

LAW

OF THE

STATE OF DELAWARE,

PASSED AT A SESSION

OF THE

GENERAL ASSEMBLY

COMMENCED AND HELD AT DOVER,

TUESDAY, THE SEVENTH DAY OF JANUARY,

A. D. 1879,

AND OF THE

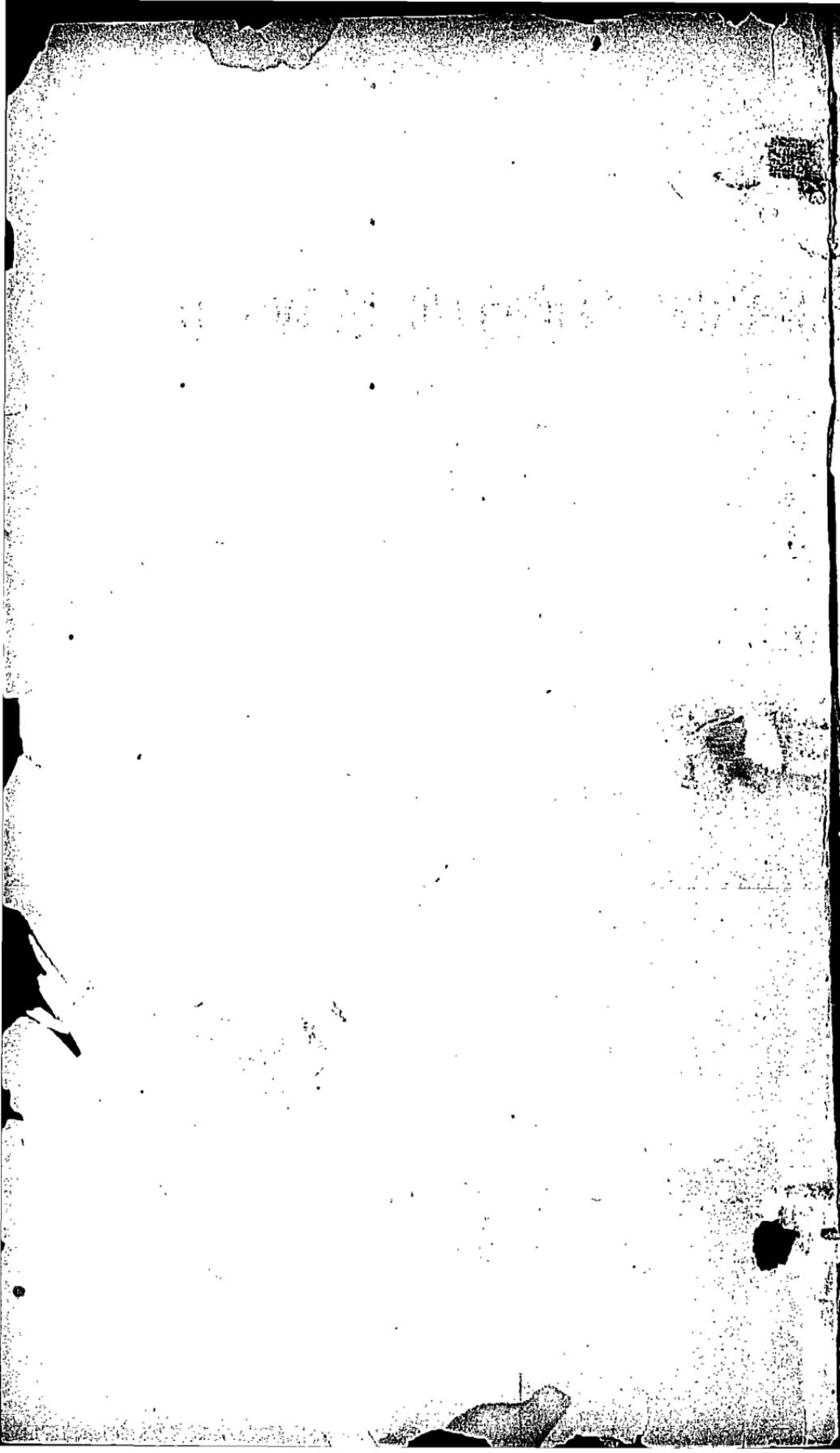
INDEPENDENCE OF THE UNITED STATES,
THE ONE HUNDRED AND THIRD.

VOL. 16.—PART 1.

DOVER, DELAWARE: 1879

PRINTED AT THE DELAWAREAN OFFICE

1879



LAWS OF THE STATE OF DELAWARE.

