

L A W S

O F T H E

S T A T E

O F

DELAWARE,

FROM THE FOURTEENTH DAY OF OCTOBER, ONE THOUSAND SEVEN  
HUNDRED, TO THE EIGHTEENTH DAY OF AUGUST, ONE  
THOUSAND SEVEN HUNDRED AND NINETY-SEVEN.

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IN TWO VOLUMES.

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VOLUME II.

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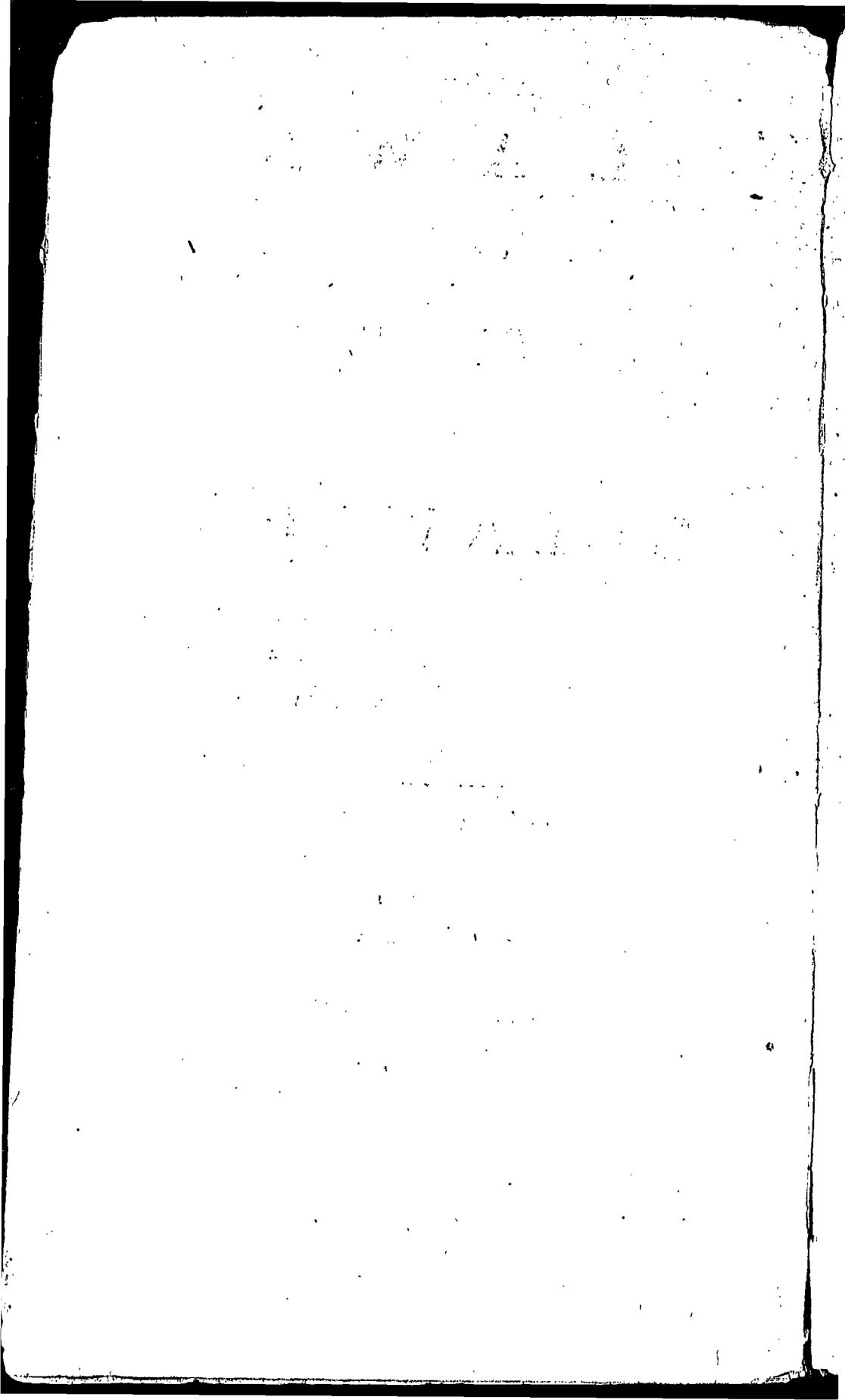
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*Published by Authority.*

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SECRETARY'S OFFICE, NEW-CASTLE, AUGUST 18, 1797.

*I Do certify, that this Edition of the LAWS OF THE STATE OF DELAWARE, comprised in Two Volumes, printed by Samuel and John Adams, is published pursuant to the Directions of an Act of the Legislature of the said State, passed on the nineteenth Day of June, in the Year One Thousand Seven Hundred and Ninety-three.*

JAMES BOOTH,

*Secretary of the State of Delaware.*



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L A W S

OF THE

State of Delaware.

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C H A P. I. b.

CHAP.  
I.

1777.

An ACT to punish treasons and disaffected persons, and for the security of the government. To continue during the war.—Expired.

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C H A P. II. b.

An ACT to render parts of divers acts of Assembly and certain law proceedings more conformable to the present constitution. (a)

1777.

