LAWS
OF THE
STATE
OF
DELAWARE,
FROM THE FOURTEENTH DAY OF OCTOBER, ONE THOUSAND SEVEN HUNDRED, TO THE EIGHTEENTH DAY OF AUGUST, ONE THOUSAND SEVEN HUNDRED AND NINETY-SEVEN.
IN TWO VOLUMES.
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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.
L A W S
OF THE
State of Delaware.

C H A P. I. b.
An ACT to punish treasons and disaffected persons, and for the security of the government. To continue during the war.—Expired.

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)

WHEREAS the bonds and obligations, direct
ed 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 New-Castle, Kent and Suffolk, on Delaware, cannot now be sued, nor new recognizances taken agreeable to

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

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 Sussex, 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 Sussex, upon Delaware.

Section 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)

Section 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 title 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.
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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; anything in any act of Assembly of this state to the contrary notwithstanding. (d)

SECT. 5. And be it further enacted, That no person or persons shall presume to keep any inn, tavern, alehouse, 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, the 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

(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 24, 1792.—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. 31, 1799, as part of a fund for establishing schools in this State.
are authorized and empowered 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)

Section 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.

Section 7. An ACT against desertion, and harbouring deserters, or dealing with them in certain cases. Repealed by chap. 18. b.

(f) This sect. 5; altered and supplied in chap. 26. c. passed June 14, 1793. and in chap. 61. c. sects. 5, 6, passed Feb. 7, 1794.

(f) Framed in September, 1776.
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.

WHEREAS the safety and prosperity of this 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, sums, 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.

SECTION 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,
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On such tender and refusal, &c. debt declared fraudulent, &c.

and any assignment of the secure for such debt declared fraudulent, &c.

Perfons 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. 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 let 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.

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 the said 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