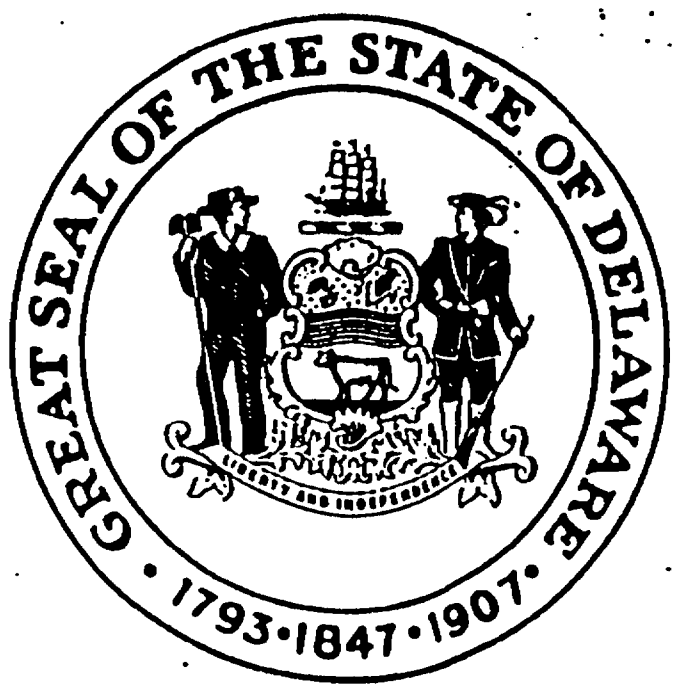
DELAWARE PUBLIC ARCHIVES



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LEGISLATIVE PAPERS
1731-1911

The General Assembly prior to the Revolutionary War consisted of just the House of Assembly and was overseen by the Governor of Pennsylvania who resided in Philadelphia. With the advent of the Revolutionary War and the separation from Great Britain, a new constitutional government was formed in 1776. This new government was composed of a President as the Chief Executive and a General Assembly made up of two distinct branches, the House of Assembly and Legislative Council. This form of government remained in place until revised by the Constitution of 1792. Under this new Constitution, which became effective the following year, the Chief Executive was renamed the Governor and the two branches of the General Assembly were retitled, the House of Representatives and the Senate.

Scope and Content

The primary function of the General Assembly was to administer the activities of the state for the greater benefit of all, through enactment's of laws, resolutions, and sound fiscal policies.

Legislative Papers are an invaluable source for the study of history, especially to those in the social and political fields. National issues of slavery and commerce are among the controversial subjects that were given consideration. Discussion of such local concerns as the damming of creeks, annulments of marriages and regulation of "swine running at large" exhibit the everyday lifestyle of the local inhabitants.

Arrangement

The Legislative Papers are arranged chronologically by year, and then subdivided by sessions or terms, held at least once a year and lasting anywhere from three weeks to three months. Under each term, the records are alphabetically grouped under subject headings. Included are: Accounts, the financial records of the State Treasurer and Auditor, receipts of the members of the General Assembly, and others providing services for the State; Acts and Bills, early drafts and amendments with deletions noted; Communications, correspondence of members, etc., especially from the President to the General Assembly; Elections, the announcements for holding elections, bonds of elections officials and messages from both Houses concerning election matters, e.g.: election disturbances; Petitions, a formal address to the legislature from a citizen, group of citizens or an organization to grant, deny or repeal requests for specific actions; Resolutions and Reports, resolutions of both houses and committee reports of members appointed to review particular matters; and Summons, official notices to General Assembly members to convene, or for inhabitants to appear before the General Assembly. The bulk of the collection covers the period 1775 to 1898.

Sources

Other related sources to consult are the Minutes of the Council, 1776-1792; Proceedings of the House of Assembly, 1776-1792 (two volumes); journals of both the House of Representatives and the Senate; and the Laws of Delaware.

LEGISLATIVE PAPERS

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1815 Jan. - Feb.

Legislative

Petitions- Miscellaneous

A. VanDyke's petition for an increase of Recorder's fees.

H. of Rep.
25. Jan. 1815. Read & referred to Mess'rs Crowninshield, Pickering & Pope.

0001

To the Honourable the Senate & House of Representatives of the State of Delaware in General Assembly Met—

The Memorial of Abraham VanDyke Recorder of Deeds in and for New Castle County—

Respectfully Shewes,

That the fees established for the Recorder of Deeds by the Act of Assembly passed 15th of June 1798. however adequate at that time for the several services appertaining to the office of Recorder are now, from the enhanced price of living and of every necessary of life very much depreciated, and have become comparatively very trifling, and in the opinion of your Memorialist formed from experience do not afford a reasonable adequate compensation for performing the same services. When the price of Books for Recording Stationary and fuel for an office are deducted it is found that the profits of the office are too small when compared with the constant Labour and attention necessary to transact the business—

Your Memorialist therefore respectfully requests that the subject may be taken into your consideration and relief granted by encreasing the fees of said office—

In illustration of the subject he begs leave to suggest that in the Act of Assembly for appointing Escheators passed Jan.y 23. 1805. the Legislature have expressed their sense of what was then a reasonable allowance to the Escheators for

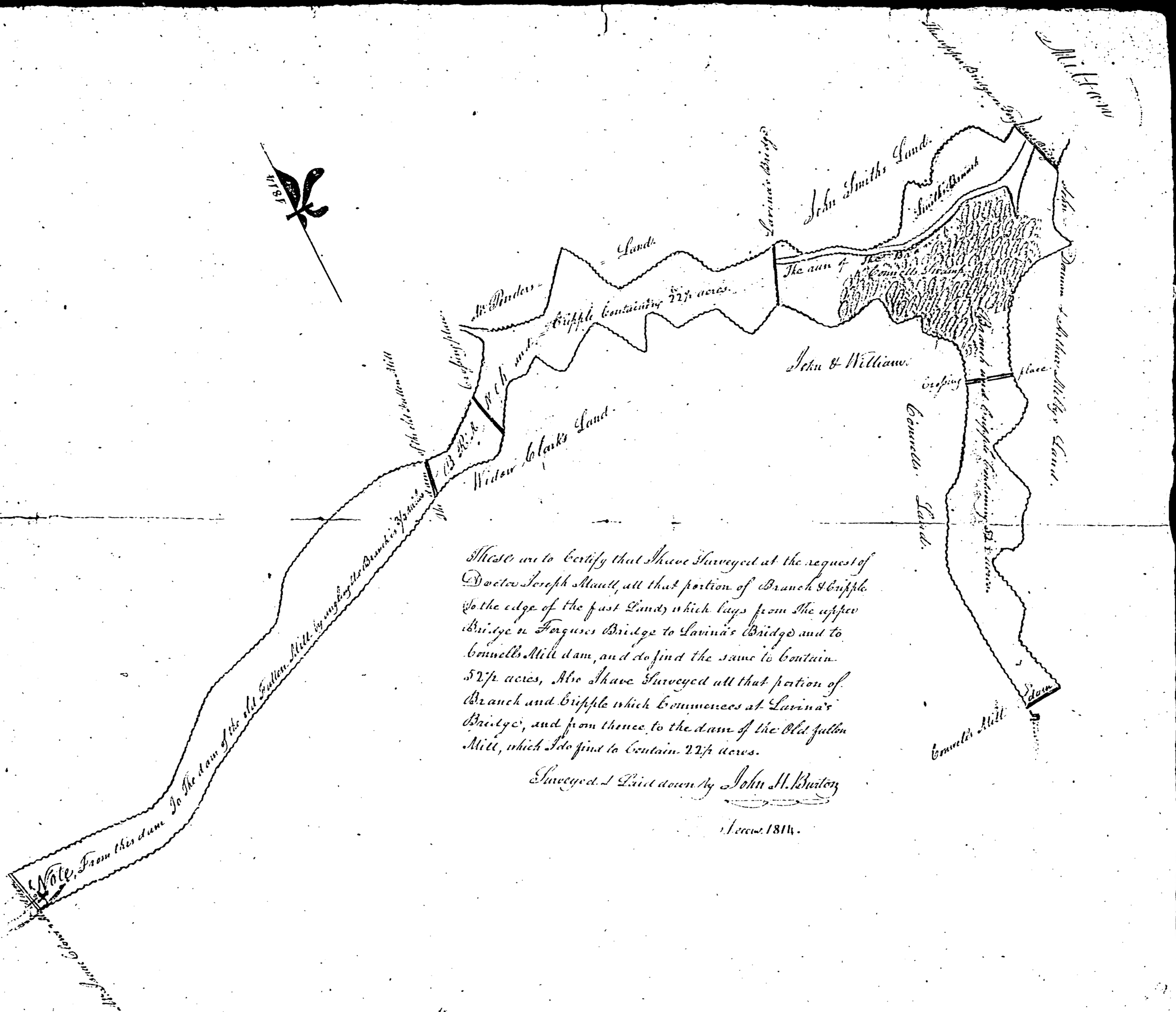
a part of their Services which is similar to the services of the Recorder, by declaring that the Escheators for copying exclusive of Certificate shall have two Cents for each line of twelve words — and one Dollar for his certificate exclusive of the copy — which Sums Your Memorialist respectfully submits would not be more than a reasonable allowance to the Recorder for copying or recording — and for Certificate & Seal of office.

He begs leave further respectfully to suggest that it would in many Cases be convenient to the Citizens if the Recorder were vested with the power of taking the acknowledgments of Deeds and examination of femes Covert with the same fees that are allowed to other officers for such duty —

Abraham Van Dyke

Plot accompanying the petition of Jos. Mauell, P.S. Conwell & W. W. Conwell.

H. of Rep.
5. Jan. 1815 Lais on the table.



These are to Certify that I have Surveyed at the request of Doctor Joseph Mauell, all that portion of Branch & Cripple to the edge of the past Land, which lays from the upper Bridge or Fergusses Bridge to Lavina's Bridge and to Connells Mill dam, and do find the same to Contain 52¼ acres, Also I have Surveyed all that portion of Branch and Cripple which Commences at Lavina's Bridge, and from thence to the dam of the Old Fulton Mill, which I do find to Contain 22¼ acres.

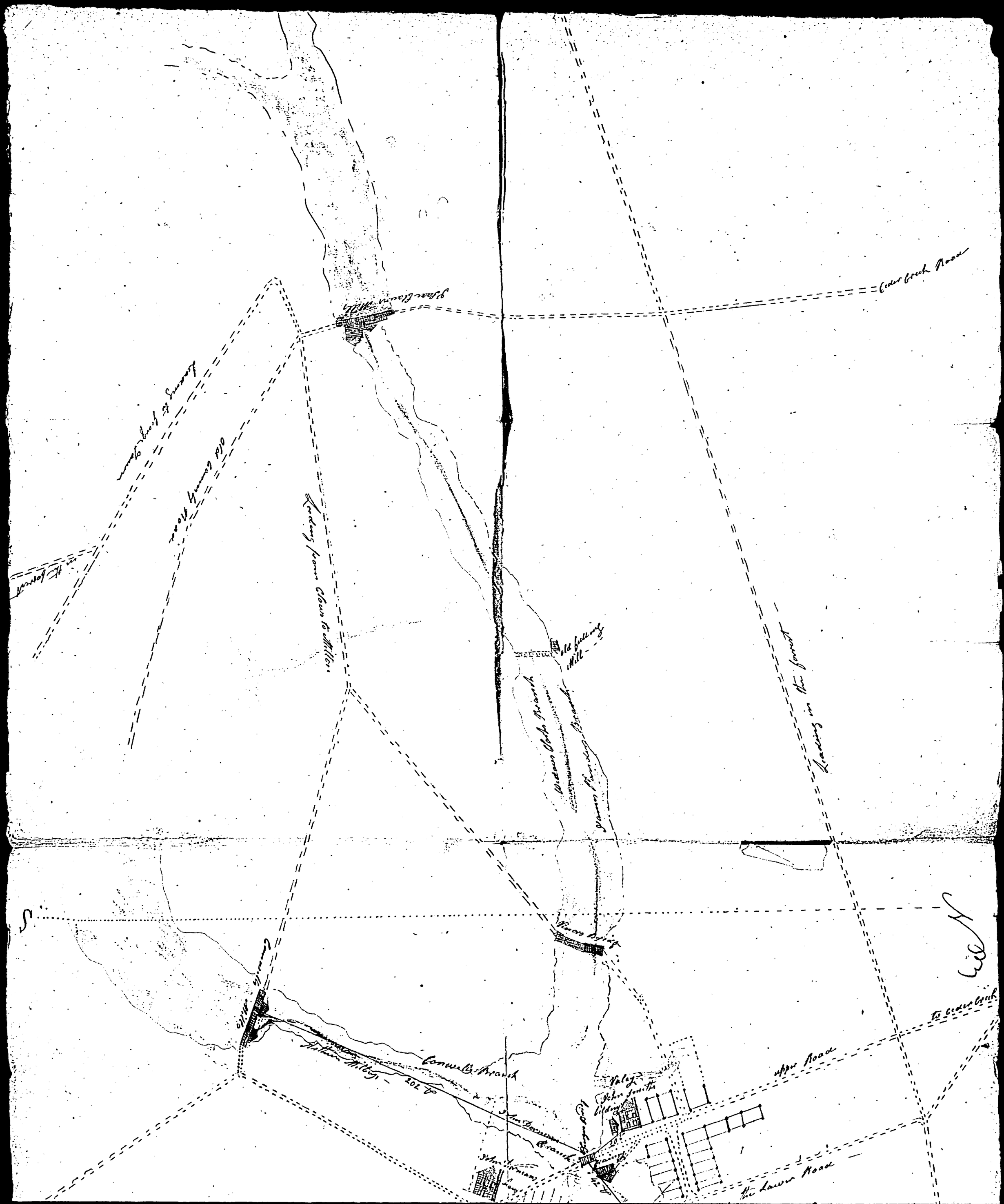
Surveyed & Laid down by John H. Burton

Decem. 1814.

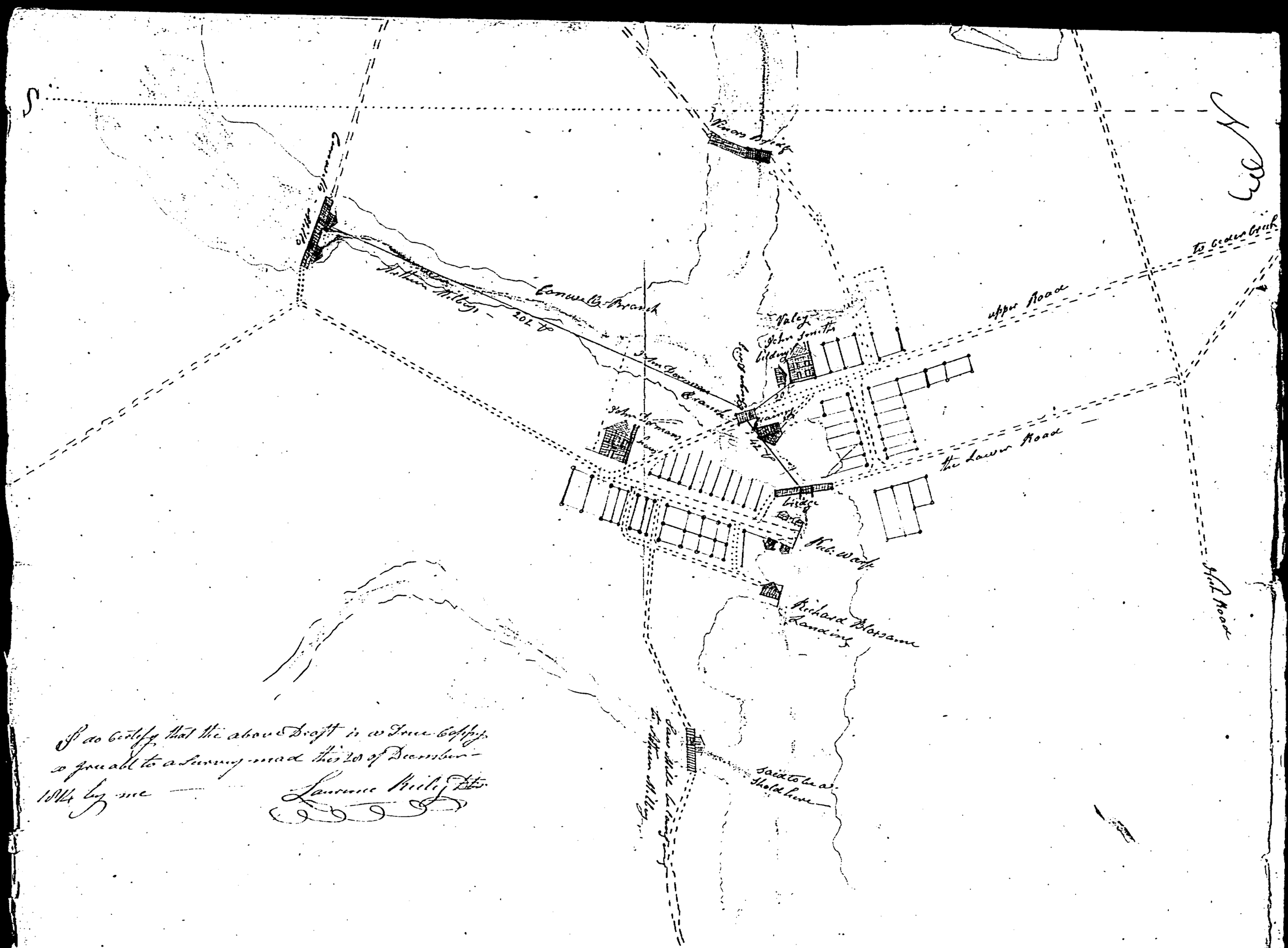
Plot accompanying the petition of Joseph Mauell, John S. Conwell and William W. Conwell.

H. of Rep.
5. Jan. 1815.

0008


Cedar Creek Road
Grist Mill
Old Grist Mill
Old Grist Mill
Rockway from Clows to Miller
Old fulling Mill
Wadsworth Branch
Leading on the forest
Wadsworth Branch
Clows Bridge
Cornwell Branch
Nathan Miller
202 Ac
John Bonnell Branch
Valley
John Smith
Lidey
Upper Road
To Cedar Creek
the Lower Road

BEST SHOT AVAILABLE



I do certify that the above Draft is a True Copy so
much as to a survey made this 20 of December
1844 by me — Laurence Reilly Surr.

Accompanying the Pet.
of J. Maull, J. S. Connell &
W. W. Connell

N. of R.
5. Jan. 1815

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To

The Honourable Senate and the House of Representatives of the State of Delaware We the subscribers inhabitants of the Village of Milton we humbly request your honours to grant the privilege to John Boswell William Boswell and Joseph Maull to build a mill dam and Mill or Mills at [redacted] the upper causeway commonly called Ferguson's bridge or causeway we think that it would be of great benefitt to the inhabitants of the said Village and a great improvement to the place

Eli Hall
Henry Benson Jnr.
Abel Vent
Cornelius Cary
John M Coulter
Burton Pritty man
Noble Ellenswath
Nehemiah Cary
John Hazzard
William Houston
Joseph Hunter
Sylvester S. Deputy
Nunes Deputy
Nehemiah Lofland
George Hall

Joseph Cary
John Melly
William Berry
Wolsey Hall
Aaron Oliver
Thomas Sands
Cornelius Coulter
David Clark
David Blackson
[redacted]
Peter P. Coulter
Abraham Gordon
B. Benson
Levin Sank
David Hall
Samuel Ratcliff
Wm. Robbins
Wm Vent
William Sorbert
Henry Hudson
Eli Cary
William Ford
James Rafal
Robert Burton
Peter P. Wright
Daniel Smith
Joshua Pickett
Charles [illegible]
David Hall
[illegible]
William Milby
[illegible]
David Fisher
[illegible]

Petition for the removal of the place of holding elections in N.C.C. Township from Newark to Ogdentown.

H. of Rep.
25. Jan. 1815. Read & ref. to Messrs Mahon Clark & Hill.

0011

0013

To the Honourable the General Assembly of the State of Delaware, now sitting: The Petition of the Subscribers, Citizens of the hundred of White clay creek; in the County, of New castle, respectfully sheweth; That when the Law which provided for the establishment of District Elections in this State was enacted, there was then no suitable situation that would afford accomodation for holding Elections in a central part of said Hundred: — That since that time there has been established at Ogletown, (which is the most central situation in the hundred when both the Population and territory thereof are taken into consideration) a respectable Tavern kept by Samuel Hopper and a School house either of which would afford suitable accomodation for holding the General, Special and Hundred Elections: That the place where those Elections are now held in said Hundred is situated in an extreme part there of and more inconvenient to the great majority of the people to attend, than it previously was when the place of Election was at New Castle before the passing of the District Election Law.

Your Petitioners presume that the accomodation of the People was the object of the Legislature in passing the District Election Law, and as that object has not been effected, but a great inconvenience produced by the operation of that Law as it regards the said Hundred; Your Petitioners confidently expect and

respectfully request, your Honourable body to pass a Law to change the place of holding Elections from Newark to Ogletown in White clay creek hundred in the County aforesaid: and Your Petitioners will ever pray &c.

Jan.y 15th 1815.

James Pedie	Wm. Silver	James Drummond
Abner Knapp	John Seidman his mark	Robert Vance
John Darragh	Uriah Stroup	Charles McClure
Stephen Laughton	Benjamin Boyd	William Passmore
Joseph Wood	Jeremiah Williams	Nathan Moore
William Laughton	James Bradford	Alexander Pugh
William Vice	John Moore	William Groves
William Moore	William Taylor	Fredrick Cummins
Stephen Townsend	James Gray	Ruben Hope
John Sergeant	Jonathan Millard	William Lawrence
Thomas Moore	Robert Whiteside	Jacob Collester
John Brown	Daniel Heisler	Alexander Billah
James Hall	Robert L. Smith	John Moore
Wm. Bailey	John Johnson	Robert Taylor
Levi Kenney	Saul Lewis	Henry Robinson
James Moody	Jeremiah Lewden	John R. Kirk
Archibald Moore	George Pratt	Thos. Anderson
James Moore	Isaac Price	Mark Perry
Isaac Newnight	Archibald Morton	George Pusey
John Morrison	Nathan Shannon	Thos. Robinson
Isaac Brannan		Edwd. Armstrong
Robert Crispell		
Dennis Sullivan		

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Petition for the removal of the place of holding elections in W.C. Co. hundred from Newark to Ogletown.

H. of R.
25. Jan 1847 Read & Referred

0014

To the Honourable General Assembly of the State of Delaware, now sitting;

The Petition of the Subscribers, Citizens of the Hundred of White-clay-creek, in the County of New Castle, respectfully sheweth;

That when the Law which provided for the establishment of District Elections in this State was enacted, there was then no suitable situation that would afford accomodation for holding Elections in a central part of said Hundred: — That since that time there has been established at Ogletown, (which is the most central situation in the Hundred, when both the population and territory thereof are taken into consideration) a respectable Tavern kept by Samuel Hopper and a School-house either of which would afford suitable accomodation for holding the General, special and Hundred Elections: — That the place where those Elections are now held in said Hundred is situated in an extreme part thereof and more inconvenient to the great majority of the people to attend — than it previously was when the place of Election was at New Castle, before the Passing of the District-Election Law.

Your Petitioners presume that the accomodation of the People was the object of the Legislature in passing the District Election law, and as that object has not been effected, but a great inconvenience produced by the operation of that Law as it regards the said Hundred: Your Petitioners confidently expect,

and respectfully request, your Honorable body, to pass a Law to change the place of holding Elections from Newark to Ogle-town in White clay creek hundred in the County aforesaid? and your Petitioners will pray &c

Jany 15. 1815.

John Wilson
Andrew Montgomery
Robert Ogle
James Ferguson
Robert McMullin
Harmon Sewell
William Enos
Simon Tweedy
Geo Mannon
Geo Pratt Junr
John Wells
James Jeffrey
Isaac Menzies Jr
William Todd
William Baxter
Douglas Morrison
John Cavendus
Thos Hawthorn
James Neil
James Thompson

William Finley
Thomas McCallion
Pierce Marll
James M. Coy
Thomas Marll
[redacted]
Thomas Fulton
John Stewart
Thomas Welch
Willm Dunn
John Forgason
Robert Forgason
Thomas Prichard
Moses Hall
Richard Hall
Thomas Paul Senr
Robert Moody
Jonathan Groves
John Furness
William Wright
Joseph Morton
Saml Snow

41
65
106

Petition against
Wm Carlisle
H of R.
Jan: 1815. Read

0018

To the Honorable the Senate and House of Representatives of the State of Delaware in general Assembly met. The petition of the Subscriber Humbly sheweth. That Wm Carlisle a Justice of the Peace of the State of Delaware in and for Sussex County has been guilty of high crimes and misdemanors in his said Office for that he has issued Two States Warrants for one of the same Offence without the Legal qualification necessary in such cases. Viz: He issued a States Warrant against Thos. Purnel for begetting an illegitimate Child by Nancy Shurlad without her first having taken the Oath prescribed by the Laws of this State and after which he the said Wm Carlisle did issue a second Warrant for the same Offence against [redacted] your petitioner in the same illegal manner — Further he has also issued several Executions without Judgments having been first rendered for the Original Claims.

Which Matters your petitioner can verify by proof and he humbly pray that the General Assembly will take such order in the premises as to them shall seem meet. And he is in duty &c.

Justice Hardy

Papers relative
to Wm Carlisle esq.
a justice of the peace.

Jan. 1815

0019

The State of Delaware to James Sykes, Nathaniel Smithers Senr: John Lowber and Joseph Buckmaster, greeting: We command ~~and~~ strictly enjoin you and every of you that all and every business and excuse ceasing you and every of you be in your proper person before a committee of the whole House of our House of Representatives, forthwith, to testify all and singular those things you or either of you shall know concerning the matters referred to the said committee: and this as you in no wise omit; — Witness the honourable John Clark esquire chairman of the said committee, at Dover, this twenty sixth day of January in the year of our Lord one thousand eight hundred and fifteen

John Clark Chairman

The within named witnesses were summoned by me to appear according to the requisition of the writ.

John W. McCarty
Sergeant-at-arms of the H of R. ~~Monday~~ Thursday 26th January 1815.

The within named William Carlisle was summoned to appear according to the requisition of the writ.

John McCarty
Sergeant at arms of the H. of R.
Monday 23rd. Jan. 1816. –

Monday

Summons for Wm. Carlisle

The State of Delaware,

To William Carlisle esquire one of our justices of the peace in and for our county of Sussex greeting:- We ~~strictly~~ command and strictly enjoin you to be and appear in your proper person before Nathan Vickars Robert Hill, John Clarke, Victor Du Pont and Joseph England a committee of our House of Representatives forthwith to answer unto certain complaints and charges which have been preferred against you as a justice of the peace, and that you bring with you ~~your~~ all and every your records and dockets and all other writs and documents of a public nature which may tend to elucidate and explain your said dockets and records:- hereof fail not at your peril: Witness the Honourable Nathan Vickars esquire chairman of the said committee, at Dover this eighteenth day of January in the year of our Lord one thousand eight hundred and fifteen.

Nathan Vickars

	Days	Miles
J. Reading	4.	32.
S. Stephens	4.	32.
C. Cannon	4.	32.
C. White	4.	34.
C. Jacobs	4.	43.
J. A. Eliquod	4.	45.
Th. Purnell	3.	20.
C. Polk		
A. White	4	20
R. Hill		
J. Buck.		
N. Smithey Sen.		
J. Lawler		

0024

0029

To the Honorable the Senate and House of Representatives of the State of Delaware, in General Assembly met.

The Petition of Alexander Eakin of the County of Newcastle respectfully represents

That your Petitioner by virtue of the Will of his brother Robert Eakin dated November 5. 1808 became seized of a certain Lot of marsh situate in the 'Red Lion Marsh' which the said Robert in his lifetime had became seized of by purchase, under a sale made by the order of the Orphans Court of the said County, of the said Lot of Marsh as part of the property of a certain Alexander Eakin deceased; who in his lifetime purchased the said Lot of Marsh from the before named Robert Eakin, deceased, who derived his title to the same under a purchase of the same from a certain William Eakin Junr. made January 5. 1797: the said William Eakin being devisee of the said Lot of Marsh under the Will of a certain Alexander Eakin dated August 1. 1783: all of which will more fully appear by a detailed statement accompanying this Petition, and which your Petitioner prays may be considered as a part of the same. — That on the sale made as above stated by William Eakin Junr. to Robert Eakin, and subsequently to the said Robert under the order of the said Orphans Court, no conveyance or legal title was made to the said Robert: and your Petitioner is advised

that

that his title under the Will of the said Robert Eakin is defective by reason of the want of the said mesne Conveyances: –

He therefore prays your Honorable Bodies to authorize Rachel Eakin the Administratrix of the said William Eakin Dec^d, & James Eakin Executor of the last will and Testament of the before named Alexander Eakin dec^d, to execute a Release or such other Conveyance good in the Law as will complete the Title of your Petitioner under and according to the rights under which he holds: or such other and better relief in the premises as you may deem fit.

And your Petitioner &c.

January 11. 1815 — Thomas Eakin

Petition of Alexander Eakin's Heirs to be allowed to complete a deficient Title to lands in Rockbridge County –

H. of R.
Feb. 3. 1815. Referred to Messrs Gray & Harrison.

Petition for a wreck order in Camden.

H. of R.
16. Jan. 1815. Read and referred to Mess'rs Deering, England & Townsend.

In Senate
26 Jan. 1815 read,

0087

To the Senate and House of Representatives of the State of Delaware in General Assembly met. —

The Petition of the undersigned inhabitants of the Village of Camden in the County of Kent in the said State of Delaware sheweth. —

That your Petitioners solicit the General Assembly to pass an act for the appointment of an Inspector of Wood in the said Village of Camden

Nathl Coombe
Francis Boyer
Alex^r M'Clymont
Benj. H. Hamm
William Spencer
Robert Bruff
Saml Mifflin
Ringgold
Joshua H. Mifflin
James Fisher
Samuel Edmondson
Mark Goforth
Thos Cowsey
Richard Vickers
Samuel Mifflin
Benjamin Corr
James Denney
Joseph Hutchison

Notes of the testimony
in the case of William
Carlisle.

H. of R.
26. Jan. 1815.

0029

0090

Stephen Reader being solemnly sworn deposeth and saith as follows,

What do you know relative to the charges preferred against William ~~Schofield~~?

The first State's warrant was issued without any oath having been taken by the woman — this was against Thomas Pirnell. I have no knowledge whether an oath was taken before the warrant was issued against Justin Handy. This warrant was served by me. The first warrant was in my hands, but was not served. Mr. Pirnell resided in in Kent county.

Do you know anything of the case of Turner against Stephens?

Yes I know something of it. It was before Mr. Carlisle. Mr. Carlisle gave judgment for the plaintiff and an execution was issued.

Relate what you know respecting the second charge?

I recollect of but one case that I have on my mind.

Do you know of any case in which Justice Carlisle entered judgment and issued an execution for no sum?

Yes the case of George French vs. Ausly White. I was ordered to ~~collect~~ levy for the costs. I levied and advertised. Mr. White certioraried the ~~[illegible]~~ execution. I do not know of any other case of the kind.

~~Who~~ complained in the case of the state's warrants?

Nancy Sherwood. She was the complainant in both cases. The warrants were issued before the birth of the child. The first issued perhaps in September 1814. The second warrant issued a month or six weeks after the first. I presume she made a second complaint.

Is it not a practice with justices of the peace in Sussex to issue warrants in cases of bastardy ~~without~~ before the birth of the child, without the oath of the woman.

I believe it is — at least it is the Carlisle practice, as to others I don't know.

Was not the case of French vs. White determined by referees.

It was — they reported no cause of action, but the defendant should pay the costs — after the report that there was no cause of action and on the paper there was a note made by them that the defendant should pay the costs, but whether or not the note was signed by them I do not know. The defendant was present and objected. Judgment was given on the report. — I am of opinion the amount of costs was correctly estimated in that case.

Do you know whether Ausley White is a freeholder?

I do not know, but presume he is. I have heard that he bought a lot of W. Layton.

Stephen Rodney

A list of the written depositions

days -			Page
5	Stephen Reddin	28 Miles	1.7.
5	Samuel Stephens	28 — Do	3.
5	Clement Cannon	28 — Do	3.
5	Clement White	32 — Do	4.
5	Curtis Jacobs	40 — Do	4.
5	Joshua A. Elligood	50 — Do	4.
5	Thomas Purnell	20 — Do	5.
-	Charles Polk		6.
5	Ansley White	20 — Do	6.
-	Robert Hill		7.
1	Joseph Buckmaster		8.
1	Nathaniel Smithey sen		7.
1	John Lowber		8.

Samuel Stephens, being solemnly sworn, deposeth and saith:

I know nothing of my own knowledge respecting the charges against Mr. Carlisle.

Clement Cannon, being solemnly sworn, deposeth and saith as follows;

I know nothing about the cases of the State's warrants.

In the case of Parker Robinson vs. Nicholas Hammond an execution was issued by Mr. Carlisle without any judgment having been rendered in the case. The execution was in my hands - I delivered it over to Mr. Readen. Hammond disputed the debt, and their was an examination of Robinson's books, upon a summons issued by Mr. Carlisle, and it appeared that the account amounted to the sum mentioned in the execution and Hammond acquiesced. No judgment could be found on the docket - the justice said he reckoned he had not his docket with him at Mr. Robinson's house when the judgment was given, but entered it on a piece of loose paper and ~~that~~ he forgot to tranfer it to the docket. I do not recollect whether Hammond ~~disputed that~~ denied that he and the plaintiff had a hearing at Robinson's house. I do not know of any other case of the kind. I do not know that any judgment was given in the case of Robinson vs Hammond at Robinson's house.

Clement Cannon

Clement White being so=
lemnly sworn deposeth and
saith as follows:

Mr. Carlisle told me he had issued two
State's warrants in a case of bastardy
one against Thomas Purnell, the other
against Justin Handy. There was no
oath made by the woman in the case
of the warrant against Thomas Purnell.
I have no knowledge of anything res=
pecting the second charge. Mr. Carlisle
said that Nancy Sherwood on the twenty
eighth of December swore the child to Jus=
tin Handy - it might however have been
the day of the birth of the child that he
spoke of.

Clement White

Curtis Jacobs being so=
lemnly sworn deposeth and
saith as follows;

I know nothing respecting either
of the charges.

Joshua A. Elliguod being
solemnly sworn deposeth and
saith as follows;

I know nothing more respecting the
first charge than what I learnt from
Mr. Carlisle himself. He said Nathy Wood he had
brought before him to declare who was
the father of the child of which she was
pregnant, and that she said it was Mr.
Purnell. Mr. Purnell learning of the cir=
cumstance went to her house, and af=
terwards came with her to Mr. Carlisle's
house, where she retracted and said Jus=
tin Handy was the father, and denied (I

think I remember ~~too~~) that she had ever charged Mr. Purnell with being the father. He said that it was his opinion that if he had administered the oath to her when she made the original charge, that she would have sworn the child to Mr. Purnell. I know nothing about the other charge.

Joshua A Pillsgood

Thomas Purnell being solemnly sworn deposeth and saith as follows;

As to the first charge – I believe there were two warrants one against me and the other against Trustin Handy. I went to the House where she lived, and from thence she went ~~with me~~ to the justice's – when she was asked why she laid the begetting of the child to me – she said she was persuaded to do it by Handy. When in the presence of Mr. Carlisen she acknowledged she had charged me with being the father of the child. I never heard Mr. Carlisen say whether she was on oath when she charged either myself or Handy.

I know nothing of the second charge.

When in the presence of the justice, she denied that I was the father of the child.

Mr. Reddin was the person who informed me that the state's warrant was out against me, he gave me this information at Milford. I was not arrested on the warrant.

Tho Purnell

Charles Polk being so solemnly sworn deposeth and saith as follows;

I know nothing respecting the charge against Mr. Carlisle. I have heard Mr. Carlisle since he came to town say he issued two State's warrants in a case of bastardy in which Nancy Sherwood was the complainant; I did not hear him say against whom.

Chas Polk Jr

Ansley White being solemnly sworn deposeth and saith as follows;

As to the second charge - George Foust sued me - the case was determined by arbitrators, who at the close of the trial reported no cause of action; Mr. Carlisle read the report to me - there was a note on the report that I was to pay the costs. I asked Mr. Carlisle if that was just; he said it was not - I asked him if it was legal - he said he hardly thought it was, but that he must ~~not~~ go according to the report; and that I ought not to think hard of it. An execution issued, but was stopped by my getting a certiorari. Only two of the referees signed the report, the other, who was Mr. Carlisle's son, would not, ~~because he did not like that decision that I should pay the costs.~~ I do not know whether the note directing that I should pay the costs, was signed by the referees, but presume it was by them. I rather thought that Mr. Carlisle's son wished the report to have been against me on both points.

Ansely White

Stephen Reddin being solemnly sworn deposeth and saith as follows;

In addition to what I have said under the second charge — there is an execution in my hands of Clement Cannon vs. Elias Dexter and Leiron Clifton — on searching the docket no judgment could be found to support this execution — it is dated the 19. day of October 1814 — In this case there was a summons — the matter was referred and a report made out by the referees in favour of the plaintiff for, (I imagine) the sum mentioned in the execution — the precise sum awarded I do not, however, remember. It is Mr. Carlisle's, practice to enter judgments on the backs of reports.

Stephen Reddin

Robert Hill being solemnly sworn deposeth and saith as follows;

I have frequently seen justices of the peace in Sussex hold courts from home and enter their judgments on loose pieces of paper, to be afterwards transferred to their dockets.

Robert Hill

Nathaniel Smithers Senr. being solemnly sworn deposeth and saith as follows;

It has been my practice and that of other justices of the peace in cases of bastardy not to swear the woman until the birth of the child, previous to the birth the information is taken without oath.

Nathl. Smithers.

John Lowber being solemnly sworn deposeth and saith as follows;

It has been the practice of justices of the peace in cases of bastardy to take the information of the woman without oath before the birth of the child — this is the more general practice — my own was different.

I do not believe it is common for justices of the peace in this county to meet at any other place, than in their office. It was my practice always to enter the judgment on the back of the precept or award previous to making the docket entries.

John Lowber

Joseph Buckmaster being solemnly sworn deposeth and saith as follows;

It is the practice of Mr. Rutka & justices of the peace in this county in cases of bastardy not to take the oath of the woman until the birth of the child, and I believe they is the practice of some others.

Joseph Buckmaster

Petition for the removal of the place of holding the elections in Bonnaypone hundred.

H. of R.
10. Jan. 1815. Read & referred to Messrs Du Pont, Williams & Vickers.

0099

To the honorable the Senate & house of Representatives of the State of Delaware in General Assembly met, The Memorial of the Subscribers, Citizens of Brandywine Hundred New Castle County

Respectfully Represents -

That your Memorialists, regards the elective franchise, as the most important privilege they enjoy under the constitution of this State, and as more conducive than any other, to the preservation of the blessings they derive from it, to themselves and their posterity, That in the exercise of this important privilege, your memorialists labor under a disadvantage unknown they beleive to any other hundred in the State They allude to the situation of the present place of election. By a law passed during the last session of the Legislature, it may be remembered that the place of election was transfered from the tavern occupied by George Miller to that known by the name of the practical farmer, a place situated in one extremity of the hundred, remote from the populous part thereof, and therefore very inconvenient to the Citizens of the hundred generally, Your memorialists conceive that when the Legislature divided the Different Counties of the State into election Districts, it was done with a view to the general convenience, to bring the ground of election as it were to the door of every man, With regard to Brandywine hundred it has been sufficiently shewn, that this desirable purpose is not now effected: Your Memorialists would therefore pray, that the grievance of which they complain may be redressed by a removal of the place of election in this hundred from the practical farmer to some more central situation, where all would be accomodated in the Spirit of the law and the Constitution.

and Your Memorialists in duty bound will &c.

Adam Williamson	William Grubb
Robt Simpson	Archibald Rogers
John McIntosh	Thos Bird
Saml Smyth	James Callahan
	James Fitzgerald
	Robert McIntosh

Samuel McClintock Junr
James McClintock
John McKee Junr
George McKee
Wm McKee 15.
Benjamin Day
Francis Day
William Smith
Charles Tatum
" "
Stacy Rozel 20

0040

~~Petition for compensation from Wilmington to Phila.~~

~~H. of R.~~
~~10. Jan. 1815. Read & referred to~~
~~Messrs Mosby,~~
~~Sandiford~~
~~Walton.~~

Petition for the removal of the place of holding the elections in Poranamaquin hundred.

H. of R.
10. Jan. 1815. Read & referred to
Messrs Du Pont,
Williams &
Nickens

To the honorable the Senate & house of Representatives of the State of Delaware in General Assembly met, The Memorial of the Subscribers Citizens of Brandywine Hundred New Castle County

Respectfully Represents -

That your Memorialists regards the elective franchise, as the most important privilege they enjoy under the constitution of this State, and as more conducive than any other, to the predorvation of the blessings they derive from it, to themselves and their posterity - That in the exercise of this important privilege, your memorialists labor under a disadvantage unknown they believe to any other hundred in the State, They allude to the situation of the present place of Election - By a law passed during the last Session of the Legislature, it may be remembered, that the place of election was transfered from the tavern occupied by George Miller, to that known by the name of the practical Farmer, a place situated in one extremity of the hundred, remote from the populous part thereof, and therefore very inconvenient to the Citizens of the hundred generally, Your memorialists conceive that when the legislature divided the different Counties of the State into election Districts, it was done with a view to the general convenience, to bring the ground of election as it were to the door of every man, With regard to Brandywine hundred it has been sufficiently shewn, that this desirable purpose is not now effected. Your memorialist would therefore pray, that the grievance of which they complain may be redressed by a removal of the place of election in this hundred from the practical farmer, to some more Central situation, where all would be accomodated in the spirit of the law and the Constitution -

and your Memorialists &c &c &c -

Wm Aldred	William A. Aldred
John Day	James Tease
John Aldred	Samuel Chapman
Joseph Day	William Todd
Wm Bratten	Saml Bradshaw - 10
6 -	James Todd

0044

Alfred Crawford
J R Martin
G Ward Powell
Andrew Fountain 15
John Murphy
James Hill
James Brady
Westdam Dist
Robert Mayeal 20
Thos Moffitt
Williams Boyd
Thos Sterling
Thomas Harrison
Arthur Weir 25
John Wyne
Daniel Brown
M Farrin
Samuel Sostan
James Logan 30
Wm Smyly
[illegible]
John Henderson
Stephen Lucas
Samuel Henderson 35
Peter Alexander
John Conaway
George Nixon
Andrew Murphy
Bohmas Brookman 40
David Gozwin

David Lewis
Isaac Ford
Adolphus Musbands
Wm Elliott 45
G Bedford
Chas Dougherty
William Elliot Jun
Joseph Craig
[illegible] 50
[illegible]
[illegible]
Thomas Elliott
Christr Housley
Thomas Hill 55
Hugh Gordecher
Benjamin Crispo
George Brotter
Samuel Hustan
David Pierce 60
Jeremiah Miller
Edward Miller
Joseph Rigby
Jonathan Rigby
John Smith 65
George Brighter

George Shighter Jun

George Hyser

[illegible]

[illegible] — 70

Sam[l] M'Clintock

George Moberley

Joshua Hirth

Jam[s] Love

Joseph Jackson 75

David Penny

Joseph Gibson

Henry Stidham

Moses Lowther

Jesse Singer 80 —

James Wilson

George Shepard

William Bird

Daniel Higgins

James M[illegible] 85

George Lowe

Joseph Jackson Junr

Silas Mawley

William Long

Collin Campbell 90

David Campbell 91

The Petition of the inhabitants of Bridgville to prevent swine from running at large in the said village.

H. of R.
5. Jan. 1815. Read & ref.
to Mess. Vickers
Mitchell
& Du Pont.

To the Honourable
The Senate and House of
Representatives, of the State of
Delaware, in General Assembly met

The prayer of your petitioners respectfully
Sheweth that we the Citizens and residentors
of the Village of Bridgeville in Sussex
County and State aforesaid have from time to
time suffered great inconvenience from
swine being suffered to run at large in this
Village and its vicinity

Therefore it is the prayer of your petitioners
that an act of your Honourable bodies, afs.
may be passed to prevent swine from running
at large within the Village afs. i.e. one
half Mile on the southwest side of the
Village begining at the Bridge, and one quarter
of a mile on the North side of the Village
afs. begining at the Bridge and so your
petitioners will ever pray

John Wilson Comr.
Zachariah Hatfield
Francis White
Matthias Davis
Morgan Williams
Wm. Mancas
Joshua Bradley

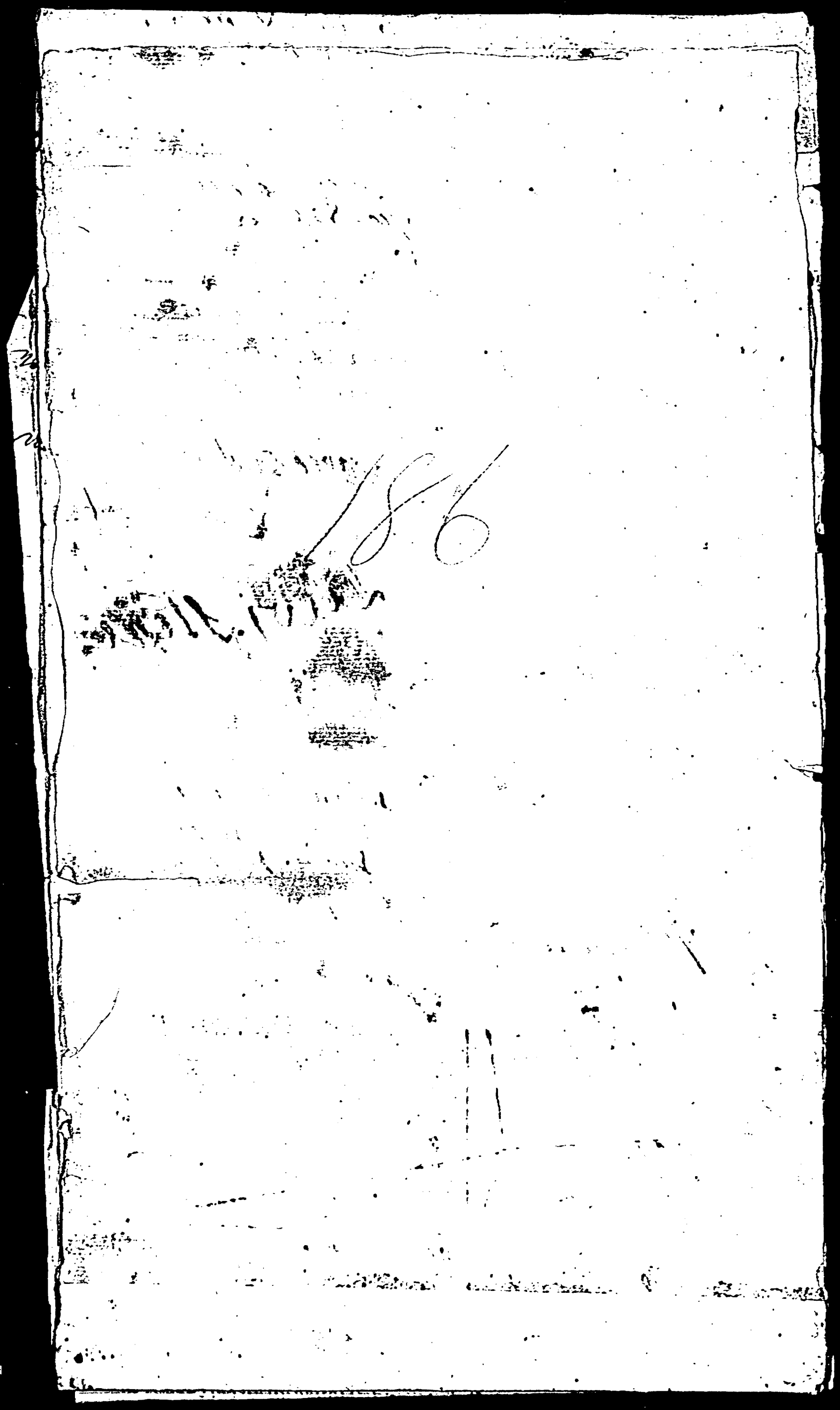
Isaac Adkins
Josiah Cannon
George H. Williams
Elijah Tilton
John Gosler

Wm. Hudson
J. C. Hitchens
Daniel Pool
Jeremiah Jeffries
Thomas Wilson
John Wilson Jr. 18.

0047

Petitions relative
to the distresses
of the people

004



BEST SHOT AVAILABLE

To the Honorable the Senate and House of Representatives of the State of Delaware, in Session assembled.

The Memorial of the Subscribers, Citizens of N. Castle county, respectfully sheweth:—That they have viewed with pain and heart felt sorrow the enormous sacrifices of property that have been, and are constantly making, at Sheriff Sales; and conceiving (from the present embarrassed state of affairs) the grievance likely to increase to a more alarming degree, earnestly call on your honorable body for that relief, which alone rests in the legislature to grant.

With diffidence your memorialists suggest the propriety of enacting a law to prevent (during this distressing crisis) corporate institutions, who have or may obtain judgments against individuals, from selling and thereby sacrificing their property; or to compel them to take such property at a valuation, to be appraized by competent freeholders, to be appointed in such manner as your honorable body may deem adviseable.

Your Memorialists beg leave to call your attention to the great loss and inconvenience they are daily subjected to, from the alarming and enormous depreciation of most of the notes of the different banks of this state, believing that some of the banks are buying up their depreciated paper in Philadelphia and elsewhere, instead of applying such funds towards redeeming their notes, when presented by individuals holding them, thereby encouraging a further depreciation, to the eminent loss of all individuals holding their notes.

Your memorialists, deeply impressed with the importance of the subject, are convinced that your Honorable body cannot but sympathise with them at this unparalleled state of distress, most respectfully call upon your honorable body, to take the premises into early consideration, and grant such relief as is consistent with the public weal; and in duty bound will ever pray.

Jno. J. Maltraugh
Thos. Neal
Henry Vickers
Benj. C. Foote
Hanny Fightlaid
W. McCullon
Nathan Gray
Nathan Gordon
Cattan
James First
John Hay
Daniel S. Cattan
Wm. Anderson jr.
Joseph L. Stidham
David Moody

Jno. Janvier
Wm. Harris
Ezr. Moody
Thomas Allen
Wm. J. Bard
Wm. Hill
Lundell Bishop
Mathew Thomas
Thomas Tyers
Jeremiah Jones
Samuel Meredith
Henry Frist
Robert Harris
Peter Pelit
William Grafson
Samuel Jaquett
Eli Sinex
John Rugel

D. H. Moore
Thos. Evans
Peter Rutt
Samuel Hattaboughs
Zenas Wills
James Carmander
Thos. C. Pettit
Nathaniel Harper
Joseph Henderson
John Sinex
John Kinsey Jun.
Daniel Dawes
William C. Phillips
Wm. Armstrong
Robt. Armstrong

Thomas Boyd
Thos. Lellouis
William Moody
Nehemiah Polaplain
Jacob Ball
George Ball
Jacob R. Ball jr.
Robt. Armstrong jun.
John Sinex
John Stidham
James Brindley jr.
Jas. Brindley
Joseph Henderson
James White
John Caldwell

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With diffidence your memorialists suggest the propriety of enacting a law to prevent (during this distressing crisis) corporate institutions, who have or may obtain judgments against individuals, from selling and thereby sacrificing their property; or to compel them to take such property at a valuation, to be appraized by competent freeholders, to be appointed in such manner as your honorable body may deem adviseable.

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Jno J. Mahaffy
Thos Seal
Henry Vickers
Benj C. Roots
Harry Wightlord
Wm J. McAlister
Nathan Yeatman
Mellain Gordon
Cattan
James First
John Hays
Daniel S. Patton
Wm Anderson jr.
Joseph L. Stidham
David Moody
Dan'l Moore
Thos Evans
Peter Ruth
Samuel Hattaboughs
Zenas Wills
James Carmeder
Thos C. Pettit
Nathaniel Hayes
Joseph Henderson
John Pinex
John Pinex Jun
Daniel Dawes
William C. Phillips
Wm Armstrong
Robt Armstrong
Dan'l Jannon
Wm Hewitt
Geo Moody
Thomas Allen
Wm J. Bard
Wm Hill
Lundell Bugans
Mathias Thomas
Thomas Tyers
Samuel Meredith
Henry Frist
Robert Harrison
Peter Pettit
Millain Grason
Samuel Jaquett
E. C. Pinex
John Russel
Thomas Boyd
Thos L. Lewis
William Moody
Nehemiah Pelaphein
Jacob Ball
George Ball
Jacob R. Ball Jr
Robt Armstrong jun
John Pinex
John Stidham
James Brindley Jr
Jas Brindley
Joseph Hendrickson
James White
John Caldwell

BEST SHOT AVAILABLE

Samuel B. Patton
Wm. Anderson jr.
Joseph L. Stidham
David Moody

Peter Pitt
William Grafton
Samuel Jaquette
E. C. Sinex
John Russel

L. Moore
Thos. Evans
Peter Ruth
Samuel Hattabough
Jonas Wills
James Carender
Thos. E. Pettit
Nathaniel Hayes
Joseph Dennison
John Sinex
John Sinex Jun.
Daniel Davis
William L. Phillips
William Armstrong
Thos. Armstrong
John Fowler
Jacob Fowler
Eli Evans
Thomas Lynam
Thos. Simms
John Sebley
Joseph Stidham
Levi Singer
John Murphey
James Conway
Joseph Springer

Thomas Boys
Thos. Collins
William Moody
Nehemiah Bellsplain
Jacob Ball
George Shaw
Jacob R. Ball Jr.
Robt. Armstrong Jun.
John Sinex
John Stidham
James Brindley Jr.
Jas. Brindley
Joseph Wendrickson
James White
John Stilwell
John Paulson
Jo. Evans Jr.
Robert [illegible]
Jacob Rothwell
Lewis McCormick
Jonas Stidham
David Stidham
John Robinson
John Boyenburg
Zachariah Dickerson
Jacob Dickerson
Jeremiah Fora[illegible]
Thomas Price

Isaac Stidham
Jacob Peterson
Andrew Stevenson
John Gregory
George Simmons
John Price
Wm. Dempsey
Barratt Mason
Joseph Richardson
Thomas Tyson

Samuel Somsel
Geo. Neboker
[illegible]
Isaac Hacket
Wm. Stidham
John Lynam
Walraven Walraven
Nathan Wier
Amaziah Edesberry
Charles Sollen
Levi Stone

BEST SHOT AVAILABLE

Jacob Peterson
Andrew Peterson
John Gregory
George Simmons
John Cripps
Wm. Dempsey
Barratt Mason
Joseph Richardson
Thomas Tyson
Joseph Hill
William McKee
James Hamilton
Levi Tatlow
William Sinnes
D. Hamilton
Joseph Spencer
John Stilley
Isaac Hammon
[illegible]
[illegible]
[illegible]
Thomas Stedham
Hance Ackerson
James McGowan
John Whitteman
Thos. Cook
Wm. Patterson
Thomas Smith

Geo. Sebolker
[illegible]
Isaac Hecock
Wm. Stedham
John Lynam
Halraven Halraven
Nathan Wier
Amos Adsbury
Charles Bollow
Lewis Stone
John Wilson
Michael Kinch
Aron Austin
John Hogs
Daniel Stedham
Wm. Smith
[illegible]
[illegible]
[illegible]
[illegible]
Sa. Smith
John Hart
Wm. Sims
Joseph Inman
William Taylor

Thomas Stewart
Isaac Flinn
John Frist
James Gaskill
John Lendermar
Geo. Whitsell
John Whitsell

Thos. Walsdown
Daniel Collins
Robt. Smith
Peter Derickson Jun
Thomas Derickson
Peter Derickson

MUTILATED DOCUMENT

0089

To the Honorable the Senate and House of Representatives of the State of Delaware, in Session assembled.

The Memorial of the Subscribers, Citizens of N. Castle county, respectfully sheweth:—That they have viewed with pain and heart felt sorrow the enormous sacrifices of property that have been, and are constantly making, at Sheriff Sales; and conceiving (from the present embarrassed state of affairs) the grievance likely to increase to a more alarming degree, earnestly call on your honorable body for that relief, which alone rests in the legislature to grant.

With diffidence your memorialists suggest the propriety of enacting a law to prevent (during this distressing crisis) corporate institutions, who have or may obtain judgments against individuals, from selling and thereby sacrificing their property; or to compel them to take such property at a valuation, to be appraized by competent freeholders, to be appointed in such manner as your honorable body may deem adviseable.

Your Memorialists beg leave to call your attention to the great loss and inconvenience they are daily subjected to, from the alarming and enormous depreciation of most of the notes of the different banks of this state, believing that some of the banks are buying up their depreciated paper in Philadelphia and elsewhere, instead of applying such funds towards redeeming their notes, when presented by individuals holding them, thereby encouraging a further depreciation, to the eminent loss of all individuals holding their notes.

Your memorialists, deeply impressed with the importance of the subject, and convinced that your Honorable body cannot but sympathise with them at this unparalleled state of distress, most respectfully call upon your honorable body, to take the premises into early consideration, and grant such relief as is consistent with the public weal; and in duty bound will ever pray.

Thomas Veit
Jesse Boulden
John Clark
Andrew Vickers
William Woodall
William Black
Joseph Thomas
David Mc[illegible]
John Muldroh
James Stewart Senr
Wm Cook
Benjamin Stanton
Jacob King
Saml Stewart
Jas Stewart 85
Palin Garvin
[illegible]

William Evans
James T Naudain
Saml Bell
William Hill
Stephen Enos
Stephen Veazey
James Dawson
John Cles
James Boulden
Nelce Jones
Jonathan Jones
William Biddle
Andw W Lawrenson
James Lawrenson
Francis Moore
Robert Whiteside

Petitions relating
to the distresses
of the people

Saml. Poutler

Petition of Nysa Boggs, wife of Lewis Boggs, a lunatic, praying an act to authorize her to dispose of a house and lot in Milford.

H. of R.
6. Jan. 1815. Read & referred to Mess'rs Jenkins, Sutton & Wilbank

In Senate.
14 Jan. 1815 read and referred to

0058

0097

To the Honorable the Senate & House of Representatives of the State of Delaware.—

The Petition of Nicy Boggs of Dover in the County of Kent and State aforesaid. respectfully Sheweth.

That by virtue of an Indenture from Isaac Davis Esq. bearing date the 11th January 1799 (which is herewith exhibited and which she prays may be taken as a part of this petition) she will be entitled after the death of her husband Lewis Boggs, in case she survives him, to a life estate in the whole of a Messuage & Lot of ground in the Village of Milford as set forth and described in the said Indenture: — And that she is also entitled by the said Indenture to an estate in fee simple forever as to one moiety of the said Messuage and lot of ground after the death of her said husband, there being no issue between them —

And your Petitioner further sheweth that the life estate of the said Lewis Boggs in the said Messuage & lot of ground was sold some time in the year 1803 by the Sheriff for the pay ment of his debts; that he then was and ever since has been confined in a state of hopeless insanity and your Petitioner has during the whole of the period supported herself by her own labour — That the sale of her right in the said Messuage & Lot of ground would at this time be of great advantage to her, and she now has an offer for the same on acceptable terms, but is advised that she cannot dispose of it without Legislative aid.—

She therefore prays your Honors to pass a law authorizing her to sell and convey all her right in the said Messuage and Lot of ground & thereby enable her to convert to her use and benefit a property which may otherwise never be of advantage to her.—

And your Petitioner will pray &c

January 3d 1815.

Nysa Boggs

Petition of the Trustees of the Poor of Kent county praying an act to authorize them to make a certain sum of money a charge upon the County.

