

L A W S
OF THE
STATE
OF
DELAWARE,

PASSED

At a Session of the General Assembly,

BEGUN AND HOLDEN AT DOVER,

ON MONDAY THE SIXTH, AND ENDED ON THURSDAY
THE FIFTEENTH DAY OF APRIL,

IN THE YEAR OF OUR LORD,

ONE THOUSAND EIGHT HUNDRED AND THIRTEEN,

AND OF THE INDEPENDENCE OF THE

UNITED STATES OF AMERICA,

THE

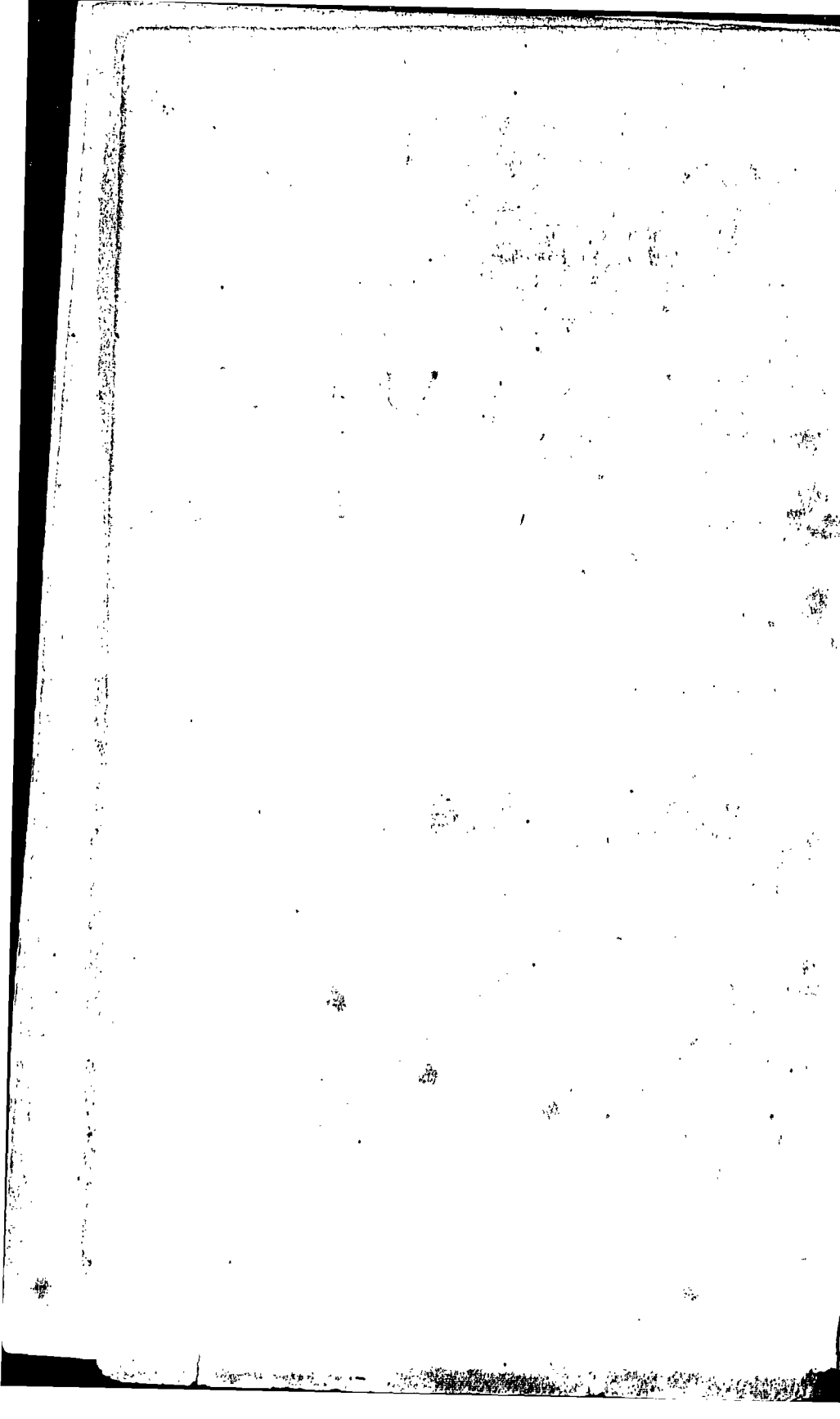
THIRTY-SEVENTH.

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1813.



LAWS

OF THE

State of Delaware.

CHAPTER I.

A SUPPLEMENT to the act entitled, "An act to Vol. 4. chap;
239. p. 627.
*incorporate a company for making an artificial
road from the borough of Wilmington, on the east
side of Brandywine bridge, to the Pennsylvania
line, in the route leading to the city of Philadel-
phia.*

WHEREAS in and by the act to which this is Preamble.
a supplement, General Thomas Robinson,
John Bellach, James Grubb, John Elliott, Edward
Tatnall, Adam Williamson, William Hemphill and
Thomas Smith were appointed commissioners to do
and perform the several duties therein mentioned
and set forth; And whereas, the said commission-
ers did not, in conformity to the act aforesaid, on
or before the tenth day of March, then next follow-
ing the passing of the said act, procure a book for
the purpose of opening the subscription to the stock
of said company, nor give public notice in the
newspapers of the time and place, when and where
the said subscription would be opened for the pur-
pose of receiving subscriptions to the stock of said
company :

CHAP.
I.

