

L A W S

OF THE

STATE OF DELAWARE,

PASSED AT AN ADJOURNED SESSION

OF THE

GENERAL ASSEMBLY,

COMMENCED AND HELD AT DOVER,

ON TUESDAY, THE NINTH DAY OF JANUARY,

A. D. 1866,

AND OF THE

INDEPENDENCE OF THE UNITED STATES

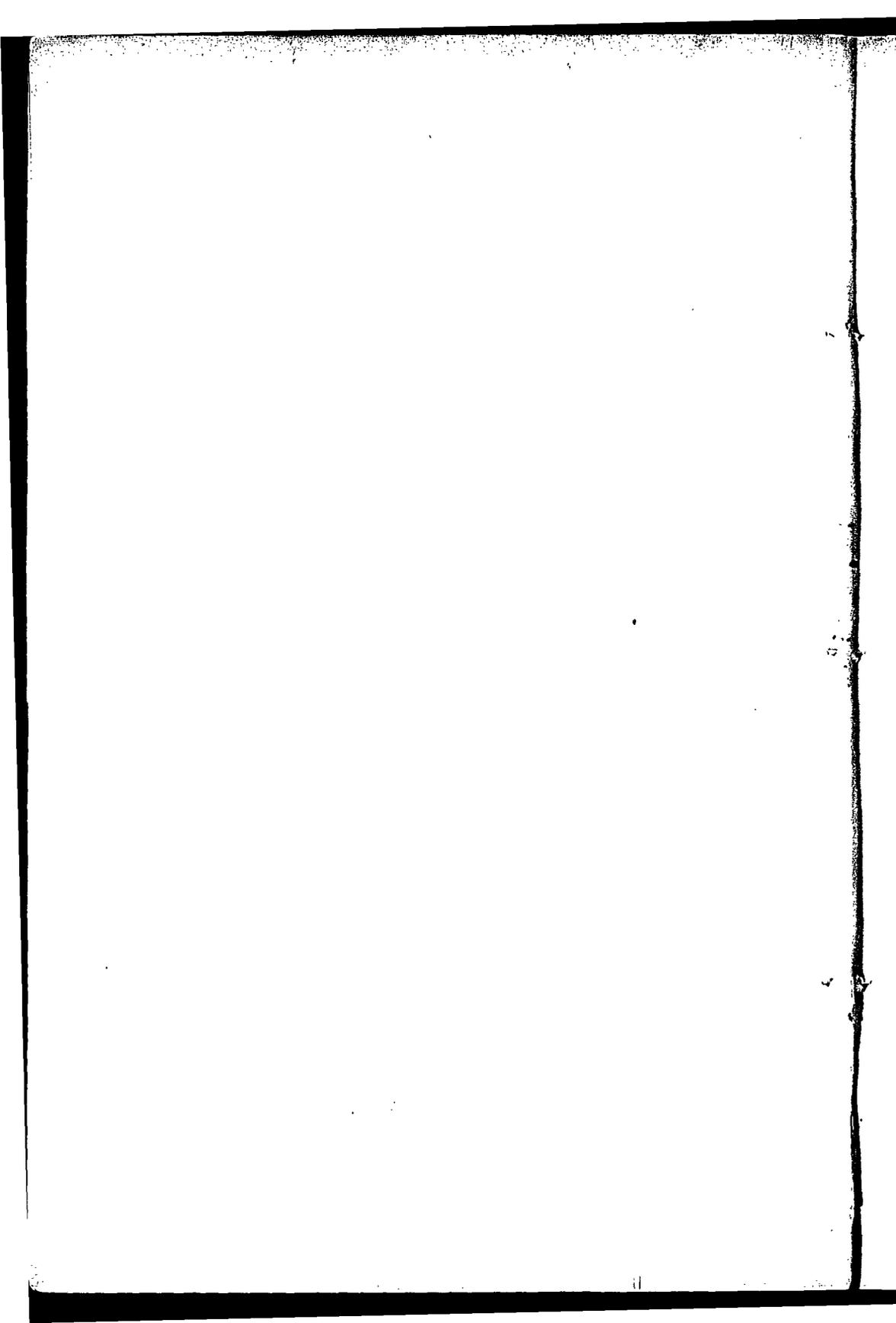
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LAWS OF THE STATE OF DELAWARE.

