

LAW S.

OF THE

STATE OF DELAWARE,

PASSED AT A SESSION

OF THE

GENERAL ASSEMBLY,

COMMENCED AND HELD AT DOVER, ON TUESDAY, THE
FIRST DAY OF JANUARY,

A. D. 1861,

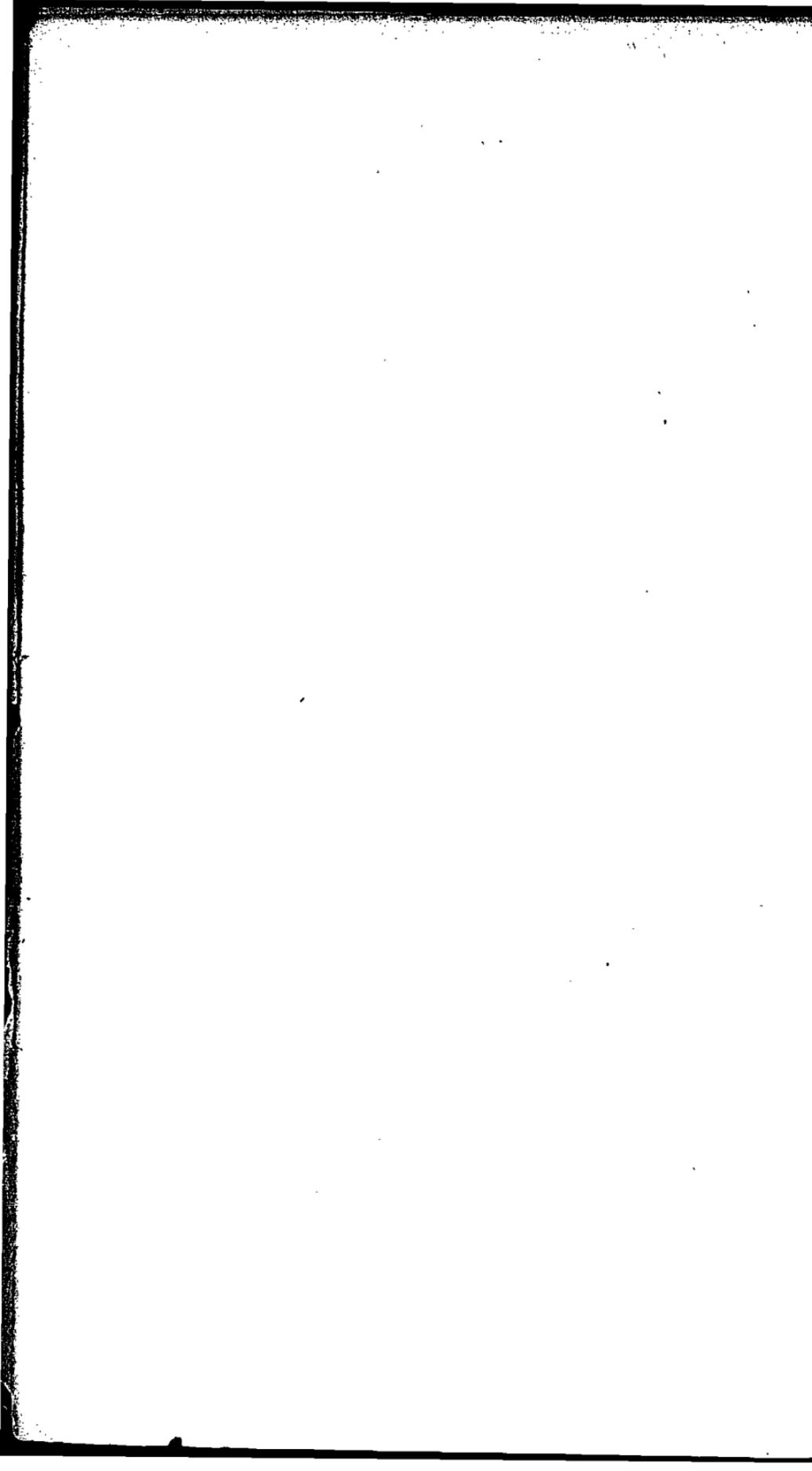
AND OF THE

INDEPENDENCE OF THE UNITED STATES THE EIGHTY-FIFTH.

