

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 FIFTH DAY OF JANUARY,

A. D. 1875,

AND OF THE

INDEPENDENCE OF THE UNITED STATES,

THE NINETY-NINTH.

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# LAWS OF THE STATE OF DELAWARE.

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## CHAPTER 1.

### Amendment to the Constitution Ratified.

AN ACT to ratify a proposed amendment to the Constitution of this State.

WHEREAS, at the last session of the General Assembly of this State, to wit, on the third day of April, A. D. 1873, an act was passed proposing an amendment to the seventeenth section of the second article of the Constitution of this State, which proposed amendment is in the words following, to wit: "The Legislature shall have power to enact a general incorporation act to provide incorporation for religious, charitable, literary and manufacturing purposes, for the preservation of animal and vegetable food, building and loan associations, and for draining low lands; and no attempt shall be made, in such act or otherwise, to limit or qualify the power of revocation reserved to the Legislature in this section," as by reference to the aforesaid act, to be found upon page 319 of the 14th volume of the laws of this State, will more at large appear: AND WHEREAS, it appears to this General Assembly by the message of His Excellency, the Governor, delivered to both Houses on the first day of this present session, that the said proposed amendment has been approved of by him and published in conformity with the Constitution and the aforesaid act, which is satisfactory evidence of due compliance with the Constitution in relation to amendments thereof: AND WHEREAS, in the opinion of this General Assembly, the said amendment is a proper one, and ought to be ratified by it, that it may become part of the Constitution: NOW, THEREFORE, in order to make such ratification, <sup>Preamble,</sup>

## CONSTITUTIONAL AMENDMENT.

Proposed amendment to the 17th section, of article 2, of the Constitution of Delaware ratified.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, three-fourths of all the members of each branch of the Legislature concurring herein,—* That the amendment aforesaid be, and the same hereby is ratified, and the same declared to be part of the Constitution of the State of Delaware, by way of amendment and addition to the seventeenth section of the second article thereof.

Amendment to be incorporated in any future publication of the Constitution.

SECTION 2. *And be it further enacted,* That in any publication of the said Constitution hereafter to be made by authority of law, the said amendment shall be incorporated therein as part of the said section and article, by way of addition to said section.

*Passed at Dover, January 28, 1875.*

TITLE FIRST.

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

CHAPTER 2.

OF SOVEREIGNTY, JURISDICTION AND LIMITS.

AN ACT providing for a Commissioner of the Levy Court and Court of Appeal for Gumborough hundred in Sussex county.

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That Gumborough hundred, in Sussex county, shall be entitled to, and shall have one commissioner of the Levy Court and Court of Appeal, and the Governor is hereby authorized and required to appoint a commissioner of the Levy Court and Court of Appeal for Gumborough hundred, in Sussex county, who shall hold his office until the next general election in the State, when a commissioner of the Levy Court and Court of Appeal shall be elected for said hundred for the term of four years.

Gumborough Hundred to have one Levy Court Commissioner. Governor authorized to appoint present Commissioner to hold until the next General Election. The next Levy Court Commissioner for said hundred to be elected for four years.

Passed at Dover, January 27, 1875.

CHAPTER 3.

OF LIMITS.

AN ACT for the extension of the Boundaries of Red Lion hundred, New Castle county.

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

SECTION 1. That the boundary of Red Lion hundred is hereby enlarged so as to include and embrace within said

Boundary of Red Lion hundred enlarged so as to include that portion of the town of St. George's, and certain lands heretofore situated in St. George's hundred.

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Gumborough Hundred to have one Levy Court Commissioner. Governor authorized to appoint present Commissioner to hold until the next General Election. The next Levy Court Commissioner for said hundred to be elected for four years.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met.* That Gumborough hundred, in Sussex county, shall be entitled to, and shall have one commissioner of the Levy Court and Court of Appeal, and the Governor is hereby authorized and required to appoint a commissioner of the Levy Court and Court of Appeal for Gumborough hundred, in Sussex county, who shall hold his office until the next general election in the State, when a commissioner of the Levy Court and Court of Appeal shall be elected for said hundred for the term of four years.

*Passed at Dover, January 27, 1875.*

CHAPTER 3.

OF LIMITS.

AN ACT for the extension of the Boundaries of Red Lion hundred, New Castle county.

Boundary of Red Lion hundred enlarged so as to include that portion of the town of St. George's, and certain lands heretofore situated in St. George's hundred.

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

SECTION 1. That the boundary of Red Lion hundred is hereby enlarged so as to include and embrace within said

## CONCERNING LIMITS.

hundred, and become part and parcel thereof, all that portion of the town of St. George's, together with the lands hereinafter described, being before the passage of this act situated in St. George's hundred.

Boundaries  
of the district  
included  
within the  
extension.

SECTION 2. That is to say, The said enlargement or extension shall begin at a point on the Chesapeake and Delaware canal at the line dividing the lands of John P. Hudson from the lands of John Robson; thence and with said division line in a southerly direction to the public road leading from Summit bridge to the town of St. George's; thence in a northeasterly direction with the middle line of said road to the road leading from Odessa to the said town of St. George's; thence crossing said road to the line of the lands of Mrs. Letitia How, being the northern boundary of the road dividing the lands of the said Letitia How from the lands of Mrs. Margaret A. Osborn; thence and with said line and road to the line dividing the lands of the said M. A. Osborn from the lands of Francis S. McWhorter and Brothers; thence with the line dividing said lands to Scott's run; thence down said run to the Chesapeake and Delaware canal, and thence with said canal and with the original division lines of said hundreds to the place of beginning.