CHAPTER 1.

PUBLICATION OF LAWS.

SEC. 1. Secretary of State directed to exclude certain acts in the publication of the laws.

2. What acts excluded.

SEC. 3. Tax on private laws.

4. Clerks not to furnish copies of acts without the certificate of Secretary of State.

An Act concerning the Publication of the Laws.

SECTION 1. *Be it enacted 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 exclude from the publication of the laws of this State all acts of incorporation, and other acts of a private nature, unless such acts contain a provision directing their publication.

Secretary of State directed to exclude certain acts in the publication of the laws.

SECTION 2. That in the publication of the acts of the present session of the Legislature the Secretary of State shall exclude all acts of incorporation, and acts of a private nature, except acts incorporating railroad companies, towns and banks, and the supplements to said acts.

What acts excluded.

SECTION 3. That the Secretary of State is hereby authorized and directed to demand and receive for the use of the State, on certifying any act of incorporation, the sum of twenty dollars, when the capital stock of such incorporation shall exceed fifty thousand dollars, and ten dollars when the capital stock shall not exceed fifty thousand dollars; and on certifying any other act or resolution of a private nature, he shall demand and receive, for the use of the State, a fee of ten dollars.

Tax on private laws.

SECTION 4. That it shall not be lawful for the Clerks of the two Houses of the Legislature, or either of them, hereafter to give or permit copies of such acts as are referred to in the foregoing sections to be taken, unless the certificate of the Secretary of State is appended thereto.

Clerks not to furnish copies of acts without the certificate of Secretary of State.

Passed at Dover, February 17, 1866.

CONCERNING THE PUBLIC REVENUE.

CHAPTER 2.

NATIONAL BANKS.

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| <p>SEC. 1. Tax on stock in National Banks.</p> <p>2. State Treasurer to make a duplicate list of Shareholders.
To Assess Tax.</p> <p>3. Penalty for neglect of President and Cashier to keep said list and for refusing to let State Treasurer inspect the same.</p> <p>4. In case of neglect or refusal to pay tax, how the same shall be collected.</p> | <p>SEC. 5. Collector for each county.
Official bond of State Treasurer.
Collectors to give bond.
Compensation of Collectors.</p> <p>6. Compensation of State Treasurer</p> <p>7. State Banks, after conversion, paying said tax, to be exempt from tax imposed by their charters, &c.</p> |
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An Act in relation to National Banks in this State.

Tax on stock
in National
Banks.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That every person or body corporate owning or holding any share or shares of stock in any national bank or banking association organized, created or established, or which may be hereafter organized, created or established under the provisions of an act of Congress entitled, "An act to provide a national currency, secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June 3, 1864, or of any supplement or amendment thereto, shall pay to the State Treasurer of this State annually, on the first day of January in each and every year, for the use of the State, a tax of one-half of one per centum on the amount of the share or shares of the capital stock of any such national bank or banking association, owned or held by such person or body corporate.

State Treasurer
to
make a duplicate list of
shareholders

SECTION 2. *Be it further enacted by the authority aforesaid,* That for the purpose of levying, assessing and collecting the taxes imposed by section one of this act, the State Treasurer shall, on or before the first day of September next after the passage of this act, and on the first day of September in each and every year thereafter, make out a duplicate of the names and residences of all the shareholders, and the number of shares owned or held by each in every national bank or banking association in this State, from the list kept in the offices or places of business of such national banks or banking associations, and shall assess a tax of one-half of one per centum on the amount of the shares owned or held by any person or body corporate in any such national bank or banking association, to be paid by such person or body corporate to the State Treasurer, or any collector by him duly authorized to receive the same, on the first day of January next after such assessment shall have been made.

And assess
tax.

