

L A W S
OF THE
STATE OF DELAWARE,

PASSED AT A SESSION

OF THE
GENERAL ASSEMBLY,

COMMENCED AND HELD AT DOVER,

ON TUESDAY, THE THIRD DAY OF JANUARY,

A. D. 1871,

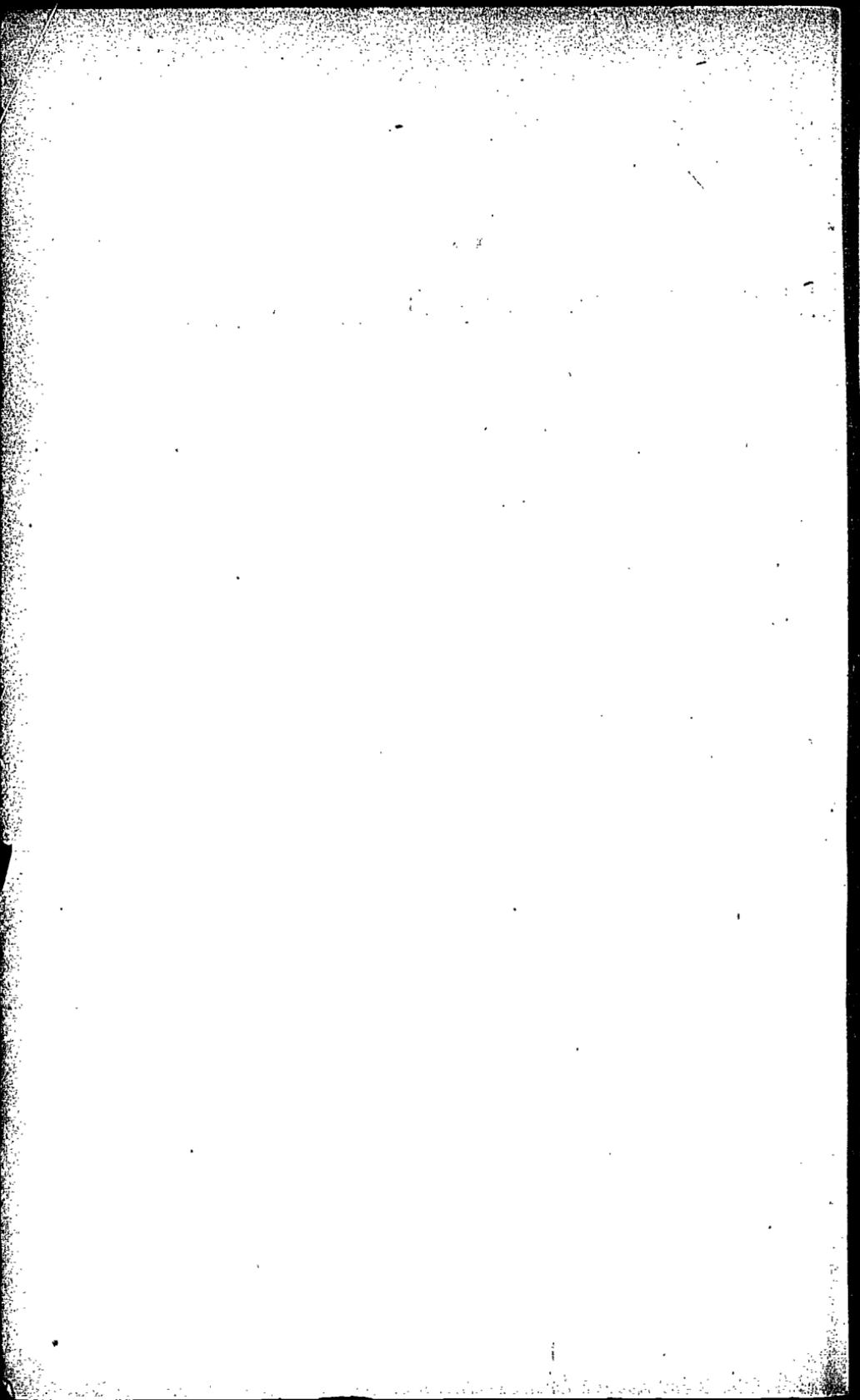
AND OF THE

INDEPENDENCE OF THE UNITED STATES

THE NINETY-FIFTH.

VOL. 14.---PART 1.

DOVER, DEL.:
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1871.



LAWS OF THE STATE OF DELAWARE.

TITLE FIRST.

Of the Jurisdiction and Property of the State ; its Legislation and Laws.