TITLE FIRST.

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

CHAPTER 1.

OF THE PASSING AND PUBLICATION OF LAWS.

AN ACT to extend the time for the Recording of Private Acts.

WHEREAS by Chapter 4, Section 3, of the Revised Statutes of the State of Delaware, it is provided that private statutes should be recorded in the Recorder's Office in one of the counties of this State within twelve months after their passage, or they shall be void; Preamble.

AND WHEREAS a number of private acts heretofore passed have, through negligence or ignorance of said provisions, become void, therefore, in order to relieve the parties interested in said private acts from the effects of such negligence and ignorance,

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

SECTION 1. That all published acts heretofore passed which have not been repealed by special acts, and have become void by reason of a failure to have the same recorded in compliance with the provisions of the third section of chapter four of the Revised Statutes of this State, are hereby severally renewed and re-enacted, and together with the provisions therein contained are respectively declared to be in full force, and all acts and matters done and performed under the provisions of said acts respectively, shall have the same force and effect and be as valid to all intents and purposes as if the said acts had been severally recorded according to law: *Provided*, That this act shall not take effect in the case of any act that has become void as aforesaid Time for recording private acts extended.

OF THE REVENUE OF THE STATE.

until a certified copy thereof, procured of the Secretary of State, shall be duly recorded in the Recorder's office of one of the counties of this State, and that no such copy of such void act shall be received for record after the expiration of one year from the passage of this act.

SECTION 2. That this act shall be deemed and taken to be a public act, and published as such.

Passed at Dover, March 10, 1879.

TITLE SECOND.

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

CHAPTER 2.

OF THE REVENUES OF THE STATE.

AN ACT to exempt from taxation certain unproductive securities of other States.

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

Certain
non-productive
securities
exempt
from taxation.

SECTION 1. That from and after the passage of this act it shall not be lawful for any assessor in any hundred or assessment district in this State to assess any stocks, bonds, or other securities of other States held by citizens of the State of Delaware, which do not yield to the holder or holders thereof any dividends or interest.

Passed at Dover, March 21, 1879.

OF THE REVENUE OF THE STATE.

CHAPTER 3.

OF THE REVENUES OF THE STATE.

AN ACT to relieve Peddlers of Fish and Oysters from the payment of a license tax.

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

SECTION 1. That no peddler of fish and oysters exclusively, either on foot or in a cart or wagon, shall be required to pay a license tax as such peddler, but any person carrying on the business of peddler of fish and oysters exclusively, or shall be engaged temporarily peddling fish and oysters exclusively, shall be exempt from the payment of any license tax whatever for the privilege of carrying on said business within this State.

Peddlers of fish and oysters exclusively exempt from payment of license tax.

Passed at Dover, March 25, 1879.

CHAPTER 4.

OF THE REVENUES OF THE STATE.

AN ACT to exempt from taxation certain property in the city of New Castle.

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

SECTION 1. That the real estate of any person or persons or body corporate within the limits of the city of New Castle, not exceeding five acres, upon which any manufacturing or other industrial improvements for the employment of labor shall be erected after the passage of this act, or any real estate upon which any buildings are already erected, and which, after the passage of this act, shall be used for any manufacturing or industrial pursuit as aforesaid, not before prosecuted or carried on there, shall be exempt for a period of ten years after the same shall be first assessable, from assessment or taxation for State, county or municipal purposes.

Certain real estate within the limits of the city of New Castle not exceeding five acres, exempt from taxation.

Passed at Dover, March 25, 1879.

OF THE APPROPRIATION OF PUBLIC MONEYS.

CHAPTER 5.

OF THE APPROPRIATION OF PUBLIC MONEYS.

AN ACT to provide for the rebuilding and proper maintenance of certain public roads in St. George's and Red Lion Hundreds, in the County of New Castle.