SECTION 3. *Be it further enacted by the authority aforesaid,* That if the President and Cashier, or either of them, of any national

CONCERNING THE PUBLIC REVENUE.

bank or banking association in this State, organized, created or established, or which may be hereafter organized, created or established under the provisions of the act of Congress aforesaid, or any supplement or amendment thereto, shall fail or neglect to keep a correct list of the names and residences of all the shareholders in the association, and the numbers of shares held by each, in the office where its business is transacted, as required by the act of Congress aforesaid, or shall refuse to permit the State Treasurer to inspect and copy such list during business hours of each day in which business may be legally transacted, it shall be the duty of the State Treasurer to serve notice in writing on the President and Cashier so in default in neglecting to keep such list, or in refusing to permit the State Treasurer to inspect and copy the same, requesting them within ten days from the service of such notice to deliver to him, at the time and place designated in said notice, a correct list of the names and residences of all the shareholders in such national bank or banking association and the number of shares held by each shareholder; and if the President and Cashier of any national bank or banking association, or either of them, upon whom notice as aforesaid has been served, shall refuse or neglect to deliver to the State Treasurer such list at the time and place designated, they shall be guilty of misdemeanor, and upon conviction thereof shall forfeit and pay to the State a fine not less than five hundred dollars not more than one thousand dollars.

Penalty for neglect of President and Cashier to keep said list and refusing to let State Treasurer inspect the same.

SECTION 4. *Be it further enacted by the authority aforesaid,* That if any person or body corporate owning or holding any share or shares of the capital stock of any national bank or banking association in this State shall refuse or neglect to pay to the State Treasurer the tax assessed under the provisions of this act upon the share or shares owned by such person or body corporate, for a period of thirty days after the same shall have become due and payable, it shall be the duty of the State Treasurer and he is hereby authorized and required to proceed to collect the same, and he, and any collector by him appointed as hereinafter provided, shall have all the powers for the collection of taxes imposed by this act as are granted to collectors of county taxes by the provisions of Chapter 12 of the Revised Statutes of this State; and in addition to the remedies granted in said chapter to the collectors of county taxes, the State Treasurer may sue out of the Superior Court, in either of the counties, an attachment in his own name, and attach the dividends of any shareholder so in default in the hands of the Cashier of the bank or banking association in which such shares are held, and may recover in such attachment double the amount of taxes so unpaid and all costs.

In case of refusal or neglect to pay tax—how the same shall be collected.

CONCERNING THE PUBLIC REVENUE.

SECTION 5. *Be it further enacted as aforesaid,* That the State Treasurer may appoint one collector for each of the counties of the State; such appointment shall be in writing, and notice thereof shall be given in one or more newspapers published in the county for which the appointment is made. The official bond of the State Treasurer shall be liable for all money received under the provisions of this act by him or the collector whom he may appoint. The State Treasurer shall require the collector to give bond in such amount and with such security as he may approve, conditioned for the collection of all taxes committed to them and the payment of all taxes by them collected to the State Treasurer; he shall pay to the collector by him appointed two per cent. on the amount of taxes which they may collect, to be deducted from the commissions of the State Treasurer for his services under this act.

SECTION 6. *Be it further enacted by the authority aforesaid,* That the State Treasurer shall receive for the performance of the duties imposed by this act, three per cent. on the amount of taxes collected.

SECTION 7. *Be it further enacted by the authority aforesaid,* That upon the payment in any year of the tax herein provided by the shareholders in any banking association which has been changed or converted from a State bank into such banking association, such State bank so converted shall, for any year such tax has been paid by the shareholders aforesaid, be exempt from the payment of the tax provided for in their act of incorporation and laws of the State applicable to such corporation.

Passed at Dover, February 16, 1866.

CHAPTER 3.

ASSESSORS.

Revised Code, 24.
 Sec. 1. Section 7 of Chapter 10 amended by striking out certain words relating to slaves.

Sec. 2. Sections 9 and 12 of said Chapter stricken out.

3. The assessment of slaves to be stricken from the assessment books.

4. Future publications.

Rev. Code, 24. *An Act to amend Chapter 10 of the Revised Statutes of the State of Delaware, entitled "Assessors," and for other purposes.*

Section 7 of Chap. 10, Rev. Code
SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That Section 7 of Chapter 10 of the Revised Statutes of the State of

CONCERNING THE PUBLIC REVENUE.

