

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 FOURTH DAY OF JANUARY,

IN THE YEAR OF OUR LORD

One Thousand Eight Hundred and Fifty-Three,

AND OF THE

INDEPENDENCE OF THE UNITED STATES

THE SEVENTY-SEVENTH.

BY AUTHORITY.

DOVER, DELAWARE:

PRINTED BY WILLIAM SHARP,

1859.

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L A W S

OF THE

STATE OF DELAWARE.

CHAPTER I.

AN ACT to suspend the operation of certain sections of an act therein mentioned.

WHEREAS, it appears to this General Assembly that an act Preamble. entitled, A Supplement to the act entitled, "An act for recording acts and resolutions of the General Assembly not of a public nature, and for other purposes," passed at Dover, March 5th, A. D., 1851, (see Chapter 26 of the Revised Statutes,) has not been published in due time for the general information of the people of this State, and that so far as relates to the 6th and 7th Sections of said act, if they should go into operation at the present time, it will result in great inconvenience and injustice to many persons who may intend to make application for the passage of important private acts, and retard the usual course of business before this Legislature, Therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* Sections 6th and 7th of Chapter 26, not to apply the present Session.
That the said 6th and 7th Sections of Chapter 26th of the Revised Statutes shall not apply to petitions to be presented during the present session of the General Assembly.

Passed at Dover, January 12th, 1853.

CHAPTER II.

AN ACT for the relief of the Widow and Heirs of Jacob Raymond, deceased.

Private Act.

Passed at Dover, January 18, 1853.

CHAPTER III.

AN ACT to change the name of Susannah Baker, and of her son Luther Baker.

Private Act.

Passed at Dover, January 19, 1853.

CHAPTER IV.

AN ACT for the relief of Abram Camper and his wife Isabella Camper.

Private Act.

Passed at Dover, January 20, 1853.

CHAPTER V.

AN ACT to amend the "Act for the benefit of Public Schools in Wilmington."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, with the concurrence of two-thirds of each branch of the Legislature, That the act of the General Assembly of this State for the benefit of Public Schools in Wilmington, passed at Dover, February 9, 1852, be amended as follows; that is to say:*

10th vol. 644.

Board may appoint Secretary; may require bond, &c.

(First:) The Board of Public Education in Wilmington may appoint a person not a member of the Board, Secretary thereof; prescribe by by-law or regulation his duties; require from him bond, with surety, for the faithful performance, if deemed expedient, and allow to him compensation for his services, by stated salary or otherwise, as may be considered proper.

(Second:) By proceeding according to the ninth section of the

act aforesaid, School District number 9, in New Castle County, has been united with the rest of the city of Wilmington, under the aforesaid Board of Public Education, and thereby the entire city is within the operation of the said act: and to the end that assessments under the said act, may be substantially upon the principle, and in accordance with the rule established by law for making assessment lists—by school committees in all the other school districts—in the State; the City Council of Wilmington, for assessing and apportioning upon and among the persons and estates in the city of Wilmington, the sums determined to be raised for executing the said act, and effectuating its true intent and purpose, shall, every year, after the first Tuesday of July, and before determining and apportioning the amount of the city taxes for the ensuing year, compose and make an assessment of the said persons and estates, by taking the assessments of the real estates from the city assessments, and the assessments of the personal estates and persons, to wit: stock, plate and other personal property, and the rates for capital, or poll taxes from the assessment list of Wilmington Hundred, standing in the Levy Court in New Castle County for the time then being. The assessment so composed and made, consisting only of established assessments transferred, need not be published; no appeal therefrom can be taken and there shall be no variation of the assessments transferred; and it shall be requisite to transfer amounts only without specifications or particulars in order to compose and make the assessment; but if there be any person in Wilmington Hundred legally liable to be assessed for personal property or rated for capital or poll tax, not found on the assessment list of the said Hundred, the City Council shall have power to assess such person for personal property and rate him for capital or poll tax in the assessment so by them to be composed and made, as to law and right shall appertain, giving to such person due notice and opportunity to be heard. The estates, persons and assessments of colored persons are excepted as in the original act. The Council every year when apportioning the city taxes, shall estimate and fix how many cents and parts of a cent to the hundred dollars, or per centage of the said assessment so composed and made as aforesaid, will be requisite to raise the said sum so determined as aforesaid to be raised, for executing the act aforesaid, and effectuating its true intent and purpose; thus apportioning the said sum so determined to be raised among the said persons and estates, in said assessment so composed and made, according to a certain rate on every hundred dollars thereof and so pro-rata and the said number of cents and parts of a cent to the hundred dollars, or per centage or rates, shall be collected as other city taxes and shall be city taxes within all the provisions of law applicable to city taxes, and to the collecting and accounting therefor and paying the same; and shall be paid out of the City Treasury according to the original act, which shall be in force to all intents and purposes, except as altered by these amendments. The sum determined to be raised this year for executing the act aforesaid and effectuating its true

Assessments under original act; how to be made.

City Council assessments and apportionment. When made

Taxes on real estate.

On personal, from Hundred assessment

Not published. No appeal allowed.

Council may assess persons not in city assessment.

