always,* That the said verdict and determination so made and determined as aforesaid shall not be confirmed by the said Court, until the damages so assessed as aforesaid, if any, be paid or tendered by the Commissioners, or any one of them, to the owner or owners through whose land the said road or causeway may be laid.

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who shall also determine the damages.

Verdict not to be confirmed till damages be paid or tendered

SECT. 3. *And be it further enacted,* That the said bridge shall be so constructed as to admit boats without masts, scows, and stocks, to pass under it with ease and convenience; that the abutments and causeway shall be at least twenty feet wide, and the bridge at least sixteen feet wide; that there shall be made on each side of the bridge and abutments, a strong railing, at least three and an half feet high: And the said Commissioners, or any two of them, are hereby required to appear before, and account for such monies as may come into their hands, with the Commissioners of the Levy Court of the said county, at their meeting to be held on the first Tuesday of February, in the year of our Lord One Thousand Seven Hundred and Ninety-nine, and at such other times as the Commissioners of the said Levy Court may think proper to appoint.

Bridge, how to be constructed, &c.

Commissioners to account with the Levy Court.

SECT. 4. *And be it further enacted,* That the commissioners of the Levy Court of said county are hereby au-

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Additional rate
to be laid on the
hundreds of
Broad-creek &
Little-creek.

thorised and required, at their meeting on the first Tuesday in February next, to lay such additional sum on the quota of the county tax to be paid by the people of the hundreds of Broad-creek and Little-creek in the said county, as will be sufficient to raise, in each of those hundreds, the sum of one hundred and fifty dollars, clear of all delinquencies and charges of collection; which sum of money, or any part of it, as soon as it is paid into the Treasury of the said county, shall be liable for the orders of the said commissioners, or of any two of them.

Allowance to
the Sheriff and
freeholders.

SECT. 5. *And be it further enacted,* That there shall be paid, by the said commissioners, two dollars to the sheriff, and to each of the said freeholders the same sum, for every day's attendance on the business assigned them by this act; and the amount thereof shall be allowed the said commissioners, on the settlement of their accounts with the said Levy Court, out of the money herein before directed to be levied for the purpose aforesaid; and if any of the Commissioners herein appointed shall refuse to serve, die, or remove to any distance above ten miles from said bridge, or be rendered incapable of acting before the said bridge, roads, and causeways are completed, the commissioners of the Levy Court shall nominate and appoint, in writing, some other person or persons; which said person or persons, so appointed, are hereby empowered and authorised to act in the premises, as fully as if he or they had been appointed by this act.

When new
Commissioners
shall be appoint-
ed and by
whom.

How the
bridge, &c.
when complet-
ed, shall be
maintained.

SECT. 6. *And be it further enacted,* That the said bridge, abutments, causeways, and roads, when they are completed, shall thereafter be maintained, repaired and kept up, at the joint expense of the hundreds of Broad-creek and Little-creek; and whenever any disputes arising between the overseers of the roads of the said hundreds, relating to the said bridge, abutments, roads, or causeways, cannot be adjusted, the commissioners of the Levy Court of the said county may, from time to time, confide the exclusive management of repairing the said bridge, abutments, roads, and causeways, to such person or persons as

Power of the
Levy-Court as
to reparation.

they may see proper, and under such regulations and restrictions as they may provide.

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Passed January 16, 1798.

This section repealed by chap. cv. in 4th Vol. 299, where it is declared that the Bridge shall be a public Bridge, and repaired at the expence of Sussex County.

C H A P. III.

An ACT to prevent the erection of booths, or selling of spirituous or other liquors, in any county-town on the day of the annual election; and for other purposes.

1798

WHEREAS the practice of erecting booths, and selling spirituous or other liquors, in the county towns in this State, on the day of the annual elections, is pernicious to the morals of the people, destructive of the freedom of election, and productive of riotous and disorderly behaviour, to the great disturbance of the peace of the State. Preamble.

SECT. 1. *BE it therefore enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That if any person or persons shall, on the first Tuesday of October of any year, or on the day next preceding or succeeding that day, set up any booth, stall, or other convenience, for the selling of spirituous or other liquors, or shall, on the said first Tuesday of October in any year, with or without such booth, stall, or other convenience, sell, or expose to sale, any wine, rum, brandy, whisky, perry, cyder, porter, beer, metheglin, mead, or other vinous, spirituous, or malt liquor, in any town in this State within which the annual election of members of the general assembly shall be holden, or at any place within two miles of the town or place in which such annual election shall be holden, he, she, or they, shall for every such offence, forfeit and pay to the State the sum of twenty dollars, to be recovered by indictment in the court of General quarter sessions of the peace and jail delivery in the county in which such offence shall be committed.

Penalty for erecting booths, stalls, &c. or selling strong liquors, in county-towns on the day of the annual election.

Mode of recovery.

C H A P.
III.

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Proviso, as to
tavern-keepers
and merchants.

SECT. 2. *Provided always*, That this act shall not be construed to hinder any tavern-keeper, merchant, or other person, from selling liquors in their respective tavern-houses, stores, or other houses, in any such town or place, or within two miles thereof, on the said first Tuesday of October, in the same manner as by law they are permitted to sell at other times.

Justices of the
peace and Con-
stables required
to attend at the
County-town
on the day of
annual election :

and to suppress
such booths, or
stalls.