H. of R.
10. Jan. 1816. Read & referred to Judiciary Committee & order to lie.

In Senate
13 Jan. 1815 read and referred together with the bill formerly upon it, to Mr. Burrows, Rodney, Burton

Petition of the
Trustees of the Poor
of Kent county.

To the honourable the Senate and House of Representatives of the State of Delaware,

The Petition of "The Trustees of the Poor of Kent county" incorporated by an Act of the General Assembly of the said State entitled "An Act for the better relief of the poor" passed January 29 1791 respectfully sheweth,

That Daniel Stevens formerly of Little creek Hundred in the county and State aforesaid deceased in his life time to wit on the seventeenth day of February in the year of our Lord one thousand seven hundred and ninety two, being seised in fee simple of certain Lands and Tenements to wit a plantation and tract or parcel of land containing by estimation one hundred and forty acres lying in Little creek hundred aforesaid adjoining to lands formerly of James Belach deceased now of Doctor Ezekiel Needham, lands late of Abraham Van hoy and John Delany and wife now of Thomas Clayton Esq. and others, did duly sign, seal and publish his last Will and Testament in writing in the presence of three credible Witnesses, who attested and subscribed the same and thereby devised as follows, Viz. "I give, devise and bequeath one third part of all my lands and tenements to my beloved wife Mary whilst she continues sole and unmarried, and in case of the death or intermarriage of my said wife, whichever may first happen I then give and devise the lands and tenements to her in this clause devised to my adopted son John Stevens, son of my wife Mary before our intermarriage and his heirs and assigns. 3rdly I give, devise and bequeath unto my adopted son John Stevens son of my wife Mary before our intermarriage the remaining two thirds of all my lands and tenements to be by him enjoyed immediately after my decease and his heirs and assigns."

"And in case my said son should die before he arrives to the age of twenty one years, I then give, devise and bequeath one moiety or half part of all my lands and tenements to my wife Mary her heirs and assigns and the other moiety or half part to the trustees of the poor of Kent county for the time being to be leased out and the rents and profits thereof from time to time applied to and for the sole use and comfortable accommodation of the poor in enlarging the building or repairing the same." As by the same last Will and Testament fully appears. The said Daniel Stevens afterward died without revoking or altering his said last will and testament, leaving his said wife Mary and his said adopted son John Stephens him surviving, and being at his death so aforesaid seised of the lands and tenements aforesaid; and

the said Last will and testament was afterward to wit on the fourteenth day of March in the year of our Lord one thousand seven hundred and ninety six duly proved before John Law Esquire Register for the probate of wills and granting letters of administration in and for kent county aforesaid, for the time then being.

That the said John Stevens the said adopted son of the said Daniel Stevens soon after the decease of the said Daniel Stevens applied to Daniel Cowgill one of the subscribers to become the guardian of him the said John, that the said John Stevens was then considerably under the age of twenty one years; the said Daniel Cowgill did not become his guardian, and the said John Stevens very soon after his said application left the State of Delaware, and from the best information, which the said Trustees of the poor have been able to obtain, they believe, that the said John Stevens, when he left the State of Delaware, went to the City of Philadelphia and there went on board the Schooner Fanny belonging to John Leamy bound to the Island of Cuba, and sailed on board the said Schooner for the said Island, and that neither the said Schooner nor any of her Crew were ever heard from after she left the capes of Delaware; that the said John Stevens at the time when he sailed on board the said Schooner on the said voyage wanted more than one & one half years of attaining his age of twenty one years, that it is now about eighteen years since the said John Stevens was heard of, and that the said John Stevens perished with the crew of the said Schooner on her voyage for the Island of Cuba and died under the age of twenty one years and without issue, as the said Trustees of the poor from the best information they have been able to obtain, believe.

That the said Mary, who was the wife of the said Daniel Stevens, now Mary Coudwright, widow, is in possession of all the aforesaid Land, and tenements; that the said Trustees of the Poor have from time to time had the devise aforesaid under consideration, and have caused application to be made to the said Mary Coudwright concerning the same; and she has agreed to purchase and the said Trustees of the poor have agreed to grant, convey and assure to her, her heirs and assigns, in fee simple the aforesaid one moiety or half part of the Land, and tenements aforesaid for the consideration of two thousand dollars to be secured to them by her judgment bond payable in two years, clear of interest one year, provided the General Assembly of the State aforesaid will by Act authorize such conveyance.

The said Trustees of the Poor therefore pray the honourable the Senate and House of Representatives, by an Act of the General

Assembly to authorize and empower them to grant, convey and assure to the said Mary Coudwright, her heirs and assigns forever the said moiety or half part of the Lands and Tenements aforesaid for the consideration aforesaid for, aforesaid to be secured and to be by them held and applied for the use of the poor of Kent County aforesaid.

Signed for and on behalf of the Trustees of the poor of Kent County by the subscribers Members of the board of Trustees of the Poor of Kent County and a committee appointed by the said board for this purpose.

Daniel Cowgill
Timothy Cummins
Charles Thimmey
} Committee of the board of Trustees of the Poor of Kent County.

0061

Copy - Agreed
Trustees of the Poor
Rent &
Mary Coudwright.

0013

Copy.

This Article of Agreement made the thirteenth day of the twelfth month in the year of our Lord one thousand eight hundred and fourteen between the Trustees of the Poor of Kent county in the State of Delaware by Daniel Cowgill of Little Creek Hundred in the said county the agent of the said Trustees of the Poor and one of their board of the one part and Mary Coudwright of the same hundred and county of the other part Witnesseth, That the said Trustees of the Poor by the said Daniel Cowgill their Agent have agreed with the said Mary Coudwright and by these presents do agree with her, that if an Act of the General Assembly of the State aforesaid can be obtained to authorize and sanction a conveyance by them the said Trustees of the Poor as hereinafter mentioned, then the said Trustees of the Poor of Kent county shall and will by a sufficient Deed grant, convey and assure to the said Mary Coudwright her heirs and assigns forever all that one moiety or full half part of all those lands and tenements, whereof Daniel Stevens formerly of Little Creek Hundred aforesaid was seized of in fee simple in his lifetime and at the time of his death and which were devised by the said Daniel Stevens in and by his last will and testament dated the seventeenth day of February ~~in the~~ seventeen hundred and ninety two, which moiety or half part was devised to said Trustees of the Poor in and by said will upon the contingency of the decease of John Stevens therein named as therein mentioned, which contingency it is believed has happened, and all the Estate, Title, Interest and claim which the said Trustees of the Poor have or can have by means of said Will and Testament of, in, to or out of the said Lands and Tenements and the rents issues and profits thereof for the consideration of two thousand dollars lawful money of the United States of America to be secured to the said Trustees of the Poor by the said Mary Coudwright by her Judgment Bond to be executed when the said Trustees of the Poor shall be ready to execute such Deed of grant and conveyance to her the said sum to be payable in two years from the date of the Bond and to be clear of interest the first year.

And the said Mary Coudwright does agree with the said Trustees of the Poor of Kent county that she will purchase from them the said Moiety or half part of the said Lands and Tenements for the said Consideration of Two thousand dollars lawful money as aforesaid and will secure the payment of that sum to the said Trustees of the Poor by her Judgment Bond to be

executed to them when they shall be ready to execute such Deed of grant and conveyance as aforesaid the sum to be payable in two years from the date of the Bond clear of interest the first year and on interest after the first year after date and to the performance of this Agreement on her part she binds herself, her heirs, executors and administrators.

Provided always, That if an Act of the General Assembly to authorize and sanction such conveyance as aforesaid by the said Trustees of the Poor of Kent county as aforesaid shall not be passed at the next session of the General Assembly of the State of Delaware, Then these presents shall cease and be absolutely void and in such case no advantage shall ever be made of these presents directly or indirectly in favour of either party hereto or any other person or persons and the same shall never be given in evidence in any Court of law or equity and no benefit shall ever arise in any way to either party to these presents either as a means of proof of any fact or otherwise howsoever but the subject matter which these presents concern shall remain and be in every possible respect in the same plight as if these presents had never been made. In Witness whereof the said Daniel Cowgill agent for and on behalf of the said Trustees of the Poor and the said Mary Coudwright have set their hands & seals to these presents the day and year herein first written.

A True Copy — Signed sealed by Daniel Cowgill & Mary Coudwright

0089

Petition of P. Nutter a non-resident insolvent debtor.

N. of R. 18 Jan. 1815. Read & referred to Mr. Allen, Mr. Bullen & Mr. Parker

Ordered

20 Jan. 1815 Read.

Petition of
Philip Nutter

To the Honorable the Senate & House of Representatives of
The State of Delaware in General Assembly met

The Petition of Philip Nutter humbly
Sheweth that your Petitioner is a Non-Resident of this
State And is now confined in the Public Jail at George
Town for the County of Sussex for Debts which he is
altogether unable to pay — Your Petitioner there=
fore prays your honours to pass a law placing him
upon a footing with the Citizens of this State and
your Petitioner as in duty bound will ever pray &c

his
Philip + Nutter
Mark

Test. Francis Brown

Ephraim Beaston,
Andrew Beaston
Samuel Watters
Christopher Vandegrift
Benjamen Beston
John Wilson
Andrew Hugg

58 Signatures

To the Honourable — The Senate and House of Representatives of the State of Delaware in General Assembly Met — The petition of the Undersigned, Respectfully represent, That in the year Eighteen hundred and Eleven, the General Assembly pass, an act, Entitled an act to prevent injury by Dogs in New castle County, that part of the Aforesaid act which levys a tax upon dogs, is perticulerly complained of by your petitioners, as being in their opinions, vexatious in its operations, and from the impossibility of its being Equilly and correctly carried into effect, is partial in its tendancy and fails alltogether in answering the designs contemplated by the Honourable Legislature who framed it, — it is by your petitioners deemed unnecessary to enter more minutly into the merits or Demerits of the act in question, we rely merly upon the good sense and desernment of the present honourable assembly and hope that they need only to have this Law called up to their atention, in order to see its injurous effects, and are Equely confident, that seeing its improper tendancy the will require no other inducement to Repeal and make it null and void —

Your petitioners as in duty bound will Ever pray —

Benjamin Groves
Peter Rotwell
John Cauch
[illegible]
Sohrio Cazier
Samuel [illegible]
Jesse Baldin
Thomas [illegible]
Robert [illegible] Griffin
William [illegible]
Richard Hodgson
Luif Vandegrift
William [illegible]
[illegible]
Vance [illegible]
Andr[illegible]

[illegible]
[illegible]
[illegible] Williams
[illegible]
[illegible] gat [illegible]
Jonathan Gaches
William Stanick
Edw. F. Laurimon
Jesse Baldin
William Elison
James [illegible]
Jacob B Browding
John Cunningham
John Calliden
Isaac Moore
Benjamin Richardson

Richard Porter
[illegible]
Thomas W Coudon
Isaack Cuningham
B[illegible] Hughes
Elisha Boldin [illegible]
Dorrington Elison
Wm Dickinson
Elijah Boulton
James R Covington
James James
Jacob [illegible]
Ben[illegible] Rotwell
John Reybel
[illegible]

Petition against holding elections at Branaquinnet hundred at Forrow-ad's School house

25. Jan. 1815. Read & referred to Messrs Mitchell
Grout
Townsend

0089

To the Honourable the Senate & House of Representatives of the State of Delaware ——

The memorial of the Undersigned citizens and Electors of Brandywine Hundred ——

Respectfully sheweth

That they have just learned with great surprise that an attempt is makeing in your honourable body to change the place of holding the Elections in Brandywine Hundred from the Practical Farmer to Farwoods school House an attempt which they apprehend could have originated with no other than a few restless individuals for the furtherance of party views — they beg leave to represent — that in addition to the objection which your honourable body will always feel to makeing frequent alterations in the places of holding Elections there are a variety of reasons which are conclusive to shew that the change now contemplated would be unwise and injurious to the electors of the said Hund.

The undersigned state that the Practical Farmer is sufficiantly central to all the electors — of the said Hundred is calculated to promote good Order furnishes the electors with very proper accomodation for themselves and horses their being two large Publick Houses on the spot and was selected after much deliberation as the most suitable place under all circumstances that could

be designated and has been found to answer all the good and fair purposes of convenience in the exercise of suffrage.

No place contemplated to be fixed upon in the change possesses such advantages it is a much convenient School House and without any accommodation for the electors exposing them to the inclemency of the weather the undersigned believe that the proposed change would in a great measure destroy the exercise of the elective franchise particularly, and that a great majority of the freeholders of the Town are decidedly opposed

New Haven January 18th 1815

Isaac Grubb Senior
Wm Foulk
Samuel Carpenter
Amer Grubb
George Cartmell
Wm Cloud
Samuel Jordan
Jos Grubb
Peter Grubb
Davis Gibbs
John Holden
Edward Beeson
Samuel Grubb
Richard Grubb
Caleb Norton
Samuel Lodge
Joseph Perkins
Nicholas Grubb
John Prince
Francis Lewis
Anthony Shade
William Barton
Philip Price
John Shelly
Thomas Gray
Jacob Carpenter
Wm Campbell
John Hogg

David Ford
William Hanley
Isaac Gould
John Custrick
Isaac Gillet Jr
Elihu Talley Sen
Joseph Brown
John McIntire
Joshua Jerkins
Henry Pierce
John Bryan
Henry Lodge
John Marshal
Thomas Baker
J. G. Harmon
George Davis Jr
Richard Rombo
John Beeson
French Rambo
Isaac Preson
Cornelius Vermeer
Peter Gould Jr
Andrew G. Colesberry
Joseph Wilderback
Thomas Hartsough
Caleb Perkins

John Lodge
Fr: Daumer
Samuel Lodge Jr
Jeremiah Loyd
Henry Sinnex
William Worden
Samuel Carter

60

0073

Petition against for the removal of the place of holding the place of holding elections in Boxandgin hundred.

H. of Rep.

26. Jan. 1815. Read & referred to Mess'rs Mitchell Crow & Townsend.

To the Honourable

0079

0074

To the Honourable the Senate & the House of Representatives of the State of Delaware

The memorial of the undersigned citizens and electors of Brandywine Hundred —

Respectfully sheweth —

That they have just learned with great surprise that an attempt is making in your Honourable body to change the place of holding the elections in Brandywine Hundred from the Practical Farmer to Farwoods school House an attempt which they apprehend could have originated with no other than a few restless individuals for the furtherance of party views — They beg leave to represent that in addition to the objection which your honourable body will always feel to making frequent alterations in the place of holding Elections there are a variety of reasons which are conclusive to shew that the change now contemplated would be unwise and injurious to the Electors of the said Hundred —

The undersigned state that the Practical Farmer is sufficiently central for all general convenience to the electors of the said Hundred is calculated to promote good order furnishes the Electors with very proper accomodation for themselves & horses their being two large Publick Houses — on the spot and was selected after much deliberation as the most suitable place under all circumstances that could be designated and has been found to answer all the good and fair purposes upon trial in the exercise of suffrage

0075

The place contemplated to be fixed upon in the change possesses no such advantage it is a country School House and without any accomodation for the Electors exposing them to every enclemency of the weather

The undersigned believe that the proposed change would in a great measure destroy the exercise of the suffrage of old infirm voters particularly, and that a great majority of the free holders of the Hundred are decidedly opposed to a change

January 18th 1815

John Talley
Harman Talley, Farmer
James Smith Carter
John Morrish
Philip Miller
Thomas C Smith
Amos Talley
John Chandler
Amos Chandler
Joshua Hickles
John Hickles
William Smith
John Fogle
Elihu Talley jun
Jacob Smith
Ba Mase
Isaac Smith
Albert Harvey
Jacob Smith jun
Caleb Talley

Peter Talley
James Talley
Lewis S Talley
John Jordan
Hugh Morrow
James Dutton
George Hyser
Jacob R Murch
Joseph Talley
John Talley
Samuel Talley
Thomas Talley
Timothy Peirce
Joseph Peirce
William Peirce
Benjamin Vandever
James Talley
Joseph Talley
Adam Talley
[illegible] Talley
Thos Talley

Harmin Talley Carpenter
William Sharpley
Jacob Sharpley
Jonathan Talley .44

0076

Petition against removing the place of holding elections in Brandywine hundred.

H. of R.
25. Jan. 1815. Read & ref.

0077

0078

To the Honourable the Senate & House of
Representatives of the State of Delaware,

The memorial of the undersigned citizens and electors of Brandywine Hundred —

Respectfully sheweth

That they have just learned with great surprise that an attempt is making in your Honourable body to change the place of holding the elections in Brandywine Hundred from the Practical Farmer to Farwoods school House an attempt which they apprehend could have originated with no other than a few restless individuals for the furtherance of party views they beg leave to represent that in addition to the objection which your honourable body will always feel to making frequent alterations in the places of holding elections there are a variety of reasons which are conclusive to shew that the change now contemplated would be unwise and injurious to the electors of the said Hundred

The undersigned state that the Practical Farmer is sufficiently central to all general convenience to the electors of the said Hundred is calculated to promote good order furnishes the electors with every proper accomodation for themselves and horses there being two large Publick Houses on the spot and was selected after much deliberation as the most suitable place under all circumstances that could be designated and has been found to answer all the good and fair purposes upon trial in the exercise of suffrage

The place contemplated to be fixed upon

change possesses no such advantage – it is a small country School House and without any accomodations for the electors exposing them to every enclemency of the weather.

The undersigned believe that the proposed change would in a great measure destroy the exercise of the suffrage of Old and infirm Voters particularly and that a great majority of the freeholders of the hundred are decidedly opposed to a change.

January 18th 1815

Tobias Vandever
Curtis Bullock
Amos Pierce jun.
Thos Smith
Alexander Draper
Amos Pice
William Murdick
John Fitton
William Hamphill
John Ramsell
Alexander Mague
Harry Williamson
Thomas Beson
Nathaniel Jaquett
John Bellach
Thomas Vandever
Joseph Jaquett

Thomas Lea
John Dunn
James Price
Edward Tatnall
Parker Ashton
James Smith
Joseph Smithel
William Stewart
John Hayes
Thomas Smith
Wm Young
J Vandever
Jacob Hooton
Joseph Pyle
Joseph Dutton
Joseph Dutton junr
Peter Vandever

Curtis Talley
Williamsburg

David McCollough
Amer Talley June 38.

0080

Petition

of Arthur Batty

In Senate

4 Jan. 1815 read and referred to Messrs. Staats
Mellerton
Fisher.

0081

0082

To the honourable, the Senate, and House of Representatives of the State of Delaware, in Session.

The Petition of the undersigned, residing in the hundred of Jenkins, in the County of Newcastle and State aforesaid, respectfully

Represents. That your Petitioner did upon the 19th day of January 1813, and upon the 26 day of February 1814. as by the two deeds of conveyance herewith presented; purchase two pieces, or parcels of land, lying and being in the aforesaid Hundred County, and State. as will thereby more fully appear. and that upon said pieces of land has since built and erected certain Houses, and out houses, with sundry other expensive improvements. Not having been informed, or in any-wise knowing at the time of such purchases, or improvings: that according to the laws of this state, as an Alien, your Petitioner could not legally transmitt the aforesaid Property to his wife, and children, of the latter of which your Petitioner has now four living in a young, and helpless condition: and which, from the verry uncertain, and precarious tenure of the life of your Petitioner, as it now appears, may, without the humane, and liberal interference of your Honourable body, be suddenly left destitute utterly of the means of living. Your Petitioner will also state to your Honours that as soon as he was informed of his true situation, he made immediate application to the honourable the Court of Common Pleas for the County of Newcastle, and there took the oath of allegiance, and became legally a Citizen of the Us State. Your Petitioner will presume to say nothing himself to your honourable body in relation to his conduct as an Inhabitant of the Us State previously to his having become by law a Citizen. he hopes the accompanying Certificate with the highly respectable signatures thereto annexed, will satisfy your honours that your Petitioner has not heretofore been wanting in the propriety and decorum of his conduct, or so lived as to become unworthey the fostering care, and protection of the Guardians of the rights and privileges of the state.

your Petitioner therefore prays your Honourable body to pass an act legalising the deeds of conveyance herewith presented; and thus confirming, and assuring to your Petitioner, and to his proper heirs the right to the af? Property in fee simple; and your Petitioner as in duty bound will ever pray &c &c

Arthur Beatty

31, Dec. 1814.

To the honourable, the General Assembly of the State of Delaware;

The undersigned Citizens of Newcastle County, respectfully represent, That they have for a considerable length of time, been acquainted with Arthur Baty, formerly of Ireland; but for the last fourteen years a resident of the aforesaid County; and that during that time he has continued to be a sober honest, industrious and respectable Inhabitant. and in our opinions highly deserving of the humane interference of the honourable the Legislature in his behalf for the confirmation of a title in fee simple, to certain lands which he has lately purchased and improved by his industry, without knowing untill now, that as an Alien, he cannot, by the laws of this State, transmit safely, the said property to his Children.

Newcastle County
20th Decem. 1814

Jm Crook
J. Thompson
Isaac Tyson
Hugh Gemmill
George Chafee
David Nivin

To the honourable, the General Assembly of the State of Delaware;

The undersigned Citizens of Newcastle County, respectfully represent, that they have for a considerable length of time, been acquainted with Arthur Baty, formerly of Ireland; but for the last fourteen years a resident of the aforesaid County; and that during that time he has continued to be a sober, honest, industrious and respectable Inhabitant. and in our opinions highly deserving of the humane interference of the honourable the Legislature in his behalf for the confirmation of a title in fee simple, to certain lands which he has lately purchased and improved by his industry, without knowing until now, that as an Alien, he cannot, by the laws of this State, transmit safely the said property to his Children.

Newcastle County
20th Decem. 1814

J. Crook
J. Thompson
Isaac Tyson
Hugh Gemmill
George Chafee
David Nivin

Petition from Milford for an additional number of justices of the peace in Kent county.

H. of R.
2. Feb. 1815. Read & referred to Mess'rs Mitchell Williamson & Townsend

0088

To the Senate, & House of Representatives, of the State of Delaware now Setting in the Town of Dover —

The memorial of the citizens of the village of Milford humbly represents, the Faithful impartial, and Speedy, administration of Justice has been and Continues to be, the Favourite Maxim of the political Compact, both of the Constitution, and Laws of our State — With this known Judicial axiom full in view your memorialists urged with motives and Interest in common with their fellow citizens; which looks for its Justification in the convenience and satisfaction of a large and respectable portion of the population of Mispillion hundred. Have to complain that for years past your memorialists have laboured under many disadvantages, and very serious difficulties, in the administration of the Law of this State under the Jurisdiction of Justices of the peace, which notwithstanding the increased population of the Town, and County, & Accumulation maps of business; is confined exclusively to a single Justice.

Your memorialist have to represent to your Honours that the fees arising from the transaction of legal process, within the cognizance of the magistrate of Milford is probably, equal to the fees of any other two magistrates of this state: and if divided between two persons would

Very well compensate them for the time necessarily devoted to office ——

It is conceived unnecessary by your memorialists to detail at length the numerous and well founded reasons for this application, as Justice, the imperious wants, and Reasonable demands, of the people require of your honours that a Remedy should be applied to the evil complained of ——

Your Memorialists therefore pray your Honours to pass a law authorising the Executive to appoint an other Justice of the peace for the County of Kent and for the village of Milford ——

and your Memorialists will ever pray —

Samuel Lockwood
Elias Poynter
James B. Ralston.
Elias Shockley
John Burnett
David Smith
Gallaudette Oliver
William Davis
Leonard Adkins
William Burton
A. Wesley
George Blackstone
Elias Shockley Jr.
Henderson Collins

Samuel Neall
Milton Rickards
John Purden
James Harp
William Watton
Edward Hightford
John W. Collins
Waitman Bordy
R. Williams
Barnes Collins
Cyrus Fatman
Wm. Brinckelow Jr.
James Clayton
Obadiah Mitchell

Joseph Sudler
Peter Davis
Reuben Turner

Boaz Burrows
Joseph Watson
Henry Newcomb

0088

Petition respecting a bank across Drawyer's creek

H. of Rep.
10. Jan. 1815. Read & referred to
Mess'rs Williamson
Clarke &
Vickers

In Senate
25 Jan. 1815 read

0089

To the Honourable the Senate and House of Representatives of the State of Delaware,

The Memorial of the Undersigned

Respectfully Sheweth,

That there is a large body of Marsh lying upon Drawyers Creek in St. Georges Hundred, New Castle County above the Causeway and Bridge now built over the same on the Main road leading from Philadelphia through this State, the whole whereof is in an unimproved state by reason of its being overflowed by the water in the rising of the tides; That there are also above the said Bridge and Causeway two Mills the property of two of the undersigned, of much importance to the Publick at large and which are always impeded for some time in each tide by reason of the rise of Water in the said Drawyer's Creek; That the said Creek is not navigable and for Navigable purposes above the said Bridge and Causeway, and the Creek and the land above in their present situation are of little or no advantage to the Publick or Individuals.

And your Memorialists further represent that by Banking out the said Creek by erecting a bank on the said Causeway, and putting a Sluice gate therein to discharge the Back water more than two hundred acres of Marsh now lying useless to their Owners and a Nuisance to the Publick would

be brought into a State of cultivation, and the health and general appearance of the surrounding Country considerably improved, that the Mills above would be relieved from the stoppage to which they are now exposed, and no private injury could arise to any one;

Your Memorialists therefore pray Your Honourable Body to grant them or either of them a Law authorizing and empowering them or either of them to Bank out the said Drayger's Creek, by erecting a Bank on the said Causeway, so as not to hinder the facility of the travelling communication, at the same time and effectually to exclude the flowing of the Tide water in the said Creek above the said Causeway,

And they will ever pray—

William Vandergrift
Silas Burgess
Louis M'Lane
John Peterson
Saml Thomas

Caleb Jarvis' petition for relief against an assessment by commissioners under the act for draining Morshy-Swamp.

H. of R.
9. Jan. 1815. Read & referred to Mess'rs Clarke & Sutton & Townsend

In Senate
20 Jan. 1815 read.

H. of Rep
18 Jan. 1816 read

0092

0093

To the honourable the General Assembly of the State of Delaware

The petition of Caleb Jarvis Humbly shewth

That at a Session of the General Assembly held in January in the year of our Lord one thousand eight hundred and thirteen an act was passed entitled "A Supplement to the act entitled An act to authorize the owners and possessors of the Marsh and low grounds commonly called and known by the name of Marshyhope in Nicholson Hundred and County of Kent to cut a ditch or drain through the same" by which three commissioners were appointed to go upon view and examine the said Marsh and low grounds and the several forks and branches thereof and to lay out such ditch or ditches through the same as they might determine and also to make an estimate of the charges and expenses requisite to make cut and complete such ditch or ditches; and also to apportion assess and tax the amount of the said charges and expenses among the owners and possessors of the said Marsh and low grounds which would be benefitted or improved by the said ditch or ditches faithfully and impartially according to the degree and proportion of benefit which the

said owners or possessors would respectively receive from the said ditch or ditches having due regard to quantity and quality; that the said commissioners in performing the duties enjoined on them by the said Act did not go upon and view the whole of the said low grounds and marsh; that your petitioner is the owner of a tract of four hundred and twenty two acres of land fifty one whereof are only benefited by the said ditch, the residue being principally high land and that part of it which is low draining in a different direction from the said ditches; but the whole of the said tract is assessed and your petitioner is taxed to the sum of one hundred and forty seven dollars and seventy cents which sum is very nearly the price which your petitioner gave for the said fifty one acres of land; and your petitioner conceives that he is assessed four times too high in proportion to other assessments. He therefore prays that the General Assembly will pass an Act appointing other commissioners to be assess his lands and put him on an equality with his neighbors as the General Assembly have before done in cases where persons have been similarly aggrieved.

And he as in duty bound

Caleb Jones

Petition
praying a law to incorporate the trustees of the Brandywine academy

In Senate.

17 Jan. 1815. read and referred to Messrs. Stadts
Mollston
Black

To the Honourable the Senate and House of Representatives Composing the general Assembly of the State of Delaware, this Memorial of divers Citizens of said State is most Respectfully address'd

Your petitioners believe it their duty a Second time to address you on a subject which they are of opinion is of sufficient Importance to claim your attention and desire to remind your Honourable Body that at the last session of the Legislature of this State a Memorial was presented praying that an act might be pass'd to Incorporate the Trustees of the Brandywine Accademy, that a bill pass'd the House of Representatives for that purpose that amendments were proposed in the Senate and the bill laid over or was postponed for reasons best known to that body, we therefore request and hope that at the approaching Session your Honours will again take up the subject and pass an act on the principles contained in the Original bill incorporating the persons therein named as Trustees to the said Institution which your petitioners believe will be a means of promoting the Cause of Literature and good order and entitle you to the greatfull acknowledgments of your petitioners. ——

Parker Ashton
Edward Tatnall
James Price
James Cauley
Samuel Shipley — 5
Thomas Lea Sayers
Curtis Bellford
Tobias Vandever
Andrew McKee Jun
Joseph Jackson — 10
Alexander Magee
John Rawzell
William Hemphill
William Hardick

John Harris — 15
George Parker
William Thompson
[illegible]
William Smith
[illegible] — 20
Wm Denny
[illegible]
Thos Smith
William Thompson
[illegible]
[illegible] — 25
[illegible]

Thomas Lea
Joseph Shipley
Joseph Pyle
Wm Vandever — 30
Wm Pole
Merrit Conby
Robert Smith
Peter Caverly
[illegible] — 35
David Penny — 36

Petition to Repeal
the Dog Law in the
County of New Castle

In Senate

21 Jan. 1815 read

To the Honourable

The Senate and House of Representatives of the State of Delaware in General Assembly Met ——— The petition of the undersigned Respectfully Represent, That in the year Eighteen Hundred and Eleven, the General Assembly pass'd an act Entitled an act to prevent injury by Doggs in New Castle County, that parte of the aforesaid act which levys a tax upon doggs is perticulerly Complained off by your Petitioners as being in their opinions Vexatious in its opparations, and from the impossibility [redacted] Equelly and Correctly carried into Effect, is partial in its tendancy and fails altogether in answering the design Contemplated by the Honourable Legislation who fram'd it, it is by your Petitioners deemed unnecessary to Enter more Minutly into the merits or demerits of the act in question, we rely merly upon the good sense and deserniment of the present Honourable assembly, and hope that they need only have this Law Called up to their attention in order to see its injurious Effect, and are Equelly Confident that seeing its improper tendancy the will require no other inducement to Repeal and make it null and Void ———

your Petitioners as in duty bound will Ever pray

[illegible]	John Biddle	Thos. C. David
Isaac Stockton Jun.	Tobias Biddle	Thos. Bradley
William Sterling	Noble Biddle	[illegible]
John McCracken	Robert Cann	Peter Paulson
[illegible]	[illegible]	[illegible]
Nicholas Quinn	Richard Groves	Samuel Meredith
[illegible]	Andw. Hutton	Michael Finch
George Rapple	Charles [illegible]	Jonas Wells
	Andrew Thompson	Wm. Hill
William Baxter	Daniel Holmes	William Lindsay
William Watson	Benj. Boyd	John Quinn
Levi Hatter	Wm. Armstrong	Evan Thomas
Thos. Anderson	Joseph Hostinger	[illegible]
Levi Keenan	Charles Graham	Thos. Higginson
Thomas Sutton	Stephen Sewbert	James Brooks
Saml. Hopper	Benjamin Springer	Lamy L. Clark
Geo. Robinson	Jonathan Rice	James Shredgey
John Thompson	John [illegible]	[illegible]
Joseph Marich	James Gurney	Saml. B. Rogers
John McCrone	[illegible]	Jacob Colesberry
Thos. Sunnier	Jeremiah Lewden	

BEST SHOT AVAILABLE

0099

Sussex County ss To any Lawfull Constable Levy on the Goods and Chattels of Ansley White
Sufficient to Satisfy George Frey the Judgment Obtained before me the Subscriber on the
3rd Day of December 1814 against the Said Ansley white for the Sum of £0:0:0 Debt and
£1:19:2 Cost Together with Interest and accruing Cost and Process as the Law directs Given
Wm Conwell Dunder my hand and Seal this 3 Day of December 1814

BEST SHOT AVAILABLE

Cut-Hay Book for testing f.c.-

Figure from Mr. Smith's Report, Wind Tunnel

1	0	0	0
2	0	0	0
3	0	0	0
4	0	0	0
5	0	0	0
6	0	0	0
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9	0	0	0
10	0	0	0
11	0	0	0
12	0	0	0
13	0	0	0
14	0	0	0
15	0	0	0
16	0	0	0
17	0	0	0
18	0	0	0
19	0	0	0
20	0	0	0

(105)

Jany 17th 1814

To the Honourable the Senate and House of Representatives of the State of Delaware in Assembly met.

The petition of the subscribers humbly Sheweth

That your petitioners inhabitants of Brandywine Hundred in the County of New-castle and State aforesaid labour under Great Inconvenience for want of a Justice of the Peace in or near the central part of said Hundred the population of the Hundred having encreased very considerably within a few years past, and there being but one Justice of the Peace therein, who resides near the boundary thereof. And your petitioners being informed there is no vacancy for appointment.

Therefore humbly pray your Honourable Body to Enact a Law authorising the Governor of this State to Commission another Justice of the Peace in Brandywine Hundred aforesaid and they as in duty bound will ever pray &c

George Millers
William Brutten
George Brutten
William Sharpley Conrad
Saml. Lowe
William Murphey
Edward Davis
Joseph Craige

Post Day
John Bird
Wm. Mace
Wm Long
John M[illegible]
Samuel Bradshaw
Charles Tatem
James M'Cord
James M'Clintock
Isaac Stevenson

Petition for an increase of the number of the justices of the peace in Alleghany county.

H. of R.

25. Jan. 1815. Read & referred to Mess'rs Mitchell Crow & Townsend.

Presented by Mr. Lincoln
Sent up by Mr. Pfaltzgraff
Observation Com.
Observation Com. 21.

0010

BEST SHOT AVAILABLE

To the Honourable the Legislature of the State of Delaware in General Assembly now sitting, your Petitioners beg leave respectfully to pray a portion of their attention to the relief of those of their constituents residing in the lower part of Appoq.k hundred in New Castle county & the case and circumstances of those residing in the upper part of Duck creek hundred and County of Kent as are conducted in business with those first mentioned; by making such provisions as will facilitate the recovery of debts due under twelve pounds as will best comport with the interests of both debtors & creditors.

With this view your Petitioners pray the How.ble the Legislature, agreeable to the salutary provision to that effect in the Constitution, to authorise the Executive to appoint another Justice of the Peace, in such part of Appoq.k hundred as by its contiguity to the line separating the two counties will most probably secure the very desirable object of their Petitions, if in the opinion of the Legislature the circumstances of the case will authorise the exercise of the provision alluded to.

And in order to assist their advisement thereon, your Petitioners further represent that the two courses of judicial process before Justices of the peace now existing in the said hundred are so situated as to draw the parties litigating to the very extremities of the hundred, and to points not only the farthest from the body thereof, but with the usual tracks of intercourse between different portions of the district — One living at the bottom of Shoroughan Neck in right of the Delaware; the other in the vicinity of Middletown. This situation exposes a considerable portion of the inhabitants of the hundred pursuant to distances of ten to twenty miles to the most convenient Justice and has the same view presented to those of Kent insuperable difficulties in the recovery of small debts.

Your Petitioners take this occasion to represent the importance to any community of Justice being brought to their very doors, not for fostering a spirit of litigiousness, but from an opinion of expeditiousness in dealing; and in the opinion of your Petitioners by this object if obtained the great points will be much improved and much time & expense saved to all parties.

Isaac Gibbs
James Crawford
[illegible]
[illegible]
Eli Hollett
James Fipps

Rich.d Brosson
John Cornwell
Jam.s Johnson
Isaac Cannon
John Pearson
William Deakyne
John Goff

John Clark
John Lowber
John Appleton
Charles Hills
Seth King
Jacob Tush
Peregrine Cole

BEST SHOT AVAILABLE

0104

The following Subscribers respectfully solicit the Legislature to hear the Prayer of the within Petitioners as they are certainly aggrieved by their present situation

Enoch Joyce
Joshua Coombs
Robert Patterson
Joseph Parsons
Benj Coombs
John Cummings
Jacob Raymond
Joseph Ellegear
Robert Wilson
Geo Wagner
Draper G Mansfield
John Cloak
P. Spruance
Morris Mahoney
Enoch Spruance
Benjamin Farrar
David Lockwood
Benj Roberts

Petition for an Act to incorporate Fire Wardens in Lawrence

H. of R.
25 Jan. 1815. Read & referred to Mr Wilcox, Brown & Saunders.

Memorial against Wm. Johnson a justice of the peace &c.

H. of R.

24. Jan: 1815. Read.

26. —— —— Referred to Messrs Crow Williams & Hill.

In Senate

9 Feb. 1815 read

Tray

0105

BEST SHOT AVAILABLE

0108

Your Memorialist respectfully represent to the Honorable the Senate and House of Representatives of the State of Delaware in General Assembly now sitting. That they are citizens of Appoquinimink Hundred in the County of New Castle and State of Delaware, and conceive themselves much aggrieved by the Malpractices of William Johnston, one of the Justices of the Peace for New Castle County, in the execution of the duties of his said office.

1. By issuing process and suffering such process to proceed to Judgment before him, in cases where Justices of the Peace by the Laws of Delaware have no cognizance, contrary to his better knowledge.

2. By entering Judgment & issuing execution thereon in sundry cases before the Original process has been returned: thereby preventing the defendants in such suits from their constitutional rights of Pleading and depriving them of a fair and impartial trial. Nay without any original process at all!!!!

3. By dating awards and judgments thereon several days back to prevent the parties, supposing themselves by such awards to be aggrieved, from using their legal remedy of Appeal to a higher tribunal.

4. By his invariable practice of exacting exhorbitant fees to the great oppression of the poorer classes of the Community.

Your memorialist therefore pray the Honourable the Legislature to take the case into their serious consideration and to grant them such relief as in their judgments shall seem meet.

John Lancaster
Jefferson
John Lowber

Jonathan P. Alston
Johns Sigers
David Galloway
George Mc Kean
John Bennett
Peter Clowes Rotty
Jacob Pedigree

Counter petition against the petition of sundry ~~[illegible]~~ of the inhabitants of Bridgeville praying an act to prevent swine running at large within the said village.

H. of R.
17. Jan. 1815. Read and referred to Mess'rs Vickers, Mitchell & Du Pont.

To the Senate and House of Representatives of the State of Delaware in General Assembly met.

We the subscribers residing within the Vicinity of Bridgeville, beg leave, respectfully to represent to your honourable Body, the disadvantage which would result to us in consequence of the passage of a Law agreeable to the petition of the Inhabitants of Bridgeville. We presume that your honourable Body is already apprised of the advantage which we have heretofore derived from our woodlands for the range of hogs, which the Law would deprive us of, and impose on us a burthen; in addion to the heavy taxes under which we already labour. What inconvenience the citizens of Bridgeville may have suffered from hogs running at large within the Village, we know not, but we venture to say, they never have nor never will (while they reside within the Village) suffer any inconvenience from hogs running at large within the vicinity thereof. We therefore, respectfully request that the prayer of the inhabitants of Bridgeville may not be granted. And we as in duty bound will ever pray

Jno. Carey
William Laws
William White
William N Polk
Joseph Wiatt
Ebenezer Elliott
William Messick
William Allen
Wm Allen Jun
William O Hollis

Jeremiah Banning
Henry his H Daughtiry mark
Joseph Picards

Petition of Shaneby & inhabitants of Kent County praying the Legislature to regulate the tole of Millers.—

read Jan 23-1816—
Unreferred.—

0109

BEST SHOT AVAILABLE

To the honourable the Senate and House of Representatives of the State of Delaware,

The Petition of the subscribing citizens of Kent County in the said State respectfully represents,

That the laws of this State relating to tolls taken by Millers in grinding Corn and wheat need legislative regulation.

The Law on this subject is now imperfectly understood; old customs have intervened and supplied the place of law ——;

Your Petitioners know from experience that some Regulation on this subject is needed..

Your Petitioners respectfully submit, that the tenth part of the wheat carried to the Mill is a sufficient compensation for manufacturing the wheat into flour; and that the tenth being taken from the wheat, all the flour, middlings and bran of the residue ought to belong to the owner of the wheat carried; and that the tenth of the Corn carried being taken, the whole of the meal made from the residue ought to belong to the Carrier.. ——

Your Petitioners pray the honourable the Senate and House of Representatives to take this subject into consideration and by law to fix the toll of Millers for grinding and bolting wheat and for grinding Corn..

And your Petitioners will &c. &c.

Samuel Price
Manlove Hayes
Isaac Poynter
Henry Driggett
William Condyn
Jamy McMullen
Dill Knight
Robinson Walker
Joseph Martin
John Lott
Richard Taylor
David Taylor
Wm Shaw
Henry Shaw
Samuel Hurlock
Abr Wenrick
Jona. McMyghin
James Schee

Aug. M. Schee
William Marvel
Thomas Pettigrew
James M. Vosbell
Robert Schoolfield
Daniel Vickers
Alex. Harris
Rich. Lockwood
John Fleetwood
John Fleuronton
Ezekiel Anderson
John Townsend
John Reyans
George Watmos
Samuel McMarten

Clayton Langrell
Danl. Vickers Senr
James Kirkley
James McGee
John Spencer
Thomas Candy
Nathan Burroughs
Abraham Sharp
Isaac Wells Senr

Wesley McDowell
John N. Sirour
William Gray
James Jolliff
John Bell
Preston Bedwell
James Kimmey
John Wright
Henry Bell
William Hearnes
Joseph Buckworth
Levi Lewis
David Burton
George Marson
Thos Brown
John Mansfield
Andrew Calley

Levick Buck
Daniel Palmer
Levick Palmer
John M. Hendixon
Robert Collings
Hanson Cole
Jesse Emms
John Austin
James Powers
John Fowler
Wm Buckson
[illegible]
John [illegible]
James Hazel
James Hoffman
[illegible]
Wm. Webley
Benjamin Burton
Isaac Harrison

BEST SHOT AVAILABLE

0000

To the Senate and House of Representatives of the State of Delaware,

The subscribing citizens of Kent County in the said State respectfully represent,

That a State relating to tolls taken by Millers in grinding Corn and wheat

is now imperfectly understood; old customs have intervened and

form a law ——;

We know from experience that some Regulation on this subject is needed.

We respectfully submit, that the tenth part of the wheat carried to the Mill

is a compensation for manufacturing that wheat into flour; and that the tenth

part of the wheat, all the flour, middlings and bran of the residue ought to belong

to the wheat carried; and that the tenth of the Corn carried being taken, the

meal made from the residue ought to belong to the Carriers. ——

We pray the honorable the Senate and House of Representatives

to take into Consideration and by law to fix the toll of Millers, for grinding

wheat and for grinding Corn.

And your Petitioners will ever pray.

Lewis	Clayton Caugill	Wesley McDowell	Levick Buck	Abraham Buck	Stephen S Bell
Aaron	Dan'l Vickers Jr	S R N Sirow	Daniel Palmer	William McBride	Moses Aaron
John	James Kirkley	William Gray	Levick Palmer	James Davis	Benjamin Richardson
Vostrell	James Wolgamot	James Tolbell	John McCondisen	Abner Broadway	Arter Johnson
Schoolfield	John Spencer	John Bell	Robert Collings	William Harper	David Moore
Vickers	Thomas Candy	Preston Bedwell	Hanson Cole	Wm Ruth	George Marlowe
Lacy	Nathan Burroughs	James Kimmey	Jesse Emmes	William Gray	Jonathan Pettis
Lockwood	Stephen Jr	John Wright	John Austin	John Buckmon	William Wild
Lockwood	Abraham Sharp	Henry Bell	James Powers	John Twamy	Abel Harris
Lockwood	Isaac Wellis Jr	William Hearnis	John Fowler	Chas Brinckle	Geo. M. Marlowe
Stanton		Joseph Buckworth	William Buckson	James his x mark Jackson	Levi Mitchell
Anderson		Levi Lewis	[illegible]	John Tiurtt	James Maxwell
Townsend		David Burton	[illegible]	Las Harling	
Reyans		George Mason	James Hazel	Peter his x mark Hox	
Watmos		Thos L Brown	James Hopkins	John Iffen	
Wharton		John Mansfield	[illegible]	Cornelius his x mark Campbell	
		Michael Calley	Wm Webley	Joshua Oliver	
			Benjamin Burton		
			Isaac Harrington		

109

The petition of Lorenzo Maul, John S. Connell & Wm. W. Connell for the erection of a mill & dam at Ferguson's bridge on Broad Kiln creek in Sussex county.

+ accompanying papers

H. of Rep.
5 Jan. 1815. Read & referred to Mess'rs Culleny, Clarke, & Sutton.

S
Petitions
1815

To the honorable the General Assembly of the State of Delaware

The petition of Joseph Mandl, John S. Conwell and William W. Conwell Humbly sheweth

That your petitioners are the owners of a Mill on the south west branch of Broadkiln Creek in the County of Sussex, not far above the junction of the two branches of the said Creek; that they are desirous to remove the said Mill below the junction of the said two branches to the place called Ferguson bridge; that this removal would be of great benefit to your petitioners and of great advantage to the public; as by having the benefit of both streams there would at all seasons be an ample supply of water, whereas neither of the streams separately furnishes water sufficient to grind constantly; that your petitioners are the owners of most of the low grounds which will be overflowed in consequence of erecting a Mill in the place contemplated, and that which will be overflowed is of very little value. Your petitioners

further represent that they have caused to be made and are
curate plot of the said two branches, and of the low
grounds to be overflowed, which they herewith
exhibit: They therefore pray the General As-
sembly to enact a law for the condemnation
of so much of the said low grounds as is not
owned by your petitioners as will be overflowed
by the erection of a dam at the place aforesd
and also as much land as will be necessary
for the said Mill, upon such terms as to
your honorable body shall seem reasonable
and just

And your petitioners as in duty &c

Jos Mandell for
himself and
John S Bonwell
William McBonwell

Counter Petition of Alita Clarke against the petition of S. Mauell & others.

H. of R.
11. Jan. 1815. Read

To the Senate
and General House
of Assembly

honoured
By Cr Painter

To the honourable the Senate and house of General Assembly
I Make the liberty to Solicit your honours in an humble manner
to Consider my Case my Property and Person as a widow with a
family to take Care of have is Doct Mall is now likely
he Says to Get his Condemnation Granted if so I am one
ruind Person immedieteley not less than $3500 Dollars
would Repair my loss in the next Place he has poorsued
the Lawsuits which its Generly thought will be their ruin
So I object to the Doctors Petition as I expect Justice will take
Place this WM the humblest Respect
from your humble Servant
Hetta Clarke

Febry 11th 1815

To the Honourable the Senate and House of Representatives of the State of Delaware,

The Memorial of the subscribers inhabitants of the Village of Milton in Sussex County and of its vicinity respectfully — Represents — —

That they have seen publick notice that Joseph Maul John S Conwell and William W Conwell will apply at the next Session of the General Assembly of this State for an act to condemn so much land as may be necessary to enable them to erect a mill at or near the upper Bridge Called Fergee's Bridge at Milton and also to Condemn the land Covered by the Pond.

Your Memorialists have considered the Subject of this application and are convinced, that erecting of a mill at or near the place proposed will be of serious publick detriment and will not produce any counterbalancing publick advantage.

In the evils arising from the erecting of this Mill they with Many Others would be sufferers and they solicit the attention of the honorable the Senate and house of Representatives to the Considerations which have influenced them respectfully to Submitt their Objections Against the act to be applied for:

At the place, where the petition proposes the erection of a Mill, the tide ebbs and flows from three to Four feett. for a head of Water in any degree Suitable, there must be a dam from Seven to eight feet high. this would raise a large pond of Stagnant water in the village and above it on the West side, over which the prevalant summer & fall winds would Blow, and which must be highly pernicious to the health of the inhabitants. to increase the salubrity of our Climate is an Object most deserving of attention. the raising of Stagnant ponds of Water, the deleterious effects of which are so Obvious, in and adjoining to, villages where, these effects Must be so Extensively felt, is so repugnant to humanity and good policy. that on this ground, were there no other, your memorialists would deem it their duty to express their dissent to the

To the, erection of a mill at or near the place proposed by the petition, and solicit, that measures preparitory to it, should not receive countenance.

Your Memorialists upon reflection, see another substantial Objection against erecting a mill at or near the place proposed. The Village of Milton is now flourishing; its prosperity depends upon preserving the navigation of the creek on which it stands and which is now navigable to the village. Observation shews that the navigation of our creeks are easily impeeded. All experience proves, that Mill dams have a direct tendency to obstruct their navigation by gradually raising Banks at considerable distance below the sites of the dams. Mill dams are constantly wasting and the dirt washed from them, carried down with the water subsides either forming obstructions where none would otherwise have been or increase those otherwise formed which but for this increase would not have been sensibly felt. It is believed that a mill dam erected upon one of the branches of Broadkiln creek distant as the Creek runs about one Half mile from Milton, as the Road runs about one fourth of a mile has injured the navigation of the creek at this village. also-where the tide Ebbs & flows, a dam across the stream has the invariable effect to fill the channell below the dam, with sediment, which would have been washed away, had the channel been left free. There is already an Obstruction in Brodkiln creek not more than a mile below Milton, & your Memorialists believe, that if the contemplated Mill shall be Erected, before many years, The Navigation to this village will be destroyed and the Prosperity of the village cease.

The erection of a mill at or near the place proposed would also obstruct the Road leading from Milton by Clowses to George town (called Levina Road) so as to render this Road impassible except by a bridge & Causeway, which could not be done without great difficulty ~~and~~ and great expence. Through This Road much lumber & produce is brought to Milton and any obstruction of it would be seriously felt. your memorialists believe, that the obstruction of this road which the Erecting of a Mill at or near the place proposed would necessarily occasion, would produce inconvenience to one portion of the

of The Publick to outweigh all convenience which any other portion of the Publick could derive from a mill being in this place.

While your memorialists view the erecting of a mill at or near the place proposed as productive necessarily of much evil they cannot see how the publick good can be materially advanced by it No Place can be more advantageously situated in respect to Mills than Milton now is. there are within the distance of four miles from this village Eight Grist Mills & Eight Saw Mills the distance to the nearest of those Mills does not Exceed one Half Mile and is on a good Stream of Water.

Your Memorialists therefore humbly pray, that the Petetion for passing an Act of the General Assembly for Condemning land to enable the Said Joseph Maull John Conwell & William W Conwell to erect a mill at or near the upper Bridge called Ferges's Bridge at Milton and to be Covered by the Pond, may Not be Granted

Names	
Nehemiah Dorman	Elias Cornwell
James Martin	Isaac Clowes
Seth Barnum	Joseph Tamgunner
Jonathan Martin	Wm McCloud
Noah Mypick	Milton Shockley
James Hall	Nathan Reed
George Gresham	Ephraim Tenbe
Smith Brittingham	Lodewick Warner
James Ponder	John Holland
David Robins	Joseph Yarn
Joseph Holland	

Names

William Darby

William Perry

Solom Jones

William Watson

Uzey Hall

James his ✗ mark Andrew

Peter Lofland

Isaac Lofland

Milton December 29th 1814

Pennsylvania Washington County ss
I do hereby certify that the foregoing
and within is a true copy of the original
on file in the office of the Prothonotary
of said County

A. Lash
P. Dem. 1818. Rec'd in full

Counter Petition against the petition of Joseph Manell John S. Conwell & Wm W. Conwell.

H. of Rep.
5. Jan. 1815. Read & referred to Mess'rs Cullen Clarke & Sutton

0120

To the Honourable the Senate and house of representatives of the State of Delaware,

The Memorial of the Subscribers inhabitants of the Village of Milton in Sussex County and its vicinity respectfully represents, ~~that~~

That your Memorialists being requested to sign a petition addressed to your honourable Body praying for the passage of an act of the General Assembly for condemning land to enable Joseph Maull, John Cornwell William W Cornwell to Erect a Mill at or near the Upper Bridge at Milton called Ferges's Bridge and land to be covered by the Pond did without materially considering the Subject Matter of this Petition give to it their Signatures.

Your Memorialists, when they signed this petition had not adverted to the consequences, which would follow the erecting of a Mill at or near the place proposed. Reflection Has convinced them, that the evils, which This must necessarily occasion would far outweigh any good, which would result from it.

At the place where the petition proposes erecting a Mill the tide Ebbs and flows from three to four feett. For a head of water in any degree suitable, there must be a dam from seven to eight feett high. This would raise a large pond of stagnant water in the village & above it on the West side, over which the prevalent Summer & Fall winds would blow, and which must be highly pernicious to the health of the inhabitants. to increase the salubrity of our climate is an object most deserving of attention. the raising of stagnant ponds of water, the deleterious effects of which are so obvious, in and adjoining to, Villages, where these Effects must be so extensively felt, is so repugnant to Humanity and good policy, that on this ground, were there no other, Your Memorialists would deem it their duty to express their dissent to the Erecting of a mill at or near the place proposed by the petition, and solicit, that measures preparatory to it, should not receive countenance.

Your Memorialists Upon reflection, see another substantial Objection, against erecting a mill at or near the place proposed. The Village of Milton is now flourishing; its prosperity depends upon the navigation of the Creek on which it stands being preserved. and which is now navigable to the village. Observation shews that the navigation of our Creeks is easily impeeded, all Experience proves, that mill dams have a direct tendency to obstruct their navigation by gradually raising Banks at considerable distances below the sites of the dams. Mill dams are constantly wasting and the dirt washed from

from them, carried down with the water subsides either forming obstructions where none would have been or increase those otherwise formed which but for this increase would not have been sensibly felt. it is believed that a mill dam erected upon one one of the branches of Broadkiln creek distant as the creek runs about one half mile and as the road runs about one fourth of a mile has injured the navigation of this creek at this village. also, where the tide ebbs and flows, a dam across the stream has the invariable effect to fill the channel below the dam with sediment, which would have been washed away, had the channel been left free. there is already an obstruction in Broadkiln creek about a mile below Milton and your Memorialists believe that if the contemplated mill shall be erected before many years the navigation to this village will be destroyed & the prosperity of the village cease.

The erection of a mill at or near the place proposed would also obstruct the road leading from Milton by Stowers to George-town called Lavina's road so as to render this road impassible except by a bridge & causeway which could not be done without great difficulty and great expence, through this road much lumber and produce is brought to Milton and any obstruction of it would be sensibly felt. Your Memorialists believe, that the obstruction of this road, which the erecting of a mill at or near the place proposed would necessarily occasion would produce inconvenience to one portion of the publick to outweigh all convenience which any other portions of the publick could derive from a Mill being in this place.

While Your Memorialists view the erecting of a Mill at or near the place proposed as productive necessarily of much evil, they cannot see how the publick good can be materially advanced by it. no place can be more advantageously situated in respect to Mills, than Milton now is. there are within the distance of four miles from this village eight grist Mills and eight saw Mills the distance to the nearest of these grist Mills does not exceed one half Mile It is upon

Upon a good Stream of Water.

Your Memorialists therefore Humbly pray, that the petition For passing an Act of the General Assembly for Condemning Land to enable Joseph Neal, John S Cornell and William W Cornell to erect a Mill at or near the Upper Bridge Called Forges's Bridge at Milton and to be covered by the pond may not be granted.

Nehemiah Lapland
his
Levi X Mapick
mark
Wm Houston
Peter S. Coulter
his
Reuben X Barlman
mark
James Reed
Zachariah Tain
Thomas Shinman
Gideon Finnwick
Joseph Venit
David Hilliard
Nehemiah Carey
his
Tho X Simpler
mark
Peter D Wright
Samuel Hann
Robert Burton
Francis Kille
John Holland Jumeyr
Jesse Dutton Junr
George Hazzard
John M Coulter

Milton December 29th 1814

Accompanying the Pet.
of J. Maull, J. S. Connell
& W. W. Connell.

H. of R.
5. Jan. 1875.

53

123

BEST SHOT AVAILABLE

0088

The Honorable Senate and the House of Representatives of the State of Delaware

We the Subscribers inhabitants of Sussex County — humbly request your honours to grant the privilege to John Conwell William Conwell and Joseph Maull to build a mill dam and Mill or Mills at the upper causeway in Milton commonly called Ferguses bridge or causeway we think that it would be of great benefitt to inhabitants of the said Village and a great improvement to the place.

Daniel Hudson
Gustavus A Irving
James Maull
Wm P Preston
Thomas Marvel
Daniel Tindal
John Tindal
Samuel Tindal
George Rogers
Miles Linaal
Wm Harris
John Robinson Jun
William Pepper
James Brown
James P W Hollock
Eli McCarty
Philip Hinga
Isaac Hinegardner

Panter Laws
Saml Jefferson
Thomas Baker
Elihu Evans
Lucan Stuart
Hercules Hollock
John Evans
George Hollock
Phillips Hollock
Curtis Spicer
George Conwell of John
William Gray
Thomas Collins
David Whittack
Burton Hudson
Thos Shinman
Elias Collins

Gideon Sinnwick
Joseph Johnson
Samuel Johnson Jr
John Parnose Jr
Bosphly Johnson
Samuel Walls
William Johnson
Ebenezer Joseph
Henry Massey
William Tenney
Anthony Heard
Samuel Thomas
Stringer Tilney
Levi Hall
Maud Brazen
William Conwell
Dennis Hill
Thomas Lindle

Accompanying the Pet. of
J. Hanke, J. S. Connell &
W. W. Connell

H. of Rep.
5. Jan. 1815

14

0188

The Honourable Senate and the House of Representatives of the State of Delaware

We the Subscribers inhabitants of Sussex county we humbly request your honours to grant the privilege to John S Conwell William M Conwell and Jos. Nauell to build a Mill dam and Mill on Mills at the upper bridge or causeway commonly called Ferguses bridge or causeway we think that it would be of great benefit to the Inhabitants of the said Village and a great improvement to the place and a general benefit to the county

Signers

Stephen Warrington
James Lawson
Selleck Blizzard
Silas Stockley
W H Harris
Jno H. Burton
Thomas Blizzard
Nathaniel Blizzard
Absalom Hurst
John P. Swilbargge
John Hoff
Geo Robinson
Thos Robinson
Robert Evans

Accompanying the Pet. of
J. Maull, J. S. Cornwell &
W. W. Cornwell.

H. of R.
Jan. 5. 1815

47

The Honourable Senate and the House of Representatives of the State of Delaware.

We the subscribers inhabitants of Sussex humbly we humbly request your honours to grant the privilege to John Conwell Wm Conwell and Jos Maull to build a mill dam and mill or mills at the upper bridge or causeway in Milton commonly called Ferguses bridge or causeway we think that it would be of great benifit to the inhabitants of the said Village and a general benifit to the County.

Brevans Morris Junr
John Conwell
James Carter
Stephen Coster
James Morris
Thomas Willson
William Steel
Jonathan Heavelow
Henry Conwell
John Bennet
Richard Davidson
Eli Marions
Burton Johnson
John Tilney
John Holland
Anderson Johnson
Abraham Reed

Thomas Simpler per Or Henry White
James Peter Jr per Or
Peter Wales per Ord John Conwell
Nunsoe Dutton
George Robbins
Thos Atkins
Avery Dood
Peter Dickerson
Elisha Dickerson
Abey Spiers per Or
John Donovan
Peter Donovan
Edmon Dickerson
Zachariah Tam
Anderson Hudson
Levin Cochran per Or
Jonathan Cannon
Hosea Mezee

Cannon Cary per Or
William Pe
Joseph Benn
Jos Dutton
Nathaniel Stan
George Hoo
Charles Reed
George Collins
Samuel Fowler
Pirnel Binder per Or
Jacob Hudson
Levin Lank per Or

Accompanying the Pltf. of
J. Maull. S. P. Conwell vs
W. W. Conwell.

H. of R.
S. Jan 1816.

34.

