

LAW S

OF THE

STATE

OF

DELAWARE,

FROM THE SEVENTH DAY OF JANUARY, ONE THOUSAND
EIGHT HUNDRED AND SIX, TO THE THIRD DAY
OF FEBRUARY, ONE THOUSAND EIGHT
HUNDRED AND THIRTEEN.

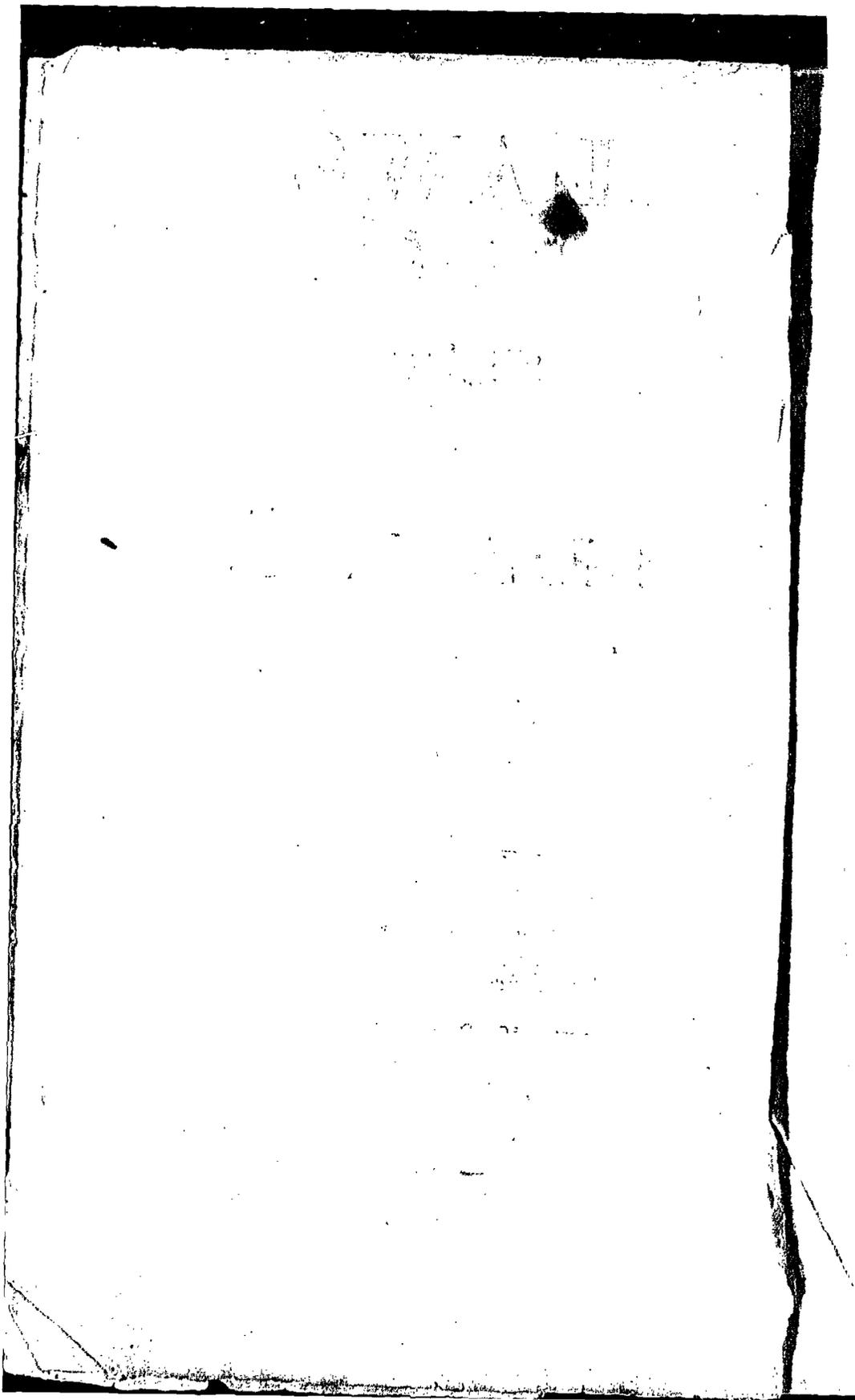
VOLUME IV.

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1816.



L A W S

OF THE

STATE OF DELAWARE.

C H A P. I.

C H A P.

I.

1806

An ACT to change the name of Duck-Creek Cross-Roads, to Smyrna.