Of the assess-  
ment and  
collection of  
taxes within  
the said  
district.

SECTION 3. *Be it further enacted*, That all taxes now assessed against persons or property residing or situated within the boundaries above described, and hereby established, shall continue to be collected by St. George's hundred, and appropriated as before the passage of this act until the next general assessment, at which time the assessor for Red Lion hundred shall, and is hereby directed, to embrace the above described district and to include in said assessment the persons and property therein residing or situated as belonging to Red Lion hundred, and being citizens and part thereof by virtue of this act.

Electors  
residing  
within said  
district shall  
be deemed  
citizens of  
Red Lion  
hundred.  
Any present  
officer  
within said  
district shall  
hold until  
the next  
General  
Election,  
when his  
term shall  
expire, and a  
successor  
shall be  
elected.

SECTION 4. *Be it further enacted*, That from and after the passage of this act, that all legally qualified electors residing within the above described district, shall, in the exercise of the elective franchise, be deemed to be citizens of Red Lion hundred, and shall be admitted to all of the privileges of citizenship therein.

SECTION 5. *Be it further enacted*, That any officer of St. George's hundred who shall or may reside within the district above described, at the time of the passage of this act, shall continue to exercise the duties of his office until the next general election, when his term shall expire, and a successor be elected.

CONCERNING LIMITS.

SECTION 6. *Be it further enacted,* That all old boundary lines conflicting herewith are hereby vacated and annulled, and any laws conflicting with this act are hereby repealed, in so far as they are in antagonism herewith. Conflicting boundary lines annulled and inconsistent laws repealed.

SECTION 7. *Be it further enacted,* That this act shall be taken and deemed as a public act. Public act.

*Passed at Dover, March 1, 1875.*

CHAPTER 4.

OF LIMITS.

AN ACT to divide Appoquinimink hundred into two hundreds.

*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 the general and special elections, the election of assessors and inspectors, and for the appointment of constables, and for such other purposes as may be necessary to constitute the respective hundreds created by this act, distinct and separate hundreds with all the rights and privileges which may properly appertain to them as such, Appoquinimink hundred in New Castle county shall be and the same is hereby divided into two hundreds 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 Sassafra to Smyrna; thence westerly to the centre of said road to the cross roads known as Dexter's corner; thence south-westerly with the road leading by Garman's school house; thence to Cypress Bridge, and thence down said Cypress Branch to the dividing line between Maryland and Delaware. All that part of said hundred north of said dividing line shall be one hundred, and shall be called Appoquinimink hundred, and all that part of said hundred south of said dividing line shall [be] the other hundred; and shall be called Blackbird hundred. The election for the said Appoquinimink hundred shall be held in the Appoquinimink hundred divided into two hundreds. For what purposes divided. The dividing line. Name of hundreds when divided. Appoquinimink, and Blackbird hundreds. Elections, where held.

## CONCERNING LIMITS.

Laws applicable to hundreds extended to each of said hundreds.

village of Townsend, in or at the hotel now occupied by James C. Townsend, and the election for the said Blackbird hundred shall be held at Blackbird, at the place now authorized by law for holding elections in Appoquinimink south election district. All laws of this State that apply to hundreds in New Castle county as such, shall apply and extend to the said Appoquinimink hundred, and the said Blackbird hundred, as separate and distinct hundreds.

Of Levy Court commissioners.

SECTION 2. That Appoquinimink hundred and Blackbird hundred, as formed by this act, shall each have one commissioner of the Levy Court and Court of Appeal as now provided for by law, and at the next general election to be held in the year A. D. 1878, one commissioner of the Levy Court and Court of Appeal shall be elected for Blackbird hundred, and at the general election in the year A. D. 1878, one commissioner of the Levy Court and Court of Appeal shall be elected for Appoquinimink hundred, as formed by this act. But this section shall not be construed to affect in any manner, the office of any commissioner of the Levy Court or Court of Appeal, in Appoquinimink hundred, as now exist.

Their election.

Proviso.

Road commissioners.

SECTION 3. That Appoquinimink hundred and Blackbird hundred as formed by this act, shall each have three road commissioners, and at the next hundred election, in the year A. D. 1876, two road commissioners shall be elected for each of the hundreds formed by this act, and at the hundred election, in the year A. D. 1878, one road commissioner shall be elected for each of the hundreds aforesaid. But this section shall not be construed to affect in any manner the office of road commissioner in Appoquinimink hundred, except, however, that the road commissioner elected in 1874, in each election district of Appoquinimink hundred, shall, after the hundred election aforesaid in the year A. D. 1876, duly exercise jurisdiction in the hundred in which they respectively reside. The road commissioners shall, until after the hundred election aforesaid, in 1876, alternately meet in the two hundreds formed by this Act.

Their election.

Proviso.

Of the assessment and collection of taxes in said hundreds.

SECTION 4. That the assessment, levying and collection of taxes in the said hundreds hereby formed by this act, until the month of February, A. D. 1876, shall be made in the same manner as heretofore, and the passage of this act shall in no way impair the right of any collector to complete the collection of duplicates or assessments in his hands for collection, or which may hereafter be placed in his hands for collection in the same manner as if this act had not been passed. Nor shall this