To the Honourable Senate and the House of Representatives of the State of Delaware

We the Subscribers inhabitants of Sussex County we humbly request your honours to grant the Privilege to John Boswell William H Boswell and Joseph Maull to build a mill dam and mill or Mills at the upper bridge in Milton commonly called Fergusons bridge or causeway we think that it would be a great benefit to the inhabitants of the said village and a general benefit to the County

William Harris
Matthew Harris
Henry Maull
Mr Morgan
Durand Smith
David Johnson
Peter Maull
John Maull Jun
John Maull Senr
John Rowland
William Mumford
James Long
Ruben Parnell
Simpson Hazzard
Samuel Emmes
Levi Mepi per Ord
Nathan Jones
Abbott Russel
Samuel Hazzard

William Mitchell
John Hazzard
Francis Gray
John Roach Jun per Ord
William Waller
Jos. Edgar Jun per Ord
James Rico
Willey Simpkins
John Mepi Jun per Ord
James Fallon Jun per Ord
James Steel
James Rowe
Thomas Delaforth Jun per Ord
Mitchel Lank Jun per Ord
William Steel

To The Honourable the Senate and House of Representatives of the State of Delaware,

The Memorial of John D Smith and John Dorman of Milton in Sussex county in the said State.

Your Memorialists have seen a publick Notice, that Joseph Maul John Conwell & Wm Conwell will apply at the Next Session of the General Assembly for an act to condemn so much Land as may be Necessary to enable them to erect a Mill at or Near the ~~place~~ upper Bridge called Forgess's Bridge at Milton and also to condemn Land to be covered by the pond.

In cases of applications heretofore to the legislature for Acts, for the condemning Lands for the use of Mills, the applicants have been owners of Mill seats, of which they could not avail themselves without a greater use of the stream than by law they were intitled to and without covering by the Mill pond, Necessary to such Mills lands belonging to others. In these cases the appropriation of the stream, by erecting a dam across it, has usually been a subject of small consideration and for which ample recompence could be made to the owners by allowing them damages equal to the value of the land covered, to be assessed by a jury; In cases of these applications therefore objections have seldom been made; it being deemed reasonable, that owners of good Mill seats should enjoy the benefit of them by erecting Mills, when no general inconvenience would arise from this, and when the loss to be sustained by others in consequence of this, would be of a small quantity of land generally of little value, and which the owners could part with without inconvenience, and this loss could be compensated by damages and no real injury in the event done. the application which has been published, is of a different Nature. the applicants Joseph Maul, John Conwell and Wm Conwell own no land at the place ~~where~~ according to the Notice published they propose to erect a Mill. they have no mill seat there; and the erecting of a Mill at or Near the place proposed would be of great & lasting injury to the property of your Memorialists. On one side of the Creek, the Branch adjoining upon the Creek at & immediately above the place proposed containing three or four Acres is the property of your memorialist John Dorman; it is covered with Cedar and is very valuable; it would be ruined in consequence of the erecting of this Mill. On the other side of the creek the land & Branch adjoining upon the creek at and for a considerable above and also for a considerable distance below the place proposed belongs to your Memorialist John D Smith. A part of the Branch above the Bridge has been cleared for Meadow the Rest is covered with Cedar is very valuable. this would be covered with the waters

Waters of the Pond should the Mill be erected, and considering its situation and convenience, no damage which would probably be assessed would be adequate compensation for the loss of it. It is so situate that your Memorialist could not without great inconvenience part with it: the keeping of it would be a far greater object to him than even the full value. The dwelling house of your memorialist John E Smith his Stables and granaries and improvements, are so situate, near to the Creek and on land that is low, that should the Mill be erected. the water of the pond will approach near to said house, buildings and improvements, and as your memorialist believes would occasionally flow into his cellar. And in consequence of a gully making into the East land at a small distance above his house, together with his other Buildings and improvements, the same would be nearly surrounded by water. The Mill Pond would be an offensive Nuisance in the immediate vicinity of the property of your said Memorialist: the situation of his dwelling House would thus be rendered disagreable and Unhealthy, and his property and improvements made at very considerable expence. Would thus be thrown into a situation, where no person would wish to live or could enjoy them. and where their value must be greatly diminished. No damage which could be allowed to your said Memorialist for his land to be covered by the pond, would in effect be any compensation, for the injury which in his property he generally he must sustain.

By the eighth section of the first Article of the Constitution No Mans property can be taken and applied even to publick Use without the consent of his Representatives and without compensation being made. the inference is clear that no mans property can be taken and applied to private use, or the use of individuals without his consent. the erecting of a Mill is a matter of private or individual emolument and advantage; for the interest of the person erecting of it. the object of the applicants, whose intended application your memorialists are considering, appears to be to obtain an Act of the Legislature to enable these applicants to take from others property and appropriate it to the use of the applicants, that they may erect for themselves a Mill upon it. Your Memorialists humbly conceive, that the honourable the Senate & house of Representatives will not pass such an Act.

But even if the said aplicants owned a mill seat at the place where they propose to erect a mill, your Memorialists conceive, that the Legislature would deem the passing of an act to enable them to appropriate the stream and to condemn land to be covered by

the Pond altogether inadmissible. the Legislature interposes only upon Publick considerations, and it is obvious that the Publick Good May be equally promoted by the erecting of a Mill at some distance from a village as by erecting one at the Site of the village, Where the Value of the Stream, and of the Land to be affected by the Pond And general inconvenience, must be so much greater than these would Be at some distance from the village. Your memorialists submitt With Confidence that No publick considerations require the erection of a Mill at the Village of Milton. there are now eight Grist Mills and Eight Saw Mills within the distance of one half Mile and four and Half miles from this village and on good Stream of Water. No inconvenience is felt for the want of a Mill at the Village.

On the contrary a Mill erected where the applicants propose would Be of great Publick as well as private injury. ~~to~~ at the place at or Near where the applicants propose the erecting of a Mill the tide Ebbs and flows three feet at common tides. the Mill dam Would be from Seven to Eight feett high; and the pond to be Raised for the Use of the Mill which would be in and adjoining to the village on the West Side — could not fail to render this Village a most disagreeable and unhealthy place of Residence

The dam being across the creek where the tide Ebbs & flows Three feet, would tend to obstruct the creek below it. Your Memorialists from information and their own observation believe, that a dam across a Creek has this effect invariably. there is already a Bank in Broadkiln Creek about a Mile Below this village and your Memorialists are convinced that should a dam be erected across this creek at the place proposed, the Navigation of this creek to Milton would in a few years cease

Your Memorialist John D Smith has a granary and Wharf on or near at the place where the contemplated dam will Cross the creek, which Granary and Wharf should the applicants succeed, would soon cease to be of any value to Him.

The erecting of a mill and Dam at the place proposed would Greatly Obstruct the Road Leading from Milton to Geo town By Clows called Lavina's Road and without great difficulty

difficulty and expence would Render it impossible. this Road is of much publick Convenience. through it a considerable Quantity of Lumber and produce is Brought to Milton, and the obstruction of it would be a publick evil.

Your Memonalists are convinced that the Erecting of a Mill at the place proposed, would produce much private and publick detriment. and they therefore pray that the application of the said Joseph Maull John Sewell & Wm M Conwell for an Act to condemn so much land as may be necessary to enable them to erect a Mill at or near Fergesi Bridge at Milton And also to condemn land to be covered by the pond may Not be granted.

John D Smith

John Dorman

Milton January 2d 1815

Remonstrance against the petition of Joseph Maull & others, for a Bounds and Mill at W. Bridge.

N. of R. Rep.
S. Dec. 1815. Read & referred

The Petition of Aletta Clarke for the liberty of erecting a mill on Broadkiln Creek in Sussex.

H. of R.
5. Jan. 1815. Read.
9. — — Referred to Mess'rs Cullen Clark & Sutton.

0137

To the Honourable, the Senate, and House of Representatives of the State of Delaware in General Assembly met,

The Petition of Aletta Clarke of Broadkiln Hundred in the County of Sussex and State of Delaware,

Humbly sheweth

That your Petitioner is in possession of an old Mill seat on a Branch of Broadkiln Creek, that on the South east side of said Branch she owns down to a Bridge and Causeway called Levinahs, about one fourth of a Mile below said old Mill seat, where it would be beneficial to your Petitioner to build a Saw Mill, and convenient to the Public,

Your Petitioner therefore humbly Prays your honours to take her case into consideration and grant her a Law to enable her to build a Mill at the place called Levinahs causeway, and your Petitioner as in duty bound will ever Pray &c.

Aletta Clarke

Isaac Clowes

John Smith Jr

Asa Fowler

Charles Fowler

Ephraim Derby

Nehemiah Dorman

John Dorman

[illegible]

Accompanying the Pet.
of J. Hall. J. S. Connell &
W. W. Connell.

N. of R.
5. Jan. 1815.

0199

To the Honorable Senate and the House of Representatives of the State of Delaware.

We the subscribers being call on by Jos Maull to level the point of land begining at John D Smith Shop and runing down to the breck we find that it is of the following elevation.

Beging at high water mark and runing up to a hickory that is about half way to A the shop is eight feet and from the Hickory to the shop is eight more which make in the hold sixteene feet elevation from high water mark and from the breck to the lower corner of the stable is eight feet nine inches above high water mark. January 3d 1815

Thomas Lank
Eli Hallen
George Conwell of John

Accompanying the P.N. of
J. Maull, J.S. Conwell &
W.W. Conwell

H. of R.
5. Jan. 1815

10

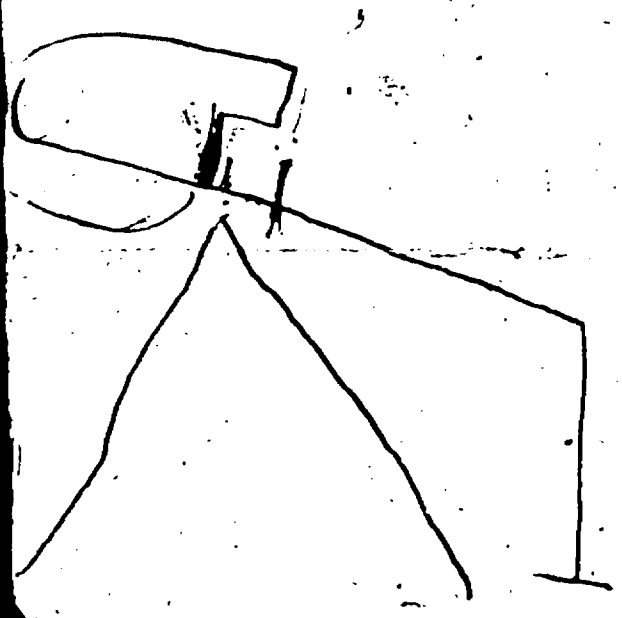
The Honorable Senate and the House of Representatives of the State of Delaware

We the subscribers inhabitants of Sussex county we humbly request your honours to grant the privilege to John Boswell Wm Boswell and Jos Maull to build a mill dam and mill or mills at the upper bridge in Milton commonly called Ferguses bridge or causeway we think that it would be of great benefit to the inhabitants of the said Village and a general benefit to the County

Thomas Pettyman
Cornelius Pettyman
Jacob Pettyman
Thomas Pettyman Junr
James Pettyman
John J Morris
James Roach
Charles Benson
Henry Benson

Accompanying the Pet. of
I. Mauck & S. Connell & W.W.
Connell.

1st. of Rep.
5. Jan. 1815.



To
Doctor
Joseph Mauck
Clifton

Dear Joseph Mawl sir this to inform you that on friday night the 23 Day of the present Instant as I was driving my Cart and Team up to Milton I met with the misfortune on my way to Lost my pocket book with your petition in it and a number of my own papers in it and some money and I have not found it nor had any intelligence from it since but if I should hear of it or get it again with the papers safe in it I intend for you to send it up Direct to you. Joseph Mawl

December the 23 - 1841 From Redmond Dickerson

Accompanying the P.A.
J. Maul. J. S. Cornwell &
W.W. Cornwell.

W. of R.
5. Jan. 1815.

36

The Honourable Senate and the House of Representatives of the State of Delaware

We the inhabitants of Sussex county humbly request your honours to grant the privilege to John T Conwell William M Conwell and Jos Maull to build a mill dam and mill or mills at the upper bridge in Milton commonly called Ferguses bridge or causeway we think that it would be a great benefit to the inhabitants of the said place and a general benefit to the county

Subscribers Names

John Rodney
John P. Morris
Asa Clifton
John W West
R J West
John M Cracken Pres
Mitchell Lank
Noah Rust Sec
Nutter Williams
Charles Fisher
Benjamin Campbell
Lemuel Campbell
Brightly Ewing
William Morris
Isaac Robertson
Thomas Lodge
Eli Comerdale
John Burton
Samuel Cade

Wm Spicer
William Reeder
John Fowler
Fowler Dood for Order
Samuel Pettyjohn for Order
John B Jones
Nehe Hand
Boaz Downing
William Plumer
Lauder Jones
William Robins Senr
Dennis Morris
Clement Fowler
Benjamin Fowler
Solomon Dodd
Eli Donavan for Dod
George Conwell

Militia Petition

H. of R.
3 Feb. 1815. Read.

PAID 20

Nicholas G. Williamson
Legislature
Dover
Delaware

014

To the Honourable the Senators and house of Representatives, convened at Dover the January Session Anno. Domi 1815.

The Petition of the undersigned inhabitants of the County of Newcastle.

Respectfully sheweth

That we view with regret the Militia law of this State with all the Suplements thereto as totally inadequate to the purpose of organising and training the Militia of this State in such manner as the calls for them, require. The fines as now stated by law being so low, that out of a company of one or two hundred men not more than one sixth appears on parade, further the mode of collecting fines being so tedious that in many instances the delinquents are gone to some quarter where they cannot be found to recover from.

If fines were by law as high as in some States, say five dollars for each Muster day, and a summary mode of collecting them by process from any Justice of the peace immediately, after each muster day, the fines so collected might probably be sufficient to pay for Arms and other expenses of training the militia, the Justices in such cases would be competent to decide on the excuses of delinquents.

The present law says the fines shall be applied to pay the expenses of the Regiment; but there is none in the treasury and we know not where any of them are, and as it respects the Officers of Companies the expence of Music & other expenses they must consider it as a great hardship to pay. Two thirds of the Drafted Militia have refused to perform their duty and

are

are forgotten, while Volunteers do all the duty required of them, and the undersigned believing that a law might be made respecting the Militia and repealing the former acts of assembly on the subject might be done to advantage —

Your petitioners therefore humbly request that you would take the subject into your wise consideration and enact such a law for the better organising and training the Militia of this State as to you in your Wisdom shall seem meet.

And your petitioners will as in duty bound pray &c

Thos Lomax
Geo Jno Wolf
D Barrison
A Porter
Wm Chamberlin
J Wilson
Henry Palmer
Isaac Anderson
Josiah Williams
Thos C Allicks
John Smith C
Solomon Beckley
James McFeron
B A Springle
Mar Thomson
Joseph Bonguine
Azariah Stokes
David Mayes
David H Walker

David Lorrach
Geo Leforge
Benjamin Brown
James Brown
Thomas McFel
William Robinson
Justus Beckley
Jos B Shipley
Cornor Strilson
Samuel Richmond
Saml Connahan
Barnard Davis
James Richmond
Geo Jones
Henry Gates
Joseph C Hartley
Abr Wilson

Andrew Taylor
on William Shipley

and Stockton

0150

MUTILATED DOCUMENT

Petition [illegible] re claim [illegible]

N 12

H. of R.
16. Jan. 1815. Read & referred to the committee of claims.

Reported — 31 Jan.

110

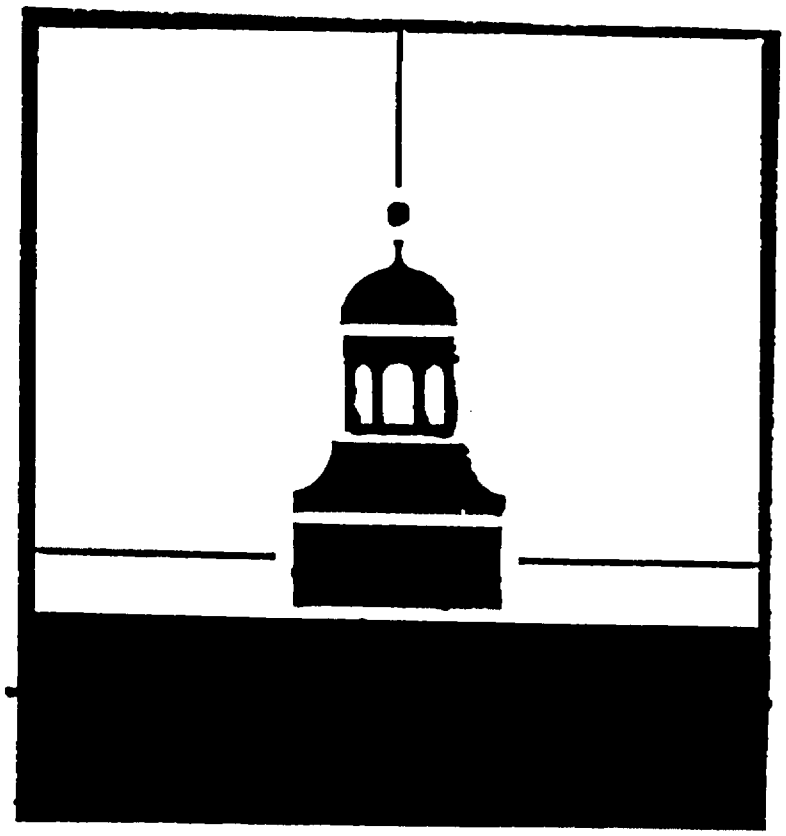
BEST SHOT AVAILABLE

0188

To the Honorable the Senate & House of Representatives of the State of Dellaware

The petition of Undersigned ~~being~~ hereby Sheweth That in the year 1812 he held a commission of Captain for the 3d Comp.y of the first Battalion of the 6th Regiment of Dellaware Militia in which year the Law appointing the County Treasurer the Commissary passed your Honorable body which Law had never been put in my possession to apprise me of a duty to be performed under a penalty in consequence the Undersigned neglected to perform a Duty he new not of, and by the Commissary was Brought before a Justice of the peace and a Judgement passed against him for thirty dollars. Cost of Suit which Judgement & Cost has been paid as will appear by the Returns of the Collector of Military fines this is therefore to pray your Honors to take his case into consideration and grant him such relief as the Merits thereof may in your opinions deserve & your petitioner will pray. &c

Boaz Manlove



END FILE

1815 Jan. – Feb. Legislative Petitions - Negroes + Slavery

Memorial of the
African School Society
In Senate
10 Jan. 1815 read and
referred to Messrs Rodney
Molleston
Burton.

To the Senate and the House of Representatives of the State of Delaware:

The memorial of the undersigned Citizens of the Borough of Wilmington and its vicinity, respectfully sheweth:

That being impressed with the importance of education, and the great influence it possesses in forming the moral habits of society; and believing also, that the indolence and dissolute habits which so often mark the character of the descendants of Africans, whose colour and condition generally exclude them from the dominancies in which the white children receive their schooling, are in some measure ascribable to their privation of this blessing: your Memorialists conceived the plan of establishing a school for the education and instruction of coloured people only.

That for this purpose your Memorialists associated themselves under the title of "The African School Society" and with a fund raised by voluntary contributions, have established a Seminary under their direction and superintendance, which has been in operation for several years past, and at which there are now upwards of thirty pupils, most of whom are making

Satisfactory progress in the common branches of school education; and who but for this institution, might have remained in that state of deplorable ignorance, which characterises so great a portion of their colour, and disqualifies them for the more useful employments of life. ——

But your Memorialists believe that in the pursuit of this important object, the views of the Society would be more fully carried into effect, by their being invested with the powers and privileges of a corporate body; which would enable them legally to hold and enjoy, real estate; and to receive and dispose of such bequests and donations, as persons friendly to the institution, might be disposed to invest in them. ——

Your Memorialists therefore pray that the Legislature, may, by an act of their body, duly incorporate the members of the said African School Society; and such as may hereafter become members thereof, for the purposes above set forth, with full powers of incorporation in all respects whatsoever appertaining to the objects of the said Society. ——

Evan Lewis
John Reynolds
Isaac H. Starr
James Brown
Liba Ferris
Benj.n Ferris.

Jon^a Lawrence
Samuel Wells
Henry Hoopes
Edward Gilpin
Jno Shipley
Nathan Bassett
Edward Tatnall
Isaac Royal
Merrit Conby
Parker Atkewson^r
Samuel Nichols
Moses Rea
Joseph Gooch
Jesse Lawse
Benjamin Betts
Reuben Webb
John Jones
Benj Webb
Jacob Albrichs
Cyrus Newlin
John Bullock
Eli Hilles

S. Wright's petition to bring slaves into the ~~Illinois~~ State and take them out again as occasion might arise.

H. of R.
24. Jan. 1815. Read & referred to Mess'rs Du Pont Battell & Polk.

In Senate
3 Feb. 1815 read.

To the Honorable the Senate and House of Representatives of the State of Delaware in General Assembly met

The Petition of the undersigned a citizen of Sussex County in the State of Maryland respectfully represents, that your Petitioner having Land within the State of Delaware as well as within the State of Maryland, and the Laws of the State of Delaware being such as to prevent him from improving his Lands in said State owing to his not being able under the existing Laws to remove his Slaves from one State to the other, he therefore prays the privilege of bringing in a Bill authorising him to remove his Negroes from the State of Maryland into the State of Delaware and to return them to Maryland as may be necessary for his benefit, under such regulations, as the Legislature in their wisdom may deem proper.

January 18th 1815.

Jas. Wright

0158

James Dorrickson's petition to bring a negro slave into the State.

H. of R.
16. Jan 1815. Read & referred to Mess'rs Nicholas Mitchell & Hearn.

In Senate
19 Jan. 1815 read

Petition of James Dorrickson

0160

To the Honorable the Senate and House of Representatives of the State of Delaware in General Assembly met.

The Petition of James Dickerson of Sussex County State of Delaware respectfully sheweth, That John Dawson late of Caroline County State of Maryland dec^d by his last will and testament devised to his wife two Negro men during her natural life and desired that the said two Negroes at the death of his Wife should be divided between his two daughters Polly, and Sally That before the death of the wife of the said John one of the Negroes devised as afo^d died, having one only a Negro Man Daniel at the death of the wife of the said John, to which said Negro Daniel the aforesaid Polly and Sally had an equal claim by the will of the said John.

Your Petitioner further represents to your Honors that Cyrus Bell of ~~Caroline~~ Dorchester County has intermarried with the aforesaid Sally and your Petitioner with Polly. That the said Negro Daniel has been since the Death of the wife of the aforesaid John hired to several persons in Caroline County afs^d & the money obtained for his hire divided between the Husbands of the said Sally and Polly. That the aforesaid Cyrus Bell on or about the ~~first~~ last of Feby eighteen hundred & fourteen offered to sell the rights of the said Daniel to your petitioner, stating that your petitioner must buy or sell of that if your petitioner would sell that he the said Bell would buy.

Your petitioner having reason to believe that it was the intention of the said Bell to

sell the aforesaid Negro Daniel to some person who would transport him to some of the States to the South or west of Maryland, was induced from the earnest entreaty of the said Negro Daniel; as well as from motives of humanity to purchase of the said Lynn Bell his right to, or claim and interest in, the said Negro Daniel,

That your petitioner is now living at Laurel & that the Mother and several of the near relations to the said Daniel is owned by persons residing within a less distance than a mile of your petitioner, and that the said Negro Daniel is very desirous to live in the family of your Petitioner.

Your Petitioner therefore prays your Honors to take the Premises into your consideration and Pass a Law authorizing and impowering your petitioner to bring the said Negro Daniel from Caroline County in the State of Maryland into this State and hold him as a Slave, and your petitioner as in duty bound will ever pray &c

James Dirickson

Petition
of
Jesse S. Taylor Esq
to be given a negro slave
out of the State.

H. of R.
5. Jan. 1815. Read & referred
to Mess'rs Mitchell
Sutton &
Townsend

In Senate
10 Jan. 1815 read

To the Honourable the Senate and house of Representatives of the State of Delaware in General Assembly met at Dover this day of 1815.

The petition of Jeniffer Taylor of Dorchester Caroline County State of Maryland ~~C~~ Humbly Sheweth that your petitioner as one of the Executrix and legal Representatives of Jeniffer Taylor late of Kent County and State of Delaware Esq.r (dec.d) has thereby become sized and possessed as her slave of a certain negro lad commonly called Robert alias Bob one or about nineteen or twenty years of age, and whereas your petitioner residing in the State of Maryland as aforesaid cannot agreeably to the laws of the State of Delaware remove or carry her said slave from the State of Delaware ~~aforesaid~~ aforesaid into the State of Maryland to her place of Residence (aforesaid) and there hold and retain her said slave as he has a right to do in the ~~State~~ of Delaware.

Your Petitioner therefore prays that the Legislature would pass a law authorizing and impowering your petitioner to remove and carry hence her said Negro slave Robert alias Bob as aforesaid from the State of Delaware into the State of Maryland and there hold and retain her said ~~said~~ slave in the same way and manner as he has a right to do in the State of Delaware and your Petitioner shall as in duty bound ever pray.

Jeniffer Taylor

Petition
of
Thomas Marsh Forman
Praying the G. A. to extend
certain provisions of the act
to authorize T. M. Forman to
bring slaves into this State for
Maryland.

In Senate
4 Feb. 1815 read and referred
to Messrs. Cummins
Stanton
Burton

0165

To the honorable the General Assembly of the State of Delaware

The petition of Thomas Marsh Forman Humbly Sheweth

That by an Act of the General Assembly passed on the twenty sixth day of January in the year of our Lord one thousand eight hundred and fourteen entitled "An Act to authorize Thomas Marsh Forman to bring slaves into this State from Maryland" your petitioner is authorized to bring certain slaves from the State of Maryland into this State; but it is provided by the said Act that he shall ~~cause~~ on or before the first day of March then next cause to be recorded in the Office for recording of deeds in and for New-castle County the names of the said slaves with their respective ages &c as by the said Act will more fully be seen; that your petitioner applied to the Secretary of State for a copy of the said Act that he might be enabled to comply with the terms thereof; that the said copy was addressed to your petitioner at Dover through mistake, where it remained in the post office until after the said first day of March; by which your petitioner was prevented from complying with the provisions of the said Act and he has lost the benefit thereof - He therefore prays the General Assembly to grant him leave to bring in a bill to extend the time of recording the names and ages of said negroes

And he as in duty bound

Thomas Marsh Forman
by his Attorney
J. Clayton

Abolition
Petition

0188

Feb 10th 1815

To the Legislature of the State of Delaware

We the undersigned Women of the City of Wilmington County of New Castle, State of Delaware: In the firm persuasion, that Slavery is inconsistant with the sentiments fully avowed in the Declaration of Independence which secures unto all men the unalienable rights, with which they are endowed by their Creator; that by continuing to hold men in bondage we act in direct opposition to the Divine Command "Do unto others as you would that they should do unto you" do respectfully pray you, to take into consideration the propriety of adopting measures, which, by abolishing slavery throughout this State, shall forever relieve it from a burden oppressive both to Master and Slave, and a disgrace to our common Country —

Mary Webb
Eliza Webb
Rachel Tuley
Edith Pusey
A E Collyer
D D Collyer
S Collyer
Mary P. Denison
Mary E Pusey
Martha Carpenter
Mary ann Carpenter
Mary Kendall
Emily H Kendall
Rebecca G Kendall
Margaretta Painter
Lydia ann Painter
Esther Stapler
Hannah M Palmer
Anna Maria Palmer
Rebecca Seeds
Jane Lochman
Mary Ann Bairo
Martha Stevenson
Philena Wollaston
Elizabeth Wollaston

Susan T Wollaston
Rachel Wilkinson Jr.
Rebecca Wilkinson
Rachel Wilkinson Sr.
Sarah W Stapler
Susan Bancroft
Catharine Webb
Jane Edge
Rebecca Pierce
Ann Robinson
Sarah Buckman
Jane Wild
Anna Matilda Pierce
Lydia West
M. A. Rice
M. Gayley
Lydia Weatherall
Lydia Webb
Mary Parker
Hannah Seeds
Mebe Ann Thomas
Martha Harris
Margaret England
Mary Jane Seeds
Ann P. Wollaston

Mary Craig
Mary Robinson
M J Smyth
Elizabeth Canth
Susanna Boulden
Susan Darby
Sarah Caldwell
Anna C. Bush
Eliza Boyd
Mary S Bush
Martha Culbert
Sarah Merrihew
Rebecca Miller
Rebekah Miller
Jane Way
Eliza Saville
Margaret Porter

Petition
for a justice of the peace
in the village of Cabotville's
bridge.

H. of R.
27. Jan. 1815. Read.

To the Honourable, the Senate and House of Representatives of the State of Delaware.

The Petition of the Subscribers, Inhabitants of the village of Cantwells Bridge, in the County of Newcastle Respectfully Sheweth, That they have for a long time past experienced great inconvenience for want of a Justice of the peace to prevent the disorderly conduct of people of colour and others who are in the habit of disturbing the peace of the inhabitants, Situated within the village aforesaid — That the nearest Justice of the peace to the village afs. is at Middletown at a distance of more than three miles — and that from the multiplicity of Business carried on within the village of Cantwells Bridge afs. a justice of the peace Situated within said village would be of great convenience to the public as well as to the Inhabitants thereof — Your petitioners therefore respectfully solicite that they may have leave to bring in a Bill to Authorise the Governor of the State afs. to appoint and grant a commission for a justice of the Peace residing within or near the village afs. And your petitioners will ever pray &c.

Wm Corbit
David Wilson

D. M. Osborn
Thos. Starr
John Metts
[illegible]
John H. Metts
Sam'l Thorday
Jno C. Corbit
William Followfield
Wm Patterson
Wm H. Corbit
Thomas Doug
Samuel Pony
Jno Moody
Jas Newcomb
William Brady
John P. Brady
John Henrizman

Thomas Bowers
Joseph Tassell
James Spare
John Janvier
Joseph Linsley
Isaac D. Price
Israel C. Humphries
John McCabe
Richard Humphries
Sam'l Townsend
Jesse Johns
Pennell Corbit
Sam'l Thomas
Wm Bowers
John Peterson
James Bevington 35.

Pet

Wm. Hudson
Lorenzo & Alice
Order to Georgia

Found with 1815

To the Honorable the Senate and House of Representatives of the State of Delaware in General Assembly met,

The petition of William S. Hudson of Worcester County in the State of Maryland

Respectfully Represents,

That your petitioner has purchased from a certain George H. Aydelott of ~~Pattison~~ Dagsborough Hundred in Sussex County and State of Delaware, a certain negro Slave named Sam, (the said negro Slave being a Slave for life) provided your petitioner can obtain a license to export the said negro into the State of Maryland: that your petitioner resides in the State of Maryland about six miles from the line dividing that State from the said State of Delaware; that the said purchase of the said negro was not made with a view to sell or dispose of the said Slave but with the intention of holding the said boy as the proper Slave of your petitioner, provided a license could be obtained as aforesaid: That the said Negro boy is about twenty two years of age; - that his late master the said George H Aydelott, has no use for the said negro and cannot find for him as eligible a home as that offered: - that it is not and never has been his intention to sell the said Slave out of this State, unless he has previously obtained the legal right so to do; that by the said sale the situation of the said Slave cannot and will not be rendered in any degree worse than it now is, and he will at all times be near to this State and his former home.-

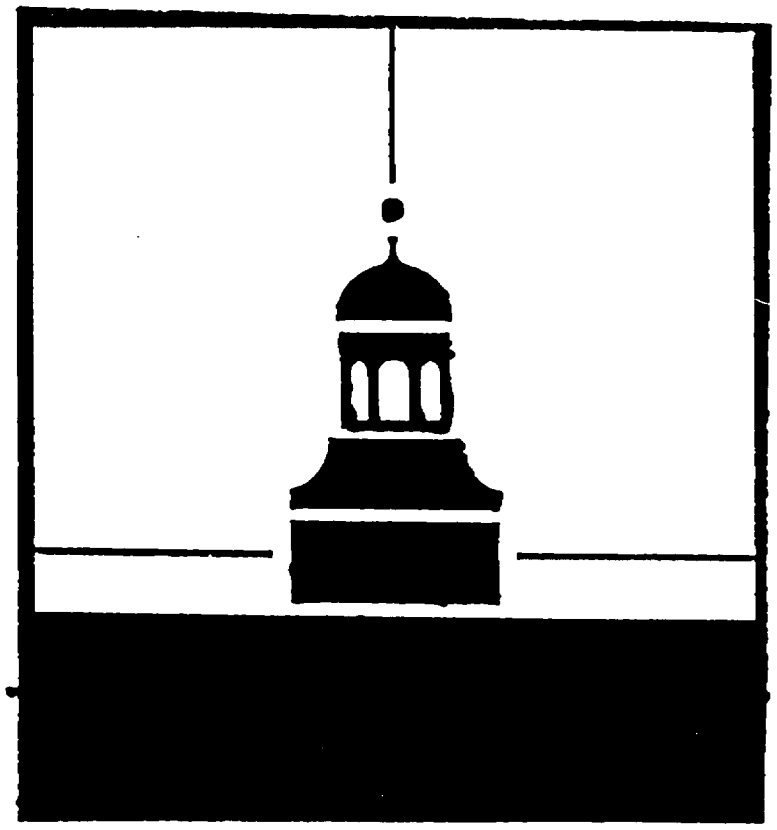
Your petitioner therefore humbly prays your Honorable Bodies to grant him a license to export from this State into the said State of Maryland the said negro Slave named Sam, under such restrictions and limitations as to your Honorable Bodies may seem meet and just.

And your petitioner as in duty bound &c

William S. Hudson

I George H. Aydelott named in the above petition do hereby certify that the matters and facts set forth in the above and foregoing petition are all true according to the best of my knowledge and belief and that I join in the prayer of the said petitioner for a license to export the said negro Slave into the State of Maryland.

Geo. H. Aydelott



END FILE

1815 Jan. – Feb.

Legislative

Petitions. Transportation

The President and Managers of the Newport bridge company in special meeting assembled at Newport in New Castle County on the 21st of January A.D. 1815 — taking into consideration the advantages that would result from turnpiking a road from the said bridge to the Wilmington turnpike road, leading to the Gap and Newport turnpike and also another road leading from the Newport turnpike road to the road, leading from the bear tavern to Christiana bridge and believing that the improvement of the said roads in the manner contemplated will be of great public benefit and promote the improvement of the country — thereupon pray the legislature of Delaware to enact into a law, the Bill accompanying this representation, the said Bill having been drawn by their order and approved by them.

By order of the Board

J. Read President

Petition of President & Managers of Newport Bridge company for permission to turnpike certain roads.

H. of R.
24. Jan. 1815. Read & referred
Mess'rs Brown,
Mitchell &
Blake.

Petition of the Wilmington & Philadelphia turnpike company for the toll of the bridge across Naaman's creek.

H. of R.
14. Jan. 1815. Read & referred to
Mefrs Williamson
Clarke &
Cullen

0179

To the Honourable the Senate and House of Representatives of the State of Delaware in General Assembly met.

The Memorial of the President and Managers of the Wilmington and Philadelphia Turnpike Company

Respectfully represents

That by an act of the General Assembly of the State of Delaware passed at Dover the thirtieth day of January one thousand eight hundred and one, entitled "an act for making the bridge across Naaman's Creek in the County of New-castle a public toll bridge" it is among other things enacted that from and after the first day of May then next ensuing, the bridge across Naaman's creek in the County of New-castle, on the State road leading from the Borough of Wilmington to the City of Philadelphia, shall be deemed, held and taken, and the same was thereby declared to be a public toll bridge: and also by another act of the said General Assembly passed at Dover on the second day of February one thousand eight hundred and thirteen, entitled "an Act repealing certain acts therein mentioned" it is enacted that as soon as the County of New-Castle shall be fully repaid the expense of erecting and maintaining the bridge over Naaman's creek, then that the act entitled "an Act for making the bridge across Naaman's creek in the County of New-Castle a public toll bridge" by the supplement thereto shall be and the same are thereby repealed; and also that the Levy Court of New-Castle County should lay a fair statement of expenditures on the said bridge, and of all the tolls collected on the same, before the General Assembly at their session in January next ensuing. And your memorialists beg leave further to represent, that by virtue of an Act of the General Assembly of the State of Delaware passed at Dover on the first day of February one thousand eight hundred and thirteen, entitled "an Act to 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 Philadelphia" it is among other things enacted that it shall and may be lawful to and for the President and Managers of the said Company to survey, lay down

ascertain

ascertain, mark and fix such route or tract for the same road as in the best of their judgment and skill, would be most practicable, from the east end of Brandywine bridge to the line between this State and Pennsylvania, near the house now occupied by John Shelbys and that by virtue of the powers vested in them by the said Act, the said President and Managers, did survey, lay down, ascertain, mark and fix the route or tract of the said road in such a direction as that the same will pass over and across the bridge erected across Naaman's creek before mentioned, the expenditures for the erection and support of which your memorialists are well informed have long since been repaid to the County of New-Castle, by the tolls collected and received on the same; as will more fully appear by the annexed statement from the records of the Levy Court of New Castle County—

Your Memorialists therefore pray that you will pass a law granting to the said Wilmington and Philadelphia Turnpike Company, the said bridge and toll house thereto belonging and authorizing the said Company to demand and receive from all persons passing and repassing the same, the same rates of toll as are prescribed by the Act first above mentioned, and the supplement thereto, appropriating the same to and for the use of the said Company, until the said artificial road shall be completed; also empowering the said Company to nominate and appoint some suitable person for the purpose of collecting and receiving the said tolls

And your memorialists will pray &c

Brandywine January 9 1815

James Price Agt

John Elliott

Jos. Morrison President

Wm. Humphrey

Joshua Wollaston

Thos. Beeson

Robert Furness

Wm. Collins

Pet. Eriksson

0177

Statement of Moneys received on Account of Tolls since the establishing the Toll Bridge at Nauvoo Lock, with the Salary allowed the Keeper; and the neat Balance rec. into the Treasury. ——

Years.	Amount Collected.		Salary deducted.	Neat Balance in the Treasury	
	$	Cts.	$	$	Cts.
1001 —	200	"	000	200	"
1002 —	854	56	150 "	704	56
1003 —	823	50	150 "	673	50
1004 —	826	09½	175 "	651	09½
1005 —	772	00½	175 "	597	00½
1006 —	805	57½	175 "	630	57½
1007 —	932	72½	175 "	757	72½
1008 —	793	91½	175 "	618	91½
1009 —	763	06	175 "	588	06
1010 —	884	07	175 "	709	07
1011 —	918	89	175 "	743	89
1012 —	965	72	175 "	790	72
1013 —	1459	26	175 "	1284	26
1014 —	760	"		760	"
	$11,760	25½	$2,050	$9,710	25½

The year 1014 will not close until after the 25th March when the last hay for the year will be made and the salary be deducted. —— C. R. Bennett G. T.

Appropriations from 1800 to 1814

March 4th 1800	—	$1500
Apr. 26. 1800	—	1500
March 3. 1801	—	500
Apr. 20. 1801	—	300
" 1811	—	40
March 6 1802	—	200
March 4. 1806	—	30.7
February 6. 1807	—	
Allowed to A. Williamson	—	125
		$4255.7

$4255.7
$4255.25

Amount of Appropriations 4255.

I do certify the above to be a true Statement as Extracted from the Minutes of the Levy Court.

Geo. Reynolds
C. L.

July 23. 1814

Remonstrance against the petition of Clement Maloney.

N. of R.
6. Jan. 185. Res. referred to Mess'rs Nickerson, Mitchell & Sutton

0180

To the Honourable [redacted] the [redacted] Senate and Representatives in and for the State of Delaware [redacted] in their Session of January 1815 — the petition of several of the Inhabitant of the North west fork of Sussex County and State aforesaid Humbly sheweth that whereas a certain Clement McLoney of the North west fork hundred of Sussex County and State aforesd. will lay before your Honours a petition to ~~turn~~ Turn and alter the State Road which leads from the State Line in the fork hundred of the County aforesd. over John Bradleys forge & from thence to George Town. which Change if made in said Road will make a bend nearly in a Radious form and will turn said Road a considerable Distance ~~out distance~~ farther ~~out of the way~~ and will put the Road on bad and Disagreable ground — we further inform your Honors that the Road as it now runs does not go through said McLoneys farm but he is clearing a large New ground and wants to turn said Road round the same — Therefore your petitioners wishes to inform your Honours that if the above mentioned petition should be granted him to turn said Road, that the Example will have a Tendency for application to your honors to turn the State Roads in other places. which will be Injurious to the publick in general — ~~[illegible]~~ and lastly your petitioners prays your honors not to make any ~~nor~~ to pass an act to make any change or alteration of the above mentioned Road — and your favour will be gratifully acknowledged by your petitioners

Petitioners Names	Petitioners Names	Petitioners Names
Joseph Vickers	Jesse Wilson	James Connord
Jno M Dawson	Augustus Fell	[illegible]
Curtis Jacobs	Cannon Smith	[illegible]
Robert + his Huckman	Constant Cannon	Jonathan Cade
Robert mark Coulbourn	Jeremiah Dawson	Henry Wallace
Peter Horsey	Thomas Watts	John Cannon
Hulbert + his mark Simons	William A. Cannon	Jacob Cannon
Justus Mears	Hezekiah Wingate	Wm Pond
Richard Hampton	Moses [illegible]	Wm Neal
Wingate Cannon	John Gibson	John Mears 30

END

FILE

1815 Jan.- Feb. Legislative Reports [redacted]

Report of the Wilmington & Great Valley turnpike company.

H. of R.
24. Jan. 1815. Read.
9. Feb. 1815 read

0183

Agreeable to act of incorporation, the President and managers of the Wilmington & Great Valley Turnpike Co.

Report, to the Legislature of the State of Delaware, That the total expense in making part of said road $18,768.63/100

That on the part finished the toll collected amounts to . . . $976.56/100

Expenses in repairs & collectors salary . . . 390.31/100

Net receipts of Toll $586.25/100

January 9th 1815

Thos Beeson Secretary to the board of managers

Wm Young President

Report of the Chancellor respecting the Digest of the Laws of this State.

In Senate
10 Jan. 1815, read, and referred to Messrs. Rodney, Cumming

9th January 1815.

In Obedience to a Resolution of the Senate and House of Representatives, of the 6th Instant, the Undersigned begs Leave to report, that He has made some Progress in preparing the Digest of the Laws of this State. He has made the necessary References, for the Purpose of arranging under their respective Heads, the several Acts of the General Assembly which are now in Force: He has noted the Acts, or Parts of Acts, which have been repealed: He has made a Table of the Heads or Titles, under which, as He conceives, it will be proper to place the respective Acts, so as to bring the whole Law, upon each Subject, into one View; or, when the same Act contains various Provisions and Regulations entirely unconnected, (which is often the Case, and sometimes in the same Clause), so as to present to the Reader, by a plain and easy Reference, the whole Matter required. In Addition, the Undersigned has collected many References to such British Statutes as our own Acts have made the Law of the Land; and to such, whose Provisions are so similar to our own Acts, as to make it evident that the latter have been copied, or taken from the former. And further, the Undersigned has actually digested some few of the Titles.

All which is respectfully submitted.

Nicholas Ridgely.

Report of N. Ridgely esquire on the progress made by him in digesting the State Laws.

H. of R.
10. Jan. 1815. Read. 1st time

9th January 1815.

In Obedience to a Resolution of the Senate and of the House of Representatives, of the 6th Instant, the Undersigned begs Leave to report, that He has made some Progress in preparing the Digest of the Laws of this State. He has made the necessary References, for the Purpose of arranging under their respective Heads, the several Acts of the General Assembly which are now in Force: He has noted the Acts or Parts of Acts, which have been repealed: He has made a Table of the Heads or Titles, under which, as He conceives, it will be proper to place the respective Acts, so as to bring the whole Law, upon each Subject into one View; or when the same Acts contains various Provisions and Regulations, entirely unconnected, (which is often the Case, and sometimes in the same Clause) so as to present to the Reader, by a plain and easy Reference, the whole Matter required. In Addition, the Undersigned has collected many References to such British Statutes, as our own Acts have made the Law of the Land; and to such, who Provisions are so similar to our own Acts, as to make it evident, that the latter have been copied, or taken from the former. And further, the Undersigned has actually digested some few of the Titles.

All which is respectfully submitted.

Nicholas Ridgely.

Report of the committee, appointed to examine the acct. of the State Treasurer.

In Senate

12 Jan. 1815 read

0188

In Senate 12th January 1815

0189

The committee, appointed on the part of the senate, to act jointly with the committee from the House of Representatives. For the purpose of "examining the State treasury, and counting the cash on hand."

Report.

In the Treasury, belonging to the State, the sum of ——— $13,197.52¾.

And of the School fund unappropriated ——— 3,439:04.

Deposited as follows: to wit.

In Bank, of Farmers, at Milnington $1000.11

" " " " at Dover 6315.22½

" " " " at Newcastle. 4212.00.

" " " " at Georgetown. 5109.43¾.

Aggregate — $ 16,636.56¾.

Calculated up to the 11th day of Jan.y 1815.

Resolution

requiring the Chancellor to make certain additions to the Digest of the Acts of the General Assembly which he is now preparing.

In Senate

11 Jan. 1815 read.

(Transcribed)

0190

The committee to whom was referred, the report of the Chancellor of the State of Delaware of the 4th inst. on the subject of the Digest of the laws of this State, in obedience to a resolution of the General Assembly, beg leave to report the following resolution,

Resolved by the Senate & House of Representatives of the State of Delaware in General Assembly met, that the Chancellor of the State, in, the Digest of the laws of the General Assembly, which he is preparing by, & he is hereby requested, to add or annex by way of notes, a summary, of any cases decided in the courts of law, or equity, in this State giving a construction to any of the said acts of the General Assembly.

Report
of the Committee of re-
visal of unfinished busi-
ness.
In Senate
10 Jan. 1815 read.

The Comittee of Revisal and unfinished business report that they find on the files of the Senate the following bills which had been postponed to the present Sesion to wit. An act Supplement to the Act More effectually to prevent the profanation of the Lords day commonly called sun:day. An act to authorize the sale of certain lands — therein mentioned. — An act to increase the daily allow:ance of the commissioners of the Serg court & court of ap:peals & for other purposes. An act to prevent nuisan:ces from being committed on the roads in the County of New castle. An act to incorporate the trustees of the Brandy:wine Accademy in the Villiage of Brandywine

0193

Report of a Committee to whom were referred D. Maul's bill and petition and the counter petition &c. &c.

In Senate
31 Jan. 1815 read
1 Feb. 1815 adopted

A. S. Hayes, Ck.

The Committee to whom was referred

A majority of ~~We~~ the Committee to whom was referred the Bill to autho:
:rize Joseph Mull John S. Conrad & Wm. W. Conrad
to erect a mill dam across Broadkiln Creek at or near
the place called Ferguson's bridge & Together with
the papers accompanying the same Beg leave to report
that it is our opinion that there ought to be a provisi
:on in said bill to secure to John D. Smith a free navigation
from his Granary and wharf down to the lower bridge to
be and remain at all times hereafter ~~to be and remain~~
as good as it now is, and in lieu of an half an acre of
land on the North side of Broadkiln creek we are of opi:
:nion that one quarter of an acre will be sufficient to
be condemned for the use of said Mill; and we are of opinion
that a provision ought to be made in said bill obliging the
proprietors of said mill ~~to~~ at all times to Grind for the in:
:habitants of Sussex County and we are also of opinion
that the proprietors of said Mill shall be compelled to keep
a good and sufficient bridge and causeway over Levenes run
if this water shall be by the erection of their mill dam pond
the water upon the same, and we further beg leave to report
the depositions of Saml. Paynter and Thomas Fisher

See
See

The Committee to whom were referred the Petitions & Memorials of a Number of the Inhabitants of the County of Northampton some of which Represent that the present Road Laws of said County do not answer the good purposes which was intended by the Legislature at the time of passing said Laws and that Experience has proved that the public roads have not been kept in as good order since the making of those acts as they were kept under the former laws pray for the Repeal of said Road Law & that the Road tax has been greatly enhanced, while on the other side it is Represented, that the trouble and difficulty and consequently the great expence of repairing and supporting the roads and bridges in that County is a Matter of the deepest interest to the taxable Citizens thereof and every measure in relation to this important subject requires the most serious consideration, and some Petitioners are of opinion that many of the good people who have been induced to sign the Request to your Honorable body to Repeal the said Law have not viewed the subject with sufficient attention, and that ~~that~~ the adoption and continuance of the New regulations have given general satisfaction to the taxable Citizens of the people of this County and pronounce that no ~~material~~ fundamental alteration in the law for repairing and supporting the roads and bridges in Northampton County may be made, your Committee Report that they have taken into consideration the general allegations as contained in the aforesaid Memorials, and as well have considered the several Laws therein referred, and on a full examination of that subject are of opinion that more salutary provisions might be made as it Respects the aforesaid Roads than are allegation contained in either of the Repitations as it respects the Roads in Northampton County, they therefore submit the propriety of submitting the subject to a

Report of the committee to whom the petitions respecting the N. C. C. road law were referred.

In Senate
20th Jan. 1815 read.

Mr. Green, from the committee with instructions to report a bill or bills, or otherwise, as they shall deem necessary for the benefit of the people of this County, in relation to the Legislative

0197

Report of a committee of conference on differences respecting amend.ts to bill for the relief of Philip Nutter.

In Senate 1 Feb. 1815 read.

0198

The Committee appointed upon the part of the Senate to confer with the Committee of the House of Representatives upon the subject in dispute between the two Houses in relation to the Bill for the relief of Phillip Walter on non-resident registered debtor:

Report That the Joint Committee have agreed to adopt the amendments of the Senate made to that Bill —

Report
of the
Committee of Elections
in Senate
9 Feb. 1812 - Read & accepted

0200

BEST SHOT AVAILABLE

0001

The Committee ~~appointed~~ of Elections appointed more especially to enquire into the Constitutional Qualifications of Henry Molleston Esquire, late State Treasurer, and who October last Elected a Member of the Senate from the County of Kent

report. That all doubts, which had arisen in relation to the proper qualifications of the said Henry Molleston, have been satisfactorily explained to your committee by the exhibition of full receipts on the part of the said Molleston shewing a complete discharge of all balances due at any time by him as State Treasurer, and Trustee of the fund for establishing schools within this State. having ~~state~~ ~~a~~ dating prior to that of his Election as Senator. having him consequently in that, as well as in every other respects legally, and constitutionally qualified to hold his seat as a Senator in the Senate of this State. All the other members so far as your Committee can discover, have been duly Elected, and are qualified to retain their seats.

Report 1815

Report of the
Committee of conference
on the amendments to
the Drawyer's creek bill.
In Senate
6 Feb. 1815 read

Report
1815

The Committee to whom was referred a bill entitled an act supplementary to the penal laws of this state together with the observations of the Chancellor on the same report that having examined the subject they are of opinion that it would be inexpedient to have the ~~whole~~ all criminal ~~code~~ laws of this state repealed, nor have a complete system — describing the offences, and prescribing the punishments according to the provisions & directions of the present laws making such alterations ~~that~~ ~~from time to time as you~~ yet he may deem essentially necessary either for elucidation, or making the same consonant to our present form of Government, he committed ~~they be referred to~~ & that he therefore recommend that the Chancellor, be requested to prepare, with diligence, such a system ready for the Legislature of the General Assembly, in January next —

The Committee of Conference appointed upon the part of the Senate, to act jointly with the Committee of the House of Representatives to compromise the matters in dispute between the two houses in relation to the act for banking out Drawyers Creek

report that the House of Representatives recede from their disagreement to the several amendments proposed by the Senate to that Bill —

The Committee of Conference appointed on the part of Senet on the Bill authorise Joseph Mall and Others to erect a Mill

Begs Leve to Repore that the Committe on the Part of the house of Representatives have Recided from their disagreement to the amendments of Senate All but in sections 5 Line forth strike ought — Sufficient in Line 5 insert such as now is

Report of the
Committee of accounts.
In Senate
10 Feb. 1815 read and adopted.

0204

The Committee of Accounts report the following allowances to the Members and officers of the Senate:

	days	miles	
To Jesse Green Esq. (speaker)	41	50	$148.25
To Samuel H. Black Esq.	41	36	126.60
To Cesar A. Rodney Esq.	34	50	112.00
To Abram Statts Esq.	41	23	125.30
To George Cummins Esq.	41	10	124.00
To James Morris Esq.	41	12	124.20
To Henry Molliston Esq.	41	2	123.20
To Benj. Burton Esq.	41	45	132.50
To Thomas Fisher Esq.	41	32	126.20
To Alexander L. Hayes Clerk of the Senate for sundry services and accounts			161.65
To Richard Lockwood sergeant at arms for sundry acts and services for Auditor & Treas. rendered			150.18
To Cesar A. Rodney for 3 days service last session & mileage 50 miles			14.00
To Presley Allen for Aud. Acc. for services in transcribing & superintending the printing of the Journal of the Senate at the Jany. session 1814 & cash paid for transporting the same to Newcastle & George Town			75.00
			1548.08

0205

Report
1815

0206

The Committee to whom was referred the Petition of James P. Morris praying the General Assembly to pass a law vesting in him and his heirs all the title of the State of Delaware to a certain Piece of Marsh and Cripple said to be vacant between James Creek and Lands belonging to him, having taken the Subject into consideration are of opinion it would not be proper to grant to any individual any vacant Lands Marshes or Cripples entitled the Person or Persons as Petitioners should have given Public Notice in a Newspaper published in this State at least three months of his intention of applying to the General assembly for such grant

1815 –

Reports –

The petition of F. Bailey. –

Report of the Committee of Elections.
House of Reps.
12 Nov. 1816 read & accepted.
A. L. Hayes clk.

Reports
1815

First Report on Solomon Bostwick's bill. –
1815

The Committee to whom was referred the act ~~for incorporating~~ to authorise Solomon Boston to erect a mill-dam across Herring Creek at or near the village of Seaford and for ~~other~~ the condemnation of certain low lands and cripples".

Report: That they have had the said Bill under consideration, and recommend to the ~~consideration of the~~ Senate, that the further consideration of the Bill be postponed until the next annual meeting of the General assembly; And that the said Solomon Boston, or other persons or persons concerned or interested therein, give notice ~~of~~ of such their application, by advertisement, for at least six weeks, in one or more of the Newspapers printed in this State

0209

The Committee appointed on the petition and Bill for changing the place of the General Election in the Hundred of Dagsborough in Sussex County,

Report that they have had the Subject under Consideration and are of an opinion that it ought to be postponed until next Session of the General assembly, to give time ~~further~~ to the Citizens of that Hundred that oppose the measure to be heard

The Committee to whom were referred to enquire into the Elections and qualifications of the members of this House, Report

That so far as your Committee have been informed all the Representatives chosen and returned as members of this House at the late General Elections in the several Counties of this State were duly elected and returned as such and are now constitutionally qualified to hold their seats as members of this House.

The committee to whom was referred the Petition of Frances Baly Report. That they have given to the subject a careful examination. and recommend that the further consideration of the Petitioners case, be postponed, in order to give her an opportunity to obtain ~~other~~ evidence material in her case. in the opinion of your Committee

The committee to whom was referred the bill entitled an act to incorporate the owners and possessors of a certain tract of meadow marsh & cripple known by the name of White Clay Creek and Red Clay Creek marshes in the County of New Castle

Report that having taken the subject matter of the said act into consideration and having heard the one Thousand Petitioners for the same, and also the objections of a Person offering who alleges that there is an act of assembly authorizing the building a road and not being able satisfactorily to ascertain the facts, they therefore Report that the further consideration of the said bill be postponed until the next session of the General Assembly

10

Any more Laws begring with

2d. How taxes to be collected

Sect. 1. Comm. appd. to lay out the town of Smyrna

2 Name of Comm. to lay out Milton & Milford

3 —

4 Comm. & Survey to be sworn

5 Persons holding Real Estate to take
— for Comm. Inspector & Assessor

6 Comm. of the town of Smyrna

7 Comm. authorized to open Streets
Streets & laid out

Laws of the U. S. disposition thereof

096
09
91
000.01/009

Report
1811

The memorial of William Carlisle in relation to the charges preferred against him.

H. of R.
25. Jan. 1815. Read & referred to Mess. Battelle Mafsey & Dice.

0212

0213

To the honorable the House of Representatives of the State of Delaware.
The petition of William Carlisle Humby respectfully

That your Petitioner hath been served with a summons to appear in his proper person before a select committee of your honorable House "to answer unto certain complaints and charges preferred against him as a justice of the peace"; and to bring with him all and every his records and dockets, and all writs and documents which may lead to elucidate and explain his said dockets and records: and in obedience to this command he is ready to appear with all his records and official papers to answer any complaints or charges which may have been exhibited against him; but as he is not conscious of any official misconduct, and not having been informed of the complaints and charges against him, he is at a loss to conjecture their nature and tendency. He presumes however that the proceedings have been instituted against him as the foundation of an impeachment, or of an address to the Governor to remove him from office. In either case it is in the nature of a criminal proceeding. For if he should be impeached and found guilty

he will forfeit his office, and be disqualified from holding any office of trust, honour or profit under the State; and if an address is voted he will lose both his office and reputation. It is a principle of the common law, and this principle is incorporated into the constitution and forms one of its provisions, "that the accused hath a right to be plainly and fully informed of the nature and cause of the accusation against him". Without this information how is your petitioner to answer charges which he is ignorant of? How is he to make preparation for his defence? In fact what is he to defend himself against? In the prosecution of the meanest culprit in the courts of justice, for the most trivial offence, the accused is plainly and fully informed of the nature and cause of the accusation against him. Without this he cannot be put upon his trial; nor is he bound to answer. Your petitioner does not therefore fear that your honorable body will deny to him that which is in all courts of justice demanded as matter of right. He therefore prays that your honorable body will furnish him with a specification of the charges and complaints exhibited against him.

And he as in duty bound &c. William Carlisle

In the matter of William Carlisle esq.
Summons ad test. for
Stephen Reddin
Samel. Stephens
Clement Cannon
Clement White
James Gaskins
Joshua A. Elligood
Thomas Purnell
Ormsby White
Curtis Jacoby
Charles Polk.

The within named witnesses were summoned by me to appear according to the requisition of the writ.

John W. Mauzy
Sergeant-at-arms of the H. of R.
Monday 23rd. Jan. 1815.

The State of Delaware to Stephen Reden, Samuel Stephens, Clement Cannon, Clement White, James Gaskins, Joshua A. Elligood, Thomas Purnell, Ormsby White, Curtis Jacob and Charles Polk. and Nancy Sherwood

Greeting: We command and strictly enjoin you and every of you that, all and every business and excuse ceasing, you and every of you be in your proper person before Nathan Nickars, Robert Hill, John Clarke, Victor Du Pont and Joseph England esquires a committee of our House of Representatives forthwith to testify all and singular those things you or either of you shall know concerning the matters referred to the said committee; and this do you in no wise omit. Witness the honourable Nathan Nickars esquire chairman of the said committee, at Dover, this eighteenth day of January in the year of our Lord one thousand eight hundred and fifteen

Nathan Nickars

Investigation of a committee of the Senate to whom the bill in favour of Joseph Maul and others and their petition, the counter petitions remonstrances and representations, were referred.

Monday 30 January 1815

Mr Samuel Paynter Esquire, being solemnly sworn deposeth and saith, as follows: I am acquainted with the seite where the mill-dam is proposed to ~~erected~~, and with the ground which will be overflowed. I am of opinion that the navigation of the Broadkiln Creek will not be materially affected by the erection of the contemplated milldam. The distance from Fergus's bridge to Lavina's bridge is about a quarter of a mile; I should suppose a mill erected at the place mentioned in the petition will be a public benefit. The mills in the neighbourhood of Milton are in the summer time, scarce of water. If a mill were erected at Fergus's bridge, I believe it would have water in all seasons equal if not more than Mr. Haslet's mill which is on a permanent stream. Milton is now very sickly; whether the milldam in question will render it more so, I consider a matter of conjecture.