1813.

Time of open-
ing books ex-
tended to the
10th of June,

SEC. 1. BE IT THEREFORE ENACTED, *by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* That the same commissioners appointed by the act to which this is a supplement, be and they are hereby authorized to do and perform all and singular the several duties and services enjoined and required by the said act; that is to say, they shall, on or before the tenth day of June next procure one or more books, and open the subscription to the stock of the said company in manner and form, as in and by the said recited act to which this is a supplement, is enjoined and required; and to do, execute and perform all and singular the matters and things touching the duties and services of commissioners, as therein mentioned, set forth and required.

PASSED AT DOVER, }
April 12, 1813. }

CHAPTER II.

An ACT to incorporate a company to make an artificial road or turnpike, from Christiana Bridge in the county of Newcastle in this State, to the Maryland line, in a direction towards Elkton.

SEC. 1. **B**E IT ENACTED *by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That a company be incorporated to make a turnpike road from Christiana-bridge, in the county of Newcastle, to the landing at the confluence of the big and little Elk-creeks, in Cœcil county in the state of Maryland.

Company and
purpose.Opening of
books;

SEC. 2. *And be it enacted,* That subscription books be opened on or before the tenth day of June next, at Christiana-bridge and at Elkton, for a ca-

pital stock for said company, of thirty thousand dollars, in shares of fifty dollars each, under the direction of the following commissioners, or any one of them: to wit, Sylvester Welch, David Niven, William Cooch, John Partridge, James Sewall and William Hollingsworth, at such time as they shall appoint, they giving thirty days previous notice thereof in the Wilmington and Baltimore newspapers: *Provided* that there shall be paid to said commissioners at the time of subscribing, five dollars upon each share which shall be subscribed for,

Commissioners.

Notice of opening books;

\$5 paid on each share paid at subscribing.

SEC. 3. *And be it enacted*, That when two hundred and fifty shares of said stock shall have been subscribed, the commissioners shall give twenty days notice, as aforesaid, of the time and place appointed for the subscribers to meet, to organize said company, and to choose by ballot, a president and eight managers, five of whom shall form a quorum, a treasurer and such other officers as they shall think necessary to conduct the business of said company, until the first Monday in January thereafter, and to make such by-laws as they shall deem necessary; and on the first Monday in January thereafter in each and every year, said company shall meet for the same purpose, at such place as the president and managers shall appoint; and in all elections by the stockholders, each share shall be entitled to one vote: *Provided nevertheless*, that no person or company shall have more than ten votes.

Meeting of subscribers & notice thereof

Organizing of the company;

Annual meeting.

SEC. 4. *And be it enacted*, That the stockholders in said company shall be, and they are hereby created and erected into a body politic and corporate, in deed and in law, by the name, style and title of the "Elk and Christiana turnpike company," and by the same name shall have perpetual succession, and all the privileges and franchises incident to a corporation; and shall be capable of suing and being sued, answering and being answered; and shall be capable of enlarging the stock by new subscriptions, if the same shall be found necessary.

Stockholders incorporated and how, and powers of corporation.

Payment of
sums subscri-
bed.

SEC. 5. *And be it enacted,* That the sums so subscribed shall be paid to the president and managers aforesaid, in the following manner : one fourth thereof, including the sum paid at the time of subscribing, at the end of one month after the election of the managers, and the remainder in such sums and at such times as the president and managers shall appoint, they giving thirty days previous notice of the payments so required.

Route :

Width of the
road :

When entitl'd
to take tolls.

SEC. 6. *And be it enacted,* That the said company shall open said road from said Christiana-bridge to Elk landing as aforesaid, as nearly straight as the nature of the country will admit, having regard to hills and other obstructions, not more than sixty-six feet wide, twenty feet in width of which shall be bedded with stone, gravel or other hard substance, and erect bridges over the streams crossing the same ; and after the whole extent of said road shall have been opened, and two miles thereof perfected, said company shall be entitled to receive toll.

General pow-
ers, &c of the
company ;

(Vol. 4. chap.
85. p. 241.)

SEC. 7. *And be it enacted,* That said company shall be, and hereby are invested and clothed with all the privileges, rights and immunities, which were intended to be held and possessed by the turnpike company, incorporated by an act passed by this General Assembly, at its session held in January, one thousand eight hundred and nine, entitled, "An act to incorporate a company for making an artificial road from the town of Newcastle, in Newcastle county, to the line of this State, in the route or direction to French-town, on Elk river, in Cecil county, in the state of Maryland," and to be governed by the same regulations and restrictions as are therein contained, and entitled to the same tolls ; and every clause and provision of the said act relative to the road therein proposed to be made from the town of Newcastle to the line of this State, in the route or direction to French-town aforesaid, shall be in force as relates to the road herein contemplated, so far as the same are applicable,

SEC. 8. *And be it enacted*, That it shall be lawful for any corporation or body politic, in the United States, to become subscribers for stock in the said company, and to make transfers of stock therein, in such manner as said company shall prescribe.