Preamble. WHEREAS there are certain public roads in the hundreds of St. George's and Red Lion crossing the lowlands contiguous to the River Delaware, which have been protected by the dykes and embankments along the said River Delaware, kept up and maintained by the "St. George's Marsh Company" for more than one hundred years past;

AND WHEREAS the said lowlands crossed by said public roads are about two feet lower than the water level in the river Delaware, and but for the protection against flooding afforded by the dykes and embankments aforesaid, it would have been impossible to have constructed or kept up the said public roads without an enormous expenditure of moneys in their original construction, and an exorbitant appropriation annually for their maintenance;

AND WHEREAS during the unprecedented storm in October, 1878, the dykes and embankments of the said the "St. George's Marsh Company," were broken, carried away and destroyed, and by reason thereof all the lowlands contiguous to the said river and traversed by the public roads aforesaid have been inundated and submerged, and the said public roads are rendered useless;

AND WHEREAS by reason of such inundation the owners and possessors of lands within the limits of the "St. George's Marsh Company," who are taxables in said company, have sustained such serious losses as to be now unable to raise moneys necessary to rebuild the said embankments and dykes, but have pledged the company to raise one-half of the sum necessary to rebuild the said embankments and dykes, provided the Levy Court of New Castle County will make an appropriation sufficient to defray the other half of the cost of rebuilding the same;

AND WHEREAS the rebuilding of said embankments and dykes is necessary to the proper construction and maintenance of the public roads aforesaid, and it is demanded in the interest of true economy that they should be so rebuilt for the public convenience, and the said Levy Court of New Castle County being willing to make such appropriation, but being in doubt about the lawful authority so to do; therefore,

OF THE APPROPRIATION OF PUBLIC MONEYS.

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

SECTION 1. That "the Levy Court of New Castle County" be and it is hereby authorized, empowered and directed to make an appropriation or appropriations of the public moneys towards rebuilding the embankments and dykes mentioned in the preamble of this act: *Provided*, That such appropriation or appropriations shall not in the aggregate exceed one-half of the whole cost of rebuilding the same, nor in any event exceed the sum of seven thousand dollars in the aggregate.

Appropriations made for rebuilding certain dykes and embankments.

SECTION 2. The moneys directed to be appropriated shall be paid to the treasurer of the "St. George's Marsh Company," from time to time, as the work of rebuilding said embankments and dykes progresses; and such payments shall only be made to him, from time to time, on account of such work of rebuilding actually then rendered and performed; and it shall be the duty of such treasurer to file an affidavit with the said Levy Court, preceding each of such payments, setting forth that work has then actually been performed in such rebuilding at a cost double the amount of such payment, and that the said "The St. George's Marsh Company" has paid the other half part of such cost; and it shall be the duty of the said Levy Court, from time to time, upon the filing of such affidavits of said treasurer, to make partial payments or appropriations out of the whole sum directed to be appropriated by Section 1 of this act, which said partial payments shall be equivalent to one-half of the cost of such rebuilding actually then incurred as stated in said affidavit, and for which no partial appropriation shall have been theretofore made.

Appropriations. To whom paid. When paid.

Costs. By whom paid.

SECTION 3. This act shall be deemed and taken to be a public act.

Passed at Dover, February 6th 1879.

OF THE APPROPRIATION OF PUBLIC MONEYS.

CHAPTER 6.

OF THE APPROPRIATION OF TAXES.

AN ACT to provide for the rebuilding and proper maintenance of certain public roads in New Castle Hundred, New Castle County.

Preamble

WHEREAS there are certain public roads in the hundred of New Castle, crossing the lowlands contiguous to the river Delaware, which have been protected by the dykes and embankments along said river Delaware, kept by and maintained by the Mill Creek Marsh Company and Thomas T. Tasker, Sr., for many years past;

AND WHEREAS the said lowlands crossed by said public roads are much lower than the water level in the river Delaware, and but for the protection against flooding afforded by the dykes and embankments aforesaid, it would have been impossible to have constructed or kept up the said public roads without an enormous expenditure of money in their original construction, and a large appropriation annually for their maintenance;

AND WHEREAS during the unprecedented storm in October, 1878, the dykes and embankments of the said Mill Creek Marsh Company and Thomas T. Tasker, Sr., were broken, carried away and destroyed, and by reason thereof all the lowlands contiguous to the said river and traversed by the public roads aforesaid, have been inundated and submerged, and the said public roads are rendered useless;

AND WHEREAS by reason of such inundation, the owners and possessors of lands within the limits of the Mill Creek Marsh Company, who are taxables in said company, and Thomas T. Tasker, Sr., have sustained such serious losses as to be now unable to raise the moneys necessary to rebuild the said embankments and dykes, but will pledge the company and Thomas T. Tasker, Sr., to raise one-half of the sum necessary to rebuild the said embankments and dykes, provided the Levy Court of New Castle County, will make an appropriation sufficient to defray the other half of the cost of rebuilding the same;

AND WHEREAS the rebuilding of said embankments and dykes is necessary to the proper construction and maintenance of the public roads aforesaid, and it is demanded in the interest of true economy, that they should be so rebuilt for the public convenience, and the said Levy Court of New Castle County, being willing to make such appropriation, but being in doubt about the lawful authority so to do; therefore,

OF THE APPROPRIATION OF PUBLIC MONEYS.