Delaware, entitled "Assessors," be and the same is hereby amended by striking out the words "and if of slaves the sex" in lines four and five of said section. Certain words relating to slaves stricken out.

SECTION 2. *And be it further enacted by the authority aforesaid,* That the said chapter be further amended by striking out all of Section 9 of said chapter, and also by striking out all of Section 12 of the same chapter. Sections 9 and 12 of said Chapter stricken out.

SECTION 3. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the respective Levy Courts of the several counties of this State, at their first meeting after the passage of this act, to cause to be stricken from the assessment book in the respective counties of this State all assessments of slaves, and to deduct the same from the assessment of such persons as may be found assessed therewith. The assessment of slaves to be stricken from the assessment books.

SECTION 4. *And be it further enacted by the authority aforesaid,* That in all editions of the Laws of this State hereafter to be published, the said Chapter 10 shall be published as hereby amended. Future publications.

Passed at Dover, February 8, 1866.

CHAPTER 4.

STATE'S STOCK IN THE FARMERS' BANK.

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| <p><small>Preamble.</small>
Sec. 1. Of the waiver of the right to vote State stock.</p> | <p>Sec. 2. Act how long to have force.
Deposits.
3. Acceptance of Act.</p> |
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An Act in relation to this State's Stock in the Farmers' Bank.

WHEREAS this State is the owner of [a] majority of the stock in the Farmers' Bank, and has, by an act passed at the present session of the General Assembly, given its consent that said bank shall be converted into a national bank; Preamble.

AND WHEREAS by the charter of the aforesaid Farmers' Bank the State stock is not voted at elections of directors, but she has the right secured to her to appoint three of the nine directors who transact the business of the principal bank, at Dover, and also three of each of the nine who transact the business of each of the branches, thus giving the State twelve of the thirty-six directors of the bank, or one-third of the whole;

AND WHEREAS by the provisions of the eleventh section of the national banking law, being the act of Congress approved on the

CONCERNING THE PUBLIC REVENUE.

third day of June, A. D. 1864, entitled "An act to provide a uniform currency by a pledge of United States bonds, and to provide for the redemption thereof," each stockholder in a bank organized under its provisions is entitled to one vote for each share of stock held by him, which, upon conversion of the Farmers' Bank into a national bank, would give the Legislature the power to control the affairs of the new bank or banks, which power, in times of high political excitement, might be improperly exercised, and its existence would at all times be dangerous;

AND WHEREAS it is deemed best now to provide against the evil aforesaid; Now, therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That in consideration of the sum of one hundred dollars, to be paid by the aforesaid national bank or banks to the State Treasurer for the use of the State, within thirty days after their organization under the act of Congress mentioned in the preamble hereof, and a like sum to be paid to him annually thereafter by said bank or banks for the use aforesaid; and also that the stockholders of the said bank or banks will elect as part of the board of directors thereof such persons, being qualified to serve as directors under the provisions of the act of Congress aforesaid, not exceeding three for each bank, as the Legislature shall designate by joint resolution passed at each biennial session, and will continue them in office until a new designation shall be made by the Legislature in manner aforesaid, the State will waive and will not exercise her right under the national banking law aforesaid to vote her stock in the election of directors of said bank or banks.

Of the waiver of right to vote State stock.

SECTION 2. *And be it further enacted by the authority aforesaid,* That so long as the provisions of the aforesaid section shall be faithfully observed by the stockholders aforesaid this act shall have force and no longer; and furthermore, all deposits now authorized by law to be made in the aforesaid Farmers' Bank shall be made in the new bank or banks aforesaid, unless the General Assembly shall, upon due consideration and hearing of the said bank or banks, think fit otherwise to order.

Act how long to have force.
Deposits.

SECTION 3. *And be it further enacted by the authority aforesaid,* That this act shall be accepted by the stockholders of the aforesaid new bank or banks within thirty days after the time of the conversion aforesaid or it shall be void; such acceptance shall be by resolution, and the fact of the adoption thereof shall be shown by certificate under the seal of the said bank or banks. The said certificate shall be delivered to the Governor and be filed by him in the office of [the] Secretary of State, who shall report the fact to the General Assembly.