**W**HEREAS the bonds and obligations, directed by any act of Assembly to be taken in the name of the King of Great Britain, or the Governor or Lieutenant Governor for the time being, cannot now be sued, and it is necessary that all such bonds or obligations should hereafter be taken in a different manner: *And whereas* all recognizances taken in the name of the same King, or Governor or Lieutenant Governor, or government of the counties of Newcastle, Kent and Suffex, on Delaware, cannot now be sued, nor new recognizances taken agreeable to

VOL. II.

B

former

(a) For this constitution, established the 20th of September, 1776, See the Appendix.

C H A P.  
II.

1777.

former practice: *And whereas* it is expedient that certain fees and perquisites heretofore given by law to the Governor or Lieutenant Governor, for the support of government, should hereafter belong to the President or Commander in Chief of this state for the time being; and that the oaths or affirmations of allegiance, directed to be taken or subscribed before the fourteenth day of May last, should be totally abolished;

Public bonds, &c. heretofore taken and remaining in force how to be sued.

SECTION 2. *BE it therefore enacted by the General Assembly of Delaware, and it is hereby enacted by the authority of the same,* That all bonds, obligations and recognizances taken in the name of the King of Great Britain, or in the name of the Governor or Lieutenant Governor for the time being, or in the name of the government of the counties of New-Castle, Kent and Suffex, upon Delaware, which remain in force at the publication of this act, may and shall be sued, in the name of the Delaware State in the same manner they heretofore have been sued in the names of the said King, Governor, Lieutenant Governor, or in the name of the government of the counties of New-Castle, Kent and Suffex, upon Delaware.

How all such bonds, &c. are to be taken hereafter.

SECT. 3. *And be it further enacted,* That all recognizances, bonds and obligations heretofore directed to be taken, or usually given, in the name of the King of Great Britain, the Governor or Lieutenant Governor, may and shall from and after the publication of this act be given and taken in the name of the Delaware State (except such as are by this act directed to be in the name of the President) and shall be for the use of the public or persons interested. (b)

Licences of divers kinds by whom to be granted.

SECT. 4. *And be it further enacted,* That all licences to inn-keepers, tavern-keepers and other public house-keepers, and also to pedlars, hawkers or petty-chapmen, and all marriage-licences, heretofore granted by the Governor or Lieutenant Governor, may and shall from and after the publication of this act be granted

(b) By art. 6. sect. 21. of the constitution of this state, adopted in June, 1792. the stile in all process and public acts is to be "The State of Delaware."—And in chap. 5. c. sect. 6. Anno 1793, bonds and recognizances of public officers, &c. to be taken in the name of the State.

granted by the President or Commander in Chief of this state, and not otherwise; and all bonds or obligations, required by any act of Assembly to be given and taken previous to the granting such licences, may and shall be given and taken for the future in the name of the President or Commander in Chief for the time being, and payable to him or his successors, (c) for which purpose he is hereby made a body politic and corporate; and all fines and perquisites allowed by law to the Governor or Lieutenant Governor for such marriage or other licences shall hereafter be paid to the President for the time being; any thing in any act of Assembly of this state to the contrary notwithstanding. (d)

CHAP. II.

1777.

Bonds to be given on granting such, in whose name to be.

Fines and perquisites thereon to whom payable.

SECT. 5. *And be it further enacted,* That no person or persons shall presume to keep any inn, tavern, ale-house, ordinary, victualling-house, or other public house of entertainment within this state, from and after the twenty-fifth day of March next, without obtaining, by petition, a recommendation from three or more of the Justices of the Peace of the county in which he, she or they reside to the President for a licence to keep the same, setting forth, that the person or persons so petitioning is or are fit and well qualified for keeping such a house: *Provided always,* That every licence, so to be granted shall continue in force until the last day of the Court of Quarter Sessions to be held in each county in the month of February, which will be in the year of our Lord One Thousand Seven Hundred and Seventy-eight; at which Courts of Quarter Sessions in the month aforesaid, and in like manner at all succeeding Courts of Quarter Sessions to be held in the same month annually forever; the justices of the said respective courts are

Manner in which public-house licences must be obtained.

(c) By chap. 5. c. sect. 14. all the powers formerly vested in the President alone, or in the President and Privy Council, under the late constitution, (of 1776) and by the laws of this state, not provided for by the constitution (of 1792), are vested in the Governor; but all licences are to be countersigned by the Secretary, and sealed with his seal of office.

(d) For the fees on those licences, see chap. 27. c. sect. 1. passed June 15, 1793.—By chap. 5. c. sect. 5, all such fees are declared thereafter to belong to the state, payable into the treasury thereof.—And in chap. 28. c. were appropriated to the discharge of the salaries of the Chancellor and Judges.—But after appropriated in chap. 105. c. passed Feb. 9, 1796, as part of a fund for establishing schools in this state.

C H A P.  
II.  
1777.

are authorized and impowered to give, in full sessions, such recommendations as aforesaid; and that no such licence shall afterwards be granted but upon such recommendations, nor continue longer in force than the last day of the succeeding February Sessions. (e)

Repeal of former acts, &c.