SECTION 1. **B**E it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That the village, situate in Duck-Creek hundred, in Kent county, now called and known by the name of Duck-Creek Cross-Roads, shall from and after the passing of this act, be called, taken and known by the name of Smyrna; and that all acts of the General Assembly of this State, deeds and other instruments of writing, in which Duck-Creek Cross-Roads aforesaid is named, shall be construed and taken to relate to the said village, hereby called Smyrna; and that in all legal proceedings, which may have any relation to the said village, or in which it may hereafter be necessary to use the name of the same, it shall be called Smyrna, instead of Duck-Creek Cross-Roads.

The name of Duck-Creek Cross-Roads changed to Smyrna.

Passed at Dover, Jan. 16, 1806.

CHAP.

II.

1806

C H A P. II.

An ACT for enabling Joshua Jones to remove his mill and erect a dam on Swan-Creek, at a place one hundred and seventeen perches on the several water courses from said Jones' old mill, down said Creek, in Indian-River hundred, and county of Sussex; and for the condemnation of two acres of land on the south-west side of said creek, at the place aforesaid.

Passed at Dover, Jan. 22, 1806.—Private act.

C H A P. III.

Chap. 135, 3 vol.
p. 298.

A Supplement to an act, entitled, "An act, authorizing the distribution of certain public papers relating to lands in this State."

Certain public
papers from
Pennsylvania,
to be recorded.

SECTION I. **B**E it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That the public papers, relating to lands in this State, which have been deposited, or hereafter shall be deposited in the several offices for recording of deeds for the counties of this State, respectively, under the authority, and according to the directions of the act, to which this is a supplement, which in any wise relate to or make the title or part of the title to any lands, tenements or hereditaments in the respective counties of this State, or which shall be deemed necessary or useful by such person or persons as shall be appointed in each of the counties of this State, to view and examine the said papers, which now remain upon the files in the several

offices for recording of deeds for the counties of this State respectively, shall within twelve months be recorded by the recorder of deeds for the respective counties of this State, in one or more well bound books or books in folio, by the said recorder of each county for that purpose to be provided; and the book or books wherein the said papers shall be so recorded, shall be deemed and taken as public records; and it shall be lawful for the recorders respectively to make out and grant exemplifications thereof, which shall be taken and received as evidence, in the same manner as exemplifications from the originals heretofore have been taken and received, and for each and every exemplification made from said record, the recorders respectively may ask and receive the same fees as they are entitled to receive for similar services by the act, entitled, "An act for regulating and establishing fees."

CHAP.
III.
1806.

The books to be deemed public records.

Exemplifications thereof, evidence.

SECT. 2. *And be it enacted,* That the governor be, and he is hereby authorized and required to appoint three persons in each of the counties of this State, whose duty it shall be carefully and diligently to examine the said papers, and report in writing to the recorder of the county, where they shall be appointed, all such papers as they, or a majority of them, shall deem useful and necessary to be recorded; and the said persons, to be appointed as aforesaid, or a majority of them in each county, are hereby authorized and required, when the recorder of the county, where they are appointed, shall have entered of record the papers by them to be selected as aforesaid, carefully and diligently to compare the said record with the originals, in their respective counties, and certify the same under their hands and seals in the said book or books, and make such allowance as they shall deem a reasonable compensation for the recording said papers, and the cost of procuring a book or books for that purpose; and the said persons, so to be appointed as aforesaid, shall draw, in their respective counties,

Governor to appoint persons to examine and report the papers to be recorded, &c.

Allowance for recording.

C H A P.
IV.
1806

an order or orders on the treasurer of their respective counties for the payment hereof, which shall by him be paid and discharged out of the monies in his hands.

Compensation
to the persons
so appointed.

Their qualifica-
tion.

SECT. 3. *And be it enacted*, That the persons who shall be appointed as aforesaid, shall have and receive for their services, such sum or sums of money, as the Levy court of each county shall deem reasonable, not exceeding two dollars each; for each and every day they shall be engaged in the performance of the duties herein required of them; and they and each of them shall, before they enter upon the duties required of them by this act, take an oath or affirmation before some person lawfully qualified to administer the same; that they and each of them, will faithfully and diligently discharge the trust reposed in them.

Passed at Dover, January 23, 1806.

C H A P. IV.

A supplement to an act, entitled. "An act to authorize the owners and possessors of Hudson's Branch, and low grounds adjacent, situate in the forest of Murderkill hundred, in Kent county, to cut a ditch or drain through the same."

Passed at Dover, Jan. 23, 1806---Private act.

CHAP.
V.
1806

CHAP. IV.

An ACT to authorize the commissioners of the land office for the county of Sussex, to appoint a person to transcribe the caveat docket, in the county of Sussex.