Acceptance of act.

Passed at Dover, February 13, 1866.

IN RELATION TO PUBLIC OFFICERS.

CHAPTER 5.

SALARIES.

<p>Sec. 1. Salaries of Chancellor and Chief Justice \$2,000, Associates \$1,700, Associate for Kent County, additional, \$200. When to commence.</p>	<p>Sec. 1. Proviso. 2. Judge not to accept favor, &c., from corporations.</p>
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An Act to increase the Salaries of the Chancellor and Judges of this State.

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 the annual salary of the Chancellor, and Chief Justice also, shall be two thousand dollars, and of each of the Associate Judges seventeen hundred dollars, with an addition of two hundred dollars per annum to the Associate for Kent county, for reporting the judicial decisions. The said salaries shall commence with the present year, and be paid as heretofore: *Provided however,* That no Judge shall be allowed the benefit of this increase whilst he has any connection with a corporation, whether as stockholder in any right or as an officer.

Salaries of Chancellor and Chief Justice \$2,000.
Associates \$1,700.
Associate for Kent County additional \$200.
When to commence. Proviso.

SECTION 2. *And be it further enacted,* That hereafter it shall not be lawful for any Judge to accept from any such corporation, for himself or his family, any favor or gratuity except where the same is extended to all other citizens.

Judge not to accept favor &c., from corporations

Passed at Dover, February 7, 1866.

CHAPTER 6.

SALARIES.

<p>Revised Code, 77. Sec. 1. Sections 1, 3, 4 and 5 of Chapter 25 Revised Code amended.</p>	<p>Sec. 1. Salaries of certain State officers increased. 2. Future publications.</p>
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An Act to amend Chapter 25 of the Revised Code, in relation to salaries of certain public officers. Rev. Code, 77.

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

SECTION 1. That Chapter 25 of the Revised Code of the State of Delaware be amended by striking out the word "four" in the fourth line of section one, and insert the word "five" in the place thereof; strike out the words "three hundred and fifty" in

Secretary of State \$500.
Attorney General.

IN RELATION TO PUBLIC OFFICERS.

the second line of Section 3, and insert the word "five"* in the place thereof; strike out the word "five" in 3d line of Section 4, and insert the word "six" in the place thereof; and strike out the word "five" in the first line of Section 5, and insert the word "six" in the place thereof.

State Treasurer \$000.

Auditor \$000

Future publications.

SECTION 2. That in all editions of the laws hereafter to be published, the said chapter and sections shall be published as hereby amended.

Passed at Dover, February 14, 1866.

* So in original and enrolled bill.

CHAPTER 7.

CHANCELLOR AD LITEM.

<p>SEC. 1. Appointment of Chancellor <i>ad litem</i> authorized where the Chancellor has been counsel in cause. Authority of. Nature of decree.</p>	<p>SEC. 1. How enforced. Appeal.</p> <p>SEC. 2. Compensation. Oath.</p>
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An Act to provide for the appointment of a Chancellor ad litem in certain cases.

Appointment of Chancellor *ad litem* authorized when Chancellor has been counsel in cause.

Authority of.

Nature of Decree, how enforced.

Appeal.

Compensation.

Sworn.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That where any cause is now, or shall hereafter be pending in the Court of Chancery, in which the Chancellor has been counsel, the Governor, upon a certificate of that fact being sent to him by the Chancellor, shall have power to appoint, either from the bench or the bar, as to him shall seem proper, a Chancellor *ad litem* to hear and determine the said cause; and the person so appointed shall have, for the purpose of such hearing and decision, all the jurisdiction and authority which by the constitution and laws of this State are vested in the Chancellor, and the decree made by him shall, in all respects, be of the like nature as other decrees, and be enforced by the process of the Court of Chancery, and may be appealed, affirmed or reversed in the Court of Errors and Appeals.

SECTION 2. *And be it further enacted,* That a person appointed Chancellor *ad litem* and exercising the duties of his appointment, shall be entitled to a reasonable compensation for his services. Before he enters upon the duties of his appointment he shall be duly sworn or affirmed as other judicial officers.

Passed at Dover, February 7, 1866.