SECT. 6. *And be it further enacted*, That so much of every act of Assembly prescribing the taking or subscribing any oath or affirmation of allegiance to the King of Great Britain for the time being; or acknowledging any authority in him, or the Parliament of Great Britain, or in the heirs and devisees of William Penn, esq. deceased, formerly Governor of this state, or in any other person whatsoever as Governor; and so much of every act of Assembly as declares, directs or commands, any matter, act or thing repugnant or contrary to, or inconsistent with, the present constitution of this state, (f) framed and established by the late convention, shall and are hereby declared to be repealed and absolutely null and void.

*Passed February 22, 1777.*

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C H A P. III. b.

1777. *An ACT against desertion, and harbouring deserters, or dealing with them in certain cases.* Repealed by chap. 18. b.

CHAP.

(e) This sect. 5: altered and supplied in chap. 20. c. passed June 14, 1793. and in chap. 61. c. sects. 5, 6. passed Feb. 7, 1794.

(f) Framed in September, 1776.

## C H A P. IV. b.

C H A P.  
IV.

1777.

An ACT for supporting and establishing certain bills of credit issued by the Congress of the United States of America, and to prevent the counterfeiting of the same, and certain lottery tickets issued by their authority, certificates of the Continental Loan Office, and also other bills of credit.

**W**HEREAS the safety and prosperity of this Preamble. state, as well as of the United States of America, in a great measure depend upon the supporting the credit of the paper money emitted by the Congress, by making it a legal tender at the full value expressed in the respective bills, and by preventing the raising the nominal value of gold and silver, or any other species of money whatsoever;

**SECTION 2.** *BE it therefore enacted by the General Assembly of Delaware, and it is hereby enacted by the authority of the same,* That the bills of credit, emitted by the Continental Congress, shall be, and they are hereby declared to be, a legal tender for the payment and discharge of all manner of debts, rents, sum, and sums of money whatsoever, due; payable or arising, upon, or by reason of any mortgage, bond, bill, specialty, note, book account, promise, assumption, or any other contract or cause whatsoever, as if the same was tendered or paid in the money mentioned in such mortgage or other writing, book account, promise, assumption, or any other contract whatsoever, and shall be so received in all payments by all persons whomsoever; and that the same shall be deemed equal in value to the like nominal sum in Spanish milled dollars, weighing seventeen pennyweight and six grains, accounting each dollar at the rate of Seven Shillings and Six-pence lawful money of this state; and that all debts payable in sterling money may and shall be discharged with the said bills at the rate of Four Shillings and Six-pence sterling *per* Dollar.

**SECT. 3.** *And be it further enacted by the authority aforesaid,* That if such tender in the said Continental bills be legally made to any creditor or creditors whatsoever,

Bills of credit  
issued by Con-  
gress a legal ten-  
der, &c.

Value of such  
bills in Spanish  
Dollars,

or sterling mo-  
ney.

CHAP.  
IV.

1777.

On such tender and refusal, &c. debt discharged, and the sum thereof forfeited, &c.

soever, and he, she or they, shall refuse to accept thereof in payment, and shall afterwards by the space of ten days neglect to declare or make known to his said debtor personally, or by notice in writing left at his usual place of abode; his, her or their willingness to accept of the same bills of credit in payment; such tender and refusal shall operate as a discharge and forfeiture of the debt due to him, her or them, one third part thereof to be retained by the debtor tendering the same, for his own use, and the other two third parts thereof to be paid by the said debtor into the hands of the Treasurer of the county, where such forfeiture happens; for the use of the state; and in case the said debtor refuses or neglects to pay the said two third parts of the debt so forfeited to the Treasurer as aforesaid, the same may and shall be sued for and recovered, with interest, in the manner herein after directed as to the other forfeitures under this act.

And any assignment of the security for such debt declared fraudulent, &c.

SECT. 4. *And be it further enacted by the authority aforesaid,* That where such tender and refusal shall be made as aforesaid, and the person to whom the same tender is made shall afterwards assign, transfer, or set over any such mortgage, bond, specialty, bill or note, every such assignment shall be deemed fraudulent, and the assigner shall forfeit and pay to the assignee, or to his or her executors or administrators, double the sum mentioned in such mortgage, bond, specialty, bill, or note so assigned or transferred, to be recovered by action of debt in any Court of Record in this state.

Persons offering more in the said bills in exchange for gold or silver, or

for goods, &c.

or persons offering to sell any goods, &c. for gold and silver, and refusing to sell for the said bills, to forfeit the value, &c.

SECT. 5. *And be it further enacted by the authority aforesaid,* That whosoever shall offer, ask, or receive, more in the said bills for any gold or silver coins, bullion, or any other species of money whatsoever, than the nominal sum or amount thereof in Spanish milled dollars, or more in the said bills for any goods or commodities whatsoever, than the same could be purchased at of the same person or persons in gold or silver, or any other species of money whatsoever, or shall offer to sell any goods or commodities for gold or silver coins, or any other species of money whatsoever, and refuse to sell the same for the said Continental bills, every such person shall forfeit to the use of the state,

for