SECTION 1. **B**E it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That it shall and may be lawful for the commissioners of the land office for the county of Sussex, and they are hereby authorized and required to cause the caveat docket, in the said county of Sussex, to be carefully copied and transcribed, under their care and direction, in one or more well bound books, in folio, to be provided for that purpose, by such person as they shall appoint, who shall have and receive such compensation therefor, as shall by the said commissioners of the land office be deemed reasonable; and the said commissioners of the land office are hereby authorized and required to draw an order on the treasurer of the said county of Sussex, in favour of the person by them appointed, for the payment of the sum by them allowed, which order the said treasurer is hereby required to pay and discharge; and the said caveat docket, when so transcribed and copied, shall be deposited in the recorder's office for the said county of Sussex, and shall be deemed and taken as a public record; and the recorder of the said county shall, after the said book or books is or are deposited in his office, enter therein, in a fair and legible hand, all proceedings of the commissioners of the land office for the said county, touching or concerning any caveat that may thereafter be entered before the recorder of the said county.

Commissioners of the land-office in Sussex, to cause the caveat docket to be copied.

Compensation.

How paid.

Copy to be a public record.

Proceedings of the commissioners to be entered, &c.

Passed at Dover, Jan. 23, 1806.

CHAP.
VI.
1806

CHAP. VI.

An ACT to repeal part of an act, entitled, "An act to vacate and discontinue the street called Water-street, in the borough of Wilmington, from Market-street, westwardly, to the line of the said borough, and for other purposes."

Ante. chap. 70,
3 vol. p. 160.

SECTION 1. **B**E it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That so much of the act, entitled, "An act to vacate and discontinue the street called Water-street, in the borough of Wilmington, from Market-street, westwardly, to the line of the said borough, and for other purposes," as renders it lawful for the burgess and assistants of the said borough, to shut up and cause to be vacated and discontinued, the said Water-street, eastwardly from Orange-street to Market-street, be, and the same is hereby repealed, made null and void.

Repeal of the law vacating part of Water-street in the borough of Wilmington.

Passed at Dover, Jan. 23, 1806.



CHAP. VII.

An ACT to enable Martha Noxon, administratrix of Benjamin Noxon, late of New-Castle county, deceased, to convey and assure unto Thomas Clayton, a certain lot of ground therein described.

Passed at Dover, Jun. 24, 1806---Private act.

C H A P. VIII.

CHAP.
VIII.
1806

An ACT authorizing the administrators of James M'Climent, deceased, to convey a certain piece of ground, therein recited, unto Benjamin Brady.

Passed at Dover, Jan. 24, 1806—Private act.

C H A P. IX.

An ACT to authorize Mary Kean, Matthew Kean and John Stockton, administrators of Thomas Kean, deceased, to convey a certain lot of ground to William Miller.

Passed at Dover, Jan. 24, 1806—Private act.

C H A P. X.

An ACT for raising the sum of one thousand dollars, by a Lottery, for the purpose of repairing the causeways near Frederica, on the State road from Dover to Milford.

SECTION 1. **B**E 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 managers, herein after appointed, to institute, carry on and draw a lottery

Lottery to repair the causeways at Frederica.

B

CHAP.

X.

1806

for raising the sum of one thousand dollars, clear of all expenses; and the said sum, when so raised, shall be applied to the raising and repairing the causeways over the marsh or cripple of Murderkill creek, near Frederica.

Managers appointed.

SECT. 2. *And be it enacted*, That Andrew Barratt, Peter Lowber, Samuel White, M'Kimmey Smack and Perry Boon, or the survivors of them, shall be, and they are hereby appointed managers of said lottery, who and each of whom, before they enter upon the duties required by this act, shall give bond to the treasurer of this State in the sum of two thousand dollars, conditioned for the faithful discharge of the trust reposed in them by this act.

To give bond.

Their duty.

SECT. 3. *And be it enacted*, That the said managers shall publish, in at least one newspaper in this State, for the space of six weeks, and if they deem it necessary, in newspapers out of this State, the scheme of said lottery, as soon after the same is agreed on as may be convenient; and on or before the second Tuesday in October next, if at that time a sufficient number of tickets shall have been sold, and if not, as soon thereafter as conveniently may be, proceed to the drawing and finishing the said lottery, and the fortunate adventurers shall be paid the prizes drawn against their numbers, on demand, at any time within one year after the drawing of said lottery; but if not demanded within the time aforesaid, the said prizes shall remain in the hands of said managers, to be applied by them to the repair and support of the causeways, as aforesaid.

Forfeited prizes, how applied.

Managers to direct the expenditures,

And report

SECT. 4. *And be it enacted*, That the managers aforesaid, shall superintend and direct the expenditure of the said sum raised by said lottery, or so much thereof as they may find necessary for the raising and repairing said causeways as aforesaid, and shall make report of their expenditure on said