CHAPTER 1.

DIVISION LINE BETWEEN DELAWARE AND PENNSYLVANIA.

AN ACT to repeal an act entitled, "An act to Settle and Determine the Dividing Line between this State and the Commonwealth of Pennsylvania." ^{13 Vol. 345.}

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That the act entitled, "An act to settle and determine the dividing line between this State and the Commonwealth of Pennsylvania," passed at Dover, April 1, 1869, be and the same is hereby repealed, made null and void. ^{Act repealed.}

Passed at Dover, March 8, 1871.

CHAPTER 2.

ELECTION DISTRICTS.

AN ACT to divide St. George's Hundred into two Election Districts.

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

SECTION 1. That for the purpose of holding elections for State and County officers in St. George's Hundred, the said hundred shall be divided into two election districts, by the following line, to wit: Beginning at the mouth of a small branch emptying into ^{Division of St. George's hundred into two election districts.}

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Appoquinimink Creek, between lands of William A. Cochran and lands of Alexander M. Vail; thence by a straight line through lands of William A. Cochran and lands of Richard W. Cochran to the mouth of the road leading from the Middletown and Odessa road to the "Brick Mill;" thence with said road and crossing the dam belonging to said mill to the road leading from Odessa to Armstrong's Corner; thence with the last named roads to the Delaware Railroad, and thence with the said railroad to the Chesapeake and Delaware Canal. All that part of the said hundred lying north and east of the said division line shall be St. George's East Election District, and all that part of said hundred lying south and west of said division line shall be St. George's West Election District. The elections for the said Eastern District shall be held in the village of Odessa, at the hotel now occupied by William T. Chance, and the elections for the said Western District shall be held in Middletown, at the hotel now occupied by George W. Ortlip.

Where elections shall be held.

Whom to be voted for at said elections.

Where the electors shall reside.

Election laws to apply to said districts.

Exception.

Assessor and inspectors.

Presiding officer, when and how voted for.

SECTION 2. At the said places shall be held the general election, all special elections for members of the General Assembly, and Representatives in Congress, elections for Electors of President and Vice President of the United States, and elections for Road Commissioners, for Assessor of the said hundred, and for Inspector of the said election districts. The electors residing in the said hundred shall vote in the election district in which they shall at the time reside.

SECTION 3. All the laws of this State touching elections held in the several hundreds of the State shall apply to elections for the same officers of the said election districts, excepting only so far as the general law for the election of assessor and inspector and road commissioners is qualified by the provisions hereinafter contained.

SECTION 4. There shall be elected, in accordance with the provisions of Chapter 17 of the Revised Statutes, one assessor for St. George's Hundred, and one inspector for each of the said districts. In such election the collector of said hundred shall be the presiding officer of St. George's East Election District; and some qualified voter of the district, to be appointed by the Levy Court of New Castle county in the month of March next previous to the election, shall be the presiding officer of St. George's West Election District, and shall have all the powers and perform all the duties of the presiding officer of such election, according to law; and if, at any election as aforesaid in St. George's West Election District, a presiding officer shall not have been appointed, or shall not be present at the time and place of opening the election, the electors present shall choose a presiding officer for

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said election, according to the provisions of Section 10 of Chapter 18 of the Revised Statutes. The Levy Court of New Castle county shall, at the time of the appointment, make provision for the furnishing by the collector of a list of the voters of the said hundred to the person appointed as presiding officer as aforesaid. List of voters.

SECTION 5. Immediately upon closing the election for assessor and inspector in the said election districts, and ascertaining the state of the vote, the presiding officer and judges of election in each of the said districts shall make and sign certificates according to law, of the election of inspectors, varying from the form prescribed for that purpose by omitting the assessor and in lieu of including the election of assessor in such certificate, they shall make and sign a certificate of the number of votes given for each candidate voted for as assessor, and also of the number of votes given for each candidate voted for as road commissioner. Certificates of election.

SECTION 6. The said presiding officers and judges of both the said election districts, shall assemble on the day next succeeding said election at 12 o'clock, M., at the place of voting in St. George's East Election District aforesaid, and ascertain the aggregate number of votes given in both the said districts for each person voted for for road commissioner and for assessor. The candidate having the highest number of votes shall be declared duly elected assessor, and the candidate or candidates, according as there may be one or more to be elected, having the highest number of votes for road commissioner or commissioners, shall be declared duly elected road commissioner or road commissioners, and the presiding officers and judges shall make, sign and deliver certificates of said election, according to law. If two candidates for either of the said offices shall have the highest and an equal number of votes, the collector or presiding officer of St. George's East Election District shall give a casting vote which shall elect the candidate in whose favor it is given. Presiding officers to assemble, when and where. The vote.