Sam.l Paynter Jun.r

Tuesday 31 January 1815

Thomas Fisher esquire being solemnly sworn deposeth and saith as follows: I am well acquainted with the site of the mill dam proposed to be erected at Fergus's bridge. A grist mill erected in this place would, I think, be of great public utility, as the stream would be permanent. The plot accompanying the bill contain generally a pretty correct representation. On the eastern side of the Southern branch, the petitioner and Arthur Milby own the bank except about ten acres of land and cripple belonging to John Dorman, adjoining the road and causeway leading to the bridge. William Conwell owns on the western side of the Southern branch all the land from Conwell's mill dam to the junction of the Southern branch with the Western branch and from the junction to Lavina's bridge on the southern side of the Western branch including fifteen or twenty acres of cripple being the great body of cripple contained in the forks of the said branches. On the North side of the Western branch John B. Smith owns the bank land and cripple from the causeway to Lavina's bridge containing from twenty to twenty five acres, about seven of which is cripple or marsh. If a dam be erected at the bridge the pond will flood all the marsh or cripple and less than two acres of the upland. Above Lavina's bridge both sides of the Western branch

are owned by counter petitioners up to the old fulling mill which is owned by Mrs. Clarke. & James Spencer Smith's Stable is twenty yards distant from the edge of the marsh, and is about seven feet in elevation above the marsh. The water in case the dam in question is erected will come near the corner of this stable. I dont think the water would injure the cellar of his dwelling house which is ~~about~~ twenty or thirty yards from the stable and ~~three or four feet~~ the ground on which it stands is ~~three~~ a foot or four feet higher than that on which the stable stands. Smith's granary is about thirty yards below the bridge and his wharf extends from the bridge to the granary. The half of an acre to be condemned will not quite reach the stable provided the wharf and granary be left out. If the mill-dam be made secure and ~~may~~ not break, I dont think it will injure the navigation. My opinion is ~~that~~ and always has been that mill ponds ~~[illegible]~~ near villages or any other places render them unhealthy. The old fulling mill above mentioned has been down sixteen or eighteen years.

Thos Fisher

Depositions of
Sam'l Paynter jun'r
& Thomas Fisher, esquires

In Senate
31 Jan. 1815 read.

0220

Report of the committee on the facts connected with the bill of Jos. Mcaull & others.

H. of R.
20. Jan. 1815. Read.

The Committee to whom was ref.d the bill of Joshua Hall & others together with sundry others submit the following

Report

That the lands and Ceilp. &c. upon the north side of Broadkiln Creek at the place where it is proposed in the above mentioned bill to erect a mill dam and thence extending up the said Creek and the north branch thereof to Lawrence bridge belongs to John D. Smith one of the memorialists against the petition for said Bill, and that in consequence of the erecting said dam between six and eight acres of the said John D. Smiths lands and upwards would be drowned, and that the lands extending from the said place proposed for erecting said dam down the said Creek on the north side thereof and bordering there with about inches also belongs to the memorialist John D. Smith, that the

dwelling house of the said John D. Smith is situate about twenty perches from the said place proposed for the cutting of said dam, and is a small distance higher up the said Creek than said place and the said John D. Smith has a two ~~house~~ story that a small distance below said place and upon the said creek the said John D. Smith has a granary and wharf. that the buildings of the said John D Smith are in the village of Milton in the west side or part thereof (and are of considerable value,) that on the opposite or south side of said creek, the land and low grounds at the place proposed for cutting said dam and thence extending up the said creek and south branch thereof about twenty five perches and bending with said creek and branch belongs to John Doorman another of the memorialists against said bill and that two acres of his grounds would be covered in consequence of cutting said Dam, that the said John Doormans dwelling house is in the village of Milton at a small distance from said

Creek and above said place proposed for erecting said dam; that the bonds which would be raised by the erecting said dam would extend a considerable distance above the said bridge called Lorena's and would raise the water about two feet at said place provided a six foot head should be raised by erecting said dam; that the said Joseph Maul John S. Connell and William Connell have no lands at or near to the place proposed for the erecting said dam on the north side of said creek and had not at the time of exhibiting their petition to the house any lands at ~~[illegible]~~ the said place on the south side of said Creek but that since the introduction of said petition the said Joseph Maul has procured ~~[illegible]~~ an alienation bond from Samuel Ratcliff which bears date the seventh day of December last past for the conveyance of a tract of land lying upon said Creek below the said place beginning at Furgus's bridge and running down said creek fifty feet thence parallel with

with the causeway to the first lands, thence with the first lands fifty feet to the cause way, and with the causeway to the beginning said to contain one acre more or less) that, the lands from and above the line of the said John Downan on the east side of said Creek and up the same to ~~the Upper~~ the Conwells mill belongs to a certain Arthur Milby, one hundred and fifty acres of which is upland and fifteen or twenty of cripple the latter would be drowned by cutting of said mill dam; that at the forks of said Creek and up the same to Lawina's bridge William Conwell one of the petitioners in favor of said Bill owns between thirty and forty acres of cripple which would be drowned by cutting of said dam, and the said William Conwell is the owner of the ~~said~~ lands and cripple along the south branch of the said Broadkiln Creek, and on the west side of the same branch from the forks up to the mill known by the name of Conwells mill, about fifteen

or twenty acres of which will be covered with water by erection of said dam, that the tide water at the foot of the contemplated dam rises from fifteen to eighteen inches at common tides that the distance from the intended dam to the lower bridge in the village of Milton where the water of the Broadkiln is navigable by boats, from five and one half to six feet draught is about forty two hundred. your Committee report said alienation bonds, and the votes which they believe are correct representations

0288

Report of committee on John Holland's petition

H. of R.
10. Jan. 1815. Read.

Report of committee on Alexander Clarke's petition.

H. of R.
9. Jan. 1815. Read & adopted.

0250

Committee Room the 9th Jany 1814

The committee to whom was refered the Petition of Alletta Clark praying the Legislature to pass a Law enabling her the (said Alletta) to erect a Mill and Damn on a Branch of the Brodkiln Creek and near the Head of said Creek - Report as follows

That the petitioner have Leave to bring in a Bill agreable to the prayer of the petitioner

Committee Room 10 th Jany 1815

The Committee to whom was refered the petition of John Holland praying a Law to authorize him (the said Holland) to erect a mill on the waters of Mill Branch Emptying into the Broadkiln Creek in Sussex County

Report that the petitioner have Leave to withdraw his petition and further we say not

Report of committee on the pet.
of J. M. Dull & others.

H. of R.
9. Jan. 1815. Read & adopted

Committee Room the 16th January 1815

The Committee to whom was Referred the petition of Joseph Maull John S Connell & William W Connell of Sussex County praying a Law passed to Enable them to Erect a Mill on the Head waters of Broad Kill Creek at or near the Village of Milton and for the Condemnation of So much Low Ground and Crop=ple as may be necessary therefor (accompanied by 42 Subscribers inhabitants of said County) unite in the following Report

That Joseph Maull John S Connell & William W Connell have Leave to Bring in a Bill agreeable to the prayer of the petitioners

Report on P. Nutter's petition.

H. of R.
14. Jan. 1815. Read.

0290

The Committee to whom was Referred the Petition of Philip Nutter a Non Resident of this State -

Report

That the Petitioner have Leave to bring in a Bill Agreeable to the Prayer of the Petitioner

0293

Report of committee appointed to examine State Treasurer's accounts.

H. of R.
13. Jan. 1815. Read.

02

The committee appointed on the part of this house to act jointly with the committee appointed on the part of the Senate for the purpose of examining the accounts of the State Treasurer and counting the cash on hand. report in the hands of the State Treasurer, Samuel Paynter Junr Esqr this eleven th day of January 1815. the following Sums to wit

Deposited in the Farmers Bank of Delaware at Wilmington.		1000. 11
ditto " " " "	at Newcastle —	4212. 00
ditto " " " "	at Dover —	6315. 82½
ditto " " " "	at Georgetown —	5109. 43¾
		$ 16636 56¾

of this Sum of Sixteen thousand six hundred and thirty six dollars and fifty six cents and three fourths, there is in the hands of the said states Treasurer as trustee of the School funds the Sum of three thousand four hundred and thirty nine dollars and four cents, properly belonging to that fund 3439. 04

$ 13197. 52¾

Leaving in the hands of the States Treasurer the nett Sum of thirteen thousand one hundred and Ninety seven dollars and fifty two cents and three fourths in favour of the State and the nett sum of three thousand four hundred and thirty nine dollars and four cents in favour of the School funds

Report of the committee of elections.

H. of R.
13. Jan. 1815. Read.

Report of the committee of conference on the amendments to the bill for the relief of Philip Nutter.

H. of R.
1. Feb. 1815. Adopted.

Report of the committee appointed to draft a set of rules.

H. of R.
5. Jan. 1815.

The committee who were appointed to draught rules for the government of this House Report – That the rules adopted at the January Session, one thousand eight hundred and twelve, be adopted this session. –

The committee of Conference appointed on the part of this House to Confer with the committee appointed by Senate – on the Subject of Bridge Nuttes

Report that they have met the Committee from Senate and have agreed to the amendments proposed by Senate

The Committee of Elections and Qualification of the Members of this House Submit the following Report

That as far as Your Committee have been informed all the Representatives chosen and returned as Members of this House at the Late General Election in the Several counties of this State, were duly elected and returned as Such, and are now Constitutionally Qualified to hold their Seats, as Members of this House

Report of the committee of revisal & unfinished business.

H. of Rep's
5. Jan. 1815. Read.

The Committee of Revisal and Confirmation business August—

1 An Act to enable Spencer Williams to erect a dam across the head waters of the Blackbird Creek and for the Condemnation of one acre of flat land on the South side of said Creek also the Cripple or low ground lands that may be overflowed by the erection of said Mill and dam Read the 2d Time & Recommitted

2 An Act authorizing the appointment of an additional number of Justices of the Peace in Kent County Read a second Time

3 a petition of Lemuel Evans for the Condemnation of a small quantity of Lands for the erection of a Mill Read

4 An Act to incorporate the Commissioners of the Town of Newcastle and for other purposes therein mentioned Read the 2d Time

5 a petition of Nicholas Vandyke for Act to enable him to bank his marsh on Red Lion Creek Read

6 A further additional Supplement to the Act entitled, an Act for the better Regulation of Roads in Newcastle County sent from the Senate & Read

7.

a Resolution that a Memorial of John Wolcott Esquire one of the Justices of the Peace in and for Hunt County be referred to a Committee of two members with power to send for persons and papers and compell their attendance in the Recess of the Legislature and that said Committee is directed to report to this House at the next meeting

Further report of the committee of claims.

H. of R.
9. Feb. 1815. Read.

BEST SHOT AVAILABLE

0241

The Committee of claims beg leave further to report

that there be allowed to John M. Mills the sum of nine hundred ~~[illegible]~~ and eighteen Dollars and twenty Cents for furnishing provender and forage to the Volunteer Militia at Lewes when called out by the Governor in the year 1814.

That there be allowed to John Crow the sum of twenty five Dollars for his services as Military Commissary for the first Brigade of Delaware Militia

Your Committee being informed that a number of the Volunteering Militia at the Village of Lewes were residents of said Village and at the same time called to their private business not knowing how to select them from others who did not reside in said Village have thought proper to allow them the whole of their accounts as will appear in a former report still your Committee are of opinion that persons residing in any Town or Village ~~[illegible]~~ in this State ought to show some patriotism in the defence of said place or place and not expect pay for all the time they are so employed

Report of the Committee on the memorial against W. Johnson.

H. of R.
31. Jan. 1815. Read.

0242

0243

The Committee to whom was Referred the Several Charges against William Johnson Esqr one of the Justices of the Peace in and for Newcastle County

Report as follows that they have examined the witnesses in Relation to the Several Charges made against the Said ~~Wilmington~~ Williams Johnson Esqr on the first Charge in specification it appears that Cases have been brought before the Said Williams Johnson Esqr ~~which it is~~ what it is doubtfull whether the same are by the Laws of the State Cognizable before Justices of the Peace but Committee say that the Said Williams Johnson Esqr in so ~~proceeding~~ doing have proceed Contrary to his Better Knowledge

in Relation to the Second Specification it has been proved that Judgments were entered by the Said Williams Johnson Esqr before the original process was Returned in one of which Cases the Defendant had appeared and Confessed Judgment

the Third Charge made against the Said Williams Johnson Esqr in Relation to his taking awards Stamed charges Back to prevent the parties from appeal is not supported by evidence

for the fourth Charge we do say that few have Taken which are not usual in Similar Cases

the Committee whereof further that it appears from the Testimony of Two witness that Williams Johnson Esqr was prevented from appearing before the Committee in Consequence of being Confined by sickness to his Bedd

Report of the commissioners of the State of Georgia relative to the Indian lands in the district of Mount Wilkinson

H. of R.

12. Feb. 1815. Read

The undersigned appointed, by a resolution of the House of Representatives at their last session, commissioners to take the depositions of witnesses relative to the official conduct of John Wilds esquire one of the justices of the peace in and for Kent county beg leave to report, that they have fully performed the duty enjoined upon them and have taken down in writing the testimony of sundry witnesses examined before them, to wit, of Joseph David, Thomas Hill, James Boyer, Abraham Pierce, Alexander Cattin, Jonathan Homestead, John Corse, James Williams, Abel Jones, Andrew Caldwell, Thomas Barnett, William Burns, David Hilford, George Cummins, Richard Corker, John Carrow, Benjamin Smith, Simon Kollock and William Maffet; which, together with a journal of their proceedings they bring before the House and the papers and documents referred to in them, they lay before the House.

Jacob Stout

John Clarke

Report of the committee on the memorial of W. Hall & J. Clayton in favour of J. Wilds.

H. of R.
27. Jan. 1815. Read & adopted.

Reports 1815

The committee to whom was referred the memorial of T. Clayton & W. Hall report

That they have met the counsel of John Wilds Esq.r; that the said counsel have requested to be heard in his defence; that they be furnished with the depositions and evidence in the case; ~~and~~ that they be furnished with a specification of the charges against him, which they consider as a matter of right; and that they be allowed a sufficient time to consider the evidence and to prepare his defence

Your committee are of opinion that Thomas Clayton & William C. Hall be heard in defence of the said John Wilds;

That they be furnished with the depositions and evidence in the case;

~~That they be furnished with a specification of the charges against him;~~

And that they be allowed a sufficient time to consider the evidence and to prepare the defence of the accused.

Report of the committee of claims.

H. of R.
6. Feb. 1815. read.

126.

0248

0249

The committee to whom were referred the petitions and accounts of sundry individuals having claims against the State —

Beg leave to make the following report —

That there be allowed to Brigadier General John Stockton, for his expenses in sending a vidette to Baltimore in September last, the sum of $17.75: to captain John Adams, for a militia fine, which he was compelled to pay for not making a return of his company according to law, when he had not, in fact, a sufficient number of men to constitute a company, the sum of $30.56, and the further sum of $6.10, which was paid by him to Gallaudette Oliver for repairing muskets belonging to the State: to Adjutant General Cornelius P. Comegys the sum of $35.84 being the amount of monies paid by him for the printing of sundry forms, and for postage on letters addressed to him in his official capacity, and the further sum of $5. for his trouble in drawing orders in favour of the witnesses examined before the House of Representatives in the case of the general election in Newcastle county in 1813: to Abel Harris the sum of $50. in part of his account for taking care of the arms and ammuni=

tion deposited at Dover, and for branding five hundred muskets, in full compensation for the said services: to Frederic Schraeder, gunsmith, for repairing arms belonging to the State, by order of Brig. Gen. John Stockton, the sum of $48.15, and that the item, for the account of the said Frederic Schraeder, of $192.75 for cleaning two hundred and fifty seven muskets at seventy five cents, each, be disallowed:- that there be allowed to M. Bradford for printing done by him by order of the Secretary of State the sum of $32: to Kendal Batson commissary of military stores for Sussex county, (in addition to the sum of $50, paid to him by Samuel Paynter esq. State Treasurer, and credited in his account,) in full for money expended and services rendered by him, the sum of $103.30½, and that the items of his account for work done to the magazine by the people of Lewistown, amounting to $28.50 be disallowed:- That for military services performed at Lewistown, by order of his excellency Daniel Rodney, in the spring of 1814; there be allowed for the services of captain Thomas Rodney's company, the sum of $1422.48; of captain David Hazzard's company the sum of $92.87½; of sergeant William Rufel's guard of horse the sum of $71.90; of cornet Morris' guard of horse the sum of 94.46⅔; and of lieutenant John D. Smith's guard of horse

the sum of $66.74⅓: that there be allowed to James Wilson for printing the Governor's proclamations and general orders the sum of $22.50: to John W. Mony commissary of military stores for Kent county, in full for his services the sum of $30.50 in addition to the sum of $50 paid to him by the State Treasurer and credited in his account: to Augustus M. Schee for printing done by order of the Secretary of State the sum of $33;

And your committee further report,

That many of the accounts, which have been referred to them, are not authenticated in that manner, which your committee are of opinion would be necessary to justify your committee in allowing them; that very heavy demands have been made against this State from the different counties thereof for cleaning arms, which your committee are of opinion should not be allowed. Your committee are not aware of any authority given by law to the field or other officers to authorize those services to be performed by persons calling themselves armorers. And if the persons in whose hands the public arms are put for the defence of the State are unwilling or ~~unwilling~~ unable to clean them and keep them clean and to return them in the same good order in which they received them, they are entirely unfit for and unworthy of so important a trust.

Your committee are of opinion, that during times of public danger and difficulty like the present, it would be consistent with

the patriotism of good citizens; particularly, while the State is subject to so many unusual expenses, to submit to the privations and trouble, which the defence of their own property renders necessary, without calling on the State for pecuniary remuneration:- under these impressions, your committee have thought proper to disallow usual claims for purposes of defence. With these explanatory observations, your committee ask leave to report further— that the account of Daniel Hudson of Georgetown, armourer, amounting to $355.50 be disallowed; that the account of Samuel Paynter of $30 for shoes furnished to the militia at Lewistown in 1813 be disallowed; that Davis Morrison esq, a citizen of New Castle county, have leave to withdraw his petition, paying an allowance for timber furnished for Fort Cosimer at New Castle, and that his account of $31.20 be disallowed; that the account of captain William Moore of $35.30 for music, cantins and baggage wagon furnished by him for his company, when ordered by Brigadier General John Stockton to march to Lewistown, be disallowed; that the account of Lieutenant Colonel John Wilson be disallowed; that captain William Shankland, Mary Dirickson the personal representative of the late lieutenant Mitchell Dirickson, deceased, Mary Burton the personal representative of the late cornet Benjamin Burton, deceased, John Milby, Robert Rifsel, Bowans Morris jun.

Joseph Hunter and John Mc have
leave to withdraw their petition, and
that their account be disallowed; that the
accounts of Thomas Rowland, William Harris
Peter Maule, John Maule and James Long
for work done on the fort at Lewistown,
amounting in the whole to $79.42, be
disallowed; that the account of Thomas
Roff, sergeant, of the 4th company of the 2d
regiment of the first brigade of Delaware
militia, for notifying, by order of captain
George R. Mafey, sixty four volunteers and
drafted militia men to attend and stand
a tour of duty at Newcastle in July 1813, at
twenty five cents each, and amounting
to $16, be disallowed; that lieutenant co=
lonel Armwell Long have leave to with=
draw his petition praying an allowance
for his expenses incurred on an expedition
to Indian river, which it does not appear
he was authorized to make, and that the
accounts attached to it, amounting to $63,
be disallowed; that the account of John
and Thomas Sanvier for timber and nails
furnished for building fort Casimir at New=
castle, and amounting to $149.50, be disallowed;
that the account of Samuel H. Black esquire,
late captain of a light infantry company
attached to the 2d regiment of militia, for
his expenses incurred in furnishing music
for the said company, be disallowed; that
captain Boaz Manlove have leave to with=
draw his petition praying the reimburse=
ment of a fine, which he has been obliged
to pay for neglect of duty, and that his

account be disallowed; that the account of General James Wolfe of $85.50 for cleaning muskets, by order of Brigadier General John Stockton, be disallowed; that the account of William Curlet for certain carpenter's work done upon the property of William Dawson in the year 1796, which property has since escheated to the State, amounting to $24.90, be disallowed; that the claim of James Snow of $142 for commissions on money received and paid over by him as escheator of New Castle county, which does not appear to be allowed by law, be disallowed; that the account of David Walker, carpenter, for work done on the fort at Lewistown, be disallowed; that captain Alexander McClyment have leave to withdraw his petition praying an allowance for cleaning arms, and that his account be disallowed.

0254

The committee to whom it was referred to report the charges exhibited against William Carlisle a Justice of the Peace of the State of Delaware in and for the County of Sussex Do

report that they have examined the Witnesses of Trustin Handy and the aforesaid William Carlisle and do find the following charges proofed against them the said William Carlisle. To wit:

1. For that. The said William Carlisle being a Justice of the Peace of the State of Delaware in and for the County of Sussex. has been guilty of high crimes and Misdemeanors in his said office for that He has issued two State Warrants for one and the same offence illegally and contrary to the Laws of this State to wit. he issued a State warrant against Thomas Purnel for begetting a Bastard child by Nancy Sherrod without her having first taken the oath prescribed by the laws of this State after which he The said William Carlisle did issue a second warrant for the same offence against Justice Handy in the same illegal manner

2. He the said William Carlisle has issued several Executions without Judgments having been first rendered for the Original Claims.

Your Committee

further

further Report that the Power given them by the Order of the House being Special and limitted, they conceive it would be exceeding their authority and improper for them to examine any witness touching the official Conduct of the said William Carlisle on any other case than those mentioned in the Memorial of Trustin Handy.

Charges against Wm. Carlisle.

H. of R.
25. Jan. 1815. Read & Accepted

0256

The committee to whom was referred the Governor's Message, having had that subject under their consideration, Report the following as points to which it appears ~~the~~ his Excellency wishes to turn the attention of the General Assembly:

First, "To prevent by law the tender of any other than Gold, or Silver Coin in payment of debts. and yet so to protect the debtor as not to leave him entirely at the mercy of his Creditor". — Your Committee ~~[will only quote the 10th Sect. of the 1st article of the Federal Constitution, in support~~ [an opinion that no legislative act can possibly be passed with effect upon this subject. — ~~[No State shall enter into any treaty, alliance, or Confederation: grant letters of marque or reprisal: Coin money: emit bills of Credit: make any thing but gold and silver coin a tender in payment of debts.]~~ &c.

Secondly. The reapportionment of the State tax, amongst the several Counties: ~~[with the avowed design of adjudging to the County of Newcastle a greater proportion than she has hitherto paid" Upon this subject your Committee decide no opinion, but think it unnecessary to assign any reason against the measure as "all bills for raising revenue must originate in the House of Representatives" and of such a nature would any Bill upon this subject evidently partake.]~~ — your committee are of opinion that a committee ought to be appointed with instructions to prepare a bill for the same equal apportionment of the taxes among the several counties of this State

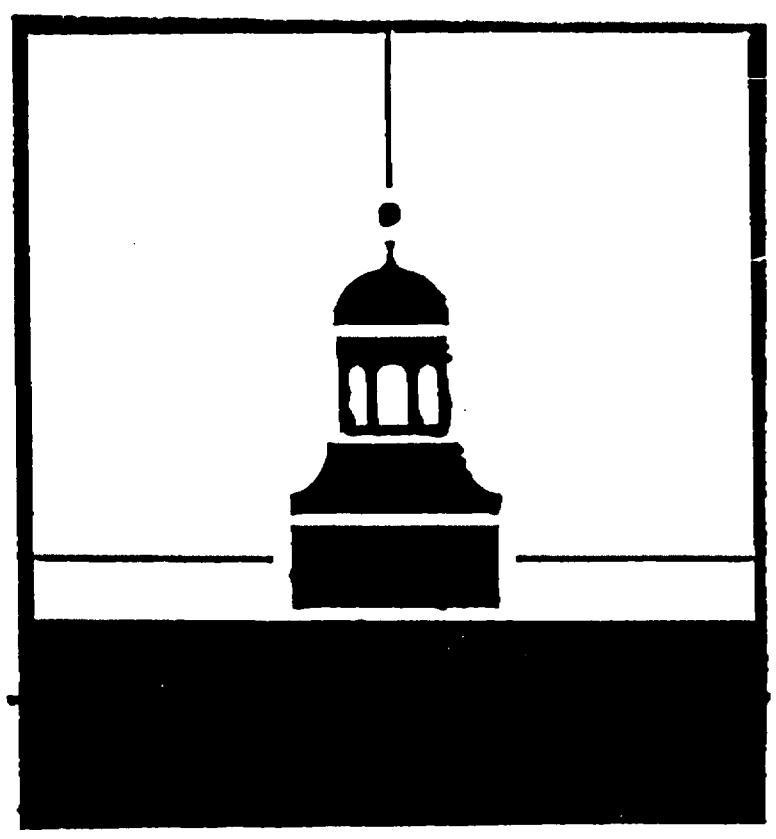
Thirdly — ~~A~~ resolutions from ~~the United~~ some of the States; ——— recommending an amendment to the Federal Constitution; limiting the term of service of Senators in Congress to four, instead of six years. Upon this subject your Committee are of opinion that ~~the Gen. Assembly of this State ought to~~ a resolution disapprobatory such proposed amendment ought to be passed.

Fourthly — An appropriation of money for military purposes for the ensuing year. as money has been emphatically termed the sinews of war. — and as the war will in all human probability continue for at least another year. your Committee deem it absolutely necessary for the honour, and safety of the State. that the sum of Dollars at least, be placed at the disposable of the Governor for military defence. and recommend the appointment of a Committee to prepare a bill for that purpose. and for expences already incurred by the Governor in military operations the last year

Petitioner — Commodore McDonough.

Upon this pleasing and highly gratifying subject your committee feel strong assurances that the present, ~~with~~ General Assembly will not act with less liberality towards the gallant McDonough; than did a former one, in relation to our brave fellow citizen Capt. Jones. We therefore confidently recommend the appointment of a Committee with instructions to report a bill or Resolution providing for the appropriation of the sum of Dollars, and the appointment of a committee who shall expend the same in the purchase of a and present the same, together, with the thanks of the General Assembly to Commodore McDonough, for his gallant ~~Capture~~ conduct in capturing a superior fleet of the Enemy upon Lake Champlain.

Report of the Committee to whom was referred the Governor's message.
6 January 1815.
read and adopted.
1815



END

FILE

1815 Jan.-Feb. Legislative Resolutions

Resolution referring so much of the Governor's message as relates to Com. Macdonough's victory; to a committee.

H. of R.
10. Jan. 1815. Adopted and
Mess'rs Mitchell
Crowell
Townsend appointed

#104.

0299

Resolved that so much of the Governors Message as relates to Genl. McDonoughs late Victory on Lake Champlain, be referred to a Committee of three Members

0880

Resolution respecting
a proposed amendment
to the Constitution of
the United States.

In Senate

7th Jan. 1815 read
9 Jan. 1815 adopted
and sent to the H. of Rep.
for concurr

A. L. Hayes, Clk;

H. of Rep.s
9. Jan. 1815. Read.
11. — — Adopted.
J. Gordon Brinckle Clk.

In Senate 9 Jan. 1815.

Resolved,

By the Senate and House of Representatives of the State of Delaware in General Assembly met, That the amendment proposed to the constitution of the United States, by the Legislatures of Pennsylvania and Tennessee "to reduce the term of service of Senators in Congress from six to four years from the time they enter upon the duties of their appointments", is inexpedient and unnecessary; and that his excellency the Governor of this State be requested to forward a copy of this resolution to the Executives of each of the States.

Extract from the journal

A. L. Hayes, Clk.

Sent for concurrence

Resolution requiring the State Treasurer to institute suits against certain Debtors of the State.

In Senate.

4. Feb. 1815 read and adopted.

A. L. Hayes, Clk

Sent for conc.

H. of R.

6. Feb. 1815. Read.

9. — — Adopted

J. G. Porinckel Clk

0263

Senate, 4. Feb. 1815.

Whereas it appears from "A statement of the debts due to and from the State of Delaware, December 1st. 1814" contained in the Report of the Finances of the State of Delaware for the year 1814 submitted by the Auditor of Accounts to this General Assembly, that there is a number of debts of long standing due to the State from individuals, and it being right and just that the several sums due as aforesaid should be brought into the treasury; therefore,

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, that the State treasurer be and he is hereby required and directed, in all cases wherein any of the above debts shall not be paid or settled to his satisfaction within six months from the passing of this resolution, and wherein there is any probability of recovery, to have suits instituted against the individuals so indebted; and that he report to the next General Assembly his proceedings thereon shewing the sums of money by him received, the suits brought, and in what state the suits so instituted shall then be.

Resolved, that the clerk of the Senate furnish the State treasurer with a copy of this resolution immediately after the adoption of the same.

Extract from the journal.

A. L. Hayes, Clk.

Sent for conc.

Resolution
respecting Dr. Mauls bill
In Senate
30 Jan. 1815 read & rejected

0265

Resolved that the Bill from the House of Representatives entitled "an act to authorize Jacob Mauk, John Connell, and William Cornwell, to erect a mill dam across Broadhelm creek at or near the place called Forgeing Bridge, and for the condemnation of certain lands for the use of the said mill." together with all Documents in relation thereto. be referred to a select committee of three members; with instructions to ascertain, as correctly as they may be in their power; the facts in relation to the case and the damage report, together with their opinion of the propriety of passing said act, to the Senate.

0267

Resolution for a
Writ of Election

Filed with 1815

Resolved

That the Speaker of the Senate, be and he is hereby requested to issue a writ to the Sheriff of Rockbridge, commanding him to cause an Election to be holden in the Several Election districts of said County according to the Constitution and General Election laws of the State for the Election of a Person to supply the place of Lewis Joyce Esq. deceased in the Senate of this State

0268

Resolution

Requiring Wm. Hile Wells, George Read jr., and Cornelius P. Comegys esquires to report their proceeding under the resolution of the G.A. of 1813 respecting Capt. J. Jones.

In Senate

24 Jan. 1815 read and adopted.

A. L. Hayes, Clk.

Sent for con.

H. of R.

24. Jan. 1815. Read and non-concurred in.

J. Gordon Morris Clk. B.C.R.

In Senate 24 Jan. 1815.

Whereas the sum of five hundred dollars, agreeably to an appropriation of the 3d. of February 1813, was, on the 19th. of April 1814, drawn from the State Treasury by William Hill Wells, George Read Jr., and Cornelius P. Comegys, a committee appointed to carry into effect a resolution of the ~~the~~ General Assembly respecting Captain Jacob Jones: and Whereas the said Committee have made no report of their proceedings; nor have they, agreeably to the act entitled "An act for the payment of certain claims and for other purposes", passed the 3d. day of February 1813, submitted any account of the expenditure of the said money to this General Assembly: therefore,

Resolved, by the Senate and House of Representatives of the State of Delaware in General Assembly met, that William Hill Wells, George Read Jr., and Cornelius P. Comegys esquires, be, and they are hereby, required ~~forthwith~~ to report forthwith to this General Assembly what measures they have taken to carry into effect the said resolution, and to lay before them an account of the expenditures of the money drawn out of the State Treasury as aforesaid.

Resolved, that the clerk of the Senate furnish each of the members of the said committee with an attested copy of this resolution. Extract from the journal

J. Hayes Clk.

Sent for concurrence

Resolution appointing a joint committee to examine into the accounts of the State Treasurer, and for other purposes.

In Senate

11. Jan. 1815 read & adopted; and Messrs. Cummins and Black appointed on the part of the Senate

A. L. Hayes, Clk.

Sent for conc.

11. Jan. 1815. Read
12. — — Adopted and Messrs. Mitchell, Wellbank & Sutton were appointed on the part of the house.

J. G. Brinckle Clk

In Senate 11 Jan. 1815

Resolved, by the Senate and House of Representatives of the State of Delaware in General Assembly met, that a committee to consist of two members on the part of the Senate and three members on the part of the House of Representatives, be appointed to examine into the accounts of the State Treasurer, and to count the cash on hand, and make report thereof to the General Assembly.

Extract from the journal.

A. Lofland, Clk.

Sent for concurrence.

0273

Resolution for the
appointment of a joint
Committee to wait on
the Governor.

In Senate
3 Jan. 1815 read & pass
A. L. Hayes, Clk

H. of Rep.
3 Jan. 1815. read & concurred in.
J. C. Brinckle Clk

On Motion

Senate 3 January 1815

Resolved, That a committee of two members be appointed on the part of the Senate to act jointly with such committee as may be appointed by the House of Representatives to wait on the Governor and inform him that the two Houses of the General Assembly have convened and are ready to receive any communication that he may think proper to make.

Messrs. Black & Molleston were appointed on the part of the Senate.

Extract from the Journal

A. L. Hayes Clerk

H. of Rep.
3. Jan. 1815. Read and concurred in, and Messrs Drapy, Jenkins and Wilbank appointed on the part of the House of Representatives

Extract from the Journal.

J. Gordon Brinckle Clk

A
Resolution for printing
the journal of the Senate
of the present session

10 Feb. 1815 read and adopted

A. L. Hayes, Clk.

Resolved

That ~~two~~ three hundred Copies of the Journals of the Senate, of the present Session be printed upon the best terms which can be obtained by the Clerk. who is hereby authorised to superintend the printing of the same, and that he cause one third part thereof to be deposited in the Prothonotary's office in the several Counties of this State; ~~and that~~ to be by said Prothonotary delivered to such Citizens as may apply for the same.—

0278

Resolution
for adjournment ~~on the~~
without day.
In Senate.
20 Jan. 1815 read and
adopted
A. L. Hayes, Clk.
Sent for conc.
H. of Rep.
24. Jan. 1815. Read.
27. — — Non concurrence
J. S. Brinckle Clk

In Senate 26 Jan. 1815.

Resolved, that the Speaker of the Senate and House of Representatives be, and they are hereby required to adjourn their respective Houses on Friday the 27th instant without day.

Extract from the journals.

A. L. Hayes, Clk.

0278

Resolution requesting information from the Chancellor with regard to the progress he has made in preparing a digest of the laws of this State

In Senate

5th Jan. 1815 read & adopted

A. S. Hayes, Cl.

H. of R.
5. Jan. 1815. Read.
6. Jan. 1815. Adopted.

S. Gordon Brinckle

Resolves,

In Senate 5 Jan. 1815

Be the Senate, and House of Representatives: that Nicholas Hoyle Esquire be requested to report what progress (if any) he has made in a digest of the laws of this State: agreeable to a joint resolution of the General Assembly passed at their Session in January Eighteen hundred and twelve. And that the Clerk of the Senate be furnished him with an attested Copy of this Resolution —

Extract from the journal

A. L. Hayes, Clk.

Sent for concurrence

Resolution
for
adjournment
In Senate
19 Jan. 1815 read.

(Transcribed)

Resolved,

That the speaker of the Senate, and the speaker of the House of Representatives, be, and they are hereby required to adjourn their respective Houses upon ~~to-morrow~~ Friday the ~~27th~~ 27th Inst. without ~~to meet again upon the first Tuesday in January next~~ day.

Down. Senate Chamber
Thursday 19th Jan. 1813.

Resolution for the appointment of a Senator to represent this State in the Senate of the U: States.

In Senate
10 Jan. 1815 read and adopted
A. L. Hayes Clk.

Sent for concurr.
H. of R.
11. Jan. 1815. Read.
13. — — Adopted.
J. G. Porter Actg Clk

In Senate 10 Jan. 1815.

Resolved by the Senate and the House of Representatives of the State of Delaware in General Assembly met, that the Senate and House of Representatives meet, on Friday next at 12 o'clock in the Senate chamber, for the purpose of nominating some person or persons, out of whom shall be chosen by ballot a Senator to represent this State in the Senate of the United States for the term of six years, from the fourth day of March next, to supply the place of Outerbridge Horsey Esquire, whose term of office expires on that day.

Extract from the journal.

A. L. Hayes, Clk.

Sent for concurr.

0289

Resolution
requiring the Chancellor
to make certain additions
to the Digest of the Acts
of the General Assembly,
which he is now preparing.

In Senate
11 Jan. 1815 read and
adopted.

A. L. Hayes, Clk.

Sent for concurr.
H. of R.
11. Jan. 1815. Read.
12. — — Adopted.
J. G. Brinckle Clk

In Senate 11 Jan. 1815.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, that the Chancellor of the State, in the Digest of the Acts of the General Assembly which he is preparing be, and he is hereby required to add or annex, by way of note, a report or summary of any cases decided in the Court of Law or equity in this State giving a construction to any of the said Acts of the General Assembly.

Extract from the journal

A. L. Hayes, Clk.

Sent for concurr.

0286

Resolution respecting a proposed amendment of the constitution

In Senate 7th January 1815 read 9th January 1815 read and adopted and sent for concur. of H. of R.
A. J. Hayes, Clk.

(Transcribed)

0887

Resolved

By the Senate, and House of Representatives of the State of Delaware in General Assembly met, That the Amendment proposed to the Constitution of the United States, by the ~~State~~ Legislatures of Pennsylvania and Tennessee, "To reduce the term of service of Senators in Congress from six, to four years from the time they enter upon the duties of their Appointments." ~~seem~~ is inexpedient, and unnecessary. — and that his Excellency the Governor of this State be requested to forward a copy of this Resolution, to the Executive of each of the States. —

Resolution to wear crape as a mark of respect to the memory of the R. Willbank esq. decd

H. of R.
20. Jan. 1815. Adopted.
J. G. Porinskel Clk.
Sent for con.

1815

House of Representatives
28. Jan. 1815.

Resolved by the Senate and House of Representatives, in General Assembly met, That the members of the General Assembly wear crape on the left-arm below the elbow for ~~thirty~~ days as a mark of respect ~~for~~ due to the memory of Robert Wilbank esquire deceased late a member of the House of Representatives

Extract from the journal.
S. G. Brinckle Clk

Sent for con.

0290

Resolution for the appointment of a Senator to represent this State in the Senate of the U. S.

In Senate
10 Jan. 1815 read.

(Transcribed)

0291

10 July 1915

Resolved

By the Senate and House of Representatives of the State of Delaware in General Assembly met

That the Senate and House of Representatives meet on ~~Tuesday~~ Friday next at 12 o'Clock in the Senate Chamber for the purpose of nominating some person or persons, out of whom shall be chosen by ballot a Senator to Represent this State in the Senate of the United States for the term of six years from the fourth day of March next to supply the place of Anderson Lee Rorey esquire whose term of office expires on that day

Resolution, appointing
a committee to examine
into the propriety of
amending the Constitution
respecting the Judiciary
Jan. 27 adopted —
Messrs. Black
Cumming &
Doyle appointed
1815

0293

Resolved

That a committee of three members be appointed with instructions to report to the Senate, for the consideration of the People, such alterations as may be deemed necessary to ~~be made to~~ the Constitution, in order to revise our Judiciary System, and better to organise the Courts.

0299

Resolution

for making out and transmitting certificates of the election of Outerbridge Horsey esquire.

In Senate

17 Jan. 1815 read and adopted.

A. L. Hayes, Clk.

Sent for concurr.

H. of R.

Jan. 17. 1815. Read and concurred in.

J. S. Brinckle Clk.

In Senate
17th Jan. 1815

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, that three certificates of the election of Outerbridge Horsey esquire, a Senator to represent this State in the Senate of the United States, to supply the place of the said Outerbridge Horsey esquire whose term of Office will expire on the fourth day of March next, be made and signed by the Speaker and attested by the clerks of the two Houses of the General Assembly one of which said certificates shall be transmitted, by the Speaker of the Senate, to the President of the Senate of the United States, one other to the Governor of this State, and a third to the said Outerbridge Horsey esquire; and that the following be the form ~~of~~ thereof:

State of Delaware,

To all persons to whom these presents shall come, Greeting;

Know ye, that the legislature of this State, did on the thirteenth day of January in the year of our Lord one thousand eight hundred and fifteen, proceed to choose a Senator to represent this State in the Senate of the United States for the term of six years, commencing on the fourth day of March next, and did then choose Outerbridge Horsey esquire to represent this State in the Senate of the United States for the said term of six years, commencing on the said fourth day of March next.

"Given under our hands by order of the Senate and House of Representatives, this day of January in the year of our Lord one thousand eight hundred and fifteen, and of the Independence of the United States of America, the thirty ninth.

Resolution
for the appointment of Directors
on the part of the State to
the Farmer's Bank of the
State of Delaware.

In Senate.

20 Jan. 1815 read and
adopted

A. L. Hayes, Clk

Sent for concur.

H. of R.
20. Jan. 1815. Read.
27. — — Taken up & adopted.

J. Gordon Primrose Clk.

In Senate 20 Jan. 1815

Resolved

By the Senate & House of Representatives of the State of Delaware in General Assembly met, that the following persons be and they are hereby appointed directors of the Farmers Bank of the State of Delaware on the part of the State, agreeably to the act of Assembly of the said State in such case made and provided: viz: Willard Hall, Andrew Naudain and George Lemmon for the Principal bank: James Booth James Riddle, and Nicholas VanDyke for the branch bank at Newcastle, John Stockton, John Gordon and Allen Thompson for the branch Bank at Wilmington, & William H. Wells John Hockley and Curtis Jacobs for the branch bank at Georgetown

Extract from the journal

A. S. Hayes, Clk.

Sent for concurrence

Resolution

requiring the Secretary of State to collect the ballances due on his books and report to the next General Assembly.

In Senate

24 Jan. 1815 read.
26 Jan. 1815 adopted.

A. L. Hayes, Clk.

Sent for conc.
H. of R.
9. Feb. 1815. Adopted.

J. S. Brinckle Clk.

Resolution
1815

In Senate 26 Jan. 1815.

Whereas it appears by a report made to the General Assembly on the 24 January 1812 by John Fisher esquire the then Secretary of State, that there then were sundry ballances due to the State standing on the books of the Secretary of State from sundry persons, for marriage licenses, tavern licenses &c. and it being probable that there may be other ballances, accrued since that date; therefore, in order that all ballances now standing due on the said books may be collected:

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, that the Secretary of State be and he is hereby directed and required that, in case all the ballances now standing due on the said books (where there is a probability of recovery) shall not be paid within four months from the passing of this resolution; he shall have suits instituted against all those who may be so indebted, and that he report to the next General Assembly his proceedings thereon, stating the monies received; the suits brought; and in what state the business generally shall then stand.

Extract from the journal

A. L. Hayes, Clk.

Sent for concur

Resolution to send for persons and papers in the case of W. Johnson.

H. of R.
27. Jan. 1815. Read & Postponed.

Resolution to re= fer the charges a= gainst W. Johnson to a committee of the whole House.

H. of R.
31. Jan. 1815. Adopted.

Resolution for the ap= pointing of a commission to E. Thomas esq. to take the depositions of witnesses in relation to the matter of Henry Rowan Doyle & wife against their wife.

H. of R.
11. Jan. 1815. Read & adopted

For the purpose of ascertaining the Attorney

Resolution requesting the Chancellor to attend in Senate Chamber to morr

Resolved

That the Speaker of the Senate invite the Chancellor to attend in the Senate Chamber tomorrow, to administer to the Governor Elect the oaths of office

Resolved That the Speaker of this house be authorized & requested to issue a Commission to Evan Thomas Esquire of New Castle County to take the deposition of witnesses for the purpose of inquiring into the facts stated in the Memorials of Henry Rowan & Margaret his wife late Margaret Larkey praying for a dissolution of the Marriage between them

[illegible]

Resolved that the Speaker of this House issue a writ directed to the Sergeant at Arms requiring him to summon the Petitioner respecting the Official Conduct of Wm Johnson Rogers requiring them to be and appear before the Committee on [illegible] ment to testify on oath or affirmation touching the Specification of Charges against the said William Johnson Rogers and also to summon William Lockerman William Hackett Thomas Mc Cracken Isaac Mc Afford Samuel Hutchinson William White Enoch Sayer John Timmons Mathew Mc Mannamy & Daniel Cooch

Resolved that a Copy of the Specifications made by the Petitioner be ~~made out~~ transmitted to the said William Johnson Rogers and that the said William Johnson Rogers be summoned to be and appear before the said Committee on [illegible] ment with his Clerks and papers touching his official acts as a Justice of the Peace of New Castle County

Resolution to adjourn on the 4th of March next

H. of R.
4. Feb. 1815. Read & postponed to 6th

Resolution to appt. a committee to consider landlord & tenant Law.

H. of Reps
15. Jan. 1815 read
16 " " adopted.

Resolution appointing S. Paynter esq. State Treasurer.

H. of R.
12. Jan. 1815. Read.
27. — — Adopted

Transcribed.

Resolved by this house with the Concurrence
of Senate that Samuel Paynter Junr Esqr be and he is hereby appointed
State treasurer

Resolved
That a Committee of three Members
be appointed to consider and examine whe=
=ther any and if any what alterations or am=
=endments are necessary in the existing laws
of this State relative to Landlords and Tenants
with leave to report thereon by Bill or other=
=wise.

Resolved by the Senate and House of Representatives
of the State of Delaware in General Assembly met
that the Speaker of the Senate and the Speaker of
the House of Representatives be and they are hereby
~~authorized~~ to adjourn their Respective Houses on
Friday the ninth instant
~~the fourth day of March next~~

Report of Committee on ~~Wm Carlisle~~ the memorial against Wm Carlisle.

H. of R.
24. Jan. 1815. Adopted.

Resolution to issue a commission to William P. Robson esquire in the case of Ann C. T. Stains
H. of Rep.
8 Jan. 1815 read & adopted.

Resolution to appoint a committee to report the unfinished business of last session.

H. of R.
4. Jan. 1815. Read & adopted.
S. G. Brinckle Clk

Resolved that a Committee of three members be appointed to report the unfinished business of the last Session to the House

Resolved That the Speaker of this House issue a Commission to ~~[illegible]~~ Mr. P. Brown Esq. of the Borough of Wilmington to take the examination of witnesses for the purpose of inquiring into the facts stated in the petition of Ann C. T. Haines praying to be divorced from her husband John Haines

That the Committee appointed on the Petition of Priestley Hendry, complaining of the official conduct of William Carlisle one of the Justices of the Peace for Sussex County, be now discharged from any further Examination upon that subject, and that it be referred to a Committee of the whole House

Senate. 10 Feb. 1875

2 Paragraph, line 4, before the word "Gideon" strike out "and" and after the word "Emory" insert "Robert Patterson"

line 5, after the word "commissioners" strike out the words "for the purpose of taking" and insert in lieu thereof "who or a majority of whom are authorized and directed to take"

Add to this paragraph the following words "together with the depositions taken and signed by the respective witnesses and such papers and documents as they may obtain in relation to the subject"

Add the following paragraph:

Resolved, that the clerk of the House of Representatives furnish the commissioners above named or one of them with a copy of this resolution immediately after the adoption thereof by him certified and attested

Extract from the journal

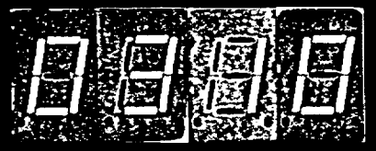
Sent for concur.

A. L. Hayes, Clk

Resolution to appoint a committee to draft a bill for the support of government for the present year

H. of R.
18. Jan. 1815. Read and Adopted and Mssrs Clarke England & Hill were appointed.

MUTILATED DOCUMENT



Resolved, That a Committee of three Members, be appointed to Draught a Bill for the Support of Government for the Present year,

Resolution appointing commissioners to take the depositions of witnesses relative to complaints against William Robinson esq.

H. of R.
3. Feb. 1815. Read & accepted.
J. G. Brinckle Clk.

Sent for con.

In Senate
9 Feb. 1815 read
10 Feb. 1815 read by paragraphs and adopted with amendments
A. L. Hayes, Clk

~~Sent for con.~~

0310

House of Representatives
February 3rd. 1815.

Whereas it hath been represented to this General Assembly by the memorial of sundry citizens of Newcastle and the upper part of Kent counties, that they are and have been much aggrieved by the malconduct or practices of William Johnson esquire one of the justices of the peace in and for the county of Newcastle: therefore —

Resolved by the Senate and House of Representatives of the State of Delaware, in General Assembly met That John Clarke and Robert Patterson and Gideon Emory be and they are hereby appointed commissioners who &c. ~~for the purpose of taking~~ the depositions of witnesses, and such other evidence as may relate to the charges exhibited to this legislature relative to the official conduct of William Johnson esq. and that they have power to send for papers and persons and compel their attendance, and that the said commissioners report their proceedings at the next sitting of the legislature together &c.

Resolved, That the said William Johnson be allowed to appear before the said commissioners in his proper person, and by his attorney for the purpose of cross examining the witnesses that may be examined before them.

Resolved &c

Extract from the journal.

J. Gordon Brinckle Clerk.

Sent for concurrence.

Resolution for adjourning without day.

H. of R.
7. Feb. 1815. Adopted.
J. Gordon Brinkerhoff
Lost for con.

In Senate
9 Feb. 1815 read
10 Feb. 1815 adopted –
A. Le Hays, Clk.

03

In the House of Representatives
February 7. 1815.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the Speaker of the Senate and the Speaker of the House of Representatives be and they are hereby authorized to adjourn their respective Houses on Friday the ~~ninth~~ tenth instant.

Extract from the journal.

S. Gordon Brinckle Clk.

Sent for concurrence.

0314

Resolution enabling the committee on the subpoena against W. Johnson to send for persons & papers.

H. of R.
27. Nov. 1815. Adopted.

Resolved, that the Committee appointed on the Petitions against William Johnson Esq. have Power to send for such Persons and papers, as may be Necessary, in the Development of the Facts, charged in the said Petition,

Resolution appointing commissioners to take depositions of Witnesses relative to the complaint against Wm Johnson esq.

H. of R.
3. Feb. 1815. Read & adopted.

Whereas it hath been represented to this general assembly by the Memorial of sundry Citizens of Newcastle and the upper part of Kent County, that they are and have been much aggrieved by the Misconduct & practices of William Johnson Esq. one of the Justices of the peace in and for the County of New Castle, therefore

Resolved by the Senate and house of Representatives in general assembly met that John Clark Gideon Emmery and John Booker, be and they are hereby appointed commissioners, for the purpose of taking the deposition of witnesses and such other evidence as may relate to the charges exhibited to this legislature relative to the official conduct of William Johnson Esq.r and that they have power to send for papers and persons, and compel their attendance, and that the said commissioners report their proceedings at the next setting of the legislature

Resolution to examine the State Treasurer's accounts & count the cash on hand.

H. of R.
11. Jan. 1815. Read & adopted.
J. S. Brinckle Clk
Sent for Con.
Mess'rs Mitchell, Willbank & Sutton appointed.

One of the said freeholders in Newcastle Hundred and the sheriff of the county to remain in their respective County with the other two Commissioners that shall be appointed or may be appointed in each County. We hereby required to go into the One into each County and together with the Resident Commissioner of each said County to

Resolved, That the said William Johnson be allowed to appear before the said Commissioners in his Proper person and by his Attorney for the purpose of ~~obtaining~~ cross examination the witnesses that may be examined before them.

0880

House of Representatives
11. Jan. 1815.

Resolved that a committee of three members be appointed on the part of this House to act jointly with such committee as may be appointed on the part of the Senate, to examine the Treasurer's accounts and count the cash in hand and report the same.

Extract from the journal.
S. Gordon Brinckle Clk

Sent for concurrence.

Resolution directing the Speaker to issue a writ to the Sheriff of Kent to hold an election for a person to fill the vacancy in the representation from Kent occasioned by the death of S. Lockwood

H. of Rep.
4 Jan. 1815. Read & adopted
S. Gordon Brinckle Clk

0000

Resolved, That the Speaker of the House of Representatives be, and he is hereby required to issue a writ to the Sheriff of Hunt County, commanding him to cause an Election to be held on Wednesday Next, the Seventh Inst. (January) in the Several districts of said County, according to the Constitution and the Several Election laws of this State, for the Election of a Person to fill the Place of Isaac Lockwood Decd, late a Member of this House

Resolution respecting Wm. Carlisle esq.

H. of R.
27. Jan. 1815. Read & adopted.

Resolution
1815

Resolution to appoint a committee to draft rules.

H. of Rep.
3. Jan. 1815. Read & adopted.

Resolution to appoint a committee to revise the militia laws.

H. of Rep.
10. Jan. 1815. Accepted and Mess'rs Brown, Mitchell, Williamson, Walton & Hill appointed.

Resolution to appoint committee of elec

H. of R.
3. Jan. 1815. Read & adop

Resolved

That a Standing committee of Elections consisting of five members be appointed whose duty it shall be to Examine the Returns of the Election of the several members in this House and to take into Consideration all such Matters ~~all such matters~~ as shall Come before them Relative to such Election as well as to the Qualification of the members Respectively and thereupon to make Report

The committee appointed were Mess'rs Cullen, Vickers, Mitchell, Sutton, & Crowe

Resolved that a Committee of five Members be appointed to examine and Report what commendments if any may be deemed necessary to the Act Intituled an Act for establishing an uniform Militia within this State, with power to Report by Bill or otherwise

Resolved that a Committee of three be appointed to draft and Report a set of Rules for the Regulation of the House in the Transaction of business

The members of the committee are Mess'rs Mapes, Clarke and Hill.

Resolved unanimously, That the complaints preferred to this General Assembly against William Carlisle esq.r one of the Justices of the peace in and for the County of Sussex, be dismissed; there appearing to this house no ground for impeaching the said William Carlisle, or for addressing the Governor to remove him from office

Resolution appointing a joint committee to desire the Revd. M. Ridgway to perform divine service in the State-house on 12. Jan.

H. of Rep.
10. Jan. 1815. Adopted and Messrs Mafsey, Pleasanton and Townsend appointed on the part of the House.

S. G. Brinckle Clk

Sent for con.

In Senate
10 Jan. 1815 read and concurred in. Messrs. Molleston and Staats were appointed on the part of the Senate.

A. L. Hayes, Clk.

House of Representatives
Jan. 10. 1815.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That a committee of three members be appointed on the part of this house to act jointly with such committee as may be appointed by the Senate to wait on the Revd. W. Ridgway and request him to perform divine service in the court room in the State-house on thursday the 12th instant at the hour of twelve o'clock, that being the day appointed by the President of the United States for a general fast.

The members appointed on the part of the House were Messrs Mapey, Pleasanton and Townsend.

Extract from the journal.
J. Gordon Brinckle Clk

Sent for concurrence.

In the Senate
10 Jan. 1815.

Read and concurred in. Messrs Molleston and Hart were appointed a committee on the part of the Senate.

A. L. Hayes, Clk.

Resolution to have
the laws of the pre-
sent session printed

N. of R.
10. Feb. 1815. Adopted,
J. G. Brinckle
Sent for con
In Senate
10 Feb. 1815 concurred in
A. L. Hayes, Clk

12

H. of Rep. 10. Feb. 1815.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met that the Secretary of State cause three hundred copies of the Laws of this State passed at the present Session to be printed exclusive of the number necessary for the members of the Legislature and the Civil officers of the State and shall transmit one hundred & fifty thereof to the prothonotary of each of the Counties of this State to be by them bound and disposed of for the use of the State at Twenty five Cents for each copy, and the said prothonotaries shall respectively account with the State Treasurer therefor half yearly after retaining five per Centum for their Trouble

Extract from journal

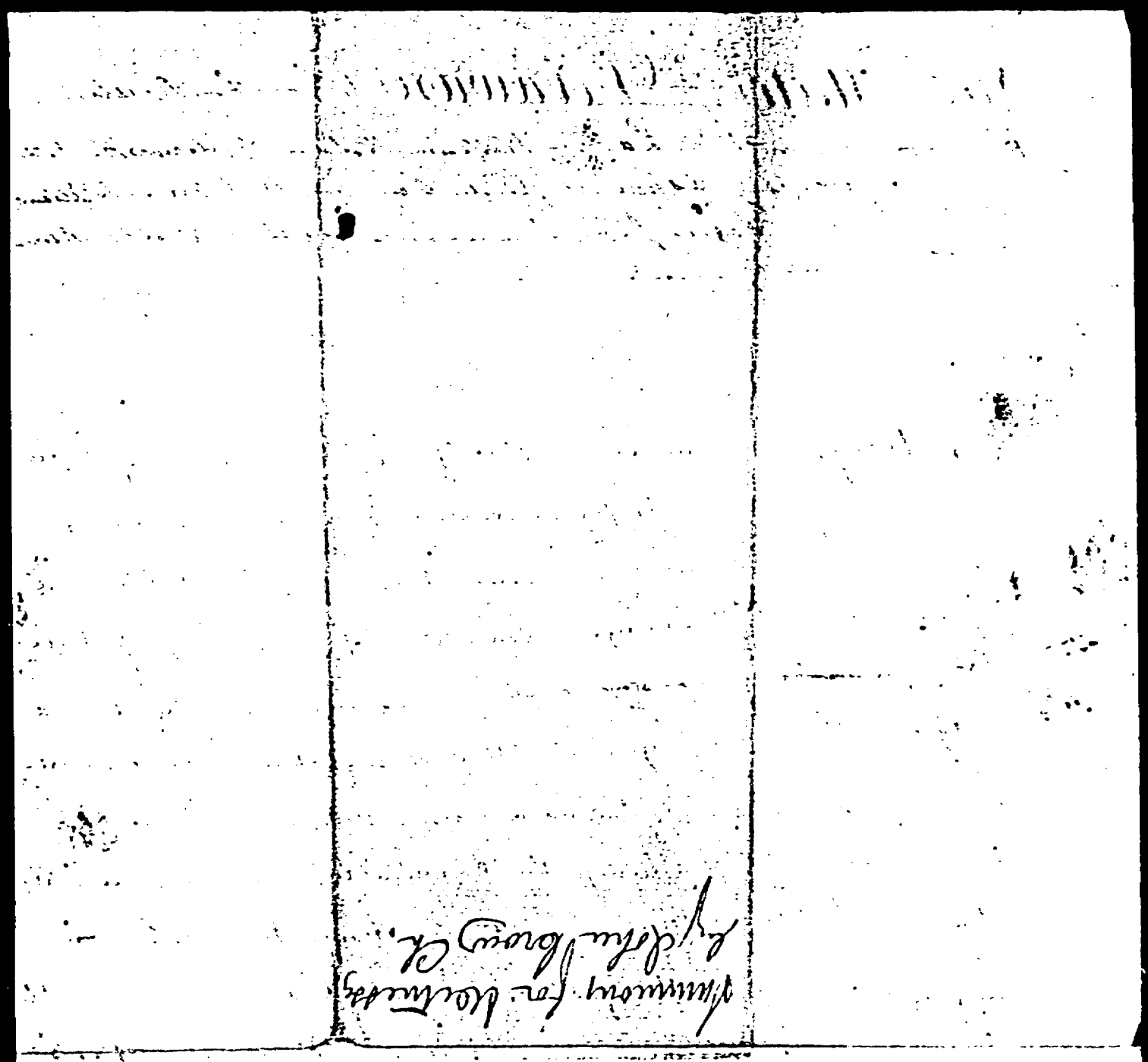
J. Jordan Brinckle Clk

Sent for Com

END

FILE

1815 Jan. - Feb. Legislative Writs [redacted]



The witnesses were summoned as within directed.

Serg-ant-at-arms of
the H. of R.
John McKay
Jan.y 30th 1815

The State of Delaware to Jonathan R. Alston
Just Dayton - John Lawson, William Holden, William Huckell
Farmer witness Isaac Moffett, Samuel Hutchison William
White Enoch Sayer John Fennimore Mathew Allamson
and Daniel Crouch

Greeting: We command and strictly enjoin you and every of you
~~that~~ all and every business and excuse ceasing, you and every of
you be in your proper person before John Crow, Robert Hill and
Spencer Williams esquires, a Committee of our house of representa=
=tives ~~forthwith~~ on Monday next to testify all and
singular those things you or either of you shall know concerni=
=ng the matters referred to the said committee, and this as you
in no wise omit. Witness the honourable John Crow esquire
chairman of the said committee, at Dover this 27th
day of January in the year of our Lord one thousand eight
hundred and ~~fifteen~~ fifteen 1815

John Crow Chairman

The said William Johnson was summoned as within directed.