PUBLISHED BY AUTHORITY.

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PRINTER.



L A W S
OF THE
STATE OF DELAWARE.

CHAPTER 1.

An Additional Supplement to the Act entitled, "An Act to incorporate the Bank of Wilmington and Brandywine, in the Borough of Wilmington."

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 the name, style and title of the corporation, created by the act to which this is a supplement, be, and the same is hereby changed from that of "The President, Directors, and Company of the Bank of Wilmington and Brandywine," to that of "The Bank of Wilmington and Brandywine," by which last mentioned name the said corporation shall continue to have succession, and to have, use, and enjoy all the franchises, privileges, and powers which are granted to the said corporation by the aforesaid act to which this is a supplement, and the supplements thereto; and no misnomer of the corporation in any deed, will, testament, gift, grant, demise, contract, or other instrument shall vitiate the same, provided there be sufficient to ascertain the intent of the parties.

SECTION 2. *And be it further enacted,* That the increase of the capital stock of the said corporation divided into shares of thirty dollars each, authorized by the act entitled, "A further supplement to the act entitled, 'An act to incorporate the Bank of Wilmington and Brandywine, in the Borough of Wilmington,'" passed at Dover, February 13, 1855, and as therein limited, may be made by a sale of the said shares at the market value thereof, in such manner, and at such times and places, as may be fixed and determined by the Board of Directors of the said cor-

Certificates
of stock.

poration, who shall cause certificates of stock to be issued to the purchasers of the said shares, in like manner as similar certificates have been issued to other stockholders in the said bank.

Stockholders
entitled
to one vote
for each
share of
stock held
three months
before time
of voting.

SECTION 3. *And be it further enacted,* That in all meetings hereafter of the stockholders of the said bank, annual or otherwise, in all elections upon all questions, and on all occasions of voting, each stockholder shall be entitled to one vote for each share of stock held by him three calendar months before the day of voting.

Governor to
be notified of
acceptance
of this act.

SECTION 4. *And be it further enacted,* That the President and Directors of the said bank shall, within six months from the passage of this act, certify to the Governor of this State, under the seal of the corporation, that this supplement has been submitted to a meeting of the stockholders of the said bank, regularly convened for the purpose, and that a majority in value of the said stockholders have approved and accepted the same.

Passed at Dover, January 15, 1861.

CHAPTER 2.

An Act to incorporate the Diamond State Marine Mutual Insurance Company.

Members
incorporated

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 James C. Aikin, Joseph Tatnall, Charles Moore, William S. Hilles, William Tatnall, Jacob S. Weldin, David F. Craig, with such others as may become members by being insured in this Company, are hereby created a body corporate, by the name and style of the Diamond State Marine Mutual Insurance Company, for the purpose of insuring their respective vessels, their freights and cargoes, against loss or damage by fire, or the dangers of the seas, while on the stocks, in port or at sea, or employed in inland navigation, and the said corporation shall have all the legal incidents of a corporation aggregate.

Name.

Objects of
incorporation.

Affairs of
Company
how conducted.

President.
Vice-President.
Actuary.

SECTION 2. The affairs of the Company are to be conducted by an Executive Committee, consisting of nine members, to be elected by ballot at the annual meeting of the Company. They are to hold office for one year and until the due election of their successors. They shall elect one of their number to be President, and one to be vice-President, and shall also appoint an Actuary, and such Surveyors and other officers as may be needful to conduct the business of the Company.

SECTION 3. The Executive Committee shall have power by a

two-thirds vote of all the members, to make by-laws, and all other needful rules and regulations for the management of the business. It shall be their duty to fix the rates of insurance; to direct the issue of policies, to invest the funds of the Company; to examine and pass upon all claims for losses and damages; to direct payment to be made when claims are satisfactorily established, and to defend the interests of the Company against all fraudulent or suspected claims; and generally to do all other acts and things necessary and proper to be done to carry into effect the objects of the Company. In case of any member of the Executive Committee becoming a claimant for insurance effected in this Company, his seat in the Executive Committee shall be thereby vacated. A quorum shall consist of five of the members of the Committee. They shall have power to fill vacancies.