Passed at Dover, March 9, 1871.

CONCERNING LIMITS.

CHAPTER 3.

ELECTION DISTRICTS.

AN ACT to divide Appoquinimink Hundred into two Election Districts.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That for the purpose of holding elections for State and county officers in Appoquinimink Hundred, the said hundred shall be and hereby is divided into two election districts, by the following line, to wit: Beginning at the mouth of Blackbird Creek and running with said creek and main branch to a bridge in the road leading from the head of Sassafras to Smyrna, thence westerly in the centre of said road to the cross-roads known as Dexter's Corner, thence southwesterly with the road leading by Garman's school house, Cypress Bridge, the late John McKay's and Daniel Tippet's to the Maryland line. All that part of said hundred lying north of said dividing line shall be Appoquinimink North Election District; and all that part of said hundred lying south of said dividing line shall be Appoquinimink South Election District. The elections for the said Northern District shall be held in the village of Townsend, at the house now occupied by Captain James Wilson; and the elections for the said Southern District shall be held at Blackbird, at the place now authorized by law for holding elections in said Appoquinimink Hundred.

Appoquinimink hundred divided into two election districts.

Where elections shall be held.

Whom to be voted for at said elections.

SECTION 2. *And be it further enacted as aforesaid,* That at the said places shall be held the general election, all special elections for members of the General Assembly and Representatives in Congress; elections for electors of President and Vice President of the United States; and elections for road commissioners, for assessor of the said hundred, and for inspectors of the said election districts. The electors residing in the hundred shall vote in the election district in which they shall reside at the time of the election.

Election laws to apply to said districts.

Exception.

SECTION 3. *And be it further enacted as aforesaid,* That all the laws of this State touching elections held in the several hundreds of the State shall apply to elections for the same officers of the said election districts, excepting only so far as the general law for the election of assessor and inspector and road commissioners is qualified by the provisions hereinafter contained.

Assessor and inspectors.

SECTION 4. *And be it further enacted as aforesaid,* That there shall be elected, in accordance with the provisions of Chapter 17 of the Revised Statutes, one assessor for Appoquinimink Hundred and one inspector for each of the said districts. In such election the collector of said hundred shall be the presiding officer of

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Appoquinimink North Election District, and some qualified voter of the district, to be appointed by the Levy Court of New Castle county, in the month of March next previous to the election, shall be the presiding officer of Appoquinimink South Election District, and shall have all the powers and perform all the duties of the presiding officer of such election according to law, and if at any election as aforesaid in Appoquinimink South Election District a presiding officer shall not have been appointed, or shall not be present at the time and place of opening the election, the electors present shall choose a presiding officer for said election according to the provisions of Section 10 of Chapter 18 of the Revised Statutes. The Levy Court of New Castle county shall, at the time of the appointment, make provision for the furnishing by the collector of a list of the voters of the said hundred to the person appointed as presiding officer as aforesaid.

Presiding officer, when and how voted for.

SECTION 5. *And be it further enacted as aforesaid,* That immediately upon closing the election for assessor and inspector in the said election districts and ascertaining the state of the vote, the presiding officer and judges of election in each of the said districts shall make and sign certificates according to law, of the election of inspectors, varying from the form prescribed for that purpose by omitting the assessor, and in lieu of including the election of assessor in such certificate they shall make and sign a certificate of the number of votes given for each candidate voted for as assessor, and also of the number of votes given for each candidate voted for as road commissioner.

Certificates of election.

SECTION 6. *And be it further enacted,* That the said presiding officers and judges of both the said election districts shall assemble on the day next succeeding said election, at 12 o'clock M., at the place of voting in Appoquinimink North Election District aforesaid, and ascertain the aggregate number of votes given in both the said districts for each person voted for for road commissioner and for assessor. The candidate having the highest number of votes shall be declared duly elected assessor, and the candidate or candidates, according as there may be one or more to be elected, having the highest number of votes for road commissioner or commissioners shall be declared duly elected road commissioner or commissioners, and the presiding officers and judges shall make, sign and deliver certificates of said election according to law. If two candidates for either of the said offices shall have the highest and an equal number of votes, the collector or presiding officer of Appoquinimink North Election District shall give a casting vote, which shall elect the candidate in whose favor it is given.

Presiding officers to assemble, when and where.

The vote.

Passed at Dover, March 21, 1871.