Sergeant-at-arms of the H. of R.

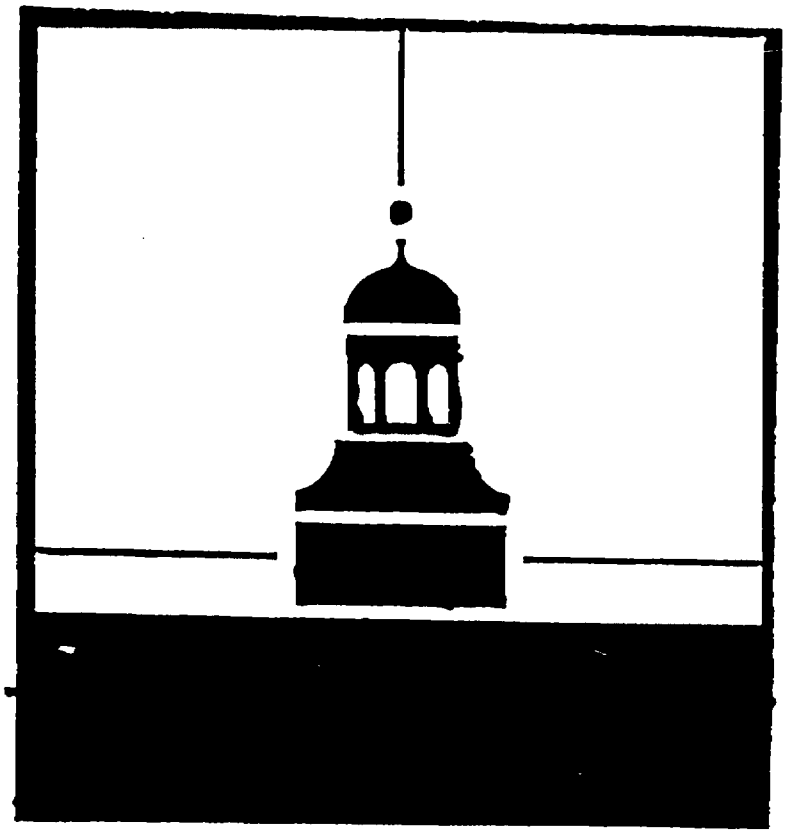
John Willang

Jany 30th 1875

The State of Delaware.

To William Johnston esquire one of our Justices of the peace in and for our County of New Castle; Greeting. We command and strictly enjoin you to be and appear in your proper person before John Crow Robert Hill and Spencer Williams, a Committee of our house of Representatives ~~you may not fail~~ to answer unto certain complaints and charges which have been preferred against you as a Justice of the peace, and that you bring with you all and every your records and docquets and all other writs and documents of a publick nature, which may tend to elucidate and explain your said docquets and records hereof fail not at your peril. Witness the honorable John Crow esquire chairman of the said committee at Dover this 27th day of January in the year of our Lord one thousand eight hundred and ~~fourteen~~ fifteen 1815

John Crow Chairman



END FILE

1816 Jan.- Feb. Legislative Accounts

Account
of Chas. M. Schee
28. Jan. 1817 recd &
referred to the Com-
mittee of Claims
[illegible]
State of Delaware
$30.25

Jan

5 yr	
6 yr	
2 yr	
1	9
1	8
2	7
1	0
2	4
1	1
2	4
1	8
2	4
1	8
2	4
1	8

State of Delaware

To N. G. Williamson Dr.

To 40 1/2 yds. of Ingrain Carpeting for the floor of the house of Representatives @ $2 00 pr. yd. 81.00
Matter 75 lbs. Sage pine $1,25 . . . . . 2 00
Postage on 4 letters @ 15 cts each . . . 60
$83,60

Febry. 8th 1816 Recd. payt. N. G. Williamson

The State of Delaware

To Caleb Barratt Dr.

To cash paid Robert Porter for books to contain the assessment of Kent County made under the General assessment law passed in Feb 1816. $3.25.

Dover 16th 1816

Mr. West

Bot. of Bates & Hillyard

6 yds. Green Baize at 1.00 $6,00

Recd. the above in full Thomas J. Hillyard

State of Delaware

1814 To Regular M. Salve Dr.

Oct. 1 For finishing 2 quires Sheriffs commissions $2.00

1816 Ditto ditto writs of assistance 2:00

Jan 23 Ditto 20 quires Marriage licences 17.50

Ditto 10 ditto Marriage bonds 8.75

$30:25

State of Delaware
acct
Micah Ward
Dolls 8.18

Dover 23rd January, 1810.

State of Delaware

To Mileah Mott Dr

To making 2 new Carpets — — — — — Dolls 8.00
To furnishing 18 Skeins of thread — — — — — 18
Dolls 8.18

Received the above in full
Mileah Mott

House of Representatives Dr. to Joshua Gibbs —
for work on the state house
To half bushel of lime — 2 @ 100 — $ 1.62½
5 Laths & lime brought from cannon 37½ — 37½
9 lb of nails — — — 25 — 25
six cents work of man — — — 6
To 3 days attendance & work — — 3.75
$ 5.06

Allowed for $4 —

The State of Delaware

Dr. to A. Lafayd, Clk.
of the House of Representatives

January Session
1816

For making out 2 writs of election Dlls	2.00
Fr. & Eng. Taylor's Gut bill ———	9.45
Fr. Concord Association bill . . .	2.35
Fr. & Eng. Seaford hog law . . .	.34
Fr. & Eng. Camden Academy act .	1.87
Making out Commission for Com. of Priv. to J. Rogers & D. R. Black esquires	2.00
Fr. & engr. Atoms bill	.98
Fr. insolvent debtors bill . . .	.42
Fr. & Eng. Supp. Dick's Savannah bill	3.43
Making out Subpoena for W. Hall & J. Ridgely to attend Com. of Gr. -	1.00
Making out Commission for Com. Gr. to P. Robinson & J. Maxwell esqrs	2.00
Making out Copy of Resol. & charge against Wm. Johnson by order of the House	1.00
Fr. & engr. Hawkins & Bedlam bill . .	.52
——— Ralph Hale Robinson bill	1.05
——— Appawamana bill ———	7.56
Making out Subpoenas for Palmatary and Draper - Com. Grievances	1.00
——— Attested copy of res. addressed to the Governor for information -	1.00
——— Attested copy of resolution appointing Judge Fisher Commissioner	.50
	35.46

Pd. Oct. 20
Cn. Comptr.

Brought over — — — Dlls	38.46
To Fr. & Eng. Wm. Nicols bill . . .	.50
Wm. Polk's bill	.70
Wm. Ellegood's bill . . .	.35
A. E. Dupont's bill . . .	1.33
To — Amendments to the Const. —	6.82
To & Eng. Duck Creek hog law . . .	4.41
Attested copy 2d resol. calling on the Gov. for inf.	1.00
To & Eng. Leipsic lottery bill . . .	1.58
— Alien bill — —	1.05
— Militia bill	.77
— Chr. & Elk. turnpike bill	1.47
— Wilmington & Great Valley Turnp	2.10
— W.C. Creek Road comm. -	.94
— Swamp bill —	6.30
— Milford lottery bill -	3.55
— Resolution - digest - -	.52
— negro bill	4.20
— Ann C. Hains . . .	1.20
— J. N. Handy's bill . .	.84
— Resolution respecting S. Trea	1.29
— Tappahannock marsh bill	6.64
— Little Creek bridge bill	1.54
To 6 times the letter to our representatives & Senators in Congress 130 lines	7.80
Making out & furnishing the governor with an attested copy of the resolutions for removal of A. McCulloch & just copy	1.00
To & Eng. Resolut. to repr. 300 copies of 3d & 4th vol of Acts of Assy.	2.03
— appropriation bill —	4.41
— Milford lottery —	1.47
— Joseph Pagan's bill -	.50
— Vagrancy bill —	2.10
	106.97

Brought over — — — Dlls	106.97
To & Eng. Bill support of Government -	2.50
To transcribing resolutions, amendments carrying messages & for other service	25.00
To 48 days attendance & service @ 3 dlls per diem - - - -	144.00
— ~~Extra allowance, for additional~~	$278.47
— ~~Mileage rendered on~~	

0341

Certificate of Punishing
Children in
School.

L S

L 2 a1-1

0342

H. McRicardy – for postage of depositions sent to him as chairman of the committee of Grievances	1.44
Francis Hayley – Aff. of N. Castle County for summoning witnesses before commissioners appointed by Committee of Grievances	3.00
Robert Palmatary – one days attendance as witness before com. of Grievances and mileage 10 miles	1.60
Zadock Crapper Clarke – one days attendance as witness before Com. of Grievances & mileage 20 miles	2.20
	8.24

0343

State of Demand
to
Joseph L. Hampton &c

Allowed for 32.. 37½

"The State of Delaware"

To Joseph L. Harper - Dr.

1816 Jany 19.	To 5 days attending committee of Grievances, Taking Depositions &c	25 - 00
" Jany. 23	Transcribing a minute constituting	4.15
" Jany. 24th	Transcribing a bill of divorce & A.C. Dupont	2.62½
" Jany. 25.	Transcribing Depositions	2.00.
" Jany. 28th	Transcribing Resolutions of the Assembly of Trenton &c Jany	-80
" Jany 31.	Transcribing Tappahannock Mark Lary	2..06
" Febry. 3.	Transcribing Report of Committee on Day Bill	4.00
" Febry 8.	Transcribing Memorial &c of Repd. to the Congress of the United States of America concerning the Jays	1-80
		42 " 37½.
" Febry.	To attending from the 19th January untill day of February - - day	
	per day -	

A. M. Schee's
Account
A. of Rep.
1 Feb. 1816 ~~and~~ laid on
the table

All.d by Comm.r
N. 1 –

Black & Hopkins
allow.d for
$20.00

Vincent Vandeveer's
account
12 Nov. 1816 allowed
A. L. Hayes Clk
pro tem H. of Re.

Account of
A. Reynolds
H. of R.
18 Jany 1820 recd
& referred to C.C.

0345

The State of Delaware 1816

Dr to C. Reynolds
late Clerk of the Peace

To Making out Duplicate assessment Lest
Stationary for Mess. Wolf Johnson and
Barrat State assessors $30

The State of Dec Dr to V. Vandefors Dr.

To two days attendance at 1:50 ——— $3:00
" 1 pr quires of letter paper @ 2/6 ——— " 50
" 1 quire writing paper . . . . . " 33
" 4 pounds of tobacco @ 50 for the carpet . 2:00
5:83

State of Delaware

To the undersigned Dr.

For the execution of a Commission to examine witnesses in relation to the public officers of the State of Delaware, in & for the County of New Castle..
$20 to each Commissioner ... $40.00

James Rogers
J. B. Bloom

House of Representatives of
The State of Delaware,

1816 To Augustus M. Coke Dr.

January 4, For printing 150 copies of the Governors Message ——— $9.00

26 Ditto 150 copies of proposed amendments to the Constitution of this State ... 25.00

$34.00

Sergeant at Arms'
accts

State of Delaware

1816

To Vincent Vandiford Sen. at Sess.
for House of Representatives D.

Aug. Dec. 16 To Matt. & John Smithers act. as ye bills . . . 9.74½

Aug. 1 " Charles Kimmey's . . do . . do 3.22½

Aug. 1 " John W. Mary & Co's do . . . do 2.66

Aug. 1 " Bates & Hillyard's do . . . do 2.10

Aug. 1 " Presley Allen's . . . do . . . do 2.00

Aug. 1 " Bates & Hillyard's do . . . do 1.50

Aug. 1 " Wesley M. Dowell's do . . . . do 3.47

Aug. 1 " Andrew Dill's . . . do . . . do . . . 14.81

Aug. 1 " G. M. & S. Manlove's do . . . . do 18.78

Aug. 39. 4/100. " Serving sundry writs & summons as ye do . 45.04

" 46 days door keeping @ 1.50 ye day 69.00

" 46 do ringing the bell @ .33 ye do . . . 15.18

$186.58

Aug. 1 " James Stewart's act. as ye Bill 75

$187.26

Deduct 6.00

$181.26

Deduct. 6.00.

0348

0399

Vincent Vandeford for House of Representatives

1816 To James Stewart D.

Jany. To putting on 3 locks 0.25 — $0.75

Vincent Vandeford B.F. of Bates & Gillyard

Feby 7th 1816 7 quire of super letter paper @ 30 $2,10

Vincent Vandeford, For H. of Repts To Presley & Alcee Dr.

1816. Feby. To 3 quire writing paper @ 2/6 — 1.00

To 3 do letter — @ 2/6 — 1.00

2.00

Vincent Vandeford for the House of Representatives Dr.

To 4 quire of writting paper @ 2/6 . . . $ 1.33

To 4 Do of writting paper @ 2/6 . . . . 1.33

2.66

House of Representatives (Jan. 22 1816) Mr. Vincent Vandeford to Chas. Simmons

6 quire of letter paper @ 31 . . . $1.875

30th 4 Do . . . Do — 31 — 1.25

5 gd of taste . . . 2 — .10

$ 3:225

Nathl. & John Smithers
Power of
Representation
Atty. —

V. Vandelordt
Ex. for Philip Gates
and W. Smithers

1770

Vincent Vandiver for the use of the House of Representatives of the State of Delaware

1816 Bot of Nathaniel & John Smithers

Jany 2.	To 21. quires of paper	@ 33 cts	$6.93
"	1 piece tape		" 20
	2 ℔ thread 2–2 needles 2		" " 4
	1 sweeping brush		" 60
	1 corn broom		12½
	2 stock locks	56	1.12½
	200 tacks	25	" 50
	2 yds tape	2	4
	1 box wafers		6
	1 paper ink powder		12½
			$9.74½

Mr. Vincent Vandiver

Dr. to Wm. McConnell

1816 for the Clerk's office

January 2.	For 2 Inkstands		67
Feb. 12.	" 2 Rulers per 15		30
	3 Cut Knives	25	75
	6 Pens	25	75
			$2.47

Gilbert S. Manlove

Esq.

Mr. Vincent Vanderford for House Representatives

1815 To G. M. & Williamson Dr.

Jany. 7	For quills		:25
" "	" Tape & needles		14½
" 3	" 1 paper ink-powder		12½
" 4	" 1 Oz wafers @ 19		19.
" 5	" 6 lb. candles @ 27		1:62
" 11	" 6 lb. ditto @ 27		1:62
" 18	" 6 " ditto @ 27		1:62
" 22	" 6 " ditto @ 27		1:62
" 26	" 6 " ditto @ 27		1:62
" "	" 1 Oz wafers @ 19		:19
" 30	" 6 lb. candles @ 27		1:62
Feby. 2	" 6 " ditto @ 27		1:62
" 7	" 6 " ditto @ 27		1:62
~~" 9~~	" 6 " ditto @ 27		1:62
" 14	" 6 " ditto @ 27		1:62
" 15	" 6 " Candles @ .27 = 1 box wafers do		
			$17.10
			~~1.68~~
			$18.78

Vincent Vanderford Bot. of Bates & Millyard

Feby 14th 1816 5 quires Lin pa letter paper @ 30 $1,50

Alto fol 39.4

0399

Alto

State of Delaware To

Vincent Vandeford Sergt at arms for Kent

To serving order on Sheriff of Kent County	$1.00
To serving Ditto on Ditto of Sussex County	9.00
To summoning Nicholas Ridgley Esqr	1.14
To Ditto — W Hall Esqr	1.00
To Ditto — Robert Palmatary	3.00
To Ditto — Laddec C Clark	5.00
To serving Order on Esqr Wm Johnson	5.00
To Carrying Message to His Excellency the Governor	10.00
To Ditto — to Ditto	10.00
	$45.04
Allowd for $39. 4/100	39. 4

Mr Vincent Vandeford to Andrew Dill Dr
For the use of the Honourable the House of Representatives

1816			
Jany. 2.	To 4 Pewter Inkstands @ 40		1.60
" — 4.	To 10 yds Green Bumbazet @ 67	6.70	
"	To 1 pc ferrittington 30. 15th / 15 yds D° 22½	52½	7.22½
" — 15.	To 8 yds Ribands 32. 6 Drs Letter paper 187½		2.19½
" — 19.	To 6 Drs writing paper 200		2.00
" — 24.	To 3/4 yd Bumbazet @ 67. 2½ yds binding 5		0.55
Febr. — 2.	To 3 Irons Candlesticks 75		0.75
" — 7.	To 100 Quills		0.25
" — 12.	6 yds Ribands 24		0.24
			$14.81

Febr. 20th 1816 Recd the above in full for A Dill

Lowther Taylor

8

A Statement of the attendance of Witnesses before the Commr.s in the case of Wm. Johnson, Esqr.

13 Jan. 1816 referred to the Comm. of claims

0357

An account of witnesses' attendance & mileage

Henry Walker	7½ miles	1 day.
John Pearson	2	2
William White	4	3
Thomas Roberts	12	1
John Finnemore	5	3
John Lancaster	4	1
Thomas Reed	5	2
William Rothwell	12	2
John Lowber	1	1
Wm Weldon jun.	5	2
Samuel Hutchinson	9	1
Daniel Broach	12	2
Isaac Morford	9	2
Wm Hukill	7	1

Taken on the oaths & affirmations of the witnesses at the time of their ~~meeting deposition for examination~~.

J. Groom Princeville C'K

engrossing the bill respecting the arms of the State —	1.20
engrossing the bill respecting the land of R. Maxwell	1.80
engrossing an act repealing certain acts	.50
engrossing militia law —	4.80
engrossing bill to prevent horses running at large in New Castle. —	1.80
Transcribing sundry resolutions —	4.00
articles furnished for bills —	5.08
	19.18

*D. by this sum appropriated at the last session	100.00

0399

J. Buckmaster
Sergt At Arms for Adm
8206 · 47½

abt. 1816

0360

State of Delaware To

Joseph Buchanan Sergt at for the Senate

To John Manny's Acct as per bill - - - - - - - - - - $00..05

To Westley McFawels as per bill - - - - - - - - 6..26½

To Bill & Co at - - per bill - - - - - - 6..22

To Charles Kennneys as per bill - - - - 1..54

To John of Y Manlove's bill as per bill - - - - 14..15

To Presley Alles bill - - as per bill - - - 1..51

To N of John Smithers bill as per bill - - - 4..45½

To Bates of Hilyards bill - as per bill - - - 2..10

To 16 Cords of Hickory wood @ $6..00 of Cording 5 - 65½ - 97..18½

To 46 Days attendance as Door keeper of Sergt at arms - - - 69..00

$207..49½

Memorandum of Articles purchased for Senate

36 yds Carpeting @ 2.00 —	72.00
Paid for making do —	2.00
1 piece binding for do —	40
12 arm chairs @ 2.00 —	24.00
Freight and Cartage on do —	1.50
3 large bolts for doors @ 37½ —	1.12½
6 small do for book case @ 1/3 —	1.00
Paid John Draper's bill for painting & trimming desks	18.50
Andrew Bailey's bill for mending Venetian blinds putting on bolts & lock	5.25
1 lock for door — —	80
2 pieces binding @ 50 & 1 pr Cord for Venetian blinds @ 37½	1.37½
	128.02
My trouble and expenses in procuring the above articles and in attending the work	20
	148.02

Transcribing the Journal of the Senate of January Sessions last, making proof sheets, and attending printing and cash p^d for transporting the same to New Castle & George Town — 75.00

1 pr tongs & shovel — 3.50

2 bottles of ink @ .25 — .50

engrossing the bill respecting the School fund — .50

engrossing an act imposing certain duties on justices of the peace — .65

Transcribing the bill for turnpiking the road from New Castle to Frenchtown — 2.50

engrossing the same — 5.00

Transcribing the Militia bill — 2.60

engrossing the bill respecting the Farmers Bank — 1.87

engrossing the bill respecting the Laidson the Cape — .50

92.42

The Honourable
Tyler Green
Speaker of the Senate
Dover
Del.

1816
Recd. 7 of Dec.
of State
1816

Rcs

Senate
Resolution
of the
29

MUTILATED DOCUMENT

Secretary's office Jany 16th 1816.

To the Speaker of the Senate

I enclose accounts of the Monies received and paid over by me, during the last year, belonging to the State & the Fund for establishing Schools; Also a Report of my proceedings in relation to Balances on the Books of this office, made in Conformity to the Joint Resolution of the Legislature of the 9th of February last; which Report you will do me the favour, to cause to be sent to the H. of R. after being read in the Senate.

I am your obedient & Most humble servt

Peter Robinson

Account of
Peter Robinson with the
School Funds.
H. of Reps.
18 Jan. 1816 read

0388

Peter Robinson Secretary to "The Fund for establishing Schools."

Debtor.

1815 July 10	For this sum rec. for 3 Pedlars Licences in 1814 & charged in my account with the State furnished last year as of this date	$	Cts
		18	00
May 16	For Cash rec. of Hendal Balton for Tavern Licenses granted at April Term 1815	252	—
30	For Cash rec. of the Adm.r of Nath.l Mitchell Esq.r dec.d for Balance due from him on account of Marriage licens	169	—
31	For Cash rec. of Hendal Balton for 2 Tavern licenses to Stout & Riley at April Term 1815	24	—
July 5	For Cash rec. of Nath.l Smithers for Tavern licenses granted at May Term 1815	204	—
Sep 1	For Cash of Alexander Reynolds for Tavern licenses granted at the last Terms in N. County	540	—
Oct 31	For Cash of Wm Carlisle in part of Bal. due for Marriage licenses dispensed by him	20	—
Nov.	For two tenman licenses	12	—
Dec. 19	For Cash in full of Wm Carlisle &c	22	—
30	For Cash of Wm Rupel	81	—
1816 Jan 3	For Cash of Nath.l Smithers for Balance	492	—
4	For Cash of James Rogers Esq. Att.y General for the Principal & Interest of a Bond given by Alex.r & Thomas Reynolds for Marriage licenses due from Alexander Reynolds up to Jan.y 11.th 1815	1139	50
		$ 2973	50

Contra Credit.

1815 July 10.	By this sum on paid State Treasurer	$1.00	
May 16	By Cash paid Trustee	269.00	
30	By Cash paid Trustee	169.00	
July 11	By Cash paid Trustee	204.00	
Nov. 7	By Cash paid Trustee	584.00	
1816 Jan 6.	By Cash paid Trustee in full	1746.50	2973 50
		$ ~~2973~~ 50	

Jany 6. 1816.

Peter Robinson S. S.

Account of
Peter Robinson with the
State of Delaware.
H. of Reps.
18 Jan. 1816 read.

0368

Peter Robinson, Secretary, in account with the

	Debtor	£	Sts
1815 July 11	For Cash rec.d of John Robinson Shff. for his Com. & Writ of Ejectt	20	—
	For Cash rec.d of Sam.l Barr for Com. of Justice of Peace	10	—
	For Cash rec.d of Francis Brown for Com. of Prothonotary	10	—
Aug — 11	For Cash rec.d of Presly Allen for Com. of Cltk S. C.	10	—
	For Cash rec.d of John Boyd for Com. of Recorder —	10	—
	For Cash rec.d of George Cummins Esq. Insp. G. S —	1	—
	For Cash rec.d of Doct.r Black for Do —	1	—
23	For Cash rec.d of Joseph Mauell for Do —	1	—
March . 6	For Cash rec.d of John Burden for Do —	1	—
9.	For Cash rec.d of William Ellegood for Com. of Justice P.	10	—
	For Cash of Joshua Burton last year for do. omitted	10	—
17	For Cash of Benj.n Blackiston for Com. J. P —	10	—
	For Cash of John Fowler for Do. of New Castle	10	—
20	For Cash of Chris Stockley for Com. J. P. —	10	—
	For Cash of John Riley for Com. of Clk. O. C. —	10	—
27	For Cash of Lard Freeman for Insp. G. S —	1	—
28	For Cash of John Spicer for Com. J. P —	10	—
April — 3	For Cash of Sam.l Rodney for. do —	10	—
	For Cash [illegible] for Insp. G. S — —	1	—
	For Cash of Ledrick Hydelott for Com. J. P —	10	—
15	For Cash for Insp. G. S — —	1	—
May . 5	For Cash for Do — Do —	1	—
27	For Cash of Joseph Harper for Com. Cltk. O. C.	10	—
June - 7	For Cash of James Grub for Com. J. P —	10	—
9	For Cash of the Hon.ble Judge Way for Ins. G. S	2	—
20	For Cash of J. H. Naylis for Com. of Clk. O. C.	10	—
July 7	For Cash of Benj. Dill for Com. J. P —	10	—
12	For Cash for Ins. G. S — —	1	—
Aug.t	For Cash of John Mary for Com. of Recorder	10	—
5	For Cash for Ins. G. Seal — —	1	—
6	For Cash rec.d of P. Vaughey for Shff's Com.s & Writ of Ej.t	20	—
6	For Cash of Thomas Clark for Com. of Coroner	10	—
	For Cash of Philip Thomas for Do — —	10	
11	For Cash rec.d of The Hon.ble Judge Davis for Ins. G. S.	2	—
12	For Cash of Philip Kollock for Insp. G. S —	1	—
19	For Cash rec.d of the Hon.ble Judge Way for Ins. G. S	1	—
26	For Cash rec.d of Thos. Hayward for Do —	1	—
Nov. - 22	For Cash rec.d of Hon.ble Judge Way for Do —	1	—
Dec. 5	For Cash of Sam.l Lewis for Com. J. P — —	10	—
	For Cash of Doct.r Greer for Ins. G. S	1	—
23	For Cash of Nath.l Smithers for Com. of ~~Bankruptcy~~ Prothonotary	10	—
1816 Jany	For Cash of James Rogers for Com. of Kent County	10	—
3	For Cash of Joseph Harper for Com. of Cltk. P —	10	—
	£	299	00

State of Delaware.

			$	Cts
		Creditor		
1815 July	10	By this sum which was charged in my acct. ~~to the Legislature~~ with the State, of this date, for 3 Pedlars Licences rec.d in 1814, which should have been charged in my account with the School Fund, and is now so charged in my account rendered to this General Assembly. ~~of Money received belonging to the School Fund~~	18	—
1816 May	16th	By Cash paid the State Treasurer in full	$140	—
Nov.	7	By Cash paid the State Treasurer in full	99	—
1816 July	6th	By Cash paid the State Treasurer in full	42	—
			$299	00

July 6. 1816.

Peter Robinson S.S.

A. L. Hayes's
Acct.
1816

03

The State of Delaware

Dr to A L Hayes

1816 January. For transcribing and attending to the printing of, the Journal of the Senate, for the year 1815 - containing 104 pages, and for expenses incurred in forwarding one third part of the copies printed to N. Castle and one third part to George Fowler } Dlls 90.00

January 8th 1816 Dover

The House of Representatives of the State of Delaware Dr To

Thomas F. Bowers

To Staining and varnishing 12 writing Desks — @ 37½ Cents Each — 4 .. 50 0

To 13 Chest Locks 33 Cents Each — 4 .. 99⅓

To fitting on Do — 10 Cents Each — 1 .. 30 0

To Covering 13 writing Desks with Cambrasette @ 12½ Cents Each — 1 .. 62½

To 494 Brass tacks at 40 Cents per hundred — 1 .. 97½

To 5 Brass Escutcheons at 50 Cents per Dozen — 21

To 1 New writing Desk stained and varnished with Lock and Key — 4 .. 00 0

$17 .. 93½

Allowed by Comth.

0379

Acc.t of the Comm.r
in the case of Wm. Johnson esquire.
H. of Rep.
13. Jan. 1816 referred to the
Comm. of claims

Mon.

Dr. State of Delaware

To John Clark, Gideon Emony
and Robert Patterson

1815

To 6 Days Services by Clark & Patterson taking Depositions and making return in case of William Johnston

To 5 Days Services of Gideon Emony in same Service

Mrs Layton's acct.
ct. of Rep.
15 Jan. 1816 read and
referred to C.C.

Entitlement 1/46
of Fees $125.00

0378

The State of Delaware 1816

to William Layton from

1815 & June 12 } to my fees for Summoning twenty witnesses, the different Parts of New Castle County, before the commissioners named by the Legislator to take evidence, Respecting the Conduct of William Johnson Esqr. ——

Witnesses — — — — — — — — — — — —	$22.00
three days attendance while — — — — — — — —	3.00
taking the evidence — — — — — —	$25.00

0377

Report on the Claims
the State of Delaware
in the year 1816 –

0978

In Obedience to a Resolution of the House of Representatives of the 30th of January last, the Auditor of Accounts submits the following Report.

John Clark

The Accounts herein after mentioned of ~~Gideon Emory~~, Gideon Emory, and Robert Patterson, Commissioners to take the Depositions of Witnesses in the Case of William Johnson Esquire, a Justice of the Peace of Newbern County; and of William Layton who charges as Deputy Sheriff for summoning the Witnesses; and of the Jurors who were examined on that Occasion, have not been presented by the Auditor, because the Vouchers were not presented to him with proper Vouchers, ~~(except as herein after is mentioned)~~, nor does he know by what Authority William Layton acted as Deputy ~~Authority~~ Sheriff; nor has he possessed of any Evidence of the Days of Attendance, or Distances, except as herein after is mentioned nor of the Authority by which the Witnesses were summoned; nor indeed whether they were or were not summoned. But on a Supposition that there was the Authority for the whole Proceedings, and that the Days Attendance, and Distances are properly stated the following Amounts are due, viz.

To the Commissioners	John Clark		
	~~Robert Patterson~~	6 Days	$6.00
	Gideon Emory	5 Days	5.00
	Robert Patterson	6 Days	6.00

The Auditor knows of no Law, establishing the Fees of these Commissioners. He has governed himself by the Allowance made to Commissioners under the Act for marking and bounding Lands (2 Vol. 1317. Sect. 6), by which a Dollar a Day is given for their Service. There is supposed to be more Analogy between these Cases than any others within the Knowledge of the Auditor.

According to the Fees allowed to the Sheriff by the Fee Bill (2 Vol. 1104) there are due to William Layton, if the Services were performed, for summoning 18 Witnesses, and Mileage, altogether 178 Miles, as follows,

Summoning 18 Witnesses, each 13 Cents	$2.34
Mileage in 178 Miles, to & from, 4 Cents	7.12
Summoning Wm Johnson Esq. & Return 47 Cents — Mileage 10 Miles, 40 Cts	0.87
Four Days Attendance on the Commissioners	3.00
	13.33

Isaac Morford's Account, sworn to before Thomas Ely which Esq. a Justice of the Peace of New Castle county, charges for 4 days Attendance at Dover, in February 1815, and 168 miles, in the Case of William Johnson Esq. in Court of Law: it is usual for witnesses to prove their Attendance and Mileage, on their own Oath, this therefore may be deemed a proper Voucher, particularly as it appears by the Journal of the House of Representatives of last year page 98, that witnesses had been examined before ~~the~~ a Committee of the House.

Then there will be due to Isaac Morford

For 4 Days Attendance, out of his County, at 80 Cents a Day. 2 Vol. Laws, 1120	$3.20
Mileage, from the place of his abode to Dover, 21 miles and Back 84 miles, at 6 Cents a Mile. 2 Vol. 1295, 6 and 4 Vol. 592.	5.04
	$8.24

In the following Cases the Paper containing the Mileage and Attendance of the Witnesses following, as mentioned below, does not state when they attended, nor on what Occasion; but the Paper being signed by Joshua G. Bennett, as Clerk, and therein said to be taken on the Dates and Affirmations of the Witnesses, it is supposed that they are Inhabitants of New Castle county, and attended at Smyrna, before the Commissioners as Witnesses in the Case of William Johnson Esq. The following Sums are due to the respectively, upon that Supposition.

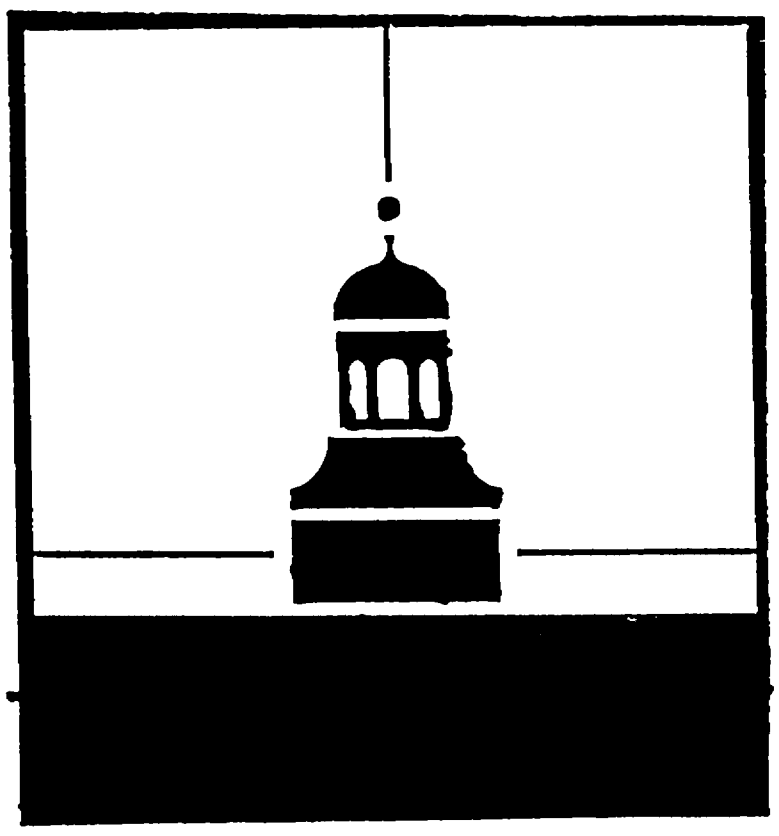
Henry Walker	1 Days Attendance	80 Cents	7½ miles	45 Cts	$1.25
John Pearson	2	1.60	2	.12	1.72
William White	3	2.40	4	.24	2.64
Thomas Roberts	1	80	12	.72	1.52
John Finnemore	3	2.40	5	.30	2.70
John Lancaster	1	80	4	.24	1.04
Thomas Reid	2	1.60	5	.30	1.90
William Rothwell	2	1.60	12	.72	2.32
John Lowber	1	0.80	1	6	0.86
William Wilson Jr.	2	1.60	5	30	1.90
Samuel Hutchinson	1	80	9	54	1.34
Daniel Cornock	2	1.60	12	72	2.32
Isaac Morford	2	1.60	9	54	2.14
William Mitchell	1	80	7	42	1.22

The two first Charges in the Account of the Governor amount to Forty six Dollars and thirty eight Cents for Postage on the Interchange of the Laws, Resolutions &c between this State, and other States of the Union in the years 1814 & 1815. The Auditor knows of no Law by which the Governor is entitled to be reimbursed

such Expenses; but the funds in the Act for the Payment of certain Claims and for other Purposes", passed 15 Feb. 1814 that Joseph Hazlett Esquire, the late Governor, was allowed Thirty Dollars for Postage on the Laws from and to from other States to this State, and therefore the Auditor presumes that the said Sum of 46 Dlls and 38 Cents may be properly stated as due from the State to the Governor. At the same Time, no Vouchers accompany the said Charges, but the Auditor does not with precision how any Voucher could be furnished, as it is not ~~to be presumed~~ probable that the Deputy Post-Master can tell what is enclosed in Packages sent to his Office, nor whether they belong to the Person to whom they are addressed, in his public or private Capacity.

The Remainder of the Governor's Account relates to military Services, which and, according to the usual Course in such Cases, it is supposed that some other department will decide upon them.

All which is respectfully submitted.



END

FILE

1816 Jan. - Feb. Legislature Acts

1816 Ch. 79

A supplement to an act entitled "an act to incorporate a company for making an artificial road from or near the New Castle turnpike road in New Castle hundred in the county of New Castle to the line of the State of Maryland on the route through the villages of Christiana bridge and Newark."

Whereas in and by the act to which this is a supplement, the New Castle and White-clay-creek hundred turnpike company, intended to be created by the act to which this is a supplement, are confined to the location of the King's road leading from the intersection of the Wilmington bridge ~~company~~ road at Clark's corner to Christiana bridge and thence through the village of Christiana bridge, and with the State road through the village of Newark to the line of the State of Maryland near to the house of Thomas Philips

Sec. 2. And Be it further enacted ~~by the Senate and House of Representatives of the State of Delaware, in General Assembly met,~~ That in case the president and managers of the company, intended to be created ~~by the act~~ to which this is a supplement, shall in their opinion deem it more to the advantage of the public and the said company to locate a different site for the said ~~turnpike~~ road, it shall and may be lawful for the president and managers of said company to take with them their superintendants, surveyors,

engineers, artists and chainbearers, and ~~enter upon~~ into and upon any other lands, tenements and enclosures in, through and over which the said intended turnpike road may be thought proper to pass, and examine the grounds and beds of stone and gravel and other materials, in the vicinity, that will be necessary in making and constructing the said road, to survey and lay out the track or route of said road ~~over such grounds as the proprietors shall consider most convenient for said road with the most practicable grounds~~ on any grounds over which any public roads has heretofore been laid out & confirmed or used from the place mentioned in the act to which this is a supplement to the line of the State of Maryland through the villages of Christiana and Newark, which road shall not be located more than ~~one hundred~~ twenty feet nor less than sixty feet in width; and the said Company shall not pay any damage for any ground heretofore laid out, used or occupied as a public road ~~on account the said proprietors or owners of the aforesaid~~ company shall locate their turnpike road on any road heretofore laid out and confirmed, the aforesaid company shall not pay any damages — Provided &c —

Sec. 2. And be it enacted, That it shall and may be lawful for the commissioners of roads in Newcastle hundred for the time being, or a majority of them, or the commissioners of roads for the time being in White clay creek hundred, or a majority of them to subscribe for such number of shares of the capital stock of the Newcastle and White clay creek turnpike

company, as the said respective commis=
sioners of roads or a majority of them shall
deem for the benefit of their respective
hundreds, and are hereby authorized
and empowered to take and hold the shares
of the capital stock, which may be
so subscribed for the use of their res=
pective hundreds, and to exercise the
right of voting at all elections for a pre=
sident, managers and other officers
of the said company, and on all ques=
tions at the meetings of the stockholders
relating to the affairs of the said com=
pany, and to receive from the trea=
surer of said company the dividends
of such shares by them held, in trust
to and for the use of the respective
hundreds; and it shall and may be
lawful for the commissioners of roads
in the respective hundreds or a ma=
jority of them to raise the money for
the shares of the capital stock by
them subscribed in the manner pro=
vided by law for assessing and collec=
ting road taxes within the respect=
ive hundreds of the county of New=
castle.

Sec. 5 And be it enacted, That if the
company intended to be created by
the act to which this is a supplement
shall not within ~~two~~ three years from the
first day of April next complete two
miles of the said turnpike road, or
shall not within ten years complete
the said road, according to the true
intent and meaning of the said act,
it shall then be lawful for the Gen=
eral Assembly of this State to resume all
and singular the rights, liberties, privi=

bags and franchises by the said act and this supplement granted.

Sec. 6. And be it enacted, that so much of the acts which this is a supplement to, or amendatory of, or altered or repealed, shall be hereby repealed, made and void.

A supplement to an act entitled "An act to incorporate a company for making an artificial road from or near the New Castle turnpike road in New Castle hundred in the county of New Castle to the line of the State of Maryland on the route through the villages of Christiana bridge and Newark."

H. of R.

24. Jan. 1815. Read

25. — — Read 2. time

27. — — Read 3. time, by paragraphs, and passed.

J. Morton Brinckle Clk.

Sent for con.

In Senate

28 Jan. 1815 read

3 Feb. 1815 read 2. time.

9 Feb. 1815 postponed till next session.

J. L. Hayes Clk.

In Senate.

6 Jan. 1816 read.

8 Jan. 1816. read. referred to a committee of the whole & under the order of this day to-morrow.

Jan. 26. Before Committee of the whole —

Jan 30. read 3rd time amended —

Jan 31 motion to read this bill 2nd time lost, —

Feb. 1. Read a second time as amended. —

Feb 2. 1816 read the 3d and IAS I time, by paragraphs and passed the Senate. —

S. M. Clayton Clk

A supplement to an act entitled "An act to incorporate a company for making an artificial road from or near the New Castle turnpike road in New Castle hundred in the county of New Castle to the line of the State of Maryland on the route through the villages of Christiana bridge and Newark."

H. of R.

24. Jan. 1815. Read

25. — — Read 2. time

27. — — Read 3. time, by paragraphs, and passed.

J. Gordon Brinckle Clk.

Sent for con.

In Senate

28 Jan. 1815 read

3 Feb. 1815 read 2. time.

9 Feb. 1815 postponed till next session.

A. L. Hayes, Clk

In Senate.

6 Jan. 1816 read.

8 Jan. 1816. read. referred to a committee of the whole & made the order of this day tomorrow

Jan. 26. – Before Committee of the whole –

Jan 30. read 3rd time ~~and~~ amended –

Jan 31 motion to read this bill 2nd time lost –

Feb. 1. Read a second time as amended. – –

Feb 2. 1816 read the 3d. and IAST time, by paragraphs and passed the Senate. –

S. M. Clayton Clk

Legislature and franchises by the said act and this supplement granted.

Sec. 6. And be it enacted, that so much of the act to which this is a supplement as are hereby altered or supplemented, are hereby repealed, made void and void.

An act to incorporate the Trustees of the Union Academy of Camden.

H. of Rep.

9 Jan. 1816 read

10 " " read 2d. time

11 " " read 3d time by paragraphs and passed.

Sent for con. A. L. Hayes, Clk.

In Senate

Read 11th January 1816 read

Read 12th January. 2nd time

Read 13th January 3d time by paragraphs & passed with an amendment.

Sent back to the H. R. requested to concur in amendment. S. M. Mayhew Clk

13 Jan. 1816 amendment agreed to A. L. Hayes, Clk.

1816 ch 63

An act to incorporate the Trustees of the Union Academy of Camden.

Sec. 1. Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, that Samuel Edmondson, Nathaniel Coombe, Henry Mckestow, James Fisher, Joseph G. Rowland, Samuel Mifflin, Thomas Latchem, Thomas Counsey and Cornelius Battell be, and they are hereby constituted a body politic and corporate by the name of "The Trustees of the Union Academy of Camden" and by that name shall have perpetual succession and a common seal, may sue and be sued, plead and be impleaded in any Court of law or equity.

Sec. 2. And be it enacted, that the said Trustees and their successors by the name aforesaid shall be capable in law to purchase, receive, and hold any lands, tenements, rents, goods, or chattels which shall be given conveyed or devised to them for the use of the said Academy, and to sell rent or dispose of the same in such manner as to them shall seem most beneficial to said institution.

Sec. 3. And be it enacted, that the said Trustees, or any five of them shall have power from time to time to make and establish such by laws rules and ordinances, not contrary to the laws and Constitution of this State, as they shall judge necessary and proper for the good government of the said institution, and to appoint a President Secretary, tutor, or tutors, and treasurer, the last of whom shall receive all monies accruing to the said insti-

tution and property delivered to his care, and pay or deliver the same to the order of the said Trustees; the said treasurer before he enters upon the duties of his office shall give bond and security in such sum as the said trustees shall direct, payable to them and their successors, conditioned for the faithful discharge of the trust reposed in him, and that he will when required by the said Trustees, render a true and just account of all monies, goods and chattels received by him on account of and for the use of the said institution.

Sec. 4. And be it enacted, ~~by the~~ that the said Trustees and their successors shall have power to take and receive subscriptions for the use and benefit of the said institution or school, and in case any person shall fail to comply with his or her subscription to enforce the payment thereof.

Sec. 5. And be it enacted, that an election shall be held on the first Monday in January in the year eighteen hundred and seventeen, and annually on the first Monday of January; at which time and place each person who shall have subscribed to the articles of association and signed the constitution of said institution shall be and is hereby authorized to choose by ballot nine Trustees for the said institution or school, no person or persons shall be chosen a trustee or trustees for the said institution or school unless they shall have the same qualifications as those who are intitled to vote at such elections; and in case of any vacancy in the board of Trustees during the year they may be elected for, the remaining trustees shall have the power and they are hereby authorized and empowered to fill such vacancy; and in case it should so happen

that the said Trustees should not be chosen as aforesaid on the day aforesaid, then and in such case the Trustees then in office shall continue in office until their place shall be supplied by a new election.

0390

Amendmt. to the Bill entitled "An act to incorporate the Trustees of the Union Academy of Camden".

In Senate Jan 13. 1816 --

agreed The bill was amended by striking out the word "each" in Sec. 5. line 5. and inserting "those", and in the same line by adding the letter "s" to the word "person".

The bill was further amended by striking out agreed the word "is" from the 8th line of the same section and inserting the word "are".

The question being then taken, "Shall the bill as amended pass the Senate?"

It was carried in the affirmative.

The concurrence of the House of Representatives requested in the amendments.

Extract from the journal

J. M. Clayton Clerk

~~A Bill to continue~~

An Act to continue in force an Act, in title an Act to secure the personal liberty and protect the property of the citizens of this State.

In Senate

Read Jan 13th 1816 - 1st time
read Jan 15th - sec. time
read Jan 17th - third time
& postponed - -
Jan 18th - read & passed
Senate
J. M. Clayton Clk.

H. of Rep.

22. Jan. 1816 read.
24 ——— read
28 ——— read by paragraphs & passed
For concur. A. D. Hayes

1816 ch 65

An Act to continue in force An Act entitled "An Act to secure the personal liberty and pre-"serve the property of the Citizens of this State"

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the Act entitled An Act to secure the personal liberty and preserve the property of the Citizens of this State passed at Dover the tenth day of February in the year of our Lord one thousand eight hundred and fifteen, be and the same is hereby continued in full force and effect for and during one year from and after the end of the present Session of the General Assembly and no longer

A supplement to the act entitled "An act respecting arms belonging to the State of Delaware".

H. of Rep.

9 Jan. 1816 read.
10 " " read 2d. time
16 " " read 3d. time
by paragraphs & passed.

Engd. A. Lt Hayes, Clk.

In Senate

16 Jan. 1816 - read.
17 Jan. " - read 2nd time.
19 Jan - - - read 3d time by paragraphs in order to pass the Senate, and postponed.

22d Jan. 1816. read & passed with amendments

H. of Rep. J. M. Clayton Clk.

23 - Agreed

A Lt

1816 ch 67

A supplement to the act entitled "An act respecting arms belonging to 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 Commissary of Military Stores within the respective counties shall cause the arms and accoutrements belonging to the State within the respective Counties, to be stored in the following places, viz: The arms and accoutrements within the County of New Castle in the Court House in the Town of New Castle; the arms and accoutrements within the County of Kent, in the State House at Dover; the arms and accoutrements within the County of Sussex in the Court House at George Town.

Sec. 2. And be it enacted that the Commissary of Military Stores within the respective Counties of this State shall cause the arms to be carefully repaired and cleaned and afterwards to be placed in boxes, and the expense of repairing cleaning and storing the arms and accoutrements within the respective counties of this State shall be allowed by the Levy Court of each county.

Sec. 3. And be it enacted, that the powder belonging to the State shall by order of the governour of the State be sold and the monies arising therefrom shall be paid over into the hands of the State Treasurer for the use of the State.

Sec. 4. And be it enacted, that the respective brigadier generals within this State may direct the commissary of military stores to issue the arms and equipments or any part thereof to such captain or commanding officer of any company of militia within such brigade who shall give bond in the

sum of one thousand dollars with two or more good and sufficient sureties in the name of the State of Delaware to be approved by the brigadier general to keep such arms and accoutrements in good order and repair and for the safe return thereof to the commissary of military stores of such brigade when required by the brigadier general ~~when required~~ of the brigade; and it shall be the duty of the brigadier general taking such bonds to cause the bonds so by him taken to be recorded in the office of the Recorder of Deeds in the County; and the recorder is hereby directed to record the same and the copy of such bond under the hand and seal of the Recorder of the County shall be allowed in all courts of law within this State to be as valid as the original bond.

0397

Amendments

In Senate. Jan. 22. 1816

"The second section of the bill was on motion amended by striking out in the sixth line from the word "accoutrements" to the end of the section & inserting in lieu thereof "shall be paid by this State".

"On motion, The whole of the fourth section of the bill was stricken out & the following inserted in lieu thereof.

"Sect 4. And be it enacted, that the governor be & he is hereby authorized and empowered to draw upon the State Treasurer for such sum or sums of money as may be necessary to carrying this act into effect, which shall be paid out of any money in the Treasury not otherwise appropriated; an account whereof he shall exhibit to the General Assembly at their Session in January next". –

Extract from journal

"Sent for con".

S. M. Clayton Clerk. –

0400

An act to increase the fees for licenses to Hawkers, pedlars, and petty chapmen.

H. of Reps.

16 Jan. 1816 read.
17 " " read 2d time
19 " " read 3d time by paragraphs & passed.

Sent for con. A. L. Hayes Clk

Engd. In Senate

Read Jan. 20 - 1816 - -
— Jan 22 - 2d time
Jan 23 - 3d time by Paragraphs & passed with amendments. —

S. M. Clayton Clk

H. of Reps
23 Jan. 1816. agrees to amendts

A. L. Hayes

1816 ch 68

An Act to increase the Fees for licences to Hawkers, Pedlars and Petty Chapmen.

Sec. 1. Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met. That from and after the Passing of this Act the Fees to be paid for licences to Hawkers Pedlars and Petty-Chapmen shall be as follows to wit.

A licence to a Hawker or Pedlar or Petty Chapman travelling on foot six dollars

A Licence to such person travelling with one or more horse or horses mule or Mules ten dollars.

A licence to such person travelling with a cart or waggon twenty five dollars

Sec. 2. And be it further enacted that so much of the Laws of this State as are hereby altered or amended be and the same are hereby repealed made null and void.

In Senate, January 28th 1816

"In the title strike out the word "and"; & to the word "chapmen" add "venders of tin and Japanned wares".

Sec 1. line 1. Strike out "Passing of this act" and insert in lieu thereof "first day of May next".

Sec 1. Line 2. Strike out "and".

Sec 1. line 3. Between the words "Chapmen" and "shall" insert "and Venders of tin & Japanned wares".

Sec 1. line 6. Strike out "such person" & insert in lieu thereof "a Hawker, Pedlar, Petty Chapman" or Vender of tin or Japanned ware".

Extract from Journal

Test for conc.

M. Clayton Clk.

A supplement to the act entitled "An act to enable aliens in certain cases to purchase and hold lands or other real estate within this State."

H. of Rep.

9th Jan. 1816 read
16. Jan. 1816 read 2d time
17. " " committed
22. " " amend. reported & ag.
24 " " read by paragraphs & passed.

Pro concur. A. L. Hayes, Clk.

read - Jan 25th 1816
" " Jan 27 " 2nd time
read " Jan 31 " 3d time by paragraphs and passed the Senate

P. M. Clayton Clerk

116 d.69

0409

a Supplement to an act intitled "An Act to enable Aliens in certain Cases to purchase and hold lands or other real estate within this State."

Whereas the Act of Assembly passed January the twenty second in the year of our Lord one thousand eight hundred and eleven, intitled "An Act to enable Aliens in certain Cases to purchase and hold lands or other real estate within this State," has been found from experience to be too limited in its provisions to afford reasonable protection to the property of said Aliens,

Therefore be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That ~~[illegible]~~ any Alien or Aliens who may be the Subject or Subjects, Citizen or Citizens of any foreign State or Power at peace with the United States, shall upon becoming a Citizen or Citizens of the said States agreeably to the laws thereof, upon declaring his her or their intention to become a citizen or citizens, hold, transfer, devise, or otherwise dispose of, and the heir or heirs of such person or persons shall inherit any lands, tenements, or hereditaments, which he, she, or they, may have purchased, or shall hereafter purchase, although

an.

an alien or aliens at the time of such purchase in the same manner, and to the same extent, that any Citizen may or can do by the laws of this State; Provided always, that all and every purchase or purchases of such alien or aliens made previous to the passing of this act, or that shall hereafter be made (shall be subject to all incumbrances and contracts made) by him, her, or them, which would have operated on, and affected the said real estate or property, had the said alien or aliens been the legal owner or owners of the said estate at the time of creating the same incumbrance, or making the same Contract, his, her or their alienage to the contrary notwithstanding.

0409

An act to secure the punctual payment of public monies, and for other purposes.

H. of Rep.

9 Jan. 1816 read & referred
12 " " reported and read 2d time
17 " " read 3d time by paragraphs and passed.

Cert for concurr. A. L. Hayes, Clk.

In Senate

Jan 17 - 1816 - read 1st time
Jan 18 - 1816 - read 2d time
Jan 30 - - - read third time, by Paragraphs & Passed the Senate with amendments. - - -

Jno. M. Clayton Clk

An act to secure the punctual payment of public monies, and for other purposes —

1816 ch 70

Sect. 1. Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met — That from and after the passing of this act, if any sheriff within this State shall refuse or neglect to pay over to the State Treasurer for the time being, punctually, or to deposit to his credit in the Farmers Bank of the State of Delaware, all the fines and forfeitures by the said Sheriff collectible, within the space of sixty days, from the time of notice to the said Sheriff of the imposition of such fines and forfeitures, any sheriff so refusing or neglecting ~~shall~~ as aforesaid shall, ipso facto, forfeit his office of Sheriff: And in case any sheriff shall refuse or neglect to pay over for the use of the State the fines and forfeitures aforesaid in manner aforesaid, it shall be the duty of the State Treasurer immediately upon such refusal or neglect to certify the same to the Governor of this State for the time being, whereupon it shall be the duty of the said Governor immediately upon the receipt of such certificate from the State Treasurer as aforesaid to commission some other sufficient person being an inhabitant of the county where such forfeiture shall happen to supply the place of such as shall so neglect or refuse as aforesaid, who shall act and continue in the office of Sheriff, on entering into recognizance with sureties, as required by the act of Assembly of this State entitled "An act requiring Sheriffs to give security", at the next Court of Common Pleas after his appointment, until the next general election and until the said office shall be duly filled after such election; And it shall be the duty of the Court imposing the fines and forfeitures aforesaid to transmit or cause to be transmitted to the State Treasurer a list of all such fines and forfeitures within thirty days thereafter: Provided nevertheless that the provisions in this Section contained shall not apply in any case where fines and forfeitures have been already

imposed.

Section 2. And be it further enacted. That if any Sheriff within this State shall after the passing of this act neglect or refuse to pay to the several suitors and parties interested therein, their lawful agents factors or assigns or to the several officers all and any sum or sums of money to them respectively belonging, which shall come to his hands or which it shall be his duty to collect and receive, at the time when the same is properly payable, he shall pay and after the time when the same is ~~properly~~ payable as aforesaid, be chargeable with and pay to the said several suitors and parties interested therein, their lawful agents factors and assigns or to the several officers aforesaid, in addition to the sum and sums of money which shall come to his hands or which it shall be his duty to collect and receive as aforesaid, at the rate of twenty per centum per annum thereon, to be computed from the time when the same is properly payable as aforesaid until the same shall be paid and discharged.

Section 3. And be it further enacted. That if any person, who heretofore has exercised or now does exercise the office of Sheriff within this State, shall neglect or refuse, for the space of three months after the passing of this act, to pay or cause to be paid to the several suitors and parties interested therein their lawful agents factors or assigns or to the several officers all and any sum and sums of money to them respectively belonging, which heretofore have come to his hands or which heretofore it has been his duty to collect and receive, then and in such case the person aforesaid so neglecting or refusing as aforesaid, shall be chargeable with and shall pay to the said several suitors and parties interested therein, their lawful agents factors and assigns and to the several officers aforesaid, in addition to the sum and sums of money

to them

to them respectively belonging as aforesaid, at the rate of twenty per centum per annum to be computed from the time when the same was properly payable, until the same shall be paid and discharged." Provided ~~Sect~~ –

~~Section 4. And be it further enacted That the second section of the act entitled "A supplement to the act entitled an act for the more easy and speedy recovery of small debts" passed the twenty fourth day of January one thousand eight hundred and seven, be and the same is hereby repealed and made null and void.~~

The Bill entitled "An act to secure the punctual payments of public moneys, & for other purposes" was read the third time, by paragraphs, in order to pass the Senate.—

It was then moved to strike out from the words "shall" [Sec 1. Line 9.] to the words "election" [Line 24] and to insert in lieu thereof the words "in addition to the sum and sums of money which shall have come to his hands or which it shall have been his duty to collect or receive as aforesaid, pay at the rate of twenty per cent per annum therefor, to be computed from the ends of the said sixty days until the same shall be paid and discharged".—

Which motion was carried.—

It was then moved to insert the following proviso to the 3rd Section.—

[illegible]

Provided always that where two or more persons shall claim any money so collected or to be collected by any Sheriff within this State, or by any person who heretofore has exercised or now does exercise the office of Sheriff within this State, or where the person to whom the money is payable resides out of the Bailiwick of such officer and has no lawful Attorney within the same, then it shall be lawful for the said Sheriff to bring the money into the Court from which the process issued, under which the money was collected, there to remain subject to the order of the Court, and make payment into Court shall excuse the said Sheriff from the ~~payment of~~ operation of the provisions contained in the third & fourth Sections of this Act.

Which motion was also carried, whereupon

the question being put, "Shall the bill as thus amended pass the Senate?"

It was decided in the affirmative

Extract from the journal

Sent for concurrence. — J. M. Clayton Clerk.

0413

An act supplementary to the act entitled "an act to incorporate a company to erect a drawbridge over Christiana creek at the village of Newport, and for other purposes therein mentioned"

H. of R.

27 Jan. 1815. Read.

28. — — Read 2d. time

9. Feb. — Postponed to the next session.

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7 Jan. 1816 – committed

18 Jan. 1816 read as reported

19 " " read 2d time

22 " " read to the 5th sec. & postponed till Saturday next.

2 Feb. Passed

Handed

1816 ch. 72

An act, supplementary to the act entitled "An act to incorporate a company to erect a "Draw-bridge over Christiana creek at the "Village of Newport and for other purposes" "therein mentioned".

Section 1. Be it enacted That the Newport bridge company and their successors, in their corporate capacity are hereby vested with full ample & adequate powers to turnpike and cause to be turnpiked the following public roads that is to say - The public road leading from the Northern abutment of the Newport bridge gap to its intersection with the public road leading from Wilmington thro' the Village of Newport, and also the last mentioned public road from the said point of intersection to its intersection with the turnpike road leading thro and from the Borough of Wilmington to the site of the Gap & Newport turnpike road; And also to lay out open & make a turnpike road, twenty feet wide from any point of the turnpike road leading from the Southern abutment of the said bridge, on Lewden's island, to the road leading from the bridge to Christiana bridge; for the effectuating of which purpose, the said two public roads, as are before described on the North side of the said Christiana Creek and the land over and thro' which the said proposed road when designated, on the South side of the said creek shall run & pass are hereby vested in the said Newport bridge company and their successors.

Section 2. And be it enacted That in order to enable the said Newport-bridge company to commence

carry on

carry on and complete the turnpiking the said road on the ~~North~~ South side of the Creek and to layout and open, make and turnpike the said proposed road on the South side of the said Creek and the necessary out buildings and improvements, the said company is hereby authorized and empowered ~~to borrow on the credit~~ of the real estate of the said company so much money as the said company can obtain on loan and secure by way of bond and mortgage the same repayment thereof, as may be sufficient to complete all or some or either of the said roads and moreover either without resorting to the mode of obtaining money on loan as afs. or in aid thereof, is further authorized and empowered in such manner and form under such stipulations as shall seem fit and at such place or places, time or times, as the company aforesaid may by its 16 ordinances prescribe, to open a book or books for receiving subscriptions and is hereby authorized and empowered in that behalf to receive subscriptions of monies from individuals persons or bodies corporate to be used and applied as afs.