Colored persons excepted.

Council may fix per centage on the assessment.

Taxes paid out of City Treasury.

This amendment no effect on sums

already determined.

intent and purpose, has been laid upon assessments of persons and estates according to the said act, and the same shall be collected and paid according to the said act, and the said preceding second amendment shall not have any force or effect with respect to the said sum which has been already determined to be raised or the manner of assessing or collecting the same.

SEC. 2. And it appearing to the General Assembly, that in the city of Wilmington there is urgent need of primary schools because of great numbers of children that cannot otherwise be put in a course of useful education; and that the Board of Public Education in Wilmington have felt themselves constrained, by the pressure of this need to resort to a loan in anticipation of funds in order to increase the number of these schools:

Be it therefore enacted as aforesaid, That the right and estate, late of the United School Districts, numbers 10, 11, 12, 13, 14, 15, 16, 17 and 18, in New Castle County, in and to the lot of land and school-house at the corner of French and King streets, in Wilmington aforesaid, and the right that belonged to the school committee of school district number 9, in New Castle County, before the uniting of said district with the rest of the City of Wilmington, under the Board aforesaid, in and to the school house and lot of land in Twelfth street, in Wilmington aforesaid, have passed and shall pass to the said Board of Public Education in Wilmington, and are, and shall be, vested in the said Board; and the said Board shall have the possession and charge of the said school-houses and lots of land, and exercise all acts of ownership for security and preservation of the same; and the said school-house and lot of land at the corner of French and Sixth streets, as well as the lots of land and new school-house of the said Board, in the first ward in Wilmington aforesaid, on Washington street, and all other the land and property which the said Board of Public Education shall acquire, shall be liable for the debts and contracts which the said Board shall incur and make; and further the said Board of Public Education in Wilmington shall have power to grant and convey to any person or corporation in fee simple, by way of mortgage, the said lot of land and School-house at the corner of French and Sixth streets with the appurtenances and the said lots of land and new School-house in the first ward aforesaid, on Washington street with the appurtenances, and any other land or property acquired by said Board, for securing to such person or corporation the payment of any sum or sums not exceeding in the whole six thousand dollars, with interest at such time or in such manner as may be agreed upon. The said Board may bring suit before a Justice of the Peace, or in the Superior Court as the amount claimed may determine the jurisdiction, for damages for any trespass or injury to either of the School-houses aforesaid, or lots of land aforesaid, or the fixtures thereof, or the furniture or books therein, or any property of the Board, and recover double damages with double costs.

Passed at Dover, January 20, 1853.

Title of certain S. districts in N. C. county, to certain school houses, &c., vested in Board of Public Education.

Property liable for debts and contracts of the Board. Board may mortgage property.

Sum not to exceed \$6000.

Board may sue for damages.

CHAPTER VI.

AN ACT to continue in force the act entitled, "An Act to incorporate the Trustees of the Smyrna Circuit Parsonage." Passed at Dover, January 22, 1832.

Be it enacted, by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch of the Legislature concurring,) That the act entitled "An Act to incorporate the Trustees of the Smyrna Circuit Parsonage," passed at Dover, January 22, 1833, be, and the same is hereby re-enacted and the same shall continue in force for, and during the term of twenty years from the day of the passing of this act, and no longer. 8th vol. 232. Revised.

Passed at Dover, January 20, 1853.

CHAPTER VII.

AN ACT to authorize the Levy Court of New Castle County to cause to be transcribed certain indexes.

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the Levy Court of New Castle County be, and they are hereby authorized, if, in the judgment of the said Court, it shall be necessary, to cause to be made, by the prothonotary of said county, a true and correct copy or transcript of the Indexes of the Judgments entered or signed in the Superior Court of the State of Delaware, in and for New Castle County, from the year one thousand eight hundred and thirty-two, to the November Term, one thousand eight hundred and fifty-one, in a substantial and well bound book or books, to be by the said prothonotary provided for that purpose. Levy Court of N. C. county may authorize Prothonotary to transcribe certain Indexes.

SECTION 2. And be it further enacted, That if the said Levy Court shall deem it necessary, that the Indexes aforesaid, should be copied or transcribed, then that James C. Mansfield and Peter B. Vandever, be, and they are hereby appointed Commissioners whose duty it shall be to examine the said transcript or copy of said judgment Indexes, after the said prothonotary shall have completed it, and if they approve of the execution thereof, they shall certify the same to be a true and faithful transcript, and that then, and after such certificate the said transcript or copy shall become and be the index to judgments entered or signed, in said Commissioners to examine transcript and certify their approval.

Compensation.

Superior Court, for the time aforesaid, in lieu of the Indexes now used therein; and the said Commissioners shall also certify the completion of said transcript or copy to the Levy court of New Castle County, who shall pay to the said Commissioners and Prothonotary a just and reasonable compensation for their services.

Passed at Dover, January 20, 1853.

CHAPTER VIII.

AN ACT to amend Chapter 20 of the Revised Statutes of the State of Delaware.