Bodies politic may subscribe &c.

SEC. 9. *And be it enacted*, That if said company do not proceed to carry on said work within three years after the passing of this act, or shall not within ten years thereafter, complete the said road, it shall be lawful for the Legislature of this State to resume the rights, privileges, liberties and franchises granted by this act to said company.

Legislature may resume the rights &c. granted by this act in certain cases.

PASSED AT DOVER, }
 April 14, 1813. }

CHAPTER III.

An ACT providing for the general defence of the State of Delaware.

SEC. 1. **BE IT ENACTED** by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That the sum of fifteen thousand dollars in addition to the sum remaining in the treasury unexpended of the sum of twenty-five thousand dollars, appropriated by the second section of the act of the General Assembly, entitled, "An act to enable the governor to make a detachment of the militia, and for other purposes," be and the same is hereby appropriated for defraying the expenses (including pay to the officers, non-commissioned officers and privates) which have been incurred, or which shall hereafter be incurred in defending the State of Delaware against the common enemy of the United States.

Appropriation for defence of the State.

SEC. 2. *And be it enacted by the authority aforesaid*, That the state treasurer be authorized to bor-

The state treasurer authorized to borrow \$20,000. row from one or more of the banks of this State, at the usual rate of bank discount, the sum of twenty thousand dollars, or any part thereof as exigencies may in the opinion of the governor require.

To sell stock in Philadelphia bank.

SEC. 3. *And be it further enacted,* That the state treasurer be, and he is hereby authorized to sell the stock of this State, in the Philadelphia Bank, for the best price he can obtain.

To pay over to the order of the governor;

Exception;

Account to be exhibited.

SEC. 4. *And be it further enacted,* That the state treasurer be, and he is hereby directed to pay over the aforesaid sum of twenty thousand dollars, to the governor or his order, from time to time as the said sum or any part thereof may be required; except so much as is otherwise appropriated by the sixth section of this act; and that the governor at the next session of the General Assembly, exhibit an account, shewing what sums have been drawn from said treasurer, and the manner and purposes in, and to which the same have been applied.

Faith of the state pledged for payment of loan.

SEC. 5. *And be it further enacted,* That the faith of this State shall be, and the same is hereby solemnly pledged for the payment of the interest upon the said loan as it shall accrue; and for the annual reimbursement of one eighth of the principal borrowed, both of which shall be made by the state treasurer, out of any money in the treasury, not otherwise appropriated.

Commissioners to settle and pass accounts.

SEC. 6. *And be it further enacted,* That Andrew Barratt, Edward Dingle, junior, and James R. Black, be and they are hereby appointed commissioners on the part of the State, to liquidate and settle the accounts of all persons having demands against the State for articles which have been furnished, and for services rendered under the orders of the governor, for the defence of the same; and that the said Andrew Barratt, Edward Dingle, jun. and James R. Black, or any two of them, be and they are hereby authorized and directed to pass

such accounts, and that the said accounts when certified by the said commissioners or any two of them, shall be paid and satisfied by the state treasurer, out of any monies in the state treasury, which shall be raised by the provisions of this act.

SEC. 7. *And be it enacted,* That the governor shall cause to be laid before the said commissioners returns in proper columns and form, setting forth the names, officers, days service, pay, rations and forage, with individual and aggregate estimates carried out, and noting the cases where rations and forage are due, and where they have not been received by those entitled to them.

Governor to lay returns before the commissioners.

SEC. 8. *And be it enacted,* That each of the said commissioners while employed in the service assigned them by this act, shall receive three dollars per day, their services to be certified, and drawn out of the treasury by order of the governor under this act; and that in case of the refusal, neglect, or inability to serve of any of the said commissioners, the places of such as are thereby rendered vacant, shall be supplied by an appointment by the governor, until the next session thereafter of the General Assembly.

Allowance to commissioners.

Vacancies how supplied.

SEC. 9. *And be it enacted,* That the state treasurer shall receive in compensation of the services enjoined upon him by this act, one-fourth of one per centum on all the money received by him under this act.

Compensation to the treasurer.

SEC. 10. *And be it enacted,* That the governor and he is hereby authorized to apply so much of the money as is by this act appropriated, as he shall deem to be necessary, for printing his general orders, to the officers of the militia of the State.

Appropriation for printing general orders.

SECRETARY'S OFFICE.

DOVER, APRIL 30, 1813.

I do certify, that in obedience to the directions of an Act of the General Assembly of the State of Delaware, I have collated with and corrected by, the original rolls, this edition of the laws, passed during the last session of the General Assembly.

WILLARD HALL,

Secretary of the State of Delaware.