Section 3. And be it further enacted That each subscriber as afs. shall be entitled to receive from the said company a certificate under the seal of the said company for the amount of monies when paid so by him or them to be subscribed as afs., which constitute a stock entitling the proprietor thereof his attorney and assigns to receive Dividends semiannually of the proportional part of the profits and income of the said turnpike roads or such thereof as he may have loaned monies for making and improving, to be calculated from time to time as to the amount of dividend

by

by the Ordinances of the said company. Provided that Certificates of the said Capital Stock may be assigned in such manner and form as the said company may by their Ordinances direct & prescribe.

Section 4 And be it enacted That the Newport bridge company shall and may turnpike and cause to be turnpiked twenty feet in breadth of the said road ~~substantially~~ at least, as the improvement thereon progresses and lay the same with wood stone gravel or other proper and convenient materials to form a solid foundation for the same, facing the same with gravel sand, stone pounded or other small hard substance in such manner as to secure a firm and as nearly as the nature of the country and materials will admit, an even surface rising towards the centre or middle by a gradual arch, and shall maintain and keep the same in repair and in case the said company should neglect to keep in repair the said road (respectively) ~~with~~ then the like proceedings shall be had as are provided by the fourteenth section of the act intitled 'an Act to incorporate a company for making an artificial road from the town of Newcastle to Clark's corner' and the receiving tolls shall be suspended and again revived demanded and collected in the cases under the circumstances referred to and provided for by the said section, which shall govern in similar cases arising under this act.

Section 5. And be it enacted That it shall be lawful for and power is hereby given to the President and Managers of the Newport bridge company for and in behalf of the said company, with their superintendants agents engineers artists servants surveyors labourers and others, to enter on, examine & survey

and

before the lands lying between the said ro-
turnpike road on Lewden's island and the road
leading from the Bear tavern afs. preparatory to
determining fixing on and laying out the route and
course of the road proposed to be turnpiked as afs.
on the South side of the said Creek doing as little
injury as possible to the said lands & survey mark off
such route and track of the same road.

Section 25 And be it enacted That it shall and may
be lawful for the said President and managers
their superintendants agents engineers artists &c
surveyors and workmen with their tools and
instruments carts wagons wains and other &c
carriages and beasts of draught and burden to &c
enter upon the lands contiguous to and near to the
sides of the said ~~road & and proposed~~ road, first of
giving notice to owners or occupiers thereof, and doing
as little damage thereto as possible and repairing any
breaches they may make in the enclosures thereof
and making amends for any damages that may be
done to any improvements thereon, upon a reasonable
agreement if they can agree or if they cannot agree
then upon an appraisement to be made on oath or
affirmation by three disinterested freeholders, any two
of them agreeing mutually to be chosen or if the owners
respectively on due notice shall neglect or refuse to
join in the choice then to be appointed by any justice
of the Peace for Newcastle County on application made
to such justice by the President and managers afs. in
writing; and on tender of the appraised value of the
damages so to be ascertained to cut down dig take
and carry away any stone gravel sand earth or other
materials there being most conveniently situated
for making or repairing the said road ~~respectively~~

Section

Section 6. And be it enacted That the said Newport bridge company shall have power to erect and cause to be erected permanent bridges over all creeks and waters crossed by the routes or tracks of the said road ~~respectively~~ where the same may be necessary. Provided that no Toll be demanded or taken from any person passing or repassing from one part of his or her farm to another or from any place of public worship or funeral or dayse appointed for that purpose.

Section 7. Be it further enacted That ~~the~~ as soon as the said Newport bridge company shall have completed turnpiking as aforesaid the said road ~~leading from the northern abutment of the said Newport bridge to the upper turnpike road leading from the borough of Newbury aforesaid and when the said company shall have completed turnpiking the said proposed road~~ on the south side of the said creek the said company shall give ~~several~~ notice when ~~and when each of the~~ said road shall be completed to the Governor of this State who shall thereupon forthwith nominate and appoint at the time of receiving each of the said notices three judicious and ~~respectable~~ skillful persons to view and examine the said road ~~on the north side of the said creek and three other persons of the same description to view and examine the said road on the south side of the said creek~~, to make reports to him whether the ~~said~~ same ~~respectively~~ be so far executed

executed in a complete ~~and complete~~ and workmanlike manner according to the true intent and meaning of this act and if their ~~report~~ reports shall be in the affirmative, then the Governor shall by Licence ~~authority~~ under his hand and ~~seal~~ the Great Seal of this State permit and suffer the said ~~Proprietors~~ Newport Bridge Company to erect and fix such and so many gates or turnpikes upon and across the said road ~~authority~~ as will in the opinion of the said company, be necessary and sufficient to collect the tolls and duties hereinafter granted to the said company from all persons using the said road, with horses cattle stock and carriages.

Section 8. Be it enacted That the said company having perfected the said road ~~on the northern of the said road~~ and the same being examined approved and licensed as afs. it shall and may be lawful for the said company to appoint such and so many tollgatherers as the said company may deem proper to collect and receive of and from all and every person and persons using the said road the tolls and rates hereinafter mentioned ~~and also having perfected the said road on the north side of the said road and the same being approved and licensed as afs. it shall be may be lawful for the said company to appoint such and so many tollgatherers on the said road company may deem proper to collect and receive from all persons and persons using the said road~~

and every

The

~~the tolls and rates herein after mentioned~~ and to stop any person or persons riding leading or driving any horse ass or mule or driving any cattle hogs sheep, stock, sulkey chair chaise gig Phaeton chariot coach coachee cart waggon sleigh sled or other carriage of burden or pleasure from passing thro the said gates or turnpikes until they shall have respectively paid the same; that is to say for every space of one mile in length of the said roads ~~on the north side of the said creek and for every space of one mile in length of the said road~~ on the south side of the said creek the following sums of money respectively and so in proportion for any greater or less distance, or for any greater or less number of hogs sheep cattle or stock to wit for every score of sheep or hogs, One cent for every score of cattle two cents, for every horse ass or mule unladen or unladen One cents, for every Sulkey cart Chair Chaise or gig with one horse One cent and a half cent with two horses two cents for every coach Chariot coachee Phaeton or waggon with two horses One and a half cents and for either and each of the carriages last mentioned with four horses, two and a half cents, for every other carriage of pleasure or burden under whatever name it may go the like sum according to the number of wheels & of horses drawing the same - for every sleigh or sled one half cent for every horse or of drawing the same, and for every cart or waggon drawn by open, one half cent for each of in the same.

Section

Section 9 Be it enacted That every person or persons who shall prefer an annual contract for the use of the said road shall be entitled for ever himself and family to all the benefits of the same, except as to carriages for the conveyance of persons or for horses and carts or waggons conveying or transporting articles of growth Produce or manufacture or of other sort for hire or sale, for the sum of One Dollar per mile to be paid for each and every mile of the said road so by the person or persons to be used, in such manner that a quarterly payment shall always be in advance — And if any person or persons shall think the said annual commutation unreasonable and disproportionate to the number of his or their family & the use of the said road the party grieved and the President of the said company for the time being shall each choose one disinterested freeholder who shall decide what reduction if any shall be made from the annual payment herein before specified and in case the two persons so chosen cannot agree, they shall choose a third person and then those three persons or a majority of them shall decide as aforesaid but in case the said President shall neglect or refuse to choose a freeholder for the purposes aforesaid for the span of ten days then the freeholders chosen by the party aggrieved as aforesaid shall decide what reduction ought to be made if any, which shall be the commutation for the current year.

Section 10 Be it enacted That if any person or persons

persons owning riding on or driving any one
carriage of burden or pleasure as afs. or owning
leading or driving any horse or mule or driving
any hogs sheep stock or cattle as afs. shall with
intent to defraud the said company or to wade
the payment of any of the tolls or duties as afs.
pass therewith thro any private gate or bar or
along or over any other ground or land near to
or adjoining any turnpike or gate which shall
be erected in pursuance of this act; or if any
person or persons shall with the intent afs.
take off or cause to be taken off any horse or
other beast or cattle of draught or burden from
any carriage of burden or pleasure or shall or
by other any other fraudulent means or device
with intent to wade or lessen the payment of
any such toll or duty, all and every such person
or persons offending in manner afs. shall for
every such offence respectively forfeit and pay
to the Newport bridge company the sum of
Fifteen dollars to be sued for and recovered with co
sts of suit before any justice of the peace in
like manner and subject to the same rules
and regulations as debts of equal amount are
or may be by law recoverable.

Section XII. Be it enacted ~~that~~ That if the said
road ~~shall be laid~~ on the south side of the said
brook shall be laid out & formed over and upon
and upon any land whereby the owner thereof
shall suffer any damage, the person or persons
sustaining such damage may make application

To

to the Court of Common Pleas for Newcastle County and thereupon the said Court shall appoint six fit and disinterested persons to view and adjudge the amount of the damage done which if approved of by the Court shall be paid by the Company Provided always that it shall be the duty of the viewers in assessing damages to take into consideration the advantage derived from the said road passing thro the land of the complainant and that when the said road shall happen to be laid out and founded on any former laid out ~~and~~ confirmed road, the owner or owners of such lands shall not be entitled to receive compensation from the company for any damages sustained thereby. And the said Newport bridge Company shall not have authority to make any building or inclosure but the whole breadth of the said roads shall be kept free and open except where it may be necessary to erect gates or turnpikes for collecting the tolls.

Section 12. Be it enacted That if any person or persons shall cut pull down injure damage or destroy any of the toll houses turnpike gates or any part of the said roads ~~or other~~ or other works or improvements of the said company or remove the same, he she or they so offending shall forfeit damages for the injury committed and over and above those damages shall pay to the said company Thirty Dollars to be recovered as other debts and demands of Twelve pounds and under are recoverable

recoverable before any Justice of the Peace of New Castle County.

Section 14. 13. And be it enacted, That the respective tollgatherers who shall be from time to time appointed by the President and managers of the Newport bridge company shall before they enter on the duties of their office respectively give bond to the said Newport bridge company with one or more sufficient sureties to be approved of by the president and managers of the said company with a warrant of attorney annexed thereto to confess judgment in the sum of One thousand dollars conditioned for the true and faithful performance of the duties reposed in him as tollgatherer in the employ of the said company; and that he will render a true and perfect account, verified by his oath, of all monies by him received as tollgatherer aforesaid to the said President and managers or their authorized agent monthly and every month or within shorter periods if required by the said President and managers — during his attendance as tollgatherer aforesaid and shall and will pay over the monies so by him received to the treasurer monthly or oftener if required which shall come to his hands or possession and also at the time of payment furnish the said treasurer with his account of daily receipts of tolls by him and that he will give faithful and constant attendance at the toll gate placed in his charge during the continuance of his said office.

Section 15. Be it enacted That all waggons carts and divers of carriages of all kinds whether of burden or pleasure using the said road shall except when

when overtaking and passing by a carriage of a slower draught keep their horses & carriages on the right side of the said road in the passing direction leaving the other side of the said road free and clear for other carriages to pass and repass: and if any waggoner carter or driver shall offend against this provision he shall forfeit and pay any sum not exceeding five dollars to any person who shall be so obstructed in his passage and will sue for the same before any justice of the peace to be recovered with costs as other debts under forty shillings are recovered.

Section 15 Be it enacted That if any toll gatherer on the said road shall demand any greater rate of toll from any person using the said road than by this act is authorized and allowed such toll gatherer shall forfeit and pay the sum of Twenty dollars for every such offence to be for the use of the person aggrieved to be recovered before any justice of the peace of the said County in such manner as other debts are before them recoverable.

Section 16 Be it enacted That if the said company shall not proceed to carry on the said works within two years after the Ratification of the war between the United States and Great Britain or shall not within eight years thereafter complete the said roads according to the true intent and meaning of this Act then and in either of the said cases the legislature may resume the rights liberties and franchises granted by this Act to the said company.

Sect 1 Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met that it shall and may be Lawful for the President and Managers of the Newport Bridge Company with their Superintendents Surveyors Artists and Chainbearers to enter into and upon all and every the Lands Tenements and hereditaments through and over which it may be thought proper to pass and to examine the Grounds and beds of Gravel matt. proper for Laying out and making a Turnpike Road from the Turnpike Road on the South side of the Newport Bridge to the Road leading from the Bear Tavern to Christiana Bridge near to where the Road from Newcastle to Christiana Bridge intersect the Road from the Bear Tavern and it shall be Lawful for the President and Managers to Lay out a Road for the use of the said Company not exceeding Sixty feet in breadth which in the Best of their skill and Judgment will be most practicable from the Turnpike Road on the South side of the Newport Bridge to Christiana Bridge near where the Roads from Newcastle and the Bear Tavern to Christiana Bridge will Intersect and after the said Road shall be Laid out a fair map or plot of the same shall be delivered to the Recorder of Newcastle County who shall Record the same which map or plot thereof so Recorded or a Copy thereof under the hand and seal of Office of the Recorder of Newcastle County shall be Taken and Received in all Courts of Law or equity in this State as evidence of the State and Location of the Road of the Newport Bridge Company —

in the 2d Sect after the words authorized and empowered
Insert
to enlarge the Capital Stock of the said Company by new
subscription to carry into effect the intention of this Act and
it shall be the duty of the said President and managers
to open Books for receiving Subscriptions to the additional
Capital Stock of the said Company and in each of those
Books shall be entered as follows to wit "We whose
names are hereunto subscribed do promise to pay
to the President Managers and Company of the
Newport Bridge Company the sum of Twenty five
Dollars for every Share of Stock in the said
Company set opposite to our respective names
in such manner and at such times as shall be
determined on by the said President and Managers
of the Newport Bridge Company" before the said
President and Managers shall open the said books
for the additional Capital Stock of the said Company
they shall give Public notice thereof at least Twenty
days days of the time and place where such books
~~shall~~ will be opened and the said President and
managers shall permit all ~~and~~ ~~any~~ persons of
lawful age and bodies politic and Corporate
who shall subscribe in said Books in their own name
or the name of any other person who shall duly
authorize the same for any number of shares in the
additional Capital Stock of the said Company and
the said Books shall be kept open by the President and
managers of the said Company until the whole number
of shares shall be subscribed which shall be deemed by
the President and managers necessary to complete
the work Provided that no person or persons or bodies
Politic or corporate shall be permitted to subscribe in
their own names or the Names of other until they shall
have previously paid to the Treasurer of the Newport
Bridge Company Ten Dollars on each and every Share to
be subscribed

An act to repeal military fines for non attendance on days of parade.

H. of Repo.

17 Jan. 1816 read
18 " " read 2d time
20 " " read 3d time by paragraphs & passed

A. D. Hayes, Clk.

In Senate
23d Jan. 1816 – read.
24th Jan. 1816 read 2d time & referred to Messr Vandyke Cummins & Burton

Jan 30 reported with amendments and read first time after report –
Jan 31 – 2nd time
Feb 1. read 3d time by paragraphs & passed Senate with amendments – J. M. Clayton Clk

1816 ch 74

An act to repeal military fines for nonattendance on days of parade.

Sec. Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, that from and after the passing of this act, no officer, noncommissioned officer, or private shall be subject to any fine or forfeiture by reason of his nonattendance or being absent at any time after the passing of this act on company, battallion, or regimental days of meeting or on the days for the training of the officers required by any militia laws of this state.

In Senate
Jan. 31 - 1816

"Annex to the title of the bill the words "and for other purposes".-

Add the following section to the Bill.-

Sec 2.

And be it further enacted that so much of the seventeenth and twentieth sections of the act entitled an act to establish an uniform militia throughout this State, as requires the captains or commanding officers of companies or troops to make return of fines imposed or to make report in case no fines are imposed in their companies or troops to the military Commissary and Brigadier General, under the penalty of thirty dollars and so much of the twenty ninth section of the same act as directs the Adjutants Generals to furnish the militia officers with blank forms and so much thereof as allows the adjutants Generals one hundred dollars per year for his services be and the same are hereby repealed.

The question being then taken, Shall the bill

"pass as thus amended?"

It was decided in the affirmative.

Extract from the Journal

Sent for concurrence.

Jas. Clayton.
Clk.

0490

An act to repeal the act entitled "An act to prevent swine running at large within the village of Seaford."

H. of Rep.
9 Jan. 1816 read.
11 " " read 2d time
13 " " read 3d time
by paragraphs & passed
Engd. W. L. Mayes Clk.

In Senate

15 Jan 1816 read.
17 Jan – read a sec time
22 Jan. – 1816 taken up the third time read by paragraphs and passed the Senate

S. M. Clayton Clk

An act to repeal an act entitled "an act to prevent Swine running at large within the village of Seaford in Sussex County."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, that the act entitled "an act to prevent swine running at large within the village of Seaford in Sussex County" ~~be and the same is hereby repealed~~ passed on the eleventh day of February in the year of our Lord one thousand eight hundred and fourteen, be and the same is hereby repealed.

0499

An act to prevent Swine running at large within the limits therein mentioned.

House of Representatives,
12 Jan. 1816 read.
15 " " read 2d. time
16 " " read 3d. time.
by paragraphs & passed
Sent for concurrence A. L. Hayes, Clk.

In Senate -

16. Jan. 1816 - read:-
17 Jan. - - read 2d time
24th Jan. - read 3d time by paragraphs & passed the Senate with 54 amendments - -
Sent back for Concurrence } S. M. Clayton Clerk

0999

1816 c. 75

1. An Act to prevent Swine running at large
2. within the limits herein mentioned

Sect. 1 Be it enacted by the Senate and house
2 of Representatives of the state of Delaware in
3 general assembly met, that from and after
4 the passing of ~~this~~ first day of March next
5 ensuing the passing of this act no inhabitant
6 or inhabitants or other person or persons whate=
7 soever residing within the bounds and
8 limits herein after described or within one
9 mile of the said limits shall suffer or permit
10 it any of their hogs or swine to run at large
11 within the limits or bounds following. that is
12 to say. Beginning at Israel Peterson's mill
13 dam on the state road leading from Smyrna
14 to Dover and from thence running down said
15 state road to the road leading into duck creek
16 neck, thence running with the said road through
17 lands of William Denney Edward Joy & James
18 + Raymond to a corner of James Raymond &
19 Edward Carney land to the road ~~the~~ leading
20 into duck ~~creek~~ neck and then with said road
21 passing between the lands of the said James
22 Raymond & Edward Carney and through
23 land of Edward Shain and others, continuing
24 on a few Rods below the house and lot on
25 the west side of the road lately sold by Robert
26 Thompson to Timothy Cunning now in the
27 tenure of Thomas Commander thence from said
28 road to a corner of land between James Morris
29 and Abraham Allen and from thence with
30 the line of the said James Morris land which
31 adjoins the aforesaid Abraham Allen the heirs
32 of John Allen and Edward Joy to a road lead=
33 =ing from Simmons Meeting house so called
34 to long point thence with said road by Thomas
35 Hawkins dec'd gate to the line of the land of
36 Mordica Morris on said road, thence leaving
37 said road and running with the line of the

said Mordica Morris land adjoining lands of
John Norton's heirs untill it intersects the line
between Jacob Stout and Mordica Morris lands
thence with the line of the said Jacob Stout's land
with the several courses thereof to the creek
called Muckcreek, thence up said creek with the
several courses thereof to the mouth of a small
creek otherwise Pearmans branch leading up to
Israel Peterson's Mill thence up the last mentioned
brick or branch with the several courses thereof
to the place of Beginning, and if any person or
persons shall permit or suffer any of their
hogs or swine to run at large within the bounds
and limits aforesaid, after the said first day of
March next. the owner or owners of all such hogs
or swine, shall forfeit the same to the trustees of
the poor of Kent County who shall apply the same to and
for the use of the poor of Kent County

Sect 2. And be it enacted that in case any hogs or swine are
found trespassing within any enclosure, within the limits
contained in the preceeding section, the person or persons
on whome such hogs or swine may be found trespassing
may shoot them or cause the same to be shot, or may
dispose of them as is herein after provided for, in case
they are found in the publick roads or high ways.

Sect 3 And be it enacted, that it shall and may be lawfull
for the Justices of the Court of General Quarter Sessions of the
peace and they are hereby authorized directed and requi-
red to appoint one discreet and suitable person resi-
dent within the limits and bounds aforesaid, as
a receiver for the purpose of keeping and detaining
all such hogs and swine, so permitted and suffered
to run at large as aforesaid within the aforesaid
limits

Sect 4 And be it enacted, that if any person whatsoever who
shall be appointed to serve as receiver in manner afore-
said shall refuse to accept of said appointment, or neglect
to do the duties herein after prescribed; every person so
refusing refusing or neglecting shall forfeit and pay

the sum of twenty Dollars, to be recovered as debts under twelve pounds are by the laws of this State recoverable together with cost thereon, by any person or persons who shall or may prosecute for the same, one moiety thereof to and for the use of the person or persons prosecuting and the other moiety to and for the use of the poor of Kent County, Provided that if any person or persons so appointed receiver shall refuse to serve or die, or be rendered incapable of acting then and in every such case it shall and may be lawfull for the Justice of the peace who shall reside within the nearest distance of the district or limits afforesaid and he is hereby authorised directed and required to appoint in writing under his hand and seal, some other fit and suitable person, which said person so appointed is hereby empowered and required to act in the premises as fully as the person so having refused dies or having been rendered incapable, untill the next court of General Quarter Sessions of the peace in and for Kent County ——

Sec. 5 And be it enacted, that it shall and may be lawfull for any person or persons whatsoever to seize drive or carry alive all such hogs and swine so permitted to run at large as afforesaid to the receiver who is hereby authorised empowered and required to receive and detain the same, and proceed to have them appraised by two freeholders within the limits afforesaid, on their oaths or affirmations, and to sell the same at publick Vendue first giving five day publick notice within the said district to and for the use of the poor of Kent County, first paying a reasonable compensation to the person or persons driving or conveying such hogs or swine to the receiver, and returning what may be reasonable for his own trouble and other necessary expences arising, to be adjudged of

by the freeholders who may appraise such hogs or
swine, the said receiver always accounting with
the nearest trustee of the poor of Kent County, who
said trustee is hereby authorised and required to
inquire into and settle the same from time to time
with the receiver, to keep fair accounts of the pro=
=ceedings and Money arising there from —

Sect 6 Provided Nevertheless, that if any owner of any hogs
hogs or swine, shall within three days after the same
shall be driven or carried to the receiver aforesaid
pay the sum of one Dollar for each and every such
hog so driven or carried to the receiver aforesaid to=
=gether with such expences to the person or persons
also to the receiver to whom the same shall have
been carried as aforesaid, for the keeping thereof to
be adjudged of by the freeholders having appraised
the same, then and in every such case, such hog
hogs or swine shall be restored to the owner or owners
thereof on his her or their application for the same *

Sect 8 And be it ~~further~~ enacted that if any suit or action
on shall be commenced brought or prosecuted against
any person or persons whatsoever for any act or thing
by him her or them done in pursuance of this act
it shall and may be lawfull to and for the defen=
dant in such suit or action to plead the general
issue and on the trial to give this act in evidence
whereof all Justices of the several courts of Law
and all Justices of the peace are hereby strictly
required and enjoined to take Notice and govern=
themselves accordingly —

* See next page, for the 7th section.

Sec 7. Be it enacted that Thomas Rothwell be and
2 he is hereby appointed a receiver for the purpose
3 ~~as aforesaid~~ mentioned in the 3 sec^t of this act, and
4 to continue ~~in~~ to act in that capacity untill
5 the next term of the court of general sessions
6 of the peace in and for Kent county next ensuing the passing of this act

Amendments to the ~~Bill~~ act. "To prevent Swine running at large within the limits therein mentioned"

~~Section~~
Title. Line 1. Between the words "prevent" and "Swine" insert the words "Hogs or"
" " " and in the same line, in the word "running" insert between the letters "n" and "i" the letter "n". and ~~add~~ conclude with in Duck Creek Hundred in Kent County.
" Sec 1. line 4. --- Strike out the word "March" & insert in lieu thereof "May"
" Sec. 1. Line 10. Between the words "of" and "their" insert the words "his or her or"
~~Sec~~ " 14. ~~Between the wor~~ In the word "running" insert, between the letters "n" and "i" the letter "n". And in the same line between the words "running" and "said" strike out the word "down" and insert in lieu thereof the word "with"
line 16 - amend the word running by inserting "n" between "u" & "i". -
" 45 Between the words "otherwise" and "Dairymains" insert the word "called"
" 49 Between the words "his" and "her" strike out the word "or"
52 In the word "owners" strike out the letter "e" between the letters "w" and "n"; & in same line strike out "March" & insert "May". -
" 53 In the word "forfeit" between the letters "f" and "i" insert the letter "e" ——

" Sec. 2.... 1. Between the words "any" and "hogs" insert the word "hog"
4 In the word "whome" strike out the letter "e". And in same line
" between the words "such" and "Hogs" insert the word "hog". And in same line in the word "trespassing" strike out the letters "s" between the letters "s" and "p".
" 7 Strike out from the word "in" to the end of the section inclusive and insert in lieu thereof "running at large within the bounds & limits aforesaid"
" Sec. 3.... 4 Between the words "required" and "to" insert the words "at the May Term annually"
~~8 In the word "afforesaid" between the letters "s" and "s" insert the letter "e" and strike out one of the letters "f"~~

Sec. 3. . . . 7 Between the words "such" and "hogs" insert the words "all and every such hog". And after the word "hogs" and before the word "swine" strike out the word "and" and insert in lieu thereof the word "or".

Sec. 4. . . . . 2 Strike out the word "offr." and insert in lieu thereof the word "aforesaid" and in same line after the word "offr." insert "as is herein after provided"

4 Between the words "every" and "person" insert ~~in lieu thereof~~ the word "such"

5 In the word "forfeit" insert between the letters "r" and "f" the letter "e"

14 Between the words "serve" and "die" strike out the word "or"

16 In the word "lawfull" strike out the last "l"

18 In the word "afforsaid" between the letters "r" and "s" insert the letter "e" and strike out one of the letters "f"

20 Between the words "person" and "which" insert "or persons from time to time until such vacancy shall be supplied"

21 After the word "person" insert the word "persons"

24 In the word "untill" strike out the last "l" and same line in the word "officer" add the letter "s"

Sec. 5 . . . . . 2 In the word "lawfull" strike out the last "l"

3 Between the words "such" and "hogs" insert the words "all & every such hog". And in same line strike out the word "and" and insert in lieu thereof the word "or"

4 In the word "afforsaid" strike out one of the letters "f" and between the letters "r" and "s" insert "e"

8 In the word "afforsaid" between the letters "r" and "s" insert the letter "e" and strike out one of the letters "f"

9 Between the words "affirmation" and "and" insert the words "to be administered by some Judge or Justice of the peace without fee or reward"

Line

// 10. To the word "day" add the letter "s"

// 12 Strike out the word "said" and insert the word "Kent". And after the word Treasurer strike out "of the Poor of Kent County" and insert in lieu ~~thereof~~ the word "thereof"

// 14 Before the word "hogs" insert the word "Hog"

16 In the word "necessary" between the letters "c" and "s" add the letter "e".....

17 Before the word "hogs" insert the word "hog"

"Sec. 6.....2 Strike out from the word "shall" to the word "aforesaid" in 3 line, and insert in lieu thereof the words "at any time before the sale thereof"

3 In the word "aforesaid" strike out one of the letters "f" and between the letters "r" and "s" insert the letter "e" —

// 4 Strike out from the word "of" to the word "hog" in 5 line, and insert in lieu thereof "fifty cents for every hog or swine not exceeding fifty pounds weight, and for every other hog or swine the sum of one dollar"

5. In the word "aforesaid" strike out one of the letters "f" and insert the letter "e" between the letters "r" and "s" —

7 In the word "whome" strike out the letter "e"

8 In the word "aforesaid", insert, between the letters "r" and "s", the letter "e" —

Sec 7.....2 In the word "seccuen" insert, between the letters "c" and "v", the letter "i"

4 In the word "untill" strike out the last "l"

Sec 8.....5 In the word "lawfull" strike out the last "l"

Add the following section to the bill.

Sec. 7. And be it enacted That if any Person or Persons who do not reside within the said limits, or any Person or Persons who do not usually suffer or permit any of their Hogs or swine to run at large within the above discribed limits shall be entitled to the delivery of all & every of their Hogs or swine from the said Receiver upon the payment of reasonable Costs & damages to be adjudged of by three Freeholders to be mutually chosen by the said Receiver and the owner of said Hogs or swine.-

The question being then put, Shall the bill pass as thus amended? — It was decided in the affirmative.-

amendments put for concurrence.

Extract from the journal.

Jno. M. Clayton Clerk.-

An act to prevent swine running at large within the village of Kenton and limits therein described.

In Senate

27th Jan. 1816 read.—

31st Jan. 1816 2nd time

3d Feb.—1816—read the third time, by paragraph and passed

J. M. Clayton
Clk

Senate Jan. 1816

House of Representatives

5 Feb. 1816 read.

6 ——— read by special order by paragraphs & passed.

A. L. Hayes, Clk.

Act

0445

A 1816 ch. 77

An act to prevent swine from running at large within the village of Milton and limits therein described.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly Met, that from and after the first day of April next, no swine hog or hogs shall be permitted or suffered to run at large within the village of Milton or within half a mile from the intersection of the two roads crossing each other in the centre of said Village.

Sec. 2. And be it further enacted that if any swine hog or hogs* shall be found running at large within the said Village or limits before described, at any time hereafter the said first day of April next, it shall and may be lawful for any free white person or persons being of lawful age to take up and secure such swine hog or hogs and proceed to sell the same, after giving at least five days

* Belonging to any person or persons inhabitant of said village or residing in the limits herein before mentioned.

0446

notice by one or more advertisements set up in the most public place or places in said village and may retain one half the amount of any such sale or sales for his trouble, and pay over the other half to the late owner or owners of any such swine hog or hogs shall have them or any of them delivered him her or them again by applying to the person in whose care they are, and paying or tendering to him her or them the following rates at any time before they are sold to wit, for every hog or pig not exceding twenty pounds weight twenty five cents for every hog or pig not exceding fifty pounds weight fifty cents and for every hog pig or swine not exceeding one hundred pounds weight seventy five cents, and for every other hog or swine one Dollar.

Sec. 3. And be it enacted that if any person or persons whatever shall sell any swine hog or hogs under the provisions of this act such sale or sales shall be good and available in law and if any such person or persons

on demands being made shall neglect or refuse to pay over one half of the amount of any such sale or sales as before directed by this act the person or persons so applying first making it appear that such swine hog or hogs were at the time of taking up the property of such persons applying for the same, they shall be liable to be prosecuted for the same as for any other Debt.

Provided nevertheless that the owner or owners of any such swine hog or hogs.— Vol. —

~~and~~ provided ~~further~~ that if any swine hog or hogs belonging to any person or persons residing without the limits aforesaid shall at any period after the passing of this act be found running at large within the aforesaid limits and be taken up then and in all such cases they shall be returned to the owner or owners thereof, for which the person so taking up and restoring shall be entitled to receive from the owner or owners thereof, twelve and a half cents for every Hog or swine so taken up and restored as aforesaid.

In Senate

Jan 31. 1816.

"On Motion,

The following amendments to the bill were adopted -

Sec. 2. Line 8. Strike out from the word "by" to the words "and" and insert in lieu of the words stricken out "on them by this act".

Sec 9. Line 10. Strike out from the word "pay" to the words "County" in line 13. and insert in lieu of the words so erased the following:- "for every such offence a sum "not less than two dollars nor more than twenty dollars "to be ~~paid~~ recovered by the petitioner or petitioners their heirs, Executors, administrators or assigns to be applied to the cutting, cleaning, repairing or keeping the said ditch or drain in good order and repair".

Line 15. Strike out from the words "recoverable" to the end of the section.

Sec. 12. Line 5. After the word "die" and before the words "remove" read "refuse or neglect to serve."

Line 7. Strike out "any one" and insert "the nearest". - Line 8. Strike out Hundred & insert "County". - Strike out the whole of the 13th Section, and insert in lieu thereof the following

Section: viz:

And be it enacted that whenever an order of Court shall be obtained by any person or persons for ditching and draining any low lands agreeably to the provisions of this act, the authority and powers granted by ~~this Act~~ the said order shall cease and determine unless the laboring work shall have been commenced within two years from the date of the confirmation of said order, And in every case when the work shall have been begun within two years as aforesaid and the same shall not be completed within seven years thereafter it shall not be lawful for any person or persons to proceed further in the prosecution of said work unless they shall first obtain an order of Court in the same manner as is herein directed to be obtained in the case of the original application.

The question being then taken, "Shall the bill

"pass as amended?"

It was decided in the affirmative.

Extract from the journal

Jas D. Fox Concurr

J. M. Clayton Clk

0448

Attest Jas Fox

Charles Bellamy

Clerk

Ld

1816 chap 75

ch act to authorize and
empower the owner or possessor
of any swamp or lowground
to ditch and drain the same
and for rendering more easy
and convenient the mode
of obtaining permission therefor

House of Representt.

12 Jan. 1816 referred
20 " " reported and read.
22 " " read.
24 " " read by paragraphs and passed

For concurr. A. L. Hayes, Clk.

In Senate

25 Jan 1816 - read
29. Jan. 1816 read 2nd time.
30. Jan. 1816 - read third time by paragraphs and passed the Senate with amendments.

S. M. Clayton Cl
" " " " " " " " " "

An Act to authorize and impower the Owner or possessor of any swamp or low Ground to ditch and drain the same and for rendering more easy and convenient the mode of obtaining permission therefor

Sec: 1 Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met That the
3 Justices of the Court of Common Pleas at their sessions in the ~~respective~~ several Counties of this State, so often and when ever any person or persons being the owner & possessor of any swamp or low ground in the county in which the said Court shall be sitting, shall apply to the said Court for an Order to ditch and drain the same; that it shall and may be lawful
9 and the Justices aforesaid are hereby authorized and required to make an Order, and to appoint three good and substantial free holders of the County and neighbourhood in which the such swamp or low ground intended to be drained shall lie, to go upon and view ~~the~~ ~~said~~ such swamp or low ground for the draining of which application is made.

Sec: 2 Be it enacted that the free holders appointed as aforesaid before they shall go upon and view ~~the~~ any lands intended to be ditched or drained ~~shall call to their assistance one skillful surveyor of the County or neighbourhood and together with the said free holders~~ shall be sworn or affirmed before some Judge or Justice of the peace of the County faithfully and impartially to the best of their skill and judgment to perform the several duties
8 enjoined by the Order of the Court to them directed. And the said free holders shall then go upon and view the swamp or low ground mentioned in such order and if they deem it fit and necessary shall with the assistance of a surveyor appointed by them and sworn or affirmed in manner aforesaid proceed to lay out a ditch or drain of such breadth, depth, length, course or courses distance or distances as will be sufficient, to clear any swamp or low ground of water, that by such order is intended to be drained

Sec 3rd Be it enacted that the freeholders appointed in manner aforesaid, after having viewed and laid out any ditch or drain, shall make a report in writing under their hands with a plot fairly made and thereto annexed containing a description of the several courses and distances together with the width and depth thereof and also the names of the person or persons on or through whose land the same is laid out and make return thereof to the Court of Common Pleas at their next sitting in the County where such Order shall have been made or granted

Sec: 4th Be it enacted that if in the cutting and clearing out any ditch or drain to be laid out as aforesaid, it shall appear to the freeholders appointed to lay out the same that any person or persons through or upon whose land the same shall have been laid out, is thereby injured: they shall assess such damages to the person or persons so injured as to them shall seem just and reasonable to be paid to such person or persons by the petitioner or petitioners for the laying out such ditch or drain, and that every report directed to be made in manner aforesaid shall contain the name or names of each and every person to whom any damages shall have been adjudged with the place or ground judged or assessed to each and every such person or persons.

Sec: 5th Be it enacted that if any person or persons through or upon whose land any ditch or drain shall be cut cleared out and completed shall derive therefrom or receive any benefit thereby, that the freeholders to be appointed in manner aforesaid shall adjudge thereof and shall assess by way of tax or taxes on such person or persons respectively by them respectively to be paid to the person or persons cutting clearing out and completing any ditch or drain laid out in manner aforesaid a fair and reasonable sum proportioned to the benefit or advantage they may thereby respectively receive or to the person or persons their heirs Executors or administrators who shall cut clear out and complete or cause to be cut cleared out and completed any such ditch or drain which said money assessed or taxed as aforesaid shall be exclusively appropriated by the person or persons receiving the same to defraying the

the expences incured in laying out cutting and completing every such ditch or drain for which such money shall have been taxed or assessed. And after defraying the expences incured for the laying out cutting clearing out and completing any ditch or drain in pursuance of this act, any surplus of the money taxed for the same shall remain on hand and unexpended the person or persons in whose hands the same shall be shall immediately after a final settlement of the expences attending the cutting any such ditch or drain pay over ~~and~~ without delay to the person or persons* taxed with the expences of the same their heirs Executors or administrators* their fair and just proportion of such surplus to be regulated and paid to them respectively in such proportion as they shall have been taxed for such expences

Sec: 6th Be it enacted that before any return made by any freeholders appointed to lay out any ditch or drain agreable to the provision of this act shall be confirmed by the Justices aforesaid, the petitioner or ~~petitioners~~ petitioners ~~the~~ some one or more of the person or persons their heirs or assigns ~~and~~ who is or are by the said return made chargeable with the expences or any part thereof shall make it appear to the satisfaction of the said Justices that the damages assessed by the freeholders to the person or persons named in such return has been paid or tendered to be paid to such person or persons their heirs executors or administrators respectively either in Specie or current bank notes of this State

Sec 7th Be it enacted that ~~every~~ every ditch or drain that shall be cut cleared out and completed in pursuance of this act shall always remain open for the benefit and advantage of the petitioner and such other person or persons their heirs and assigns as the freeholders in their report ~~mentioned~~ shall return as being benefited thereby and chargeable with the expences of the same. And every ditch and drain

cut and completed as aforesaid shall be kept open cleared & repaired at the expence of the petitioner or petitioners and such other person or persons their heirs or assigns as by the return thereof is made chargeable with the original expence of the same in such proportion ~~of such respectively as will be~~ as the original expence thereof shall have been ~~assessed~~ respectively assessed –

Sec: 8th Be it enacted that if any of the persons who shall apply to the Justices aforesaid for any order to lay out clear out and complete any ditch or drain in pursuance of the provisions of this act or any person or persons their heirs or assigns who by the return of the freholders is ward made chargeable with any of the expences of cutting the same, shall neglect or refuse to pay any sum or sums of money that shall have been assessed or taxed upon them by the freholders to be applied to the cutting clearing & completing of any such ditch or drain or shall neglect or refuse to pay their part or fair proportion of the expence necessary for repairing cleaning and keeping open the same to be taxed upon each of the persons their heirs or assigns in the same proportion as the original ~~exp~~ expence thereof may have been assessed by the freholders that it shall and may be lawful for any one of the persons their heirs Executors or administrators who shall have been made chargeable by the return of any freholders made on any Order granted as aforesaid having first ~~paid~~ paid the amt of all ~~any~~ expences that shall have accrued for the purpose in manner aforesaid to recover from the person or persons their heirs Executors administrators or assigns ~~their respec~~ neglecting or refusing to pay as above directed their fair & equall proportion of all such sum or sums of money which they ought by ~~the return~~ any return made ~~to have~~ as aforesaid to have paid before any one Justice of the peace in the County as debts under 12 £ ~~were~~ are by the Laws of this State made recoverable provided nevertheless that if the fair and just proportion of any person or persons neglecting or refusing to pay as above directed shall exceed the sum of thirty two dollars

that then it shall and may be lawful for each and every person their heirs and assigns to recover the same in such manner as debts due on bond above twelve pounds are by the laws of this State made recoverable. —

Sec: 9th Be it enacted that if any person or persons whatever shall stop up any ditch or drain that shall be cut in pursuance of the provisions of this act every such person or persons so offending and being thereof convicted before any one Justice of the peace of the County wherein such ditch or drain shall have been cut upon the oath or affirmation of one or more credible witnesses he she or they so offending shall forfeit and pay [to the County treasurer of said County for the time being the sum of thirty — dollars for the use of the said County] to be recovered as debts under twelve pounds are by the laws of this State made recoverable, under the hand and seal of any Justice of the peace before whom such conviction shall be had ~~and the person so offending~~ ~~refusing or neglecting to pay the said fine imposed~~ shall be committed by said Justice until the said fine and the costs of prosecution be paid

Sec: 10th Be it enacted that if any person or persons through or upon whose land any ditch or drain shall be laid out conceives him her or themselves to have sustained more or greater injury thereby than the damages therefor assessed ~~are sufficient to compensate~~ on application by him her or them made to

the Justices ~~aforesaid~~ who granted the order for laying out the same the said Justices may at their discretion order a review thereof and appoint other disinterested freeholders to go upon and view the swamp or low ground and if necessary lay out the site of a ditch or drain and to do every matter and thing herein before directed to be done by free holders and the same to report to the said Justices in in manner and form herein before directed

Sec 11th Be it enacted that every free holder appointed by this act shall have and receive for each and every day he shall attend in viewing any swamp or low ground and in laying out any ditch or drain in pursuance of the provisions of this Act one dollar and the Clerk of the Court aforesd for every Order made and certified under the seal of his Office as aforesd one dollar and for reading the report on closing the conformation ~~thereof~~ of the Court thereon and filing the same of record ~~[illegible]~~ fifty cents and no more to be paid to the said free holders & Clerk by the person or persons their heirs Executors or Administrators applying for such order aforesaid

Sec: 12 Be it enacted that if any free holder appointed as aforesaid to view any swamp or low ground and to lay out any ditch or drain in pursuance of the provisions of this act shall die remove out of the County or be otherwise rendered incapable of acting it shall and may be lawful for any one Justice of the

peace of in the hundred where such lands lie on application to him made for that purpose to appoint one or more suitable person or persons being a freholder or freholders of the hundred to fill such vacancy and certify the same under his hand to the next court to which the order ~~[illegible]~~ shewing such vacancy ~~[illegible]~~ shall have been made in manner aforesaid by this act made returnable. And the said order with the report thereon shall by the said Court be received and acted upon in the same manner as if all the freholders had been appointed by the Court aforesaid and of no vacancy had ever been made or happened in the appointment of the freholders named in such order mentioned

Sec: 13. And Be it enacted that if any of the freholders appointed for the purpose and in manner aforesaid shall neglect or refuse to perform the service duties enjoined them by any Order that shall be made in pursuance of the provisions of this act every person so refusing or neglecting shall be fined in any sum not less than [illegible] dollars nor more than [illegible] to be recovered for the use of the State by indictment in any court of Quarter Sessions in the county where such offence is committed

Sec: 13. Be it enacted that any ditch or drain that shall be laid out according to the provisions of this act shall be cut cleared out, and completed within twoyears next after the confirmation of the report made for the same and not otherwise

Sect. 14. Be it enacted that nothing herein contained shall be deemed taken or construed to extend to or in any manner whatever affect any person or persons who have heretofore ~~[illegible]~~ obtained any special law for ditching or draining any low ground swamp or cripple within this State nor to affect alter or change any provision that is ~~[illegible]~~ made in any special law for that purpose

An act to enable the persons therein named to raise a sum not exceeding five thousand dollars by a lottery for the purpose of improving the navigation of Mispillion Creek in this State

House of Reps.
27 January 1816 read
3/0 ——— read
by special order by paragraphs & passed.

For concur.

C. L. Hayes

In Senate

Jan 31 - 1816 - 1st time
Feb 3d " 1816 " 2nd time.
Feb 6th " " " 3d time
by paragraphs & passed
with amend

0458

Ch 89

An act to enable the persons therein named to raise a sum not exceeding five thousand Dollars, by a lottery, for the purpose of improving the navigation of Mispillion Creek, in this State.

Sect 1. Be it enacted by the Senate and house of Representatives of the State of Delaware in General Assembly met. That it shall and may be lawful for the persons hereinafter appointed managers, to institute, carry on and draw a lottery for raising a sum not exceeding five thousand dollars clear of all expences; and the said sum, when so raised shall be applied to the clearing out the sholes and obstructions in Mispillion Creek aforesaid and to render the same navigable for vessels drawing six feet water, to commence with said work at or near a place called the forks landing and clearing said creek of all shols or mud flats, at and from the aforesaid forks landing up said creek to Milford and if the aforesaid sum of five thousand dollars shall be sufficient to continue said improvement up to the Mill, now owned and occupied by James Clayton & others.

Sect 2 And be it enacted that Samuel Lockwood Jacob Biddle Spencer Williams Samuel B. Ralston Walker Lipple John Bennet and Lowder Layton or the survivors of them shall be and are hereby appointed managers of the said lottery who shall respectively, before they enter ~~into~~ upon the duties required by this act ~~shall~~ give bond in the name of the state in the sum of two thousand dollars conditioned for the faithful discharge of the trust reposed in them respectively by this act, which bonds shall be

lodged in the office of the Secretary of this State who shall thereupon give six weeks notice in ~~the~~ some ~~Delaware Gazette~~ public newspaper within this State, that such bonds, were executed and lodged in his office, in pursuance of the directions of this act; and are hereby declared to be in trust for, and may be sued by, all and any of the persons aggrieved by the managers of the said lottery, in conducting and carrying on the same.

Sect 3 Be it enacted, That the said Managers shall, on or before the first Tuesday of September next, if at that time a sufficient number of tickets shall have been sold, and if not, as soon after as conveniently may be, proceed to the drawing and finishing the said lottery; and the fortunate adventurers shall be paid the prizes drawn against their numbers, on demand, at any time within six months after the drawing of said lottery; but if not demanded within that time, the said prizes shall remain in the hands of the said managers, to be applied to and for the uses and purposes aforesaid.

Sect 4 Be it enacted that the said Managers or the survivors of them, shall superintend and direct the expenditure of the said sum of five thousand Dollars or so much thereof as they may Judge necessary for diging out, and clearing away the shols and mud flats in said creek at and from the place aforesaid into the Mill aforesaid; and after the said work is done and Completed, or the money expended, the said managers or the survivors of them shall exhibit their accounts of the same, to a Committee to be appointed by the inhabitants of the town of Milford, at a town meeting to be held for that purpose after ten days public notice thereof having been given by posting up at least three advertisements in the most public places of the said town, by the said Managers, or the survivors of them, and the said Committee shall also report

a Statement thereof to the Levy Court of Kent County at their next session thereafter.

Sect 4 Be it enacted That ~~if any of the sum~~ the said Managers shall have, for their trouble in the discharge of duties assigned them by this act, the sum of five per centum on the whole sum which shall be raised by the said lottery, and expended as aforesaid — —

0461

In Senate –

Feb 6 – 1816 –

On motion,

The name of John Bennet was stricken out from Sec 2. line 3. and the name of ~~Samuel~~ Henry Hudson ~~Neal~~ inserted in lieu thereof –

On motion,

The name of Spencer Williams was stricken out and that of Samuel Neal inserted in lieu thereof.

On the question, Shall the bill pass as thus amended?

It was decided in the affirmative

Ext for com.

Extract from the journals

J. M. Clayton Clk

1816 ch 83

0443

An act to amend the Intestate Laws of this State.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met That when the freeholders appointed by any Orphans Court in this State to go upon and divide the Real estate of an Intestate shall be of opinion that the same cannot be divided amongst all the children or other heirs or assignees of any child, children or other heirs of the Intestate without prejudicing and spoiling the whole, but shall be of opinion that the same may be divided into two or more parts advantageously to the Parties interested therein (~~without prejudicing and spoiling the whole~~) there and in such case the said freeholders or any three of them agreeing, shall part and divide the same Real Estate of the Intestate (the widows third always excepted) into as many portions or allotments as they may deem most advantageous to the persons interested in

the estate and shall also value and appraise each portion and allotment, and shall make return of such division and appraisement or valuation, to the Orphans Court from which the order issued. and if such return of partition and valuation be approved and confirmed by the said Court, then it shall be lawful for the said Court to adjudge and order one of the said portions or allotments to the eldest son or other person having the right of acceptance according to the directions of the Intestate Laws of this State in cases where the whole of an Intestate's Land is valued and the other portions or allotments severally and respectively to such other Child, Children or other persons respectively who shall be severally entitled to accept the same, according to the Intestate Laws of this State, upon allowing to each the priority of choice according to the priority of the rights

18. the persons or person, to whom any part of the Intestate's real estate shall be so adjudged and ordered, paying or securing to be paid to the other Children of the deceased, their representatives or assignees their equal and proportionable parts or shares of the appraised value of that part of the said Lands so adjudged to him

0465

or her as aforesaid, according to the order and direction of the said Court, in the same manner as is required by the Acts of General Assembly in that behalf where one of the children of an Intestate takes the whole Estate under an order of the Orphans Court ——

Sec II. And Be it further enacted That when the freeholders to be appointed by the Orphans Court to divide the real estate of an Intestate after being duly qualified and viewing the same or any three of them shall be of opinion that the same will not bear any division without prejudicing and spoiling the whole, the same freeholders shall forthwith proceed to appraise and value the said Estate and they or any three of them agreeing shall make return of their proceedings to the Orphans Court from which the order issued, certifying that the Intestate Real estate will not bear any division, and setting forth the sum at which they have valued and appraised the same, and if the said return be approved by the Court, then the said Court shall proceed to order and adjudge the same to such person as may be entitled to receive the same according to the provisi

No. of acceptance.

on of the Acts of Assembly in that behalf.

Sec. 3. And be it enacted that each Inquisitor appointed by the Orphan's Court to divide or value lands under the intestate laws of this State or to view and make an estimate of the annual value &c. of minor's lands in lieu of the fees now allowed by law, shall have one Dollar per diem.

An act to amend the intestate laws of this State.—

Read Jan 25 – 1876. ----

" Jan 30 – 2nd time

" Jan 31 – 3rd time

by Paragraphs and passed the Senate.—

J. M. Clayton Clk

House of Rep.

1 Feb. 1876 read

3 ——— read

7 ——— read by Paragraphs and passed with an amendment

C. L. Layton Clk.

Amendments to the bill to amend the Intestate laws of this State.

House of Representatives
7. Feb. 1816

Immediately after the word "State" in the 19th line of the ~~first section~~ second page acceptance, the words following:

"And if such other child or children or other persons respectively shall not accept the aforesaid other portions or allotments then and in such case the said other portions or allotments may also be allotted and assigned to the eldest son or other person aforesaid being willing to accept the same."

Extract from the journal,

A. L. Hayes, Clk.

To concurrence.

H. of Rep. 9 Feb. 1816
Altered as above by order of the House
A. L. Hayes, Clk.

R

An act concerning free negroes, free mulattoes, servants, and slaves

House of Representatives.
18 Jan. 1816 read
19 ——— read
25 ——— read by paragraphs and passed.

A. L. Hayes, Clk.

To concur.

In Senate
read, Jan 27 - 1816 - 1st time
read Jan 29 - 1816 - 2nd time
Jan 30 - referred to
Messrs. C. Rodney
Stout
V Vandyke -
Feb 7, " Reported without amendment.
Feb 8. " 1816 " read third time by Paragraphs and passed with amendments

J. M. Clayton Clk

1816 Ch 83

An act concerning free negroes and free mulattoes, servants, and slaves.

Sec. 1. Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, that in case any free negro or free mulatto shall be convicted of felony after the passing of this act he she or they shall not be sold to any person or persons living out of this State unless the court before whom the conviction shall take place shall so order and direct.

Sec. 2. And be it enacted by the authority aforesaid that if any person or persons his, her, or their agent or factor shall after the passing of this act export or knowingly sell to any person living out of this State or sell with intent to export or carry out for sale from this State any free negro or free mulatto convicted of felony during the term of his, her, or their servitude without a license first had and obtained from the Justices of Supreme Court or Justices of the Court of General Quarter Sessions of the Peace and Gaol Delivery or any two of them, he she or they shall forfeit and pay for every negro or mulatto so exported or knowingly sold to any person or persons living

out of this State or with intent to export or carried out for sale the sum of five hundred dollars with the full costs of prosecution to be recovered by indictment in any Court of General Quarter Sessions of the Peace and Gaol delivery in this State.

(Sec. 3. And be it enacted, by the authority aforesaid that if any person or persons his her or their agent or factor shall after the passing of this Act, export or sell with an intent for exportation or carry out for sale from this State any negro or mulatto slave without a license first had and obtained from the Justices of the Supreme Court, or Justices of the Court of General Quarter Sessions of the Peace and Gaol Delivery or any two of them, he she, or they shall forfeit and pay for every negro or mulatto slave so exported or sold with an intention for exportation or carried out for sale the sum of five hundred dollars to be recovered by indictment in any Court of General Quarter Sessions of the Peace and Gaol Delivery in this State; and the negro or mulatto slave so exported or sold with an intention for exportation or carried out for sale is hereby declared free and entitled to enjoy all the privileges that a free negro or free mulatto may or can do within

this State.

Sec. 4. And be it enacted by the authority aforesaid that if any person or persons shall after the passing of this act apprehend or take up any runaway servant or slave he or they shall forthwith carry him or ~~them~~ her before the next Justice of the ~~County~~ Peace of the County where such servant or slave shall be so taken up or apprehended and if on examination by said justice of said servant or slave the said justice shall find sufficient cause for his or her detention he is hereby authorized and directed to commit to the public gaol of the County in which said Justice may reside by regular commitment directed to the Sheriff of said County the said servant or slave so taken up and carried before him.

Sec. 5. And be it enacted by the authority aforesaid that the said Sheriff shall forthwith upon the reception by him of the commitment directed to him by the Justice of the Peace in conformity to the ~~fourth~~ third section of this act, cause such servant or slave to be advertised in some public newspaper of the Borough of Wilmington for the space of six weeks next after such servant or slaves commitment, and if the master or owner of such servant so imprisoned as aforesaid shall omit or neglect to release such servant or slave from prison within the time of six weeks next after the commitment to prison of such servant or slave then and in

such case, the sheriff is hereby directed to discharge such servant or slave from his custody; nor shall such servant or slave be liable to any of the costs and charges of his apprehension, commitment, or prison fees. (※ vide next page)

Sec. 17. And be it enacted by the authority aforesaid, that nothing herein contained shall be taken or construed to prevent the prosecution and punishment of such larcenies as may have been committed previous to the passing of this act in such manner as if this act had not been passed.

Sec. 18. Be it enacted that no person or persons whatsoever shall knowingly employ, conceal or entertain another's servant or slave at his her or their house or houses, plantation or plantations without the master or owner's consent except in distress of weather sickness or other extraordinary occasions or accident, under the penalty of fifty dollars for every twenty four hours he or she shall entertain any such servant or slave as aforesaid, so in proportion for any less time.

Sec. 5. And be it further enacted by the authority aforesaid, that the sixth and seventh sections of the act entitled "An act for the better regulation of servants and slaves within this government be and the same are hereby repealed.

*Sec. 6. And be it further enacted, that the Sheriff or gaoler shall not deliver to any person or persons whomsoever any such slave or servant without the authority of a Justice of the Peace residing in the town in which the gaol in which the said servant or slave shall be confined is situate or if there be none such, or none present in such town, then of the nearest justice of the peace of the County given in writing under the hand and seal of such Justice, nor in such case except in the hours between the rising and setting of the sun, and ~~which~~ such justice of the peace shall before he grants such authority require reasonable proof that the person or persons applying for such slave or servant is or are bona fide entitled to such slave or servant or the agent or agents

attorney or attornies of the person or persons who shall be proved before the said justice to be bona fide entitled to such servant or slave; and the said justice as proof that any person or persons applying to him as agent or agents, attorney or attornies are such, shall require a document in writing under the hand and seal or hands & seals of the principal or principals constituting such agent or agents, attorney or attornies; and shall also require reasonable proofs, that such principal or principals are bona fide entitled to such slave or servant; and if any sheriff or gaoler shall without such authority deliver any servant or slave confined as aforesaid to any person or persons whomsoever, such sheriff or gaoler shall for such offence forfeit and pay the sum of five hundred dollars to be recovered by indictment in the Court of General Quarter Sessions of the Peace and Gaol Delivery.

0474

Amendments to the bill concerning free negroes, free mulattoes, servants & slaves.— In Senate Feb 8 - 1816 —

" Strike out the 3d section of the bill.—

" Add the following,

" Sec. 10. Provided always and be it further enacted that nothing in this act contained shall be construed in any manner to affect any person or persons travelling with his, her or their servants or slaves — or who shall move out of this state with his or her family, or who shall send or carry his or her servants or slave out of the State upon his or her lawful business or service: and provided also that nothing in this act contained shall be taken or construed to affect any sheriff, Jailer, or other person acting under the authority of a Judge or Justice of the Peace pursuant to an act of Congress entitled "An act respecting Fugitives from Justice, and persons escaping from the service of their masters".—

Extracts from the Journals

J. M. Clayton Clk

For concurrence —

Ord. concurred

The act concerning
Servants and Slaves.
House of Repr.
18 Jan. 1816 read.
19 " " read 2d time
22 " " read to the 3d sec
and postponed till the
next day.
23 " " recommitted.
24 " " Amendments re-
ported & read

An act concerning free negroes & free mulattoes servants and slaves

1814 ch 83

Sec: 1. Be it enacted by the Senate and House of Representatives of the state of Delaware in General assembly met, that if any free negroe or free mullattoe, free negroe or free mullattoes shall from and after the passing of this act, feloniously steal, take and carry away any goods, chattels or effects of any person or persons, body politic or corporate of any value whatsoever, and shall be duly convicted thereof before the court of General Quarter Sessions of the peace to be held for the County where such offence shall be committed, he she or they so offending in plain and instead of receiving any other punishment, shall be adjudged to restore ~~in each thus~~ the goods chattels or effects so stolen, to the right owner or owners thereof and to pay to the said owner or owners double the value thereof, or if the said goods chattels or effects cannot be found then the four fold value thereof, with the full cost of prosecution and that he she or they be disposed of by the sheriff of the County at plain publick sale after giving ten days publick notice of such intended sale, as a servant or servants for any term not less than two months, nor exceeding six years at the discretion of the said court, for the best price that can be obtained for him her or them, to any person or persons residing in this State, ~~and that the person~~ ~~[illegible]~~ ~~[illegible]~~ ~~[illegible]

MUTILATED DOCUMENT

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leaving out of this State, or with intent to export or carried out for sale the sum of five hundred Dollars with the full cost of prosecution, to be recovered by indictment in any court of General Quarter Sessions of the peace and jail delivery in this State. ~~and shall be committed to the public jail until the said judgment is carried into full execution~~.

~~Sec 4th And be it enacted by the authority aforesaid that an act entitled "An act respecting free negroes and free mulattoes passed on the thirtieth day of January in the year of our Lord one thousand eight hundred and eleven, be and the same is hereby repealed and made null and void.~~

Sec 5th And be it enacted by the authority aforesaid, That if any person or persons his her or their agent or factor, shall after the passing of this act export or sell with an intent for exportation, or carry out for sale from this State any negroe or mulattoe slave, without a license first had and obtained from the justices of the Supreme court, or justices of the court of General Quarter Sessions of the peace and jail delivery or any two of them, shall forfeit and pay for every negroe or mulattoe slave so exported, or sold with an intention for exportation, or carried out for sale, the sum of five hundred Dollars to be recovered by indictment in any court of General quarter sessions of the peace and jail delivery in this State and in addition thereto shall be imprisoned not less than three months nor more than six months. and the negroe or mulattoe slave so exported or sold with an intention for exportation or carried out for sale is hereby declared free and intitled to enjoy all the privileges that a free negroe or free mulattoe may or can do within this State.

Sec. 6th And be it enacted by the authority aforesaid, That the act passed the twenty eighth day of January in the year of our Lord one thousand eight hundred and eleven, intitled "An act to prohibit the emigration of free negroes or free mulattoes into this State, and for other purposes" be and the same is hereby repealed and made null and void.