Executive
Committee,
power of.

Quorum.

SECTION 4. The Actuary is to keep exact minutes of the proceedings of the general meetings of the Company, of the Executive Committee, and of all committees whose proceedings may require it. He is to keep all the books and papers of the Company, (except notes of hand and other evidences of investment which are to be in the care of the President,) to have charge of the accounts, and to transact such other business as may be required by the Executive Committee. All the accounts of the Company are to be open at all proper times, to the inspection of all the members of the Company.

Duties of
Actuary

Accounts of
Company to
be open to
inspection of
members.

SECTION 5. Insurance may be effected in this Company against marine risks, upon written application made to the Actuary, and filed in the office of the Company, which application shall truly and fully describe the property desired to be insured, and shall be and continue a part of the contract of insurance. The party insuring must in all cases make the required deposit in cash before the issue of the policy, and shall also give his note or obligation, drawn in such form, and payable in such mode, and with such security, as the Executive Committee may direct, for five times the amount of the cash deposit. The notes or obligations thus given by the insurers are to be held by the Company during the continuance of the risk; and in case of losses or expenses exceeding the amount of the cash assets of the Company, are to be taxed pro-rata to make up the deficiency. All payments so assessed or ordered by the Executive Committee, are to be made at the office of the Company within thirty days of the date of the call, and suits may be maintained by the Company against any of its members in case of their neglect or refusal to pay such assessments. Suits may also be maintained by the Company against any person or corporation for injuries to any vessel, or freight, or cargo, insured in the Company, whereby the said Company is injured; and suits may be maintained against the Company for any loss or damage claimed under any policy issued by the Company if payment be withheld more than sixty days after

Insurance,
how pro-
cured.

Cash depos-
its.
Deposit note.

Payments,
where made.

Suits against
members.

Persons
damaging
insured pro-
perty may
be sued.

Suits against
Company.

Members not using diligence to prevent loss, &c., not entitled to recover. In suits against members Company to recover full amount of premium note.

proof of loss, proof of interest and adjustment exhibited to the proper officers of the Company. In such suits no member shall be entitled to recover against the Company, who shall not have used due diligence to prevent the loss of, or injury to the vessel, freight, or cargo insured. In case of any suit instituted by the Company against a member on his premium note, the Company may recover the whole amount of the note, with costs of suit, the balance remaining of which, after paying all assessments and costs, shall be returned to the party paying it.

Accounts.

SECTION 6. A debit and credit account is to be kept with each insurer in this Company, in which all sums paid in by him, whether by way of cash deposit, or for assessments on notes, together with his share of interest or dividends collected on investments made by the Company, are to be placed to his credit; and he is in like manner to be charged with his share of all losses and expenses incurred by the Company while he is a member, calculated according to the proportion between his note and the total amount of taxable notes in the hands of the Company at the time such loss or expense is incurred. Should the losses and expenses at any time exceed the cash assets of the Company, the Executive Committee will immediately proceed to make up the deficiency by taxing the insurer's notes, as provided in Section 5. Any balance remaining to the credit of an insurer on the books of the Company, after the termination of his risk, and the discharge of all liabilities incurred during its continuance, is to be repaid to the party on demand.

Assessments when made.

Annual meeting.

SECTION 7. The annual meetings of the Company are to be held on the first Thursday of October in each year, at the office of the Company, at 3 o'clock, P. M., of which at least 2 weeks notice must have been given in two newspapers of this State. The election is to be held at the same time, and is to close at 4 o'clock, P. M. General meetings may also be held at any time upon a requisition made by any five members, and due notice thereof given by the Actuary.

Notice.

General meetings.

Word "sea," how understood.

SECTION 8. The word "sea," wherever it occurs in this act, shall be understood to mean, apply, and extend to creeks, rivers, bays, harbors, and all other waters navigated by vessels insured in this Company, as well as to the ocean.

Privileges of officers and members of old association continued under this act.