2 sec. chap. 20,
R. S., (p. 64)
amended.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met* That the second section of the twentieth Chapter of the Revised Statutes of the State of Delaware, as the same is printed, shall be, and the same is hereby amended, by inserting in the second line of said section, between the words "*first Monday*," and the words "*of the year*," the words "*in the month of November*;" and that in any edition of the Statutes hereafter to be published, the printing thereof shall be conformed to the provisions of this act.

Passed at Dover, January 21, 1853.

CHAPTER IX.

AN ACT proposing an amendment to the Constitution of this State.

Preamble.

WHEREAS, by an act of Congress entitled, an "Act to establish a uniform time for holding elections for electors of President and Vice President in all the States of the Union, passed at the second session of the twenty-eighth Congress of the United States, and approved January 23, 1845, the election for electors of President and Vice President is directed to be appointed in each State, on the Tuesday next after the first Monday in the month of November of the year in which they are appointed; And

whereas, it will be for the convenience of the people of this State, and promote the general economy, that the General Election in this State shall be held on the same day designated by the said act of Congress for the said election for Electors of President and Vice President; Therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met. (two-thirds of each House deeming it necessary, and by and with the approbation of the Governor,)* That the following amendment be, and the same is hereby proposed to the first section of the fourth article of the Constitution of this State; that is to say, strike out the first clause of the said first section reading thus: "All elections for Governor, Senator, Representatives, Sheriffs and Coroners, shall be held on the second Tuesday in November, and be by ballot," and in lieu thereof insert and adopt the following, that is to say: "All elections for Governor, Senators, Representatives, Sheriffs and Coroners shall be held on the Tuesday next after the first Monday in the month of November of the year in which they are to be held, and be by ballot."

1st Sec. Consti-
tution to be
amended.

SEC. 2. *And be it further enacted,* That the Secretary of State of this State be and he is hereby directed, after the Governor shall have approved of the above proposed amendment, duly to publish the above proposed amendment, and this act, in two or more newspapers of this State, for the consideration of the people of this State, at least three, and not more than six months, before the next General Election for Senators and Representatives in this State.

Secretary of
State to publish
this act when
approved by Go-
vernor.

Passed at Dover, January 24, 1853.

CHAPTER X.

AN ACT to create an additional School District 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 John D. Rodney, Phillip C. Jones and William O. Redden, be and they are hereby appointed Commissioners to go upon and view School Districts Numbers forty-two, fifty-three and fifty-four in Sussex County, and if they deem it proper and necessary, locate and lay out from said Districts, one additional School District as to them shall seem just and proper. And when the said Commissioners, or a majority of them, shall have so located and laid out said additional School District, they or a majority of them shall make a return of the same, describing plainly the metes and bounds thereof, into the office of the Clerk of the Peace of Sussex

New School Dis-
trict created in
Sussex county.

Commissioners
to make return.

When—
Copy of, to be
delivered to
Trustee of S.
fund.

County, to be by him filed among the records of his office: Said return shall be made on or before the first day of July next; and within ten days thereafter, the said Clerk of the Peace shall make a copy thereof, and deliver the same to the Trustee of the School fund. And from and after the first day of July aforesaid, the additional School District to be formed under the provisions of this act, shall become and be deemed and taken to be, a separate School District, in Sussex County, with the capacity, rights and powers of a School District according to law, and shall be designated and numbered by its proper number succeeding the highest number of the School Districts previously formed in the said county; and the said additional School District shall be entered by the Trustee of the fund for establishing Schools in the State of Delaware, among the School Districts of said County and account opened therewith, and in all dividends hereafter made by said Trustee for establishing Schools in the State of Delaware, the respective dividends which may be due or hereafter may become due, the said original districts numbers forty-two, fifty-two, fifty-three and fifty-four, shall be equally divided annually among the districts number forty-two, fifty-two, fifty-three, fifty-four and the said additional School District to be created under the provisions of this act; and the School voters in said additional School District, and the school committee thereof shall have all the rights and powers of school voters and a school committee respectively, according to the laws of this State; and all the acts of the General Assembly of this State, for the general regulation, government and benefit of Free Schools within this State shall be extended and applied to the said additional School District to be created under the provisions of this act.

Dividends.

How divided.

Commissioners
to be sworn or
affirmed.

SEC. 2. *And be it further enacted*, That the Commissioners appointed by this act, shall, severally, before entering upon the discharge of the duties imposed upon them by the provisions of this act, take and subscribe an oath or affirmation to perform the same with fidelity. And for each and every day the said commissioners may be employed in the discharge of their duties under the provisions herein contained, shall each have and receive the sum of one dollar, to be allowed by the Levy Court and Court of Appeal of Sussex County.

Meeting of S.
voters.

SEC. 3. *And be it further enacted*, That if the additional district be formed as aforesaid, the school voters in said school district, may meet at the place of meeting in said additional school district, which the said commissioners or a majority of them may deem proper to appoint on the first Saturday of July next, at three o'clock in the afternoon, and appoint a chairman and secretary, and choose a clerk and two commissioners of the district who shall continue in office until the next stated meeting, and until successors are duly elected. The certificate of the proceedings shall be made, signed and delivered according to the provisions of law relating to the certificates of the meetings of school voters; notice

Certificate of
proceedings.