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

SECTION 1. That "the Levy Court of New Castle County" be and it is hereby authorized, empowered and directed to make an appropriation or appropriations of the public moneys towards rebuilding the embankments and dykes mentioned in the preamble of this act: *Provided*, That such appropriation or appropriations shall not, in the aggregate, exceed one-half of the whole cost of rebuilding the same, nor in any event exceed the sum of three thousand dollars.

Appropriations for the repair of certain dykes and embankments.

SECTION 2. The moneys directed to be appropriated shall be paid as follows: not to exceed the sum of fifteen hundred dollars to the Treasurer of the Mill Creek Marsh Company, from time to time, as the work of rebuilding the part of the embankments and dykes beforementioned, which may belong to said Mill Creek Marsh Company, and not to exceed the sum of fifteen hundred dollars, and* to Thomas T. Tasker, Sr., from time to time on the work of rebuilding the part of the embankments and dykes beforementioned, which may belong to said Thomas T. Tasker, Sr.; and such payments shall only be made to them from time to time on account of such work of rebuilding actually then rendered and performed, and it shall be the duty of such Treasurer of the Mill Creek Marsh Company and Thomas T. Tasker, Sr., to file an affidavit with the said Levy Court preceding each of such payments, setting forth that work has then actually been performed in such rebuilding at cost double the amount of such payment, and that the said Mill Creek Marsh Company or Thomas T. Tasker, Sr., as the case may be, has paid the other half part of such cost; and it shall be the duty of the said Levy Court, from time to time, upon the filing of such affidavits of said Treasurer or Thomas T. Tasker, Sr., as the case may be, to make partial payments or appropriations out of the whole sum directed to be appropriated by Section 1 of this act, which said partial payment shall be equivalent to one-half of the cost of such rebuilding actually then incurred, as stated in said affidavit, and for which no partial appropriation shall have been therefor made.

Amount of appropriations.

To whom paid.

Payments. How paid.

Affidavits.

What set forth therein.

Partial payments.

SECTION 3. This act shall be deemed and taken to be a public act.

Passed at Dover, March 24, 1879.

* So in the enrolled bill.

OF THE APPROPRIATION OF PUBLIC MONEYS.

CHAPTER 7.

OF THE APPROPRIATION OF TAXES.

AN ACT in relation to Roads and Causeways in Blackbird Hundred, in New Castle County, and for other purposes.

Preamble. WHEREAS on or about the twenty-third day of October, A. D. 1878, in consequence of an unprecedented storm, the banks of the Cedar Creek Marsh Company, in Blackbird Hundred, along the shore of the Delaware Bay, was broken and otherwise damaged;

AND WHEREAS the waters of the said Delaware Bay now flow through the breaches in said banks and for miles inland from said shore, and submerges one of the public roads of New Castle County to such an extent as to render the same impassable;

AND WHEREAS there are certain causeways in connection with the said road, which causeways are now required to be maintained and kept up by the Levy Court of the county aforesaid;

AND WHEREAS to raise the said causeways and road contiguous thereto above the level of the water of said bay, by which the said roads and causeways are now submerged and rendered impassable, would incur an expense of many thousand dollars to New Castle County;

AND WHEREAS the charter of the said Cedar Creek Marsh Company has expired, and the lands and marshes thereof having been abandoned for agricultural purposes, and the owners of said lands and marshes not having sufficient pecuniary interest in the same to justify them in repairing said banks;

AND WHEREAS the roads and causeways so submerged and rendered impassable are vastly important to a large section of highly improved and valuable agricultural country, and in consequence of which it will be absolutely essential to the interest of the said county to rebuild and make the said causeways in good and passable condition; therefore,

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

SECTION 1. That the Levy Court of New Castle County be and is hereby required within (30) thirty days from the passage of this act, to appoint a committee of three members of said Levy Court, living nearest to the said Cedar Creek Marsh, one of whom shall be the member from Blackbird Hundred, and the said committee shall immediately go upon and view the said road and causeways so submerged, and the banks of the said Cedar Creek Marsh Company, and to make a careful estimate of the cost or expense of repairing and rebuilding the said road and

Committee appointed to examine the road, causeways and banks mentioned in preamble and estimate the costs of repairing same.