SECTION 9. And whereas the persons named in the first section of this Act, with other persons, by a constitution adopted on the twenty-fourth day of September, A. D. 1859, formed an association under the name of "The Diamond State Marine Mutual Insurance Company," for the purpose of Marine Insurance, and have elected officers, transacted the usual business of Marine Insurance Companies, issued policies and taken securities from persons insured in the name of trustees for the use of said association; and it being the object of this act to incorporate said association; therefore,

Be it enacted by the authority aforesaid, That all persons who now are members of the aforesaid association, according to the constitution thereof, shall be and they are hereby declared to be members of the corporation hereby created, with all the rights, and subject to all the duties and liabilities pertaining to membership in said corporation; and the several officers of the association at the time of the passage of this act shall continue to hold their respective offices as officers of the corporation hereby created, until the next annual election, any vacancy occurring previous to such election to be filled according to the provisions of this act, and all property, funds, or securities now held by said association, or by any person or persons in trust for the same, including choses in action which by the terms thereof are payable to any person or persons in trust for said association, shall by virtue of this act vest in and become the property of, and be sued for and recovered for the use of the corporation hereby created. And the said corporation shall by accepting this charter be deemed to have assumed, and shall be liable for, all contracts, agreements and responsibilities, which previous to the passage of this act have been entered into or incurred by the said association, or by any of its officers lawfully acting in its behalf.

Its funds and securities to be vested in the corporation.

SECTION 10. This act shall be a public act, and shall continue in force for twenty years, and no longer unless renewed, but the corporation hereby created shall within sixty days after the passage hereof, certify to the Governor their acceptance of the same, and shall also at the same time pay to the Secretary of State for the use of the State the sum of ten dollars, or this act, and all the privileges and franchises hereby granted shall be null and void.

Public act.

Acceptance.

Passed at Dover, January 16, 1861.

CHAPTER 3.

A Further Additional Supplement to the Act entitled, "An Act to extend the time for Recording Deeds."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That all deeds or letters of attorney, concerning lands, tenements, or hereditaments, sealed and delivered on or before the first day of January, one thousand eight hundred and sixty-one, first being acknowledged or proved, and the acknowledgment or proof certified according to the laws of this State in force at the time when such acknowledgment or proof was made, may, with the certificate of the acknowledgment or proof, and all endorsements and annexations, be recorded in the office for recording of deeds in the

Time for recording of deeds extended to 1863.

county wherein such lands, tenements and hereditaments, or any part thereof are situated, if lodged in such office on or before the first day of January in the year of our Lord one thousand eight hundred and sixty-three, and the said record or a copy thereof shall be sufficient evidence; and from and after the first day of January in the year last aforesaid, no deed or letter of attorney, sealed before the first day of January, in the year of our Lord one thousand eight hundred and sixty-one, shall be recorded.

Passed at Dover, January 17, 1861.

CHAPTER 4.

An Act authorizing the Recorder of New Castle County to make an Indirect Mortgage Index.

Recorder of New Castle County to make indirect mortgage index.

From what time.

Recorder and successors to continue index.

Cost of book and index, how paid.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That the present Recorder of Deeds, in and for the County of New Castle, shall provide one good, substantial, and well-bound book, in which he shall make a full and complete indirect index to all the mortgages of record in the Recorder's office in said county, from the time the said indirect index was discontinued, that is to say: from the year one thousand eight hundred and thirty-two, up to the present time; and that it shall be and is hereby made the duty of the present Recorder of Deeds in said county, and his successors in office, to continue said indirect index of mortgages, from and after the completion of the index authorized by this act, and that he, the said present Recorder of Deeds, shall be repaid the cost of said book by the Levy Court of said county, and shall receive for his services in making said index authorized by this act a just and reasonable compensation, to be allowed by the said Levy Court.

Passed at Dover, January 23, 1861.

CHAPTER 5.

An Act to incorporate the Union Hotel Company.

Members incorporated.

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 Henry G. Banning, Joshua Simmons, Daniel James, Spencer D.