Sec 7th And be it enacted by the authority aforesaid, that the sixth, seventh & eighth sections of the act intitled "An act for the better regulation of servants and slaves within this Government" passed the thirteenth year of George the second, be and the same are hereby repealed and made null and void.

0479

Appropriation

1815

Formed with 1815

Provided nevertheless, That it shall and may be lawful for the said Justice to adjudge and order a fine of any sum not less than fifty cents, nor exceeding two dollars, to be received by the officer ordered to execute the sentence of the said Justice, from the master or mistress, or masters or mistresses Parent or Guardians Parents, Guardian or Guardians, of every such negro or negroes Mulattoe or Mulattoes; and in case of the payment of such sum of money; so adjudged and ordered, the said Negro or Negroes, Mulatto or Mulattoes, shall not be whipped; which sum so ordered and adjudged, and paid to the said officer executing such sentence, shall by him be paid over to the Treasurer of the Poor of the County for the use of the Poor—

Sec 17th & 6th

And be it further enacted that the Sheriff or gaoler shall not deliver to any person or persons whomsoever any such slave or servant without the authority of a Justice of the Peace residing in the town in which the goal, in which the said servant or slave shall be confined, is situate, or if there be none such, or none present in such town, then of the nearest Justice of the Peace of the county, given in Writing under the hand and seal of such Justice, nor in such case, except in the hours between the rising and the setting of the sun; and such Justice of the Peace shall before he grants such authority require reasonable proof, that the person or persons applying for such slave or servant is or are bona fide entitled to such slave or servant, or the agent or agents, attorney or attornies, of the person or persons, who shall be proved before the said Justice to be bona fide entitled to such servant or slave; and the said Justice as proof that any person or persons applying to him as agent or agents, attorney or attornies, are such, shall require such a document in writing under the hand & seal or hands and seals of the principal or principals duly constituting such agent or agents, attorney or attornies; and shall also require reasonable proof, that such principal or principals are bona fide entitled to such slave or servant; ~~(and the oath or affirmation of such agent or agents, attorney or attornies, shall not be received or admitted as any proof in such case)~~; And if any ~~person~~ Sheriff or gaoler shall without such authority, ~~or at any other~~ deliver any servant or slave confined as aforesaid to any person or persons whomsoever, such Sheriff or gaoler shall for such offence forfeit & pay the sum of five hundred dollars — to be recovered by Indictment ~~or otherwise~~ in the Court of General Quarter Sessions of the Peace & gaol delivery.

7 Sec. Be it enacted that no person or persons whatsoever shall knowingly ~~knowingly~~ employ conceal or entertain another servant ~~or servants~~ or Slave at his her or their home or house plantation or plantations without the master or owners consent or exept in distress of weather sickness or other extraordinary occasions or accidents under the penalty of ~~Twenty dollars~~ Fifty dollars dollars for every hour twenty four hours he or she shall entertain any such servant or slave as aforesaid so in proportion for any lesser time.

after the word aforesaid

That so much of the laws of this State as are hereby extended amended or supplied be and the same are hereby repealed made null and void —

Sect. 9. And be it further enacted by the authority aforesaid That the sixth and seventh sections of the act entitled "an Act for the better regulation of servants and slaves within this government" be and the same are hereby repealed

Sec 1st Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, that in case any free negroe or free Mulattoe shall be convicted of felony after the passing of this act, he she or they shall not be sold to any person ~~[illegible]~~ living out of this State, unless the Court before whom the conviction shall take place shall so order and direct —

Sec 2 And be it enacted by the authority aforesaid that if any person or persons his her or their agent or factor shall after the passing of this act export, or knowingly sell to any person living out of this State, or sell with intent to export, or carry out for sale from this State any free negroe or free mulattoe convicted of felony during the term of his her or their natural life without a license first had and obtained from the justices of the supreme Court, or justices of the court of General Quarter Sessions of the Peace and goal delivery or any two of them, ~~[illegible]~~ he or they shall forfeit and pay for every negroe or mulattoe so exported or knowingly sold to any person or persons living out of this State or with intent to export or carried out for sale the sum of five hundred Dollars with the full costs of prosecution, to be recovered by indictment in any court of General Quarter Sessions of the peace and jail delivery in this State —

Sec 3rd And be it enacted by the authority aforesaid, that if any person or persons his her or their agent or factor, shall after the passing of this Act, export or sell with an intent for exportation or carry out for sale from this State any negroe or Mulattoe slave, without a license first had and obtained

from the justices of the supreme Court, or justices of the court of Ge
neral Quarter Sessions of the peace and goal delivery or any
two of them, be liable to the forfeit and pay for every negroe or Mullattoe
Slave so exported, or sold with an intention for exportation
or carried out for sale the sum of five hundred Dollars to
be recovered by indictment in any court of General Quarter
Sessions of the peace and jail delivery in this State, and the
negroe or Mullattoe slave so exported or sold with an inten
tion for exportation, or carried out for sale, is hereby
declared free and entitled to enjoy all the privileges that
a free negroe or free Mullattoe may or can do within this
State —

Dec 4th

0486

Sec 4th And Be it enacted by the authority aforesaid ~~by the Senate and House of Representatives of the State of Delaware in General Assembly met~~ that if any person or persons shall after the passing of this Act, apprehend or take up any runaway servant or Slave, he or they shall forthwith carry him or her before the next Justice of the peace of the County where such servant or Slave shall be so taken up or apprehended, and if on examination by said justice of said servant or slave, the said Justice shall find sufficient cause for his or her detention, he is hereby authorized and directed to commit to the publick jail of the county in which said justice may reside by regular commitment directed to the Sheriff of said County the said servant or Slave so taken up and carried before him —

Sec 5th And be it enacted by the authority aforesaid that the said Sheriff shall forthwith upon the reception by him of the commitment directed to him by the justice of the peace in conformity to the fourth section of this act, cause such servant or slave to be advertised in some publick news paper of the Borough of Wilmington for the space of six weeks next after such servants or slaves commitment, and if the master or owner of such servant so imprisoned as aforesaid shall omit or neglect to release such servant or slave from prison within the time of six weeks next after the commitment to prison of such servant or slave then and in such case the Sheriff is hereby directed to discharge such servant or slave from his custody; — ~~and said servant or slave shall not be liable within one month after such discharge, to be again committed to the same jail under the act,~~ Such servant or slave nor shall he be liable to any of the cost & charges of his apprehension commitment or prison fees

Sec 6th And be it enacted by the authority aforesaid that

the person or persons apprehending or taking up after the passing of this act any servant or slave within this state, shall be liable to pay all the cost and charges of every description which may occur or originate in consequence of the apprehension or imprisonment of such servant or slave, ~~and it~~ and it may and shall be lawful for the sheriff or keeper of the jail to whom such commitment is directed to demand and take such security as he may deem adequate ~~to indemnify him~~, from the person or persons so taking up and apprehending such servant or slave for the amount of prison fees and all charges which may occur during the imprisonment of such servant or slave; and in case such person or persons, so taking up and apprehending such servant or slave shall refuse or omit to give to the said sheriff or keeper of said jail on his demanding it, such security as aforesaid then and in such case, the said sheriff or keeper of said jail is at liberty to refuse to admit into said gaol such servant or slave, and is hereby authorised to plead this act in justification of his conduct; and such servant or slave on the refusal to give such security, shall be discharged from the custody of such person or persons so taking up and apprehending such servant or slave —

~~Sec. 4th~~ ~~And be it enacted by the authority aforesaid that no person or persons, citizens or their agent, claiming such negro or mulatto servant or slave, shall take such negro or mulatto servant or slave out of said gaol, without first proving to the satisfaction of some one justice of the peace living near to or contiguous to said jail by two good and sufficient witnesses on oath or affirmation, that he she or they so wishing to take out of gaol~~

Sec 8th And be it enacted by the authority aforesaid, that Nothing herein contained shall be taken or construed to prevent the prosecution and punishment of such larcenys as may have been committed previous to the passing of this act in such manner as if this act had not been passed —

Sec 9th And be it enacted by the authority aforesaid, that all Acts of the General assembly heretofore passed respecting free negroes or free Mulattoes or slaves which are hereby altered amended or supplyed be and the same are hereby declared to be repealed and made null and void —

0489

1816 ch 86

An Act for the appointment of an Auditor of Accounts.

Sect. 1st Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met. That Dr Joseph B. Harris be and he hereby is appointed the Auditor of Accounts for the term of ~~five~~ three years from Tuesday the second day of the present Month of January and from thence to the end of the session of the General Assembly which may be holden at the time of the expiration of the said term of ~~five~~ three years, or should the General Assembly not be then in session, then and in that case, to the end of the session of the General Assembly holden next after the expiration of the said term of ~~five~~ three years.

Sect. 2d. And be it enacted That if the said Auditor of Accounts shall die or be otherwise incapacitated for discharging the duties of the said office in the recess of the General Assembly, or if at any time during any such recess the said office should be vacant, it shall and may be lawful for the

Governor for the time being to appoint some other fit person the Auditor of Accounts who shall continue in Office until the end of the next session of the General Assembly after such appointment and no longer unless he be reappointed by the General Assembly

Sectn 3d And be it enacted that the Auditor of Accounts hereby appointed and every Auditor of Accounts hereafter appointed in pursuance of this Act is hereby empowered and directed to exercise all the powers and authority and to perform all the duties which are vested in and required of the auditor of accounts by the laws of this State

Sectn 4th And be it enacted That the Auditor of Accounts hereby appointed or to be appointed in pursuance of this Act shall receive the same Salary & compensation as is now fixed by an Act entitled "An Act to increase the Salary of the Auditor of Accounts" passed the twenty fourth day of January one thousand seven hundred & ninety seven: And by "An Act for extending the powers of the Auditor of Accounts to the settlement of the County Road & poor Taxes be within this State" passed the twenty third day of January one thousand seven hundred and Ninety eight

An act for the appointment of Auditor of Accounts.

In Senate

Read Jan 13th 1816. 1st time
read Jan 15th — second time
read Jan 23 & postponed
— — Jan 24 & postponed
read again Jan 25 & postponed
read Feb 1 & by paragraphs & passed

S. M. Clayton Clerk.

House of Rep.

1 February 1816 read.
3 ——— read.
12 ——— read by paragraphs & passed with an amendment

A. L. Hayes Clk

In the hand Quarterly at the Tuesday in Feb
State to commence from the second day of the
present month of January — Date Decr of —

A Supplement to
Act entitled "An
"Act for erecting and
"keeping in good repair
"a Draw-Bridge
"over Little Creek"

H. of Rep.

15 Jan. 1816 read
16 " " read 2d time
22 " " read 3d time
by paragraphs & passed
Concur for concur. C. L. Hayes, Clk.

In Senate

23 Jan. 1816 - read..
25th Jan.---- read 2nd
time & referred to Mess. Cummins
Stats
J. C. Rodney

31st Jan. reported with
the enclosed amendt. Rept
adopted.
Feb 1. read 1st time after report

Feb 3 read 2nd time.—
Feb 12 read 3d time
by Paragraphs and
passed with amend-
ments
J. M. Clayton Clk

A Supplement to the Act entitled, "An Act for erecting "and keeping in good repair a Draw-Bridge over "Little Creek".

Whereas it appears to this General Assembly, that the space directed by the Act aforesaid to be left between the abutments of the aforesaid Bridge and over the Channel of said Creek, for the accommodation of persons having occasion to pass through the said Bridge with boats and vessels, and which has been left according to such direction, is, in consequence of the Landing above said Bridge having become more public and frequented, than it was when said Act was passed, insufficient for such accommodation, and the public good forbidding the obstruction of Navigable Waters.

Therefore,

Sec. 1. Be it enacted by the Senate and the House of Representatives of the State of Delaware in General Assembly met, That the space between the abutments of the said Bridge and over the Channel of the said Creek for the accommodation of such persons, as may have occasion to pass through the said Bridge with boats and vessels, shall be increased to the width of twenty eight feet, in the clear; and that it shall and may be lawful, and it is hereby required and enjoined

12 that ~~the present [illegible] and abutments of said Bridge be taken away and that the plan and construction of~~ the said Bridge shall be ~~[illegible] and~~ altered so that there shall be left between the ~~[illegible]~~ abutments of said Bridge and over the channel of said Creek the clear space of twenty ~~eight~~ feet, at the least, over which shall be constructed a good sufficient draw of the proper length ~~of twenty eight feet~~ with proper machinery and accommodation for raising or unpin the same for the purpose of permitting vessels to pass and repass through the said Bridge

Sec. 2. And be it further enacted, That it shall be the duty of the Overseer or Overseers of the roads, causeways and bridges within whose limits the said Bridge shall be, and he or they are hereby enjoined and required to cause ~~the said abutments of said bridge, of said Bridge, to be removed and the plan and construction of~~ the said Bridge to be altered and a draw to be constructed according to the aforegoing provisions.

Amendments to the bill entitled "An act supplementary to an Act entitled "An Act for erecting and keeping in good repair a drawbridge over Little Creek"

In Senate
12. Feb. 1816

" Sec 1. line 11. — Between the words "lawful" and the words "and" insert " or for the Levy Court of Kent County": and in the same line strike out the words "it is and insert the words "they are".-

At the ends of Sec 1. annex the following Proviso —
"Provided that if the said Bridge cannot be widened to twenty eight feet as aforesaid for the sum of one hundred Dollars, by the contract of some person or persons who will undertake the same, then and in such case the Levy Court shall not be obliged to cause said Bridge to be so widened. —

Sec 2. line 2. After the word "of" and before the word "the" insert "any person or persons appointed by the Levy Court or". —

Extract from the Journal

Sent for concurrence } — H. of R. 14 Feb. 1816 agreed
A. L. Hayes, Clk

J. C. M. Clayton
Clk

0999

An act against forgery.

H. of Rep.

18 Jan. 1816 read

19 " " read 2d time.

23 " " read 3d time

by paragraphs & passed.

Sent for concr. A. L. Hayes, Clk.

Transcribed

0498

An act against Forgery 1816 ch 90

Section 1. Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That if any person or persons, from and after the passing of this act, shall fraudulently and falsely make forge or counterfeit, or willingly aide or assist, or cause or procure to be fraudulently and falsely made forged or counterfeited, or shall fraudulently and falsely alter deface embezzle or destroy or ~~shall~~ willingly aide or assist or cause or procure to be fraudulently and falsely altered defaced embezzled or destroyed, any record of any Court of Justice within this State or the record or copy of any deed or other instrument of writing entered as of record in either of the offices for recording of deeds in this State, or the record of any last will and testament or copy thereof entered as of record in either of the offices of the Register for the probate of wills and granting letters of administration in this State, or any record of the Orphans Court or of the Court of Chancery of this State, or other matter of public record in this State, ~~and~~ then every such person or persons being thereof lawfully convicted, according to the due course of law, shall be ~~imprisoned for any time not less than~~ fined in a sum of money not less than five hundred dollars nor exceeding two thousand dollars and shall stand in the pillory for the space of two hours and shall moreover be imprisoned and ~~a fine not less than~~ ~~dollars and be kept~~ kept in solitary confinement for a space of time not less than one year and ~~the~~ ~~dollars at the discretion of the Court before which~~ not exceeding three years.
~~such person or persons shall be convicted of forgery~~

Section 2. And be it further enacted That if any person or persons from and after the passing of this act, shall fraudulently and falsely make forge or counterfeit or willingly aide or assist, ~~or~~ or cause or procure, to be fraudulently and falsely made forged or counterfeited or shall fraudulently and falsely alter deface embezzle or destroy, or willingly aide or assist or cause or procure to be fraudulently and falsely altered defaced embezzled or destroyed any deed for the con=

=veyance

:vyance or transfer of any lands or tenements or any interest in or concerning the same, or for the assignment or transfer of any goods or chattels rights or credits, - or any last will and testament, or any bond, obligation, bill obligatory, letter of attorney, bill of exchange, promissory note or note or notes of any incorporated Bank or any order for the payment of money or any acceptance of such order or any acceptance of any bill or bills of exchange, or any receipt or release or acquittance, or any assignment or indorsement of or upon any bond obligation bill obligatory bill of exchange or promissory note; or shall fraudulently and falsely counterfeit the hand and seal or the hand or seal of any person or persons whatsoever, or the seal of any body corporate or politic; or shall fraudulently and falsely make forge or counterfeit or willingly aid or assist or cause or procure to be fraudently and falsely made forged or counterfeited or shall fraudulently and falsely alter deface embezzle or destroy or willingly aid or assist or cause or procure to be fraudulently and falsely alter deface embezzle or destroy any other writing whatsoever to the prejudice or with intent to the prejudice of the right of any person or persons or body politic or corporate; or shall utter publish offer or use as true any of the said matters things or instruments above specified, knowing the same to have been fraudulently and falsely made forged counterfeited defaced or altered as aforesaid; then every such person or persons being thereof lawfully convicted according to the due course of law shall for every such offence be fined in a sum of money not less than five hundred dollars and not exceeding two thousand dollars and shall stand in the pillory for the space of two hours and shall moreover be imprisoned ~~for a period not less than~~ ~~dollars and not~~ and kept in solitary confinement for ~~any~~ a space of time not less than

one year and not exceeding three years

~~[illegible]~~

~~[illegible]~~

~~[illegible]~~

0501

An act against forgery

House of Represent.

18 Jan. 1816 read,

19 ——— read

23 ——— read by paragraphs & passed

To concur. A. L. Hayes, Clk.

read Jan. 25 1816 - 1st time

" " 26 " 2nd time

Feb 14th ——— referred to a Committee of 3 members:

Messrs. C. A. Rodney
Stout
V. C. Rodney

——15—— concurred in ~~rejected~~

L. Mclayton
Clk

0503

An act against Forgery

Sect 1. Be it enacted by the Senate and House of Representatives of the state of Delaware in General Assembly Met, That if any person or persons, from and after the passing of this act, shall fraudulently and falsely make forge or counterfeit, or willingly aide or assist, or cause or procure to be fraudulently and falsely made forged or counterfeited, or shall fraudulently and falsely alter deface embezzle or destroy or willingly aide or assist or cause or procure to be fraudulently and falsely altered defaced embezzled or destroyed any record of any Court of Justice within this State or the record a copy of any deed or other instrument of writing entered as of Record in either of the offices for recording of deeds in this State, or the records of any last will and testament or copy thereof entered as of Record in either of the offices of the Register for the probate of wills and granting letters of Administration in this State, or any record of the Orphans Court or of the Court of Chancery of this State, or other Matter of public record in this State, then any such person or persons being thereof lawfully convicted, according to the due course of the law, shall be fined in a sum of Money not less than five hundred dollars, and

not exceeding two thousand dollars and shall stand in the pillory for the space of two hours and shall moreover be imprisoned and kept in solitary confinement for a space of time not less than one year and not exceeding three years.

Sec. 2. And be it further enacted that if any person or persons from and after the passing of this act, shall fraudulently and falsely make forge or counterfeit, or willingly aid or assist or cause or procure to be fraudulently and falsely made forged or counterfeited or shall fraudulently and falsely alter deface embezzle or destroy, or willingly aid or assist or cause or procure to be fraudulently and falsely altered defaced embezzled or destroyed any deed for the conveyance or transfer of any lands or tenements or any interest in or concerning the same, or for the assignment or transfer of any goods or chattels rights or credits, or any last will and testament, or any bond, obligation, bill obligatory, letter of attorney, bill of Exchange, promissory note or note or notes of any incorporated Bank or any order for the payment of money or any acceptance of such order or any acceptance of any bill or bills of Exchange, or any receipt or release or acquittance, or any assignments or indorsements of or upon any bond, obligation bill obligatory bill of exchange or promissory note; or shall fraudulently and falsely counterfeit the hand and

Seal or the hands or seal of any person or persons whatsoever, or the seal of any body corporate or politic; or shall fraudulently and falsely make forge or counterfeit or willingly aide or assist, or cause or procure to be fraudulently and falsely made forged or counterfeited or shall fraudulently and falsely alter deface embezzle or destroy or willingly aide or assist or cause or procure to be fraudulently and falsely altered defaced embezzled or destroyed any other writing whatsoever to the prejudice or with intent to the prejudice of the right of any person or persons or body politic or corporate; or shall utter publish offer or use as true any of the said Matters things or instruments above specified, knowing the same to have been fraudulently and falsely made forged counterfeited defaced or altered as aforesaid; then every such person or persons being thereof lawfully convicted according to the due course of law shall for every such offence be fined in a sum of money not less than five hundred dollars and not exceeding two thousand dollars and shall stand in the pillory for the space of two hours and shall moreover be imprisoned and kept in solitary confinement for a space of time not less than one year and not exceeding three years.

Amendments to the bill against Forgery.—

In Senate
15. Feb. 1816

"Sec 1. Lines 23 & 24. Strike out the words "and shall stands in the Pillory for the space of two hours".

Sec 2. Line 14. Between the words "Bank or" insert "or any check or order on any such Bank".—

Sec 2 — ~~Lines~~ 41 & 42. Strike out the words "and shall stands in the Pillory for the space of two hours".

Add the following section to the bill

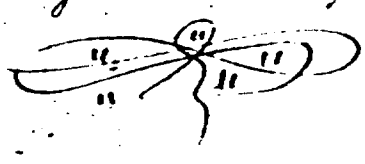
"Sec 3. "And be it further enacted that all acts or parts of acts that are inconsistent with or contrary to the provisions contained in this act be and the same are hereby repealed except as to cases which may have occurred under them prior to the passing of this act".

Extract from the Journal

J. Allington
Clk

Just for con
ewrence

Amendments to the
Bill "entitled" An
act against Forgery



An act for the payment of certain claims

House of Rep.
16 Feb. 1816 read
——— read by special order & passed
A. L. Hayn, Clk.

Feb 16 – 1 – 2 – N 3
time by official order & passed
J. M. Clayton
Clk –

1816 Ch 91

An Act for the payment of Certain Claims

0509

Be it Enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met that the Treasurer of this State be and he is hereby directed to pay Cornelius P. Comegys Assistant General the sum of thirty five Dollars and eighty seven cents being the amount of an account passed by him for printing stationery forms and postage on letters addressed to him in his Official Capacity and ~~to pay to James Sharpley Sheriff of New Castle County fifty five Dollars and fifty cents being the sum due him for fees and other incidental expenses~~ To pay to his Excellency Daniel Rodney Esquire the Governor of this State forty five Dollars and thirty eight cents for postage on the interchange of the Laws and Resolutions between this State and other States

229.40

Act for the Support of Government for the year 1816.

for

Samuel Payne Esq. State Treasurer.

05 10

An Act making provision for the support of Government for the year one thousand eight hundred and sixteen. 1816. Ch. 92

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 shall be raised and paid into the treasury of this State, within the time and in the manner directed by an act of the General Assembly entitled, "An Act making provision for the support of Government for the year of our Lord one thousand eight hundred and ten and for the more effectual ordering, assessing, levying, and collecting all such taxes as may be granted by the General Assembly," which said sum of fifteen thousand dollars shall be assessed and levied on the whole amount of the aggregate valuation of the real and personal property of this State now making under and by virtue of the authority of the existing laws of this State; and it shall be the duty of the Auditor of Accounts and he is hereby authorized and required to ascertain upon the aforesaid amount of the aggregate valuation of the real and personal property aforesaid the sum per centum necessary to raise clear of all charges of collecting the taxes hereby granted and levied.

Sec. 2. And whereas it appears that there is now due from the County of Newcastle the sum of Nine Thousand two hundred and Sixty six dollars and forty seven Cents being the proportion of the said County of Newcastle of the sum of fifteen thousand dollars directed to be raised and paid into the treasury of this State by the act of Assembly entitled, "An act making provision for the support of government for the year one thousand eight hundred and fifteen, and for other purposes," passed on the seventh day of February one thousand eight hundred and fifteen; therefore be it further enacted by the Authority aforesaid, that there shall be assessed, levied and raised in the said County of Newcastle within the time and in the manner directed by the first Section of this Act, and in addition to the proper proportion of the said County of Newcastle of the aforesaid sum of fifteen thousand dollars directed to be raised and paid into the treasury of this State by the aforesaid first Section of this Act, the aforesaid further sum of Nine thousand two hundred and Sixty six dollars and forty seven Cents clear of commission and delinquencies, the said last mentioned sum of Nine Thousand two hundred and Sixty six dollars and forty seven Cents being as aforesaid the unpaid quota of the said County of Newcastle of the aforesaid State tax of fifteen thousand dollars directed to be raised and paid into the treasury of this State by the aforesaid Act of Assembly entitled, "An act making provision for the support of Government for the year one thousand eight hundred and fifteen and for other purposes."

Sec. 3. And be it further enacted by the Authority aforesaid, that the aforesaid sums of Money shall be appropriated and applied to and in the following manner, that is to say, so much thereof as may be necessary shall be applied to the payments of Salaries

due & to become due to the Governor, Chancellor, Judges of the Supreme Court & Court of Common Pleas, Attorney General, Secretary of State, & Auditor of Accounts up to the first day of January which will be in the year of our Lord one thousand eight hundred & seventeen; & so much thereof as shall be necessary shall be applied to the payment of the daily allowances of the Members of the General Assembly their clerks and other expenses & for the printing of the laws passed at this Session of the General Assembly & the votes & proceedings of the two Branches thereof & the residue if any there be shall be applied to the payment of any sums of money due to the Citizens of this State for which provision shall be made by law.

Sec 4. And be it further enacted by the Authority aforesaid that if after any Annual Assessment or valuation of the real and personal property within this State to be made in pursuance of the provision of an Act of the General Assembly of this State entitled, "An Act for the Valuation of the real & personal property of this State" passed during the present Session of the Legislature it shall appear that the annual sums allotted & assessed to be paid by the respective Counties into the treasury of this State according to the provisions of an Act passed the twenty day of February one thousand eight hundred & fifteen have been unequal by ~~assessed~~ laid & apportioned to and upon the counties respectively, that all and every such unequal apportionment made in manner aforesaid shall be regulated adjusted & settled equitably to the valuation & assessment made by the Commissioners appointed for the purpose of making a general assessment of real & personal property throughout this State: And if upon such regulation adjustment & settlement it shall appear that either of the counties of this State has paid into the treasury of this State more or less than a fair and just proportion of the State tax for the year one thousand eight hundred & fifteen, the same shall be repaid to the County or counties overpaying & charged & assessed, and paid by any such County as shall have been underrated or paid less than its due proportion.

Passed at Dover
16 February 1816

Cornelius P. Comegys
Speaker of the House of Representatives

Jno Green Speaker of the Senate.

An act making provision for the support of government for the year one thousand eight hundred and sixteen & for other purposes —

Sec: 1st "Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the sum of thousand dollars shall be raised and paid into the treasury of this State within the time and in the manner directed by an act of the General Assembly intitled "an act making provision for the support of government for the year of our Lord one thousand eight hundred and ten and for the more effectual ordering assessing levying and collecting all such taxes as may be granted by the General Assembly" and shall be assessed and levied in the several Counties of this State in the following proportions, that is to say for the County of Newcastle the sum of

for the County of Kent the sum of

and for the county of Sussex the sum of

Sec: 2nd And be it further enacted that there shall be assessed and levied in the said county of Newcastle in addition to the aforesaid sum of that being the amount of the quota of the said county) the sum of nine thousand two hundred

and sixty six dollars and forty-seven cents clear of delinquencies and commissions within the time and in the manner herein before directed.

Sec: 3rd And be it enacted, that the aforesaid sums of money shall be appropriated and applied to and in the following manner: that is to say. so much thereof as may be necessary shall be applied to the payment of the salaries due and to become due to the Governor, Chancellor, Judges of the Supreme Court and Court of Common Pleas Attorney General Secretary of State and Auditor of Accounts up to the first day of January which will be in the year of our LORD one thousand eight hundred and sixteen: and so much thereof as may be necessary shall be applied to the payment of the daily allowances of the members of the General assembly, their Clerks and other expences, and for the printing of the laws passed at this Session of the General Assembly and the votes and proceedings of the two branches thereof; and the residue (if any there be) shall be applied to the payment of any sums of money due to the citizens of this State for which provision shall be made by law.—

Sec: 4th Be it enacted that the State treasurer for the time being is hereby authorized and empowered and he is hereby directed and required either by himself personally or by some person or persons to be appointed by and under him in any of the Counties of this State to ask demand recover and receive of and from all persons whatsoever who is or are a taxable or taxables of this State in the same manner and way as any State tax in any of the Counties of this State are by the laws of this State made recoverable.

Provided always nevertheless that the State Treasurer may at his own will and pleasure appoint any person or persons whatsoever in any County of this State to collect any or all of the taxes in any other county. –

05 15

0516

Whereas it appears to this General Assembly by a report of the State treasurer made to them dated the ~~twelfth~~ fifth day of January one thousand eight hundred and sixteen that there is now due from the County of Newcastle upon a General Statement of the surplus and deficiencies of State taxes, the sum of nine thousand two hundred and sixty six dollars and forty seven cents for and on account of the quota of the State taxes assigned ~~[illegible]~~ and assessed to be paid by Newcastle County for and within the year one thousand eight hundred and fifteen. — ~~therefore~~

Act making provision for the payment of Government 1816

An act making provision for the support of government for the year one thousand eight hundred and sixteen, and for other purposes.

(House of Represent.)
7 Feb. 1816 read
8 ——— read
13 ——— read by paragraphs & passed

For concurrence } A. S. Hayden
Clerk

In Senate
Feb 14 – 1816 – 1st time.
——— 2d time by special order.
——— 3d time by paragraphs & passed with an amendment.

Sent for concurrence } J. M. Clayton
Clerk

An act to making provision for the support of government for the year one thousand eight hundred and sixteen.

1816 ch. 9

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 shall be raised and paid into the treasury of this State within the time and in the manner directed by an act of the General Assembly, entitled "An act making provision for the support of government for the year of our Lord one thousand eight hundred and ten, and for the more effectual ordering, assessing, and levying and collecting all such taxes as may be granted by the General Assembly": which said sum of fifteen thousand dollars shall be assessed and levied on the whole amount of the aggregate valuation of the real and personal property of this State now making under and by virtue of the authority of the existing laws of this State; and it shall be the duty of the Auditor of Accounts and he is hereby authorized and required to ascertain upon the aforesaid amount of the aggregate valuation of the real and personal property aforesaid the sum per centum necessary to raise, clear of all charges of collecting the taxes hereby granted and laid:

Sec. 2. And whereas it appears that there is now due from the County of New Castle the sum of nine thousand two hundred and sixty ~~six~~ four dollars and forty seven cents being the proportion of the said County of New Castle of the sum of fifteen thousand dollars directed to be raised and paid into the treasury of this State by the act of Assembly entitled "An act making provision for the support of Government for the year one thousand eight hundred and fifteen and for other purposes" passed on the seventh day of February one thousand eight hundred and fifteen;

therefore be it further enacted by the authority aforesaid, that there shall be assessed, levied, and raised in the said County of New Castle within the time and in the manner directed by the first section of this act, and in addition to the proper proportions of the said county of New Castle of the aforesaid sum of fifteen thousand dollars directed to be raised and paid into the treasury of this State by the aforesaid first section of this act, the aforesaid further sum of nine thousand two hundred and sixty six dollars and forty seven cents clear of commissions and delinquencies, the said last mentioned sum of nine thousand two hundred and sixty six dollars and forty seven cents being as aforesaid the unpaid quota of the said County of New Castle of the aforesaid State tax of fifteen thousand dollars directed to be raised and paid into the treasury of this State by the aforesaid Act of Assembly entitled "An act making provision for the Support of Government for the year one thousand eight hundred and fifteen and for other purposes"

Sec. 3. And be it further enacted by the authority aforesaid, that the aforesaid sums of money shall be appropriated and applied to and in the following manner, that is to say; so much thereof as may be necessary shall be applied to the payment of salaries due and to become due to the governor, chancellor, judges of the Supreme Court and Court of Common Pleas, Attorney General, secretary of State and auditor of accounts up to the first day of January which will be in the year of our Lord one thousand eight hundred and seventeen; and so much thereof as shall be necessary shall be applied to the payment of the daily allowances of the members of General Assembly, their clerks, and other expenses; and for the printing of the laws passed at this Session of the General Assembly, and the votes and proceedings of the two branches thereof; and the residue (if any there be) shall be applied to the payment of any sums of money due to the citizens of this State, for which provision shall be made by law.

Sec. 4. And be it further enacted by the authority aforesaid, that if after any general

assessments or valuations of the real and personal property within this State to be made in pursuance of the provision of an Act of the General Assembly of this State entitled "An act for the valuation of the real and personal property of this State passed during the present session of the Legislature, it shall appear that the several sums allotted and assigned to be paid by the respective Counties into the treasury of this State according to the provisions of an act passed the seventh day of February one thousand eight hundred and fifteen have been unequally assessed levied and apportioned to and upon the counties respectively; That all and every such unequal apportionments made in manner aforesaid shall be regulated adjusted and settled agreeably to the valuation and assessment made by the Commissioners appointed for the purpose of making a general assessment of real and personal property throughout the State: and if upon such regulation, adjustment and settlement it shall appear that either of the Counties of this State has paid into the treasury of this State more or less than a fair and just proportion of the State tax for the year one thousand eight hundred and fifteen the ~~so~~ same shall be repaid to the County or Counties overpaying and charged, assessed, levied and paid by every such County as shall have been undervalued or paid less than its due proportion.

An act authorizing and directing a general assessment of the real and personal property of this State

House of Representatives
7 Feb. 1816, read & referred
9 ——— read as reported
10 ——— read by paragraphs & passed

Transcribed

1816 ch. 93

An act ~~for the~~ authorizing and directing a General assessment of the real and personal property of this State.

Sect. 1. Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That all the real and personal property within this State, liable to assessment and valuation according to the provisions of the act of Assembly intitled "an act for the valuation of real and personal property within this State" passed on the 9th day of February 1796 and the several supplements thereto shall be assessed and valued by ~~[illegible]~~ William Cooch of Newcastle county Esquire ~~[illegible]~~ Andrew Barratt of Kent county Esquire and ~~[illegible]~~ William Wolfe of Sussex county Esquire, or by a majority of them acting together.

Sect. 2. And be it enacted that the said William Cooch Andrew Barratt & William Wolfe ~~[illegible]~~, commissioners appointed for the purpose aforesaid or a majority of them shall make the assessment and valuation aforesaid on the principles and according to the provisions of the aforesaid act of Assembly and the several supplements thereto of the 9th Feb. 1796 so far as the same are not varied or departed from by any of the provisions of this act.

Sect. 3. And be it enacted that the said commissioners or a majority of them shall have and they or a majority of them are hereby invested with all the rights powers and authorities assessors held and vested in the assessors of the several hundreds of this State by law, and they or a majority of them are hereby moreover invested with and have delegated to them all powers and authorities necessary for the making and completing the assessment and valuation aforesaid: and shall have free access to all public books records and papers within this State: and shall have full power to send for and compel the attendance of witnesses, and to obtain from any of the public officers of this State copies of such books papers and records as they may deem necessary and useful.

Sect. 4. And be it enacted, that the said commissioners before they enter upon the duties assigned them by this act, shall severally take an oath or affirmation before some judge of this State, that they will diligently faithfully and impartially, to the best of their skill & judgment execute the duties assigned them by this act, and that they will spare no person for favour affection or partiality, or prejudice any one for hatred or ill-will, but that they will do equal right and justice according to the best of their knowledge in every case in which they act as commissioners aforesaid.

Sect. 5. And be it enacted that if a vacancy or vacancies shall happen in consequence of the death refusal or inability to serve of any or either of the commissioners aforesaid, then and in such case the governor shall immediately thereafter appoint for the proper county a good and discreet freeholder or freeholders to supply such vacancy or vacancies - and the person or persons thus appointed shall have been the same powers and authority and process in the same manner as if he or they were particularly named in this act - and whenever any vacancy shall happen in the said board of commissioners then same shall be supplied by the governor in manner aforesaid, and every commission thus appointed by the governor shall have the same powers as if he had been named in this act originally.

Sect. 6 - And be it enacted that the Commissioners shall begin their selection and assessment in Mercer county and having completed it in that county, shall next proceed to the county of Burlington which having completed they shall then assess and value the county of Salem - and having fully made, rectified, equalized and completed the said selection and assessment throughout this state, they shall return the same to the ~~comptr~~ ~~legislature~~ legislature of this state next session after the same shall be completed as aforesaid.

Sect. 7. And be it enacted That the Commissioners aforesaid or a majority of them after having made the assessments and selections aforesaid in the counties aforesaid respectively shall meet at the court houses in the respective counties for the purposes of hearing ~~any~~ and deciding on any appeals that may be made to them from the selections & assessments aforesaid, and of correcting errors and adjusting and equalizing the said selections & assessments, giving ten days public notice at least of such their respective meetings -

Sect. 8 - And be it further enacted That the Commissioners aforesaid or a majority of them shall have full power and authority to employ a clerk or clerks not exceeding three for the purpose of assisting in the business aforesaid -

Sect. 9 - And be it enacted - That each of the commissioners aforesaid appointed or that may be appointed by virtue of this act shall receive for every day he may be employed in the duties assigned him by this act the sum of four dollars -

An act authorizing and directing a general assessment of the real and personal property of the State.

House of Represent.

7 Feb. 1816 read & referred
8 ——— reported with amendment which were read.
9 ——— read
10 ——— read by paragraphs and passed.

In concurrence. } A. Ostrander Clk.

In Senate

Feb 12 - 1816 read
— 13 ——— 2d time
— 14 ——— 3d time by paragraphs & passed with amendments. - S. M. Clayton Clk

For con. -

An act authorizing and directing a general Assessment of the real and personal property of this State.

Sec. 1. Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, that all the real and personal property within this State, liable to assessment and valuation according to the provisions of the act of Assembly entitled "An act for the valuation of real and personal property within this State" passed on the ninth day of February one thousand seven hundred and ninety six, and the several supplements thereto shall be assessed and valued by William Cooch of New Castle County, esquire, Andrew Barratt of Kent County, esquire, and William Wolfe of Sussex County esquire, or by a majority of them acting together.

Sec. 2. And be it enacted that the said William Cooch, Andrew Barratt, and William ~~Wild~~ Wolfe, commissioners appointed for the purpose aforesaid or a majority of them shall make the assessment and valuation aforesaid on the principles and according to the provisions of the afore

said act of Assembly of the ninth of February one thousand seven hundred and ninety six and the several supplements thereto, so far as the same are not varied or departed from by any of the provisions of this act: Provided &c.

Sec. 3. And be it enacted that the said commissioners or a majority of them are hereby invested with all the rights powers and authorities at present held and vested in the assessors of the several hundreds of this State by law, and they or a majority of them are hereby moreover invested with and have delegated to them all powers and authorities necessary for the making and completing the assessment and valuation aforesaid: and shall have free access to all public books records and papers within this State: and shall have full power to send for and compel the attendance of witnesses; and to obtain from any of the public officers of this state copies of all such books papers and records as they may deem necessary and useful.

Sec. 4. And be it enacted that the said commissioners, before they enter upon the duties assigned them by this act, shall severally take an oath or affirmation before some judge of this State that they will diligently faithfully and impartially to the best of their skill and judgment execute the duties assigned them by this act and that they will spare no person for favour

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affection or partiality or grievance, any one for hatred or ill will, but that they will do equal right and justice according to the best of their knowledge in every case in which they act as commissioners aforesaid.

Sec. 5. And be it enacted that if a vacancy or vacancies should happen in consequence of the death refusal or inability to serve of any or either of the commissioners aforesaid then and in such case the Governour shall immediately thereafter appoint for the proper county a good and discreet freeholder or freeholders to supply such vacancy or vacancies; and the person or persons thus appointed shall have the same powers and authorities and proceed in the same manner as if he or they were particularly named in this act: and whenever any vacancy shall happen in the said board of commissioners the same shall be supplied by the governour in manner aforesaid, and every commissioner thus appointed by the Governour shall have the same powers as if he had been named in this act as such.

Sec. 6. And be it enacted, that the commissioners shall begin their valuation and assessment in Newcastle County and having completed it in that County, shall next proceed to the County of Kent, which having completed, they shall then assess and value the County of Sussex.

Sec. 7. And be it enacted, that as soon as the board of assessors shall have finished and completed their assessments in New-Castle County they shall proceed to make out or cause to be made out lists in alphabetical order of all the taxables in each hundred together with the amount of the assessment of each person distinctly stated in a book to be had for that purpose, and shall have the same hung up at the places where the hundred elections for the several hundreds are respectively directed to be held by law: and that the same proceedings shall be had as aforesaid in each of the counties of this State as the same may be severally assessed according to the provisions of this act.

Sec. 8. And be it enacted that Caleb Lingo ~~Thomas~~ at Mendenhall for the County of New-Castle, George L. Raymond ~~Cummins~~ for the County of Kent and Nathan Vickers for the County of Sussex, be and they are hereby appointed and constituted a board of appeals whose duty it shall be to meet for the County of New-Castle at the Court House in the said County, at any time which shall not be less than twenty days after the lists of taxables and amount of assessments shall have been hung up and exhibited in the several hundreds as aforesaid due public notice of which meeting

shall by the said board of appeals be given; when, and where so met, they or a majority of them so met, shall continue for a period not less than ten days and during that time shall hear and determine upon all and every appeal made by any person or persons who may consider him her or themselves aggrieved by any assessment which shall have been made in pursuance of this act, and shall have power generally to arrange the several valuations and assessments so that no person or persons may be unequally assessed or overrated in the assessment of his her or their real or personal property within said county: and shall in like manner for the county of Kent and Sussex meet and continue at the Court Houses of the said counties respectively for the same time and purposes aforesaid; and shall in like manner give notice of such meetings, and shall in like manner hear, ~~and~~ determine, and arrange as herein before prescribed and directed.

Sec. 9. And be it enacted, that each member of the aforesaid board of appeals respectively shall before entering upon the duties assigned them by this act, take the same oath to be administered in like manner as is directed to be taken and administered to the assessors herein before appointed; and the said board of appeals shall have the same power to appoint clerks obtain information touching the value of real and personal property within the re-

spective counties of this State, and shall be entitled to the same per diem allowance as is herein after allowed to the assessors appointed as aforesaid; and any vacancies happening in the board of appeals shall be filled up and supplied as is directed by the fifth section of this act for supplying vacancies in the board of ~~appeals~~ assessors.

Sec. 10 And be it enacted that the board of assessors herein before appointed shall as soon as they shall have finished and completed the valuation and assessment of each of the Counties of this State respectively in addition to the copy of their assessments and valuation hung up and exhibited in the hundreds respectively as before directed, make out or cause to be made out one other fair copy of their said assessments and valuations and deliver the same to the board of appeals before the sitting of the board in each County respectively, retaining the original lists in their own possession.

Sec. 11. And be it enacted that when and as soon as the aforesaid board of assessors and the said board of appeals shall have finished and completed their valuation and equalization of the real and personal property within the several Counties of this State, they shall assemble together in the Town of Dover and as a joint board when so

assembled, or a majority of them when assembled shall proceed to compare their respective proceedings had in pursuance of this act, and may or a majority of them together agreeing, make such alterations in their assessments, valuations, and equalizations as they or a majority of them may upon a full and fair examination, deem right and proper: and a fair copy of such valuations when so as aforesaid adjusted equalized settled and determined, shall be laid before the General Assembly at their next session thereafter.

Sec. 12. And be it enacted that the commissioners aforesaid or a majority of them shall have full power and authority to employ a clerk or clerks not exceeding three for the purpose of assisting in the business aforesaid.

Sec. 13. And be it enacted, that each of the commissioners aforesaid appointed or that may be appointed by virtue of this act shall receive for every day he may be employed in the duties assigned him by this act, the sum of four dollars, and the clerks appointed in pursuance of this act shall be allowed each for every day's service the sum of three dollars.

Amendments to the ap-
pointment Bill

Amendments to the Assessments Bill. –

In Senate
Feb 14. – 1816

To the end of the ~~first~~ second section annex the following proviso

" Provided nevertheless, that every freeman above the age of twenty one years, whether he has or has not property assessed to him, shall be rated a personal tax for a capital not less than one hundred dollars nor exceeding five thousand dollars at the discretion of the said commissioners. –

Sec 8. Line 2. Strike out the name of "Thomas Mendenhall" and insert in lieu thereof that of "Caleb Kirk". –

——— Line 3. Strike out the name of "George Cummins" & insert in lieu thereof that of "John Raymond"

—— Line 18. Strike out the words "assignments" and insert in lieu ~~that of~~ the words "assessments". –

Sent for concurrence

Extract from the Journal
J. M. Raymond Clerk

A. of Rep.
15 Feb. 1816.
agreed to
A. L. Hayes

And be it further enacted

That as soon as the Commissioners shall have finished and completed the General assessment of the County of Jasper, the Governor is hereby authorized ~~and~~ to draw in the same manner, and according to the same rate prescribed by the first sect. section of this act, in favour of the said Commissioners, and Clerk or Clerks respectively for their time they and each of them may be employed as aforesaid

Amendment to the supplementary assessment bill.

1st amend.

Yeas	Nays
Bl	Batt
Can	Cul
McL	Q
JH	3
Cop	
Cum	
Gr	
Mit	
N	
R	
Sh	
W	
"	

S. G. Brinkler A. McRidgely

3d last amend.

Yeas	Nays
Can	Batt
McCach	Bl
Gr Cum	JH
3	Cop
	Cul
	Cum
	Gr
A. McRidgely	Mit
	N
	R
	W
	"

B. Pay. of Claims

Jury bill 2 read

Mississippi Day bill

A. McRidgely

Bricks bill

Y	N
Batt	Bl
Cop	JM
W.	JH
	Cul
	Gr
	Mit
	N
	R
	S
	W

The committee to whom was referred the bill entitled, "an act authorizing and directing a General assessment of the real, and personal property of this State" ——

respectfully report.

That ~~the~~ from the word "Sussex" in the 5th line of the 6th section, the remainder of the section be stricken out. ——"

That the whole of the 7th section be stricken out —— and that the following be inserted as the 7th section of the bill. that is to say.

Sect. 7. Be it enacted, That as soon as the board of assessors shall have been finished and completed their assessments in Newcastle County, they shall proceed to make out, or cause to be made out lists in alphabetical order, of all the Taxables in each hundred together with the ~~rate~~, ~~and~~ amount of ~~tax~~ the assessment of each person distinctly stated in a book to be had for that purpose. And shall have the same hung up at the places where the hundred elections for the several hundreds are respectively directed to be held by law. - and the same proceedings shall be had, as aforesaid, in each of the counties of this State, as the same may be severally assessed according to the provisions of this act.

And the following, as the 8th Sect. of the act.

Sect. 8. And be it enacted, That ~~William Poole~~ Thomas Manderhall for the County of Newcastle, George Fennimore for the County of Kent, and Nathan Vickers for the County of Sussex, be, and they are hereby appointed, and constituted a board

of appeals, - whose duty it shall be to meet, for the county of Newcastle at the ~~[illegible]~~ Court House in the said County, at any time, which shall not be less than ~~twenty~~ thirty days after the lists of taxables, and amount of assessments shall have been hung up and exhibited in the several hundreds as aforesaid, of which meeting shall, by the said board of appeals, be given ~~in two of the public newspapers within this State by at least three insertions, in each year~~, when, and where so met they, or a majority of them so met shall continue for a period not less than ~~twenty~~ ten days, and during that time shall hear, and determine upon all, and every appeal made by any Person, or Persons who may consider him, her, or themselves aggrieved by any assessment which shall have been made in pursuance of this act. and shall have power generally to arrange the several valuations and assessments so that no Person, or Persons may be unequally assessed or overrated in the assessment of his, her, or their real, or personal property within said County. Once shall in like manner for the Counties of Kent and Sussex meet, and continue at the Court Houses of the said Counties respectively for the same time, and purposes as aforesaid, and shall in like manner give notice of such meetings, and shall in like manner hear, determine, and arrange as herein before prescribed and directed. -

And as Section 9.

Sect 9. And be it enacted, That each member of the aforesaid board of appeals, respectively shall before entering upon the duties assigned them by this act, take the same oath, ~~and~~ to be administered in like manner as is directed to be taken and administered to the Assessors herein before appointed.

And the said board of appeals shall have the same power to appoint clerks, obtain information touching the value of real and personal property within the respective counties of this state, and shall be entitled to the same per diem allowance, as is herein ~~before~~ after allowed to the assessors appointed as aforesaid; and any vacancies happening in the board of appeals, shall be filled up, and supplied as is directed by the 5th Section of this act for supplying vacancies in the board of Assessors.

And as Section 10. the following.

Sect. 10. And be it enacted. That the board of assessors herein before appointed shall, as soon as they shall have finished, and completed the valuation and assessment of each of the Counties of this state, respectively, in addition to the copy of their assessments and valuation hereof, and exhibited in the manner respectively as before directed, ~~shall~~ make out, or cause to be made out, one other fair copy of their said assessments, and valuations, and deliver the same to the board of appeals before the sitting of the said board in each County respectively, retaining the original lists in their own possession.

And the following as Sect. 11.

Sect. 11 And be it enacted,

That, when, and as soon as the aforesaid board of assessors, and the said board of appeals

shall have finished and completed their valuation and equalization of the real and personal property within the several counties of this State, they shall assemble together in the town of Dover, and as a joint board when so assembled, or a majority of them when assembled shall proceed to compare their respective proceedings had in pursuance of this act, and may, or a majority of them together agreeing, make such alterations in their assessments, valuations, and equalizations, as they or a majority of them may upon a full and fair examination deem right; and prepare, and a fair copy of such valuation, when so as aforesaid adjusted, equalized, settled, and determined, shall be laid before the General Assembly at their next session thereafter —

and section 8 of the original bill, to be section 12 —— of the bill —

Section 9. to be section 13. with the following added thereto —

and the clerks appointed in pursuance of this act shall be allowed each, for every day's service the sum of three Dollars ——

An act for the payment of certain claims and for other purposes –

Reported & read in the Senate – Jan 24. 1816 –

2d time – Jan 25 – – – –

3d time – Jan 26 read in post. –

Again Jan. 29th read, by paragraphs &

Lent for conc. Passed the Senate

J. M. Clayton Clerk

House of Representatives

29 January 1816 read

30 ——— read

8 Feb ——— read by paragraphs, amended and passed.

C. A. Hayes, Clk.

In Senate

Feb 16. The proposed amendments nonconcurred in – J. M. Clayton Clk.

1816 c. 94

An act for the payment of certain claims, and for other purposes.

1. Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, that the Treasurer of this State be and he is hereby authorised and directed to pay to Moses Bradford the sum of thirty two dollars for printing done by order of the Secretary of State in the year eighteen Hundred and fourteen To James Wilson the sum of nineteen dollars and fifty cents for inserting the Governors proclamation of the Elections of Mr Thomas Cooper and Thomas Clayton Esquires, Representatives to Congress in Eighteen Hundred and fourteen, and for printing general orders of the Governor: To Augustus M. Schee the sum of thirty three dollars for printing done by order of the Secretary of State in eighteen Hundred and fourteen

2. And be it further enacted, That John Mitchell, John Crow ~~William Cooch, Jacob Stout~~ and John Handy ~~~~ 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, for expenses incurred and for services rendered under the orders of the Governor or otherwise for the defence of the ~~State~~ same; and that the said William Cooch, Jacob Stout, and John Handy ~~~~ be and they are hereby authorized and directed to pay 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 not otherwise appropriated,

3. And be it further enacted that the said Commissioners shall meet at the Towns of Newcastle, Dover and Georgetown respectively, or such other place as they shall or may appoint, and at such times as they shall or may appoint provided always and they are hereby directed to give two weeks notice of the time and place of their respective meetings in one or more of the public Newspapers printed in this State.

4. And be it further enacted, that the Governor or other proper officer shall cause to be laid before the Commissioners returns in proper columns and form, setting forth the names, offices, 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.

5. And be it enacted that each of the said commissioners while employed in the service assigned them by this act shall receive Four 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.

An act respecting Devises of Lands – joint Estates and Dower –

In Senate

Jan. 18 – 1816 – reads.

Jan 20 – – – read 2d time

23 referred. –

read 1st time after report –

S. Bills Read 2nd time

1816

1816 ch 95

An Act respecting Devises of Lands — Joint Estates and Dower.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That all devises of Lands Tenements and hereditaments within this State by any last will and Testament hereafter made and executed according to the Laws of this State shall be deemed construed and held to give to the devisee or devisees respectively an Estate of Inheritance in fee simple in the Lands Tenements or hereditaments devised unless the Testator or Testatrix shall by this or her said will, declare or express the intention to give to the devisee or devisees some other or less estate in the premises devised.

13

2. Be it further enacted That no Estate in joint-tenancy in Lands Tenements or hereditaments shall be held or claimed by or under any grant, devise or conveyance whatsoever hereafter to be made to any Trustees other than to Feoffees or Trustees, unless the premises therein men

7 Tenant shall expressly be thereby declared to
8 have not in Tenancy in common but in joint-
9 tenancy and every such estate other than to
Executors or Trustees unless otherwise expressly
declared as aforesaid shall be deemed to be in
Tenancy in Common, any law usage or Cus
tom to the contrary notwithstanding.

And be it further enacted that the widow of any
man who shall die after the passing of this
Act and who during their marriage was seised
of an estate of Inheritance in any lands
or Tenements within this State, shall have
the third part of all the Lands and Tene
ments whereof her said husband was seised
as aforesaid at any time during the marriage
to hold to her as Tenant in Dower for and
during the term of her natural life, free
and discharged from all and every the aliena
tions, covenants, Debts, liens and encumbran
ces, made entered into contracted or created
by the said husband after the intermarriage
unless she shall have relinquished her right
of Dower therein by her own voluntary

act according to the existing laws of this State.

And be it further enacted That if any Testator
after the passing of this Act shall devise or be
queath to his wife any portion of his Real Estate
such devise or bequest shall be deemed and
taken to be in lieu and bar of her
Dower out of the Estate of her deceased
husband in like manner as if the same
were so specified unless such Testator shall
by his last will and Testament declare
otherwise, any law usage or custom to
the contrary notwithstanding Provided
always nevertheless that nothing in this
Section contained shall deprive the wi
dow of her choice either to Dower or
the estate so devised or bequeathed, which
Choice shall be made by her in writing be
fore the Register in whose office the said
will is proved - within one year after the
Testator's death, or on failure to make such
Choice within that time, the devise or be
quest in the said will shall stand in lieu
of and bar of her Dower.

An act respecting Dower of lands, joint estates & Dower.—

In Senate

Jan 25 1816 read 1st time

Jan 26 - 1816 read 2d time

Jan 29 - 1816 read third time by paragraphs and Sent for con.— Passed the Senate.

J. M. Clayton Clerk

House of Representatives

29 January 1816 read.

30 ——— read.

31 ——— called up & postponed till tomorrow morning.

7 February ——— read by paragraphs & passed with amendments

C. Tolleyer, Clk.

16 ——— received

A. Lott

An act respecting Devises of Lands Joint Estates and Dower.

By the Senate & House of Representatives of the State of Del. in General Assembly met:-

Sec. 1. Be it enacted that no Estate in joint tenancy in Lands Tenements or hereditaments shall be held or claimed by or under any grant, devise, or conveyance whatsoever hereafter to be made to any persons other than to Executors or Trustees, unless the premises therein mentioned shall be expressly granted devised or conveyed to such persons to be held as joint tenants and not as tenants in common, any law, usage or custom to the contrary, notwithstanding.

Sec. 2. And be it further enacted that the widow of any man who shall die after the passing of this act and who during their marriage was seised of an Estate of Inheritance in any lands or Tenements within this State, shall have the third part of all the lands and tenements whereof her said husband was seised as aforesaid at any time during the marriage to hold to her as tenant in Dower for and during the time of her natural life, free and discharged from all and every the alienations, covenants, Debts, leins, and incumbrances made entered into Contracted or created by the said husband after the intermarriage unless she shall have relinquished her right of Dower therein by her own voluntary act

according to the existing laws of this State. And in all cases where a widow may be entitled to Dower the same may be assigned and laid off to her by the Orphans Court of the County where the lands lies upon her petition to the said Court by the like proceedings and in the same manner as is by law provided in the case of Intestate Estates, and the Cost and Charges thereof shall be ordered by the Court to be paid by the parties respectively concerned according to their interests in the said lands whereof Dower shall be so assigned or laid off.

Section 3. And be it further enacted That if any Testator after the passing of this Act shall devise ~~or bequeath~~ to his wife any portion of his Real Estate such devise ~~or bequest~~ shall be deemed and taken to be in lieu and bar of her Dower out of the Estate of her deceased husband in like manner as if the same were so expressed unless such Testator shall by his last will and Testament declare otherwise any law, usage or custom to the contrary notwithstanding. Provided allways nevertheless that nothing in this section contained shall deprive the widow of her choice either to Dower or the Estate so devised, which choice shall be made by the widow before the Orphans Court of the County where the Testators will is recorded, upon her voluntary appearance in the said Court, or upon a citation to be issued from the said Court directed to the widow upon the request of any Devisee or other person interested in the Testators Estate, requiring her to appear at a certain day before said Court, and make her Election, and if

she shall appear and make her Election, the same shall be recorded in the Court and shall Entitle her to claim accordingly – but if after having thirty days notice by such citation she shall fail to appear and make her Election the same shall be Entered on record in said Court and in such case the devised to her in the will of her deceased husband shall be and stands in Lieu and bar of her Dower in the Real Estate of the Testator.

* Provided always that nothing herein contained shall be construed or taken to affect or destroy any lien or incumbrance existing before the passing of this act.–

Act. respecting joint Devises of Canal Estates & Dower —

Reported & read — Jan. 25 — 1816

Amendments proposed to the bill respecting devises &c.

1. Strike out the first section.

2. In the second section, after the word "Madoc" in the fifth line add "to any persons"

3. After the word "shall" in the seventh line of the second section; strike out the residue of the said section & insert in lieu thereof, "be entitled such persons "granted devised or conveyed to them "to be held as joint tenants & not as "tenants in common, any law, usage or "custom to the contrary, notwithstanding"

A Supplement to an Act entitled "An Act to authorize the Owners & Possessors of the Swamps, Branch or low grounds commonly known by the name of Dicks Savanna at the Head of Indian Branch and the low lands thereto adjoining in Dagsborough Hundred in Sussex County to ditch & drain the same" and to extend and render more effectual the same.

House of Rep.
8 Jan. 1816 read.
10 " " read 2d time
11 " " read 3d time by paragraphs & passed.
Sent for con. A. L. Hayes, Clk.

Read Jan 11th 1816 - 1st -
Read Jan 12th - - - 2nd time.
Read Jan 17th - by paragraphs
& passed with an amendment. J. M. Clayton Clk

A.

1816 ch 97

A Supplement to the Act entitled "An Act to authorize the Owners & Possessors of the Swamp, Branch or low grounds commonly known by the name of Dicks Savanna, at the Head of Indian Branch and the low Lands thereto adjoining, in Dagsborough Hundred, in Sussex County, to ditch & drain the same", and to extend and render more effectual the same.

Whereas it has been represented to this General Assembly that the Act to which this is a Supplement, has been found, by Experience not to provide for the Exigences that arise under it, so as to insure the full attainment of the Objects it was intended to promote; and as it has become impracticable to fill the Vacancies that have happened in the Offices created by the said Act, by Reason of the Removal of both Managers:

Section 1. Be it, therefore, enacted, by the Senate & House of Representatives of the State of Delaware, in General Assembly met, that in Case of the Death, Resignation, Removal, Inability, Refusal or Neglect to serve, of either of the Managers here appointed, or of their Successors, in Office, the other may call a Meeting of the Land-
6 holders or Contributors to, the said Canal, in the Manner hereinafter directed; and in Case of the Death, Resignation, Removal, Refusal or Neglect of both Managers herein appointed, or of their Successors, it shall be lawful for any two or more of the Proprietors, to call a Meeting of the said Proprietors & Contributors to fill any Vacancies which may happen in the Offices created by the said Act, or this Supplement thereto.