SECT. 3. *And* for the more effectual suppression of booths, stalls, and other conveniencies for the selling, giving away, or otherwise disposing of spirituous or other liquor, in the said towns in this State, on the said first Tuesday in October, *Be it enacted by the authority aforesaid*, That each and every Justice of the peace and constable in the respective counties in this State, are hereby commanded and required to repair to the town or place in their counties respectively, in which the annual election of the members of the general assembly shall be holden, on the said first Tuesday of October, and there attend from ten o'clock in the forenoon to six o'clock in the afternoon of that day ; and if it shall appear to any Justice of the Peace, upon his own view, or upon the oath of any credible witness, (or upon his or her affirmation, he or she being conscientiously scrupulous of taking an oath) that any person or persons hath or have set up any booth, stall or convenience for the selling, giving away, or otherwise disposing of liquor, in any town or place in this State within which such annual election shall be holden, or within two miles of the town or place within which such annual election shall be holden, on the said first Tuesday of October, each and every such Justice is hereby authorised, required, and directed, to call to his aid and assistance all other Justices of the Peace, and all and every the constables, and other citizens of the county, and forthwith, together with such other Justices, and with the constables and other citizens, to prostrate, beat down, and remove all and every such booth, stall, and other convenience ; and the said Justice shall make a record of such suppression in the following form of words, or in any other form to the like effect :

Record of sup-
pression.

county, *to wit* ; *Be it remembered, that on*

this first Tuesday of October in the year I, A.
B. one of the Justices of the Peace of county,
do suppress a booth of in the town of
(or within two miles of the place within which the annu-
at election is holden,) as the case may be, in pursuance
of an act of the General Assembly in such case made
and provided; which record shall be certified to the
next Court of General Quarter Sessions of the Peace,
there to be filed amongst the records thereof.

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 1798

SECT. 4. *And be it further enacted by the authority aforesaid,* That if any Negro or Mulatto slave or slaves, or Negro or Mulatto servant, or apprentice, of any person or persons who does not or do not reside within the limits of the town, in which such annual election as aforesaid shall be holden, shall be found within the limits of such town on the first Tuesday of October in any year, the master or mistress of all and every such Negro or Mulatto slave or slaves, or servant, or apprentice, on conviction thereof before any one Justice of the Peace of the county, either upon his own view, or upon the oath of any credible witness, (or upon his or her affirmation, he or she being conscientiously scrupulous of taking an oath) shall forfeit and pay to the State for every such Negro or Mulatto slave, servant, or apprentice, Two dollars, to be recovered with costs, by distress and sale of the master's or mistress' goods and chattels, by warrant under the hand and seal of the Justice before whom such conviction may be had: *Provided nevertheless,* That in case of sickness, it shall be lawful for any master or mistress to send any Negro or Mulatto slave to any such town or place as aforesaid for necessaries for any sick person in his or her family, or to any physician for medical assistance, for the said slave there to remain for any space of time not exceeding one hour; such master or mistress giving such slave written orders for that purpose. *And provided always,* That in case any such Negro or Mulatto slave or slaves, servant or servants, apprentice or apprentices, shall go to any such town or place on the day aforesaid, without such written orders as aforesaid, that then and in such case, it shall and may be lawful for any Jus-

If any Negro or Mulatto slave, servant, or apprentice, of persons not residing within such town, be found therein on the day of the election, the master or mistress shall forfeit Two Dollars.

Proviso.

Such slave, servant, or apprentice, to be also imprisoned.

CHAP.
III.
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tice to imprison him, her, or them, in the jail of the said county for any time not exceeding forty-eight hours; the costs of which said imprisonment shall be deducted from the forfeiture aforesaid.

Penalty on free Negroes or Mulattoes, not residing within such town, being found therein on the day of the election.

How recovered

Proviso.

SECT. 5. *And be it further enacted by the authority aforesaid,* That if any free Negro or free Mulatto, who does not reside within the limits of such town as aforesaid, shall be found within the limits of such town on the first Tuesday of October in any year, every such free Negro or free Mulatto, on conviction thereof before any one Justice of the Peace of the county, either upon his own view, or upon the oath of any credible witness, (or affirmation, he or she being conscientiously scrupulous of taking an oath) shall forfeit and pay to the State Two dollars, to be recovered with costs as is directed in the fourth section of this act; and in case such offender shall not have goods and chattels, wherefrom the said forfeiture and costs may be made, then he or she shall be committed to the public jail of the county, there to remain till the same are fully paid and discharged: *Provided nevertheless,* That in case of sickness, it shall be lawful for any free Negro or free Mulatto to go to any such town or place for necessaries for any sick person in his or her family, or to any physician for medical assistance, and there to remain for any space of time not exceeding one hour.

How Negroes or Mulattoes residing therein, shall be punished for disorderly behaviour on that day.

SECT. 6. *Be it enacted,* That if any free Negro or Mulatto, or Negro or Mulatto slave, residing within the limits aforesaid, shall be guilty of any riotous or disorderly behaviour on the aforesaid first Tuesday of October, he or she shall, in the manner and by the authority aforesaid, be imprisoned for the same for any length of time not exceeding twenty-four hours, and punished further for any offence or offences they may commit, in the same manner as the law directs in such cases.

SECT. 7. *And be it enacted,* That the Justice of the Peace before whom any person shall be convicted, agreeably to the fifth or sixth sections of this act, shall make a record of such conviction in the following