Eves, Charles M. Allmond, Charles I. DuPont, Nathan T. Boul-
den, Evan C. Stotsenburg, John Wales, and George Richardson,
and their associates, and all persons who may now or hereafter
may be holders of the stock hereinafter mentioned, shall be and
they are hereby declared to be constituted a body politic or cor-
porate, by the style of Union Hotel Company, to have perpetual Name.
succession, to be capable of suing and being sued, to have a Succession
common seal, and the same to alter and renew at pleasure, and Seal.
to have, hold, receive, enjoy and take, either by absolute convey- Powers.
ance, in fee simple or upon ground rent, and in case of a convey-
ance upon ground rent, with power to execute the necessary
covenant for the securing the payment thereof, such real estate as To purchase
may be necessary and proper for the construction of a hotel in Property.
the City of Wilmington, of New Castle County, with such sup- Where.
plementary buildings as may be adapted to and form part of the
general plan and design thereof, for the accommodation and use For what
of any parties who may be desirous of renting and occupying the purpose.
same; and the said real estate, or any part thereof, when in the
opinion of the said corporation it may be proper so to do, to sell May sell or
and convey to any person or persons who may be desirous of convey.
purchasing the same: *Provided, however,* That if the said Com- Proviso.
pany or their lessees, with their knowledge, shall knowingly per-
mit any intoxication or gambling in their said house, the privi-
leges hereby granted shall cease.

SECTION 2. That the capital stock of said corporation shall not Capital stock
exceed sixty thousand dollars, divided into six hundred shares of \$10,000.
one hundred dollars each, and that it shall be held as personal How divided
property, and as such be transferred, under such regulations as Stock person-
the corporation shall judge convenient. al property

SECTION 3. That a general meeting of the corporators shall be Annual
annually held on the first Monday of May, for the election of five meetings.
managers, and the transaction of other business; but if such
meeting or election shall not then take place, the corporation shall
not for that cause be dissolved, but such meeting or election shall
take place as soon thereafter as may be, one week's public notice Notice.
thereof being first given in at least two newspapers published in
the City of Wilmington.

SECTION 4. The said Company shall have power to issue bonds Bonds.
to one-half the amount of the capital stock, secured by mortgage How secured
upon the real estate owned by the said Company, the said bonds
to bear interest at the rate of six per centum per annum, and may Rate of in-
be sold at any rate of discount deemed advisable by the managers, terest.
or a majority of them: *Provided,* That the bonds shall not be Proviso.
issued for a less sum than two hundred and fifty dollars each.

SECTION 5. That the election of managers shall be by ballot, Election of
from among the corporators; and that in the enactment of by-laws managers.
for the government of the corporation and its officers, and in the

decision of all questions, whether of election of officers or disfranchisement of corporators, either because of their delinquency in paying for the amount of stock by them purchased of the corporation, or for other causes, and on all questions of the meetings of the corporation, the corporators present, either in person or by proxy, shall severally vote once for each share of stock held by them.

Each share of stock entitles holder to one vote.

Managers term of office

SECTION 6. That the managers shall continue in office until their successors be elected, shall elect a President, and other officers from among themselves, shall supply vacancies in their number, whether occasioned by death, resignation, or refusal to act, and shall have the general and entire control of the affairs and interests of the company, except so far as may be otherwise provided by the corporators: three members shall be a quorum at these meetings.

Duties.

SECTION 7. That until other officers shall be duly elected, the persons named in the first section of this act shall be held to be managers of the said corporation, and have authority as such.

Revocation.

SECTION 8. That if the said corporation shall at any time hereafter misuse or abuse any of the chartered privileges hereby granted, the legislature may at any time resume all and singular the rights, liberties, privileges and franchises hereby granted to the said Company, and this act shall be deemed and taken to be a public act.

Passed at Dover, January 24, 1861.

CHAPTER 6.

An Act to authorize the laying out a Public Road in Kent County.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That Daniel Curry, Henry B. Fiddeman, Stephen M. Collins, Joshua H. Hill and Clement L. Sharp, be and they are hereby appointed Commissioners to open a public road in Milford Hundred, Kent County, beginning at the eastern end of Front street, of the town of Milford, in said hundred and county, thence eastwardly, through lands of the heirs of Dr. James P. Lofland, deceased, lands of George S. Adkins, near a landing called Paul Knabs, on Mispillion Creek, thence [in a] northeastwardly direction through lands of the aforesaid G. S. Adkins, Henry May, Samuel Paisly, to intersect an old road near the outer gate on the lands of W. N. W. Dorsey, thence with the aforesaid old road through the aforesaid Dorsey lands in a northeastwardly direction, and through lands*

Persons appointed to view and lay out road.

Course.