CONCERNING LIMITS.

CHAPTER 4.

ELECTION DISTRICTS.

AN ACT to amend the act entitled, "An act to divide St. George's Hundred into two Election Districts," passed at Dover, March 9, 1871.

The place of meeting of the presiding officer and judges omitted.

WHEREAS it was omitted in Section 6 of an act passed at the present session of the General Assembly entitled, "An act to divide St. George's Hundred into two election districts," to provide for the place of meeting of the presiding officer and judges of the respective districts to ascertain the vote for and election of assessor and road commissioner or commissioners; therefore

Where the place of meeting of said officers.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That the said act entitled, "An act to divide St. George's Hundred into two election districts," passed at Dover, March 9, 1871, be and the same is hereby amended in Section 6, by filling the blank therein with the word "East," so that the said section shall read so as to provide for the meeting of the said officers "at the place of voting in St. George's East Election District;" and it is hereby directed that the Secretary of State shall cause said act to be published in the laws of this State as hereby amended.

Secretary of State to publish the act as amended.

Passed at Dover, March 20, 1871.

TITLE SECOND:

Of the Public Revenue, and the Assessment, Collection
and Appropriation of Taxes.

CHAPTER 5.

OF THE LEVY COURT.

AN ACT to amend Chapter 8 of the Revised Statutes of the State entitled, *Rev. Code,*
"Of the Levy Court." *10.*

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

SECTION 1. That Section 21 of Chapter 8 of the Revised Statutes of this State be and the same is hereby amended by adding to the said section the following words: "The Levy Court may, before they allow the delinquent list of any collector, require that such collector shall upon oath say that the delinquent list made out and returned by him to the Levy Court is true in all its statements to the best of his knowledge and belief, and that no tax has been collected from any person so returned by him as delinquent. The oath hereby prescribed may be administered by the clerk of the said court, and any collector who shall swear falsely as to any matter to which he may be required to make oath by this section shall be liable to the pains and penalties of perjury."

*Section 21,
of Chapter 8
of Revised
Statutes
amended.*

*An oath re-
quired from
collector
that delin-
quent list is
correct.*

*By whom
the said oath
to be admini-
stered.*

SECTION 2. That in any future edition of the Revised Statutes of this State the said section shall be published as herein amended.

*In future
editions of
the laws the
Revised
Statutes to
be published
as amended*

Passed at Dover, March 29, 1871.

CHAPTER 6.

OF COLLECTORS.

AN ACT to amend Chapter 12 of the Revised Statutes of the State of Delaware. *Rev. Code,
28.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That Section 19 of Chapter 12 of the Revised Statutes of the State of Delaware be and the same is hereby amended by inserting between the words "merchandize" and "in," in the third line of said section, the words "produce or any property whatsoever and manufacturers."

*Section 19 of
Chapter 12
amended.*

Passed at Dover, March 30, 1871.

CONCERNING THE PUBLIC REVENUE.

CHAPTER 7.

CLERKS OF THE PEACE.

Rev. Code, AN ACT to amend Section 23 of Chapter 9 of the Revised Statutes of the State of Delaware.
15.

Section 23 of
Chapter 9
amended.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That* Section 23 of Chapter 9 of the Revised Statutes of the State of Delaware be and the same is hereby amended by inserting between the words "pedlers" and "for" the words "manufacturers and those engaged in the business of purchasing and selling produce, goods, wares and merchandise or any property whatsoever."

Passed at Dover, March 30, 1871.

CHAPTER 8.

CLERK OF THE PEACE.

Rev. Code, AN ACT to amend Chapter 9 of the Revised Statutes of this State, entitled "Clerk of the Peace."
15.

Section 10 of
Chapter 9
amended.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That* Section 10 of Chapter 9 of the Revised Statutes of this State be and the same is hereby amended by inserting between the word "wares" and "and," in sixth line of said section, the words "licenses to manufacturers, licenses to persons, associations of persons, firms or corporations engaged in or desiring to engage in the business of purchasing and selling produce, goods, wares and merchandise or other property whatsoever."

Section 13 of
Chapter 9
amended.

SECTION 2. *And be it further enacted as aforesaid, That* Section 13 of Chapter 9 aforesaid be and the same is hereby amended by inserting between the words "pedlers" and "and" in the third line of said Section 13, the words "licenses to manufacturers, licenses to persons, associations of persons, firms or corporations engaged in or desiring to engage in the business of purchasing and selling produce, goods, wares and merchandise or other property whatsoever."

Passed at Dover, March 30, 1871.