Section 2. And be it enacted, that the said Proprietors & Contributors shall be summoned to the Meetings that may be called, at Dagsborough or Washington, in the said Hundred, five Days previous to the same, by a written Notice, subscribed with the Names of the Persons calling the said Meeting, mentioning the Place & Time of Meeting, & to be delivered to the said Proprietors, or left at their Places of residence, respectively.

Section 3. And be it enacted, that the Proprietors, or a Majority of them, convened at such Meeting, shall fill all Vacancies hereafter happening in any of the said offices.

Section 4. And be it enacted that the said Managers, or any two of them, shall within one Year from the passing of this Act, cause an accurate Survey to be made of the said Canal, for the purpose of determining, ascertaining & fixing the present & future Course of the said Canal; in doing which they shall prescribe, & cause to be marked out, the Courses of the same, and the Extent of the Distance within which the said Canal shall be confined; in doing which they may adopt as belonging to the said Canal, any part thereof already cut, after commencing the said Survey ~~wherever they shall see fit~~ wherever the said managers shall see fit; ~~the distance from the Dwelling place of Houston will intersect the said Canal~~; and a Plot of the said Survey they shall, within the said Time, cause to be recorded, at the Expence of the said Company, in the Office for recording of Deeds for the said County; & the Record thereof, or a duly certified Copy thereof, shall be evidence in any Court of Law or Equity in this State:

State: and the said Plot shall then cause to be filed of Record in the Prothonotary's Office of said County.

Section 5. And be it enacted, that the said Managers, or any two of them, shall cause the said Canal to be cut conformably to the said Survey and they shall have power, at all times, as to them shall seem meet, to deepen, to widen, to clean out & straighten the said Canal, or any Part thereof: and they shall liquidate and settle and discharge all Demands made upon them for work on any part of the said Canal, in cutting or clearing out, the original or adopted part thereof, or for other services in relation to the said Canal, as shall be just and fair.

Section 6. And be it enacted, that the Commissioners herein appointed, or a Majority of them, are hereby authorized and empowered, from time to time, to go upon and view the Lands which may have been, or may hereafter be benefited by the said Canal, or any Part thereof; and to assess and
6 levy on each and every Owner thereof sufficient to defray the Expences thereof, and of keeping the same in order, having constant regard (in assessing and levying such Tax or Taxes) to the advantage which every Owner of any such Land may derive from the same: and that the said Commissioners, or a Majority of them, and their Successors, and the said Managers, or a Majority of them and their Successors, and the Treasurer hereby appointed and his Successors,

shall

shall respectively have, additionally to the Powers granted by this Act to them respectively, all the Powers vested in them respectively, by the said Act; and their Compensations for any Services, under this, or the said Act, shall be the same, as are established for them respectively, by the said Act.

Section 7. And be it enacted, that as all the Officers appointed by the said Act have died, resigned, removed or declined acting, that the following Persons be appointed in their Place & stead, that is to say, Edward Dingle junior and Isaac Short, — _____ for Managers; and Ebe Walter, Richard Clarke, and Spencer Philips _____ for Commissioners; and Job Ingram _____ for Treasurer.

Section 8. And be it enacted, that every Part and Section of the Act to which this is a Supplement, not inconsistent herewith, shall be extended and apply to, and be considered in force and be applicable to all proceedings and doings under this Act, or in relation to the Canal herein directed to be cut, as if the same were reenacted and incorporated herein.

Section 9.

0598

Section 9. And be it enacted that the said Act and this Supplement, shall be, within one Year after the passing of this Act, caused to be recorded in the Office for recording of Deeds, for Sussex County; for which the said Recorder shall receive, from the said Treasurer, the like fee as for ~~for~~ recording of Deeds; and when so recorded, the Record or a Copy thereof under the Hand and Seal of the Recorder, for the Time being, shall be allowed as Evidence in any Court of Law or Equity, in this State.

Amendments.

0560

In Senate. Jan. 17. 1810.

The bill was amended by striking out the word "on" in Section I. line 6. agreed to

And in Section 6. line 6. by inserting between the words "thereof" and "sufficient" the words "their respective proportions of a sum of money" agreed to

The bill then passed as thus amended.—

~~Extract from the~~ journal J. M. Clayton Clk.

Sent for concurrence.

No. 12. Continued

An Act to empower the Owners & proprietors of the Marshes lying in Duck Creek Neck & Hundred in Kent County on both sides of Taylors Gut to bank the same.

H. of Reps.

11 Jan. 1816 read

12 " " read 2d time

13 " " read 3d time by paragraphs & passed

Engd

A. L. Hayes, Clk.

In Senate

15 Jan. 1816 read

16 Jan. ---- read 2d time

19 Jan -- read 3d time by paragraphs & passed with amendments

J. M. Clayton Clk

Engd

1816 Ch. 68

An Act to empower the Owners and possessors of the Marshes lying in Duck Creek Neck ~~and Hundred~~ and in Kent county, upon old Duck creek on both sides of Taylor's gut, to bank the same.

Sec. 1. Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That it shall be lawful to bank the Marshes lying in Duck creek Neck and Hundred in Kent county, upon old Duck creek and on both sides of Taylor's Gut by making and constructing a suitable bank or banks, dam or dams with the requisite trunks and sluices [extending from such ~~front~~ places of the Fast land on or ~~or~~ near to the said creek, above the said Gut, through the said Marshes and across the said Gut to such place or places of the Fast land upon or near to the said creek below the said Gut, and in such site, sites & direction and of such form and dimensions as shall be deemed most expedient and proper for the said purposes respectively.]

Sec. 2. And, to this end, Be it further enacted, by the authority aforesaid, That James Raymonds, Timothy Cummins, Andrew Saudaine, John Cowgill & Edward Joy, be and they are hereby appointed Commissioners, and that they or a majority of them be and are hereby authorized and required to go upon and view the said Marshes and the Fast land [upon or near to the creek aforesaid ~~above~~ lying above the Gut aforesaid and the Fast lands upon or near to the said creek lying below the Gut aforesaid] and to determine according to the best of their skill and judgment, ~~the~~ the places of the said Fast lands respectively from and to which the said Bank or Banks shall extend;

and what bank or banks, dam or dams, and with what trunks and sluices will be requisite and proper for the effectual banking ~~and~~ of said Marshes, and damming the waters of the creek aforesaid therefrom; And the form and dimensions of such bank or banks, dam or dams, trunks and sluices; and the direction and sites of the said bank, banks, dam or dams, in and through the Marshes aforesaid and across the gut aforesaid or any other guts in the said Marshes; and what ditch or ditches, gangs may be requisite and the dimensions, place and direction thereof; and when the said Commissioners or a Majority of them shall have so determined, they or a Majority of them shall make duplicate certificates under their hands or the hands of a Majority of them of and concerning all and singular the premises, and shall deliver one of said Certificates to the Clerk of the peace for Kent county to be ~~then~~ by him filed of record in his Office, and the other to the Manager hereinafter appointed or his successor in office. And the proceedings of the said Commissioners or a Majority of them in the premises shall be final and conclusive upon all persons. Excepting only, that the said Commissioners or a Majority of them, shall and may, if it shall ~~in~~ the progress of the work be so deemed expedient make such additions to or alterations of their certificate aforesaid of the premises therein or any part thereof, as to them or a Majority of them shall seem fit and necessary, and such additions or alterations being certified as aforesaid shall be ~~equally~~ conclusive upon all persons in like manner as the original proceedings.

Sec. 3. And be it further enacted, That when (the) the commissioners aforesaid or a majority of them shall have determined what bank or banks, dam or dams, trunks and sluices & what ditches will be requisite and proper for the banking of the Marshes aforesaid and damming the waters of the creek aforesaid therefrom, they the said Commissioners or a majority of them shall according to the best of their skill and judgment make an estimate of all the charges and expenses which will be requisite to make, erect and construct the said bank or banks, dam or dams, trunks and sluices and cut said ditches or ditches if any to be cut and other necessary expenses and determine the amount of such charges and expenses according to the best of their ability; and shall apportion, charge and assess the said amount to, among and upon all and every the Owners and possessors of the aforesaid Marshes and the low grounds adjacent, which will be benefitted by such bank or banks, dam or dams, ditches, trunks & sluices, according to the degree and proportion of profit and benefit, which the said Owners & possessors respectively will in the opinion of the said Commissioners or a majority of them derive from the making erecting and constructing of the said bank or banks, dam or dams, trunks & sluices & the cutting of said ditches; due regard being had as well to the quality & quantity and situation of the several parts of the said Marshes and low grounds held by said Owners & possessors respectively; and the said Commissioners or a majority of them are hereby authorized and required to determine and appoint

the manner and time or times of payment of the sum, which shall be so apportioned, charged and assessed to, upon and among the said Owners and possessors of the said Marshes and Low grounds respectively; and the said Commissioners or a majority of them shall make duplicate certificates of the Estimate which they shall thus make, and of the apportionment and assessment thereof as aforesaid, and the manner and time or times of payment, and shall deliver one of said certificates to the Clerk of the Peace for Kent to be filed in his Office and the other to the Manager under this Act for the time being; and the proceedings of the said commissioners or a majority of them in the premises shall be final and conclusive upon all persons.

Sec. 4. And be it further enacted, that the Owners and possessors of the said Marshes and Low grounds shall have an annual meeting on the first Monday day of May in the year of our Lord One thousand eight hundred and seventeen, and on the first Monday day of May in every succeeding year at the House now occupied by Elizabeth Fortune in Duck creek Neck aforesaid or at such other place as may be agreed upon by the majority present at any annual meeting or other meeting held under this Act; and at such annual meeting the said Owners & possessors shall have power to choose by a majority of votes one person to act as Manager and one person to act as assessor under this Act for the ensuing year next ensuing such meeting and until successors to such Manager & assessor respectively shall be chosen.

Sec. 5. And be it further enacted, That Thomas Rothwell be and he hereby is appointed Manager to continue in office until the first Monday day of May in the year of our Lord One thousand eight hundred and seventeen and afterward till a successor be chosen; and in case of his refusal to serve, resignation, death or remo

vacancy, or in case the place of any manager or assessor hereafter to be chosen shall become vacant by the refusal, resignation or death or removal of such manager or assessor, that in such case it shall be lawful for two or more of the owners or possessors of said Marshes and Low grounds, to appoint a suitable and convenient time and place for a special meeting of the said Owners and possessors in order to call a general meeting to fill such Vacancy; of which special meeting at least three days notice shall be given by advertisement posted at three or more of the most public places in the vicinity of the said Marshes; and the said special meeting may call a general meeting of said Owners and possessors of said Marshes and Low grounds to be held at such convenient time and place as the majority present at said special meeting shall appoint, by giving at least six days notice of the time, place and purpose of such general meeting by advertisement posted in five or more of the most public places in Duck creek Hundred aforesaid nearest to the Marshes aforesaid and at such general meeting the Owners and possessors of said Marshes and Low grounds may by a Majority of votes present at such meeting choose a manager or assessor in the place of the manager or assessor so dying, resigned, dead or removed.

Sec. 6. And be it further enacted, That it shall be the duty of the manager herein before appointed and of the manager to be chosen from time to time under the provisions of this Act to cause the bank or banks, dam or dams, trunks and sluices, which shall as aforesaid be determined by the commissioners aforesaid or a majority of them to be requisite and proper for banking the Marshes aforesaid and damming the water of the aforesaid Creek therefrom, to be made, erected and constructed of the form and dimensions and in the direction and sites to be determined as aforesaid and to cut the ditch or ditches, which shall be directed by the commissioners aforesaid or a majority of them, and to finish and complete the same and to keep the said bank or banks, dam or dams, trunks and sluices amended and in good condition and repair, and the said ditches opened and cleaned, by means of the monies which shall come to

to the hands of such manager under the provisions of this Act, and full power and authority is given to such manager for that purpose.

Sec. 7. And be it further enacted, That it shall be the duty of the Owners and possessors of the aforesaid Marshes and low grounds respectively and they are respectively enjoined to pay to the manager aforesaid or in case of his refusal, resignation, death or removal, to a manager who shall succeed him, all and every the sum and sums of money, which shall as aforesaid be apportioned, charged and assessed among, to and upon the said Owners and possessors respectively in such manner and at such time or times as the commissioners aforesaid or a majority of them shall as aforesaid appoint and direct: And if any Owner or Possessor shall neglect or refuse to pay to such manager the sum or sums with which he or they shall be so assessed and charged, then and in such case the manager aforesaid or a manager who in case of such refusal, resignation, death or removal shall succeed him shall and he is hereby authorized to proceed and levy and recover the said sum or sums, or such part or parts thereof as shall be payable in the same manner and by the same means as are provided by the Act of the General Assembly of this State entitled "An Act for raising county rates and levies" and by the twenty fifth and twenty sixth sections of the Act of the General Assembly of this State entitled "An Act for the valuation of real and personal property within this State" for levying and recovering the rates or taxes in said Acts mentioned; and the manager aforesaid and every manager to be chosen under the provisions of this Act shall, for the purpose of levying and recovering the sums which shall be assessed by the commissioners aforesaid or a majority of them, or by any assessor chosen under the provisions of this act, or any part or parts of such sums as the same become payable, have the same powers and may exercise the same means and proceedings, as the Collectors respectively within the several Hundreds of Kent county aforesaid, according to the Laws of this State, have or can exercise or use for levying & recovering the county rates or taxes.

Sec. 8. And be it further enacted, That in case the manager aforesaid or any other manager to be chosen under this Act shall resign, remove, die or refuse to act, after the certificate of assessment to be made by the commissioners aforesaid or a majority of them or to be made by any assessor to be chosen under this Act shall have been delivered to him and before the sums in such certificate shall have been collected, the succeeding manager shall be and he hereby is authorized and empowered to collect the sum remaining due upon such certificate or to become payable according to said certificate or any part thereof, in the same manner as the preceding manager, to whom such certificate was originally delivered, could have collected the same and to use and exercise all the means and powers for the levying and collecting thereof which could have been used and exercised by the preceding manager. And if there shall be any thing due to any manager so removing or dying ~~the sum so due shall be~~ for monies expended or otherwise the sum so due shall be paid to the said manager so removing or to the Executors or administrators of the deceased manager, by the succeeding manager out of the monies by him collected; and if no manager shall be elected & give bond within two months after such death or removal, then and in such case the manager so removing or the Executors or administrators of such deceased manager are authorized to proceed and levy and recover all the monies due or to become due by virtue of the certificate ~~put~~ delivered to such manager in the manner and by the means provided by the seventh section of this Act.

Sec. 9. And be it enacted, That the manager aforesaid and every manager chosen under this Act shall at the next annual meeting of ~~said~~ owners and possessors after his appointment exhibit an Account of all monies by him received and of his expenditures and disbursements, and pay the balance in his hands to his successor in office and every the manager aforesaid and every manager appointed under this Act shall before he proceeds to collect the monies assessed give Bond to the State of Delaware in a penalty double the sum assessed, with surety to be approved by the Clerk of the Peace for Kent county conditioned to account for all monies by him collected and to pay any balance remaining in his hands when his office shall expire to his successor, and for the faithful discharge of his duties under this Act. Which Bond shall be filed with said Clerk & be in trust for all parties interested. And the manager aforesaid and every other manager under this Act shall for every days attendance in performing the duties enjoined by this,

Act, be allowed the sum of one dollar _____ and five — per cent upon all monies by him collected to be paid and allowed out of the monies which shall come to his hands, but no other allowance than the said rate per cent shall be made for the time employed in collecting said monies.

Sec. 10. And be it further enacted, That the assessor to be chosen as aforesaid shall and he is hereby authorized and required to make an estimate of the sum which he may deem requisite either to complete and finish the bank or banks, dam or dams, trunks and sluices aforesaid or the ditches aforesaid or to maintain and keep the same in good condition, order and repair, and to apportion, charge and assess such sum to, upon and among all and every the owners and possessors of the Marshes and low grounds aforesaid; and to direct when and the manner in which the sums by him so apportioned, charged and assessed shall be paid; and to deliver duplicate Certificates under his hand of such assessment to the Clerk of the peace for Kent county aforesaid and to the Manager for the time being; which sums so assessed shall be paid by said Owners and possessors respectively at the time or times and in the manner directed in such certificate and the Manager shall have power to collect, levy and recover the same in the manner and by the means provided by the seventh section of this Act. But no person being an owner or possessor of said Marshes or low ground or related to either of them or not being a substantial freeholder shall be an assessor.

Sec. 11. And be it further enacted, That every Commissioner and assessor acting under this Act shall first take an oath or affirmation before some Judge or Justice of the Peace to perform the duties enjoined upon him by this Act faithfully and impartially according to the best of his skill and judgment. And each Commissioner and assessor shall be allowed for every day's attendance one dollar _____ to be paid with all other expenses by the Manager out of the monies by him collected.

Sec. 12. And be it further enacted, That if any person or persons shall wilfully break, destroy, cut or injure the bank or banks, dam or dams, trunk, or sluices to be made, constructed and erected by virtue of this Act, or procure the same to be done, in every such case a suit or action shall and may be instituted, maintained and prosecuted to final Judgment by and in the name of the Manager for the time being or his successor against such person or persons committing or procuring the injury before a Justice of the Peace for Kent county aforesaid, or if more than thirty two dollars shall be claimed as damages then in any court of record of this State, and in such suit or action treble damages besides costs shall be recovered for the use of the aforesaid Owners & possessors for supporting such bank & dam.

Sec. 13. Provided always and Be it further enacted, That if a public Landing be found by the commissioners aforesaid to be upon the aforesaid Taylors Gut, from & to which shallops can pass & repass, then it shall be the ~~duty~~ duty of the said Commissioners & they are enjoined and required to fix the site of the dam or bank across the said Gut, above the said public Landing.

In Senate Jan. 19 - 1816

"The Bill entitled "An act to empower the owners & proprietors of the marshes lying in Duck Creek Hundred & Hundred in Kent County on both sides of Taylor's Gut to bank the Same" was taken up the third time, read by paragraphs & passed the Senate with the following amendments, viz

"Sec. I line 7. strike out from the words "extending from" to the end of the Section and insert in lieu "extending from such places of the East-lands on one side of the Marshes lying on one side of said Gut through the said Marshes and across the said Gut to such place of the East lands on the other side of the Marshes lying on the other side of said Gut in such ~~Sts~~ Sites and directions and of such form and dimensions as shall be deemed most suitable for said purposes."

In Sec 2. strike out the words - "upon or near to the Creek aforesaid lying above the Gut aforesaid and the East Lands upon or near to said Creek lying below the Gut aforesaid" and insert in lieu - the word "aforementioned"

In Sec line 11.

"~~Strike~~ Strike out the second "the" between the words "the" and the word "places"

In Sec. 9. insert the word "also" between the words "and" and "five".

Add the following section to the bill.

Sec. 14. Be it enacted that the owners and proprietors of said Marshes and lowlands shall within one year after the passing of this act procure a copy thereof attested by the Secretary of ~~the~~ State and cause the

the same to be recorded in the Recording Office in and for the County of Hunt, for which the recorder shall receive the like fees as for the recording of Deeds, and a copy thereof under the Hand of the Recorder for the time being and the public seal of his office shall be received in all courts of Law within this State as evidence thereof"

Extracts from the journal.

Sent for Concurrence.

M. Clayton Clerk

The amendments to the Bill intitled "an act to compromise the money & Purposes of the marshy lying in Lewis creek near Nashville in Hunt county on home sicky of Jaylors Creek to bank the same"

Passed in Sen -
Jan 19 - 1815

0979

An act to authorize the owners and possessors of the swamp and low grounds situated upon a branch leading into Apalachicola Bay to cut a ditch or drain through the same.

H. of Reps.

10 Jan. 1816 read
12 " " read 2d time
15 " " read 3d time by paragraphs & passed.

A. L. Hayes, Clk.

Engd. In Senate

16 Jan - 1816 read
18 Jan - 1816 read 2nd time -
19 Jan - - - - read 3d time by paragraphs and passed the Senate with the following amendment.

Sec. 4. line 7. Strike out the word "May" & insert the word "August". - J. M. Clayton Clk.

open or clear out said ditch or ditches they shall give due notice by advertisement or otherwise to the owners and possessors of the said swamps and low grounds to meet on a certain day and at a certain place to be specified in said notice for the purpose of choosing three fit persons which said proprietors or a majority of them thus assembled shall choose three fit persons who together with the Treasurer and managers aforesaid shall determine what sum of money is necessary for the purpose of opening and clearing out as aforesaid and the Treasurer aforesaid is hereby required to lay a rate or tax according to the rate of the original assessment on all and every person or persons holding lands liable to be taxed by virtue of this act and forthwith proceed to collect the same in manner aforesaid and pay over the money so collected as aforesaid to the managers to be employed in opening and clearing out the ditches aforesaid.

Sec. 17. And be it enacted, that the Commissioners aforesaid are hereby authorized and required after the said ditches are ascertained to examine where said ditches to be cut by virtue of this act shall run with or embrace other ditch or ditches and shall deliver to each person a certificate signed by said Commissioners or a majority of them expressing the amount of such allowance and the treasurer for the time being shall pay the sum or sums of money so allowed out of any monies that may come to his hands by virtue of this act.

Sec. 18. And be it enacted, that in case said ditch or drain so to be cut as aforesaid shall intersect or run through the State or any County road of the County of Jasper aforesaid that the managers aforesaid shall erect or build or cause to be erected or built as soon afterwards as may be, a good and sufficient bridge over the said ditch or drain at the point or place where said ditch or drain may or shall intersect or run through the road aforesaid and the expenses arising or accruing from the building of said bridge and of keeping up the same in good order

and repair, shall be paid out of the monies to be collected as aforesaid on the assessment so as aforesaid to be made.

Sec. 19. And whereas some of the owners of the aforesaid swamps or low grounds may not reside within the County of Sussex aforesaid or may be infants under the age of twenty one years, whereby it may be difficult to recover or collect the tax assessed on said lands, be it therefore enacted, that in such case the treasurer of this company aforesaid for the time being may have power and is hereby authorized to pursue the same course and adopt the same measures for the collection of such taxes or taxes as is allowed for the recovery of County rates and levies by the laws of this State.

Sec. 20. And be it enacted that the said managers, within one year after the passing of this act, shall procure the same to be regularly attested by the Secretary of the State of Delaware, and cause the same to be recorded in the office for recording deeds for Sussex County aforesaid for which the recorder shall have the like compensation as is directed by law in such case for recording deeds and when so recorded, a copy thereof under the hands and seal of the recorder for the time being shall be received in Evidence in any Court of Law or Equity in this State.

An Act to authorize the owners and possessors of the Swamp and low Grounds situated upon a Branch leading into Assawaman Bay to cut a Ditch or Drain through the same.

H. of Representatives
10 Jan. 1816 read.
12 " " read 2d. time.
15 " " read 3d. time by paragraphs and passed
A. L. Hayes, Clk.

Manning

open, or clear out said Ditch or Ditches, they shall give due notice by Advertisement or otherwise, to the Owners & Possessors of the said Swamps and low Grounds to meet on a certain Day, & at a certain Place, to be specified in said Notice, for the purpose of choosing three fit Persons, which said Proprietors or a Majority of them thus assembled shall choose three fit persons who, together with the Treasurer & Managers aforesaid, shall determine what sum of Money is necessary for the purpose of opening & cleaning out as aforesaid, and the Treasurer aforesaid is hereby required to lay a Rate or Tax according to the Rate of the original assessment, on all and every Person or Persons, holding Lands liable to be taxed by virtue of this Act, and forthwith proceed to collect the same in manner aforesaid and pay over the Money so collected as aforesaid, to the Managers to be employed in opening and clearing out the Ditches aforesaid.

Section 17. And be it enacted, that the Commissioners aforesaid, are ~~shall upon application of any person or persons, to them~~ hereby authorized and required after the said Ditch ~~and examine, and if they think it necessary and be satisfied~~ is are ascertained to examine where said Ditches to be ~~that be a cross ditch or ditches, shall be the manner~~ cut by virtue of this Act shall run with or embrace other ~~direction of such ditch or ditches and where it shall intersect~~ Ditch or Ditches and shall deliver to each Person a certificate signed by said Commissioners or a Majority of them, expressing the amount of such allowance and the Treasurer for the Time being shall pay the sum or sums of Money, so allowed out of any Monies that may come to his Hands by

Virtue

Virtue of this Act.

Section 18. And be it enacted, that in case said Ditch or Drain so to be cut as aforesaid shall intersect or run through the State or any County Road of the County of Sussex aforesaid that the Managers aforesaid shall erect or build or cause to be erected or built as soon afterwards as may be, a good and sufficient bridge over the said Ditch or Drain at the Point or Place where said Ditch or Drain, may or shall intersect or run through the Road aforesaid and the expences arising or accruing from the building of said Bridge and of keeping up the same in good order and repair, shall be paid out of the Monies to be collected as aforesaid on the assessment so as aforesaid to be made.

Section 19. And whereas some of the Owners of the aforesaid Swamps or low Grounds may not reside within the County of Sussex aforesaid, or may be Infants under the age of twenty one Years, whereby it may be difficult to recover or collect the Tax assessed on said Lands, be it therefore enacted, that ~~the Tenant, or other person residing or having the care of such Lands their Goods & Chattles, and the Goods & Chattles of their Landlords, if there found, or refusal or neglect to pay, shall be liable to be taken in execution & sold~~ in such case the Treasurer of the Company aforesaid for the time being may have power and is hereby authorized to pursue the same course and adopt the like measures for the collection of such tax or taxes as is allowed ~~as herein before directed for payment of said Tax or Taxes or in~~ for the recovery of County rates and levies by ~~case the said Tenant or Person having the care thereof shall pay, or their goods be taken in execution & sold for the same, that~~ the laws of this State.

it

it shall and may be lawful to and for the said Tenant to deduct the amount of the Tax or Taxes so paid, out of the Rent agreed for, or for the Tenant or Person having the care of said Lands to recover the same from the owner or owners thereof by Action, or Suit, in any Court where the same may be cognizable, together with costs of Suit, and all Parents, Guardians or Trustees, making Payment as aforesaid, shall be allowed the sum so paid for such Infants, upon his, her or their Accounts.

Section 20. And be it enacted, that the said Managers within one Year after the passing of this Act, procure the same to be regularly attested by the Secretary of the State of Delaware & cause the same to be recorded in the Office for recording Deeds for Sussex County aforesaid, for which the Recorder shall have the like compensation as is directed by Law in such Case for recording Deeds, & when so Recorded, a Copy thereof under the Hand & Seal of the Recorder for the Time being, shall be received in Evidence in any Court of Law or Equity in this State.

An additional supple=
ment to the act entitled a
"an act to authorize the
owners and possessors of
the marsh and low=
grounds commonly cal=
led and known by the nam
of Marshy hope in Mispillion
hundred and county of Kent
to cut a ditch or drain through
the same".

H. of R.
18. Jan. 1815. Read.
19. — — Read 2d. time
20. — — Read 3d. time,
by paragraphs, and passed.
J. S. Pennington Clk.
Sent for con.

In Senate.

20 Jan. 1815 read.
30 Jan. 1815 read 2d time.
9 Feb. 1815 postponed till
next session
A. L. Hayes, Clk.

In Senate

16 Jan. 1816 read.
16 Jan. 1816 read 2nd time
18 Jan. ---- read 3d time
by paragraphs & passed the
Senate
Sent for con. J. M. Clayton Clk.

H. of Reps.
18 Jan. 1816 read.
24 ——— Read by
special order by paragraphs
and Passed
A. L. Hayes, Clk.

0580

1816 ch 100

An additional supplement to the act entitled "An act to "authorize the owners and possessors of the Marsh and low grounds "commonly called and known by the name of Marshyhope in "Mispillion Hundred and County of Kent to cut a ditch or "drain through the same".

Whereas it has been represented to this General Assembly That the commissioners appointed by the supplement to the act to which this is an additional supplement have aggrieved and rated and assessed sundry persons too high

Sec. 1. Be it therefore enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met That Edmondson Maxwell, Henry Carter and Ignatius Taylor be and they are hereby appointed commissioners with full power and authority to hear the complaints of any person or persons aggrieved by the assessment of the commissioners appointed by the supplement to the act to which this is an additional supplement; and if the said commissioners or a majority of them shall upon such hearing and a view and examination of the premises consider that such person or persons so complaining is or are assessed and rated too high in proportion to the benefit which the marsh or low grounds of such person or persons will receive from the said ditch or ditches then the said commissioners hereby appointed shall reduce the rate of assessment of such person or persons to what they may think equitable and just, ~~and if such person or persons shall have paid more than~~ his or their due proportion towards defraying the expenses of cutting and making the said ditch or ditches, to be ascertained as aforesaid, the managers for the time being are hereby directed to refund the overplus to such person or persons, ~~and upon~~ upon refusal to refund the same, the same overplus shall and may be recovered

~~in assessation for taxes had and received.~~

Sec. 2. And be it enacted that the said commissioners or a majority of them shall make out in writing under their hands duplicates containing the names of the several persons whose assessments they may have reduced, and the particular sums, at which they have rated them and shall deliver one of said duplicates to the prothonotary of Kent County to be by him filed in his office and the other of said duplicates to the collector of said ditch company for the time being.

An act to enable William Nicols to bring into this State certain negroes therein named and retain them as slaves

H. of Rep.

4 Jan. 1816 read.
6 " " read 2d time.
9 " " read 3d time, postponed.
17 " " read by paragraphs and passed

Engrs

C. L. Hayes, Clk

In Senate.

Jan 18 - 1816 - - read
Jan 20 - - - - read 2nd time.
Jan 22 - read 3d time by paragraphs & passed the Senate with an amendment

J. M. Clayton Clk

H. of Rep
22d Jan 1816 am. & agreed to
A. L. H.

0584

An act to enable William Nicols to bring into this State Certain Negroes therein named and retain them as slaves

Section 1 — Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly Met That from and after the passing of this act it shall and may be lawful for William Nicols and he is hereby authorized and empowered to remove or bring into this State from the State of Maryland Certain Negroes to Wit a Negro man named Jacob and a Negro Woman named Lovey and a Negro Girl named Merit (they all being slaves which he fell heir to by the decease of his father Isaac Nicols of Caroline County Maryland) and retain ~~them as slaves~~ the said Negroes as slaves in this State any law ~~[illegible]~~ or usage to the Contrary Notwithstanding

In Sen. Jan 22 – 1810

" In the title after the word "certain" strike out the remainder of the sentence & insert in lieu thereof " Slaves which he became entitled to by the death of his Father Isaac Nicolls"

Extr. from journal

Sent for concurr.

J. M. Clayton Clk

An act to authorize Ralp Robinson and Jake Robinson to pass and re-pass certain negroes from this State into the State of Maryland.

House of Rep.
16 Jan. 1816 read
18 " " read 2d time
19 " " read 3d time
by paragraphs & passed

Engr. Jno. Hayes Clk
Read. Jan 20 1816
— — Jan 22. 2nd time
Jan 25 read 3d time
by paragraphs & passed.
J. M. Clayton Clerk.

0988

1816 ch 102

An Act to authorize Ralph Robinson & Lake Robinson to pass & repass Certain Negroes from this State into the State of Maryland —

Whereas it has been represented to this general Assembly that Ralph Robinson & Lake Robinson of the County of Sussex have two farms in Caroline County in the State of Maryland which they are desirous to improve & cultivate and which they cannot do conveniently without employing their slaves —

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met that it shall and may be lawfull for the said Ralph Robinson & Lake Robinson from time to time and as often as they may think proper to bring or send into the County of Caroline State of Maryland the following Negroes — viz. Draper the elder Draper the younger Grace, Dennis, Lizy, Harriet & Eliza and that the said Slaves or either of them shall not be entitled to their or his freedom in consequence of his or their being out or remaining in the State of Maryland or returning into this State for the purposes aforesaid any law usage or custom to the contrary notwithstanding — Provided that it shall not be lawfull for the said Ralph Robinson & Lake Robinson to sell, hire or dispose of any such slaves out of this State and in case any such slave or slaves shall be sold by them or either of them out of this State to any citizen of any other State they or either of them shall be subject to the same penalties as other Citizens of this State are for selling or transporting Negroes for sale out of this State —

An act for the relief of Bernard Lafenay and Fortunie his wife & to confirm and make good their deed to Catherine Milligan. –

In Senate

Jan 23 - 1816 - read. –

Jan 25 - ---- read 2nd time

Jan 26 - read third time

Pass by paragraph & passed the Senate. –

J. M. Clayton Clerk.

Sent for com.

House of Representatives

26 January 1846 read

27 ——— read by special order by paragraph & passed

A. L. Hayes, Clk.

0588

0999

1816 Ch. 107

An act for the relief of Bernard Safsenay and Fortune his wife and to confirm, and make good their Deed to Catharine Milligan.

Whereas it has been represented to this General Assembly by the Petition of Bernard Safsenay and Fortune his wife that they have agreed for a certain Sum of Money to sell and convey a certain lot or ~~lots~~ of grounds situate in the Borough of Wilmington with a Dwelling House and improvements thereon unto Catharine Milligan in fee simple. That the purchase Money is not to be paid until the Deed or Conveyance for the said premises be made and executed proved and acknowledged in due form of law. That the said Petitioners have by a deed bearing date the fourteenth day of June in the Year One Thousand Eight Hundred and fourteen Conveyed the said premises to the said Catharine Milligan in fee simple. That the said petitioners are now residents of France, and have done every act within their power as well in relation to the private examination of the said Fortune, as all other acts to give validity and authenticity to the said Deed according to the laws of the State of Delaware. But in as much as it may be that the forms directed and prescribed by those laws may not be strictly complied with and the petitioners may be delayed in receiving the purchase Money for the said premises, the said petitioners pray that an act of Assembly may be passed ratifying and confirming and giving full and entire effect to the said Deed.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly Met, That the Deed afore.

said, made on the fourteenth day of June, in the year one thousand eight hundred and fourteen by Bernard Sajenay and Fortuna his wife, for the premises therein mentioned to Catharine Mullegan in fee simple to and the same is hereby ratified and confirmed and made as valid and effectual in law or equity, to all intents and purposes, as if the same had been duly made and executed and acknowledged and the private examination of the said Fortuna had been taken in due form of law agreeably to the acts of Assembly in such case made.

Provided nevertheless that the purchase money for the premises mentioned in the said deed be paid or secured to be paid to the said Bernard Sajenay and Fortuna his wife, or their lawful attorney or agent by the said Catharine Mullegan.

Sect. 2. And be it further enacted ~~by the senate~~ that the said deed shall be recorded in the office for recording of deeds in the County of New Castle and that copies of the same duly certified and authenticated shall be ~~duly~~ deemed and taken as ~~complete~~ competent evidence in any court of Justice within this State.

A supplement to the act entitled "An act to authorize Susan T. Mitchell executrix of George Mitchell esquire dec.d to sell and convey certain lands to William Polk the younger.

H. of Rep.

18 Jan. 1816 read.

23 " " read 2d time

Engr. by special order and by paragraphs passed

Sent for con. A. L. Hayes, Clk

In Senate -

24 Jan. 1816 - read

26 read 2d time -

27 Jan 1816 - read 3d time by paragraphs & passed the Senate

S. M. Clayton Clk

Engr.

A Supplement to an Act intitled an Act to authorize Susan F. Mitchell executrix of George Mitchell esquire deceased to sell and convey certain lands to William Polk the younger 1816 ch. 105

Whereas it appears to this General Assembly that Susan F. Mitchell executrix of George Mitchell esquire deceased has died without making or executing any Deed or Deeds for the conveyance and assurance to William Polk the younger according to the provisions of the act to which this is a supplement of certain lands therein mentioned

Sec 1st Therefore be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met that the Administrator de bonis non of George Mitchell esquire deceased and the State Treasurer for the time being are hereby authorized and impowered to make and execute a deed or Deeds to William Polk the younger for the conveyance and assurance of the Lands mentioned in the before

recited act to the said William Polk the
younger as fully effectually and legally as
the aforesaid Susan F. Mitchell herself might or
could have done agreeable to the provisions
therein contained.

An act to authorize and empower William A. Ellegood of Sussex County to bring into this State from Worcester County in the State of Maryland a certain negro woman and hold her as a slave.

H. of Reps.

22 Jan. 1816, read.
23 " " read.
25 " " read by Paragraphs & passed
Engrs. respectively & passed
To concur. (S. Layton, Clk.)

In Sen. -
25 Jan. - 1816 - Read -
26 ——— - 2nd time
27 -- read 3d time by Paragraphs & passed the Senate -

S. M. Clayton
Clerk. -

Ch.
Jno. A. Bidgood

1816 ch 106

An Act to authorise and impower Wm. A. Ellegood of Sussex County to bring into this State from Worcester County in the State of Maryland a Certain Negro woman and to hold her as a Slave.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met that it shall and may be lawfull for William A. Ellegood of Sussex County from and after passing this act to bring into this State from Worcester County in the State of Maryland a Certain Negro woman named Rachel and to hold & retain the said Negro as a Slave Any law of this State to the Contrary Notwithstanding

An act to empower Nya Peggs to acquire and hold real & personal property & to sell & dispose of the same notwithstanding her being a feme coverte.—

In Senate

Read - Jan. 24. 1816. —

Read - Jan 27 - 1816. 2nd time

read Jan. - 29. 1816 3d time

by paragraphs and

Sent for concur.- Passed the Senate.—

— Jas. Clayton Clerk

House of Represent.

29 January 1816 read

30 ——— read

31 ——— read

by paragraphs & passed

A. L. Hayes, Clk.

1816 ch 107

An Act to empower Nysa Boggs to acquire and hold real and personal property and to sell and dispose of the same notwithstanding her being a feme covert

Whereas upon the Petition of the said Nysa Boggs exhibited to the General Assembly it appears that some time in the month of October in the year of our Lord one thousand seven hundred and ninety seven she intermarried with a certain Lewis Boggs that about two years thereafter the said Lewis Boggs became a lunatic and has ever since been confined in the Jail and Poor House of Kent County, in the last of which he is now confined without the least alteration for the better, and without any hope of his again recovering his reason. Wherefore

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That it shall and may be lawful for the said Nysa Boggs of the Town of Dover in Kent County in said State, wife of Lewis Boggs, and she is hereby privileged and empowered notwithstanding her marriage with the said Lewis Boggs in her own name and without the said Lewis Boggs and for her own separate* use to have hold and enjoy, and to purchase take and acquire lands tenements and hereditaments*, monies goods and chattels rights and credits and other real and personal estate; And also that it shall be lawful for the said

*bad orthography

Nysa Boggs and she is hereby further authorized and empowered in her own name and without the said Lewis Boggs to sell and convey assign give devise bequeath and dispose of any lands tenements and hereditaments* monies goods and chattels or real ~~and~~ personal estate which she may then hold purchase take or acquire, and to sue and be sued and to do all other acts touching the acquisition & disposal of property which a feme sole may or can do as fully and effectually, as if she were sole and unmarried, and if the said Nysa Boggs shall happen to die intestate during the life of the said Lewis Boggs, ~~that~~ then and in such case all the Estate real ~~and~~ personal which she may be seised or possessed of, or entitled to, at the time of her death shall be distributed among her next of kin in equal degrees in the same manner and form as if she had at the time of her decease been sole and unmarried.

2. And be it further enacted, that all Deeds, Wills bonds obligations promises agreements and contracts which may have been or hereafter shall be executed made or entered into, to

* hard orthography

with or by the said Agsa Boggs in her own name ~~without or without with or by the~~ without the said Lewis Boggs shall be as valid and effectual as if she at the time of the execution or making thereof were sole and unmarried.

An Act for authorizing a Lottery for raising a sum of $1000 for establishing a School in Little Creek Neck & Hundred near to the Village of Leipsic

House of Representatives
26 Jan. 1816 read
29 ——— read by special order and passed by paragraphs.

For concurr. C. L. Hayes, Clk.

In Senate

read - Jan. 30 - 1816
" " 31 " " 2d time
Feb 1 " 3d time
by Paragraphs & passed

Bills Passed 1816 J. M. Clayton Clk

1816 Ch 108

An Act for authorizing a Lottery for raising a sum of $1000, for establishing a School ~~near~~ in Little creek Neck and Hundred near to the village of Leipsic.

Sec. 1. Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That it shall be lawful for the managers hereinafter appointed to institute carry on and draw a Lottery in ~~two~~ one or more classes for the purpose of raising the sum of one thousand dollars to be applied to the purpose of building a school house and establishing a school in Little creek Neck and Hundred in Kent county near to the village of Leipsic, the said sum to be clear of all expenses.

Sec. 2. And be it further enacted that Andrew Standain William Ruth Jacob Stout Henry M. Ridgely & Willard Hall be and are hereby appointed managers of the said Lottery and each of said managers shall before he enters upon the duties required by this Act ~~shall~~ give a bond ~~with~~ to the Treasurer of this State ~~conditioned~~ with the sum of two thousand dollars conditioned for the faithful application of all monies, which shall come to his hands or the hands of any person, whom he shall appoint to make sale of any ticket or tickets, according to the purposes and provisions of this Act.

Sec. 3. And be it further enacted, That the said managers or the survivor or survivors of them shall proceed to the drawing and completing of said lottery by classes or otherwise as soon as can conveniently be done and the fortunate adventurers shall be paid the prizes, respectively on demand at any time within six months after completing the drawing of the Lottery, subject nevertheless to the deductions prescribed by the Scheme or Schemes thereof; and the prizes if not demanded within six months shall remain in the hands of the managers to be applied to the use

of said School.

Sec. 4. And be it further enacted, That the managers aforesaid or the survivers of them shall direct the expenditure of all monies raised by such Lottery clear of the expenses thereof, to the Building of a School house near Leipsic aforesaid, & to the purchase of a Lot if necessary, & if any balance remain to the use of such School; and shall publish an account of the clear sums received and of the manner of the application thereof.

Sec. 5. And be it further enacted, That if the tickets of said Lottery shall not be sold in three years after the publication of the Scheme of said Lottery the said Managers respectively shall on demand return and pay over to every the person or persons who may have purchased tickets the respective sums which ~~the~~ he, she or they may have paid to such Manager or his agent by him appointed for the sale of tickets; and the said managers shall have power respectively to appoint agents for the sale of tickets in said Lottery.

An act to authorize
Thomas W. Handy of
New Castle County to
bring certain negroes
therein named into
this State.

House of Representatives
5 Feb. 1816 read 1
6 ——— read 2
7 ——— read 3
paragraphs 1 & 2 passed

Concur. A. Hayes, Clk
pro tem.

In Senate
Feb 8. - 1816 - read
1 ——— 2 and
passed by special order

J. M. Clayton
Clk

1816 CH109

An act to authorize Thomas W. Handy of New Castle County to bring certain negroes therein named into this State

Sec 1 Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met that from and after the passing of this act it shall and may be lawful for Thomas W. Handy of the County of New Castle to bring into this State from the State of Maryland a Negro woman named Violet and a negro man named Peter and to hold and claim them as slaves to and for the benefit of him the said Thomas W. Handy his Heirs and Assigns

Sec 2 Be it further enacted that the said Thomas W. Handy shall cause to be delivered to the Recorder of New Castle County a Certificate in writing containing the names and ages of the aforesaid negroes which certificate shall be recorded by the Recorder within Ten days thereafter and a Copy of such Record under the hand and seal of Office of such Recorder shall be received and taken in all Courts of Law or equity in this State as evidence of the Right to hold and claim as slaves the aforesaid named Viole and Peter to and for the use and benefit of the said Thomas W. Handy his Heirs and Assigns

No. 11. Additional supplement to an act entitled an act to authorize the owners & proprietors of the marsh and low grounds commonly called and known by the name of the Pappakanah Marsh situate in the Forest of Murderkill Hundred in Kent County to cut a ditch or drain through the same. –

House of Reps.
1 February 1816 read.
9 ——— — read 2d time by paragraphs by special order & passed.
Fra concurrence – } A. L. Hayes Cl. in Senate

9. Feb. 1816 — read
10 Feb ——— 2d time –
13 Feb ——— 3d time by paragraphs and passed the Senate with amendments.
– M. Clayton Cl.

1816 ch. 111

An additional supplement to an act entitled "An act to authorize the owners and Proprietors of the marsh and low grounds, commonly called and known by the name of the Tappahannah Marsh situate in the Forks of Murderkill Hundred in Kent County to cut a ditch or drain through the same." — &c &c &c

Whereas the original act and the supplement thereto passed to authorize the cutting a ditch or drain through the Tappahanah marsh, have made no provision for the keeping open, cleaning and scouring out the same, and for the removal of Bush, timber and other obstructions which may from time to time fall in the same: And whereas since the passing of the said acts, the owners of several parcels of the Lands situate on and adjacent to said ditch or drain have been changed by sales and by due course of Law; and it is necessary to lay a new rate or assessment for the keeping open, cleaning and scouring said ditch and removing obstructions. — "

Section 1 Be it therefore enacted by the Senate and House of Representatives ~~of the State of Delaware in~~ general assembly met, That George Cummins Jonathan Hunn and Martin Clark be and are hereby appointed Commissioners to go upon view and examine the ditch which hath already been cut agreeably to the said original act and the supplement thereto, from the Beginning thereof at or near the stone line to the Head thereof, and the said Commissioners are hereby authorized and required, to enter upon, pass through, and view and examine all the Marshes and low grounds adjacent to or lying near said ditch which have been or may be in any way benefited or improved thereby

= and =

and to ascertain and establish a permanent rate or value of the said marshes or low ground having regard to quantity as well as to quality, and to lay and assess the said Rate or value by the acre upon said marshes or low ground. And the said Commissioners are hereby authorized and required to lay a tax upon each and every acre of said Marshes or low ground in proportion to the said rate or valuation so ascertained and established sufficient to defray the expense of opening, cleaning and scouring the said Ditch; of removing all Brush, wood and timber and other obstructions which have fallen or may be in the said ditch: and of cutting down and removing, all trees in the said ditch and growing standing or being within fifty feet of the centre of said ditch, and for defraying all other expences which may arise in carrying into execution the provisions and directions of this act in this ensuing year; And the said Commissioners are hereby required to return into the Prothonotary's office of Kent County a list of the names of the owners and proprietors of said marsh and low grounds as shall be liable to pay the said tax, together with the number of acres and the valuation thereof made as aforesaid, the whole amount of tax laid on said marshes and low ground for the purposes aforesaid, and the rate per centum laid upon each and every the owner or owners of said marshes and low grounds and also a fair and correct account of their proceedings under this act signed by them, which said Return shall be final and conclusive — &c &c &c

Section 2. And be it enacted that Daniel Lambden and Selsey Jones

be =

and are hereby appointed Managers; and that William H. Lockwood be and is hereby appointed Treasurer; which said managers and Treasurer shall be and continued in office untill the twenty fifth day of March in the year of our Lord one thousand Eight hundred and Seventeen and untill other managers and Treasurer shall be appointed or chosen agreiable to this act and to the original act and supplement thereto hereinbefore mentioned ——

Section 3. And be it enacted the Tax which may be laid as aforesaid by the Commissioners herein before mentioned shall be paid to the Treasurer aforesaid or to his successor by the owners of the said Marshes or low ground in two equal quarterly Payments the first payment to be made on the tenth day of May next and the second payment to be made on the tenth day of August next, and the said Treasurer and his Successor and Successors are hereby authorized, empowered and required to receive and collect from the owners of the said marshes and low Grounds, all such Taxes as shall be laid in pursuance of this act, at the times at which the same shall be payable, and in case of neglect or refusal of the said owners to pay the same, to pursue the same remedy as is by law provided, for the recovery of County Rates and Levies, saved that the Treasurer shall advertise at least thirty days before the sale, And the Prothonotary of the court of Common Pleas, is hereby required yearly and every year to furnish the Treasurer for the time being on application made to him by said Treasurer, within five days after such application shall be made with a copy certified under his hand and seal of said List of the names of the owners and proprietors of said Marshes and Low Grounds with all the par-

tic=

particulars before mentioned as the same shall be returned by said Commissioners for which the said Prothonotary shall be entitled to the like Fees as for other like services. And the said Treasurer shall on the receipt of said List calculate and ascertain the whole Amount which each and every owner or owners are liable to pay according to the Rate Per-centum said upon each and every the owner or owners of said marshes and low grounds by the said Commissioners, and so annually according to the Per-centum herein after directed to be made

Section 4. And be it enacted that if any Person or Persons being owner or owners of any of the said marshes and low grounds rated or valued as aforesaid or hereafter to be rated or valued as herein after is directed shall at any time, sell transfer or dispose of any of the said marshes or low grounds then and in such cases the said marshes or low Grounds, so sold transferred or disposed of shall be and remain liable to the rate or valuation and Per centum as the same were when held and owned at the time of such Rate or Valuation to be made by the Commissioners as aforesaid or at the time of any other rate or valuation to be made as herein after is directed. And the managers are hereby required to provide a sufficiently large well bound Book, in which shall be transcribed the said List which the treasurer shall procure from the Prothonotary as aforesaid; and all other lists hereafter to be made and in which shall be kept an account of the Proceedings of said managers of their Receipts and disbursements of Money, of the labourers employed and wages paid of the officers afterwards appointed, and of the whole

whole Proceedings of said managers and of every Matter and Thing relating to said Dike, which may happen arise or be done in pursuance of this or any other Act of the General Assembly - And further this act, the Acts of Assembly ~~shall~~ heretofore passed and all other Acts of Assembly shall be copied fairly and truly and in good writing into said Book — " "

Section 5, And be it enacted that the said rate or Valuation to be made as aforesaid by the said Commissioners herein before named shall be the rate or valuation of said marshes and low grounds untill the twenty fifth day of March in the year one thousand eight hundred and twenty one. And on the said twenty fifth day of March in the year Eighteen hundred and twenty one unless the same shall be Sunday and the next Day after, the owners of said Marshes and low ground shall meet at some convenient place in the neighbor-hood upon Ten days Notice being given by the managers for the time being by ten advertisements fixed up in the most public and convenient Places, of such meeting, and shall then and there choose by ballot three commissioners ~~not owners or possessing of any of said marshes and the grounds, which~~ -missioners shall have like power and authority, and are hereby required to do and perform the services in manner and form as herein before is required to be done and performed by the Commissioners appointed by this act, which rate or valuation to be made by said Commissioners so to be chosen shall be the rate or valuation of said Marshes and low grounds for the next succeeding five years including ~~excluding~~ the year Eighteen hundred and twenty one, and so on the twenty fifth day of March of every fifth succeeding year including the year

— in —

on which Commissioners shall be chosen; the same or other Commissioners as afore=said chosen upon like notice and in like manner shall do and perform in manner as aforesaid the services aforesaid required to be done by this act, Provided that the rate and valuation to be made by the Commissioners hereafter to be chosen shall be entered in the Seat Book of the owners of said Marshes and low-grounds and need not be returned to the Prothonotary as aforesaid. ——

Section 6. And be it enacted that the said Ditch shall be annually opened cleared and scoured and all Brush-wood, timber and other obstructions which may fall, or be in said Ditch shall be annually removed and under the direc=tions of the managers for the time being; and the said managers for the time being shall annually in the month of March after March next ensu=ing lay a tax upon each and every acre of said Marshes and low grounds in proportion to the rent or valuation ascertained and established agreeably to the directions of this act sufficient to defray the expense annually of ~~opening, cleaning, scouring, said Ditch, and removing all brush wood timber~~ and other obstructions from said Ditch, and keeping the same open and free for the discharge of the waters which may fall therein ——

Section 7. And be it enacted that Elections of managers and Treasurer shall after May next, be held annually at the House where Daniel Lambden now lives near the Horse Head on the twenty fifth day of March, unless that day happens to be Sunday and if Sunday on the day following — And all officers ap=pointed by this act, and to be elected agreeably to the original act

act and to the supplement thereto: and to this act. shall continue in office untill the twenty fifth day of March annually. and untill another Election be had and other officers to be chosen. — ~~~~~~~~~~~~~~~~ " ~~~~~~~~~~~~~~~~

Sution. 8. And be it enacted that all the Provisions of the original act and of the supplement thereto, which are not hereby altered or supplied, and which are not inconsistant with this act shall be and remain in full force, and the money shall be paid and services rendered agreeably to the true intent and meaning of the said Acts and of this act. And the managers for the time being shall cut down and remove or cause to be cut down and removed all and every tree which may be standing within fifty feet of the centre of said Ditch from one end to the other of said Ditch and shall open clean and scour the said Ditch and remove all obstacles therefrom. —

An act to enable Joseph Parsons to bring into this State a certain slave which he became entitled to by the death of his mother Ann Parsons.

House of Reps.
12 Feb. 1816 read.
13 ——— read by special order by paragraphs & passed.
Sent for concur. } Alg Hayes, Clk.

In Senate

Febs 13. - 1816 - read
Feb 14 ——— 2d time
——— special order - 3d time by Yeas & Nays passed Senate
Lott Clayton
Clk

0819

1816 c. 112

An act to enable Joseph Parsons to bring into this State a certain slave which he became entitled to by the Death of his Mother Ann Parsons.

Section 1 Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met that from and after the passing of this Act, it shall and may be lawful for Joseph Parsons and he is hereby authorized and empowered to remove or bring into this State from the State of Maryland, a certain Negro Boy named Thomas (he being a slave which he fell heir to by the decease of his Mother Ann Parsons of Kent County Maryland) and retain the said Negroe as a slave in this State, any Law custom or usage to the contrary notwithstanding.

H. of Reps.
13 Feb. 1816
Agreed to
A L Hays

Amendments to the Tallahassee In Senate
Marshbills. — 12. Feb - 1816

" Sec 1. Line 2. Strike out the name of "George Cummins" and insert in lieu thereof that of "Henry Molleyton". —

" Sec 5. Line 23 - Strike out the word "Great

" Sec 8. Line 5. After the word "act" strike out the rem. of the section —

Extracts from the Journal
J. M. Clayton
Clk.

Acts

An act to authorize a lottery to raise a sum of money to build a house for the education of Children and to finish a house of Worship.

House of Reps.

2 Feb. 1816 read.

5 ——— read

6 ——— read by paragraphs & passed

Jnt. for ca. amend. } A. Le Hayes, Clk.

In Senate

6 February 1816 – read

8 ——— read 2d time

Feb 14 ——— 3d time by paragraphs & passed

S Allen Jr
Clk

1816 Ch 113

An act to authorize a lottery to raise a sum of money to build a house for the education of children and to finish a house of Worship

Sec. 1 Be it enacted by the Senate and house of Representatives of the State of Delaware in General assembly met That John Handy John Rust John Tennant Henry Little Nathaniel Ross James Conwell and Solomon Porter be and they are hereby authorized to institute carry on and draw a lottery for the raising the sum of seven hundred Dollars Clear of all expences in drawing said lottery and to dispose of the tickets thereof provided the said John Handy John Tennant John Rust Henry Little Nathaniel Ross James Conwell and Solomon Porter or a majority of them as shall undertake to act under this law shall before the sale or disposal of a ticket or tickets in said lottery give their bond to the Treasurer of this State in the sum of two thousand dollars Conditioned that they will well and truly apply so much of the money arising therefrom within six months after the drawing and completing of the said lottery as will satisfy the fortunate adventurers for prizes drawn ~~from~~ by them but if not demanded within the time aforesaid the said prizes shall remain in the hands of the managers to be for the use aforesaid and the said sum when so raised shall be applied to and for the building of a house for the education of children and to finish a house of Worship in the Village of Seaford and the said managers or a majority of them shall have power to elect a Treasurer whose duty it shall be to receive and safely keep all the moneys arising under the provisions of this act and he shall also give bond with one or more sureties Conditioned that he will apply all the moneys coming into his hands under the provisions of this act as is heretofore or hereafter shall be ~~[illegible]~~ prescribed and directed in said act and the said managers and treasurer shall have and receive a reasonable compensation for their trouble not exceeding ten per Centum on the whole sum to be raised by said lottery

Sec 2 And be it enacted that If the said lottery shall not be drawn and completed in three years then the right hereby given shall cease and the said managers acting under this act shall return and pay back again to each and every person who has purchased a ticket or tickets in said lottery the actual sums they or either of them has paid for said ticket or tickets in said lottery

an act to enable the owners and proprietors of the meadow, marsh, cedar swamp and cribble, situate in Algoquinemink Hundred in the County of New-Castle on both sides of Cedar-Creek (and on the head thereof) emptying into the Delaware River between Morris's Landing and Bombay Hook high water effectually to embank and drain the same, and keep the dams, sluices, canals and drains in repair and to raise a fund to defray the expence thereof.

D

In Senate
18th Jan 1816 - read 1
20th Jan 1816 - read 2d time
22 Jan 1816 - read 3d time by Paragraphs & passed. —
J. M. Clayton Clk.

H. of Rep
25 Jan. 1816 read
26 ——— read by special order & passed with an amendt.
A. D. Hayes, Clk.

0819

1816 ch. 114

1 An act to enable the owners and proprietors of the meadow, marsh cedar swamp and cripple situate in appoquinimink Hundred in the County of New-Castle on both sides of Cedar Creek (and on the head thereof) emptying into the Delaware river between Morris Listons Island and Bombay Hook, effectually to embank and drain the same, and keep the banks, dams, sluices, canals and drains in repair; and to raise a fund to defray the expence thereof.

Sec. 1. Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That it shall and may be lawful for John Blake John Lowber Isaac Walker and William Hukill and they or any of them are hereby authorized and required at the request of one or more of the owners of the tract of meadow, marsh cedar swamp and cripple, situate in appoquinimink Hundred in the County of New-Castle on both sides of Cedar Creek (and on the head thereof) emptying into the Delaware River between Morris Listons Island and Bombay Hook on a day by them appointed within one month after such request of which notice shall be given to the other owners or proprietors by the person or persons making such request by advertisements set up in three public places in appoquinimink Hundred in the County of New-Castle at least ten days before the said time of meeting to go upon and view the said tracts of meadow marsh cedar and cripple and ascertain and determine whether it be expedient and necessary to embank and drain the same or any part and what part thereof and if expedient and necessary to ascertain the outlines of the same, and the

number

number of acres belonging to each owner or proprietor, and make an estimate of the charge and labor necessary for erecting and finishing a bank such as they shall direct and judge sufficient including the expense of such sluice or sluices, and public drains and canals as they shall direct and judge necessary for the purpose of conveying the waters of the said marsh swamp creek in a more direct course to the Delaware Bay aforesaid and also determine and direct the size or dimensions of the bank to be erected and place where the same shall be situate; and the dimensions or size of such sluice or sluices as they shall judge necessary, and where to be laid and how far to cut and scour a common drain or canal for the purposes aforesaid; and also to make a rate or assessment upon each acre of ground within the bank to be erected and the outlines of the said tract according to the quality, situation and circumstances of every part thereof for the proportioning of each owner's or proprietor's part or share of the expense and labor as well of erecting a sufficient bank laying proper sluices, and cutting and scouring necessary public canals or drains as of maintaining, repairing & keeping the same in good order hereafter and of all other necessary and contingent expences and charges that shall or may arise from the work in and by this act directed to be done for the benefit of the company: and the estimate assessment or valuation of the said commissioners or any three of them, so made as aforesaid together with a return of the dimensions and place of the Bank and sluices the bound, distance and width of a common canal, under their hands in writing shall be entered

in the Prothonotarys office of New-Castle on record and shall be conclusive,

Sec. 2. And be it enacted that the said commissioners shall be allowed one dollar each for every day they attend on the said service to be paid out of the common stock or fund by the treasurer; and the costs and expences of proving this act shall be paid by said treasurer to such person or persons as shall have advanced the same.—

Sect. 3. And be it enacted that John Collins, Thomas Weldon and George Collins be and they are hereby appointed managers & Thos. Deakins, treasurer to the said owners and professors to continue in office respectively untill the first Monday of March Eighteen Hundred and seventeen.

Sect 4. And be it enacted that it shall and may be lawful for the said managers or a majority of them, or those hereafter to be chosen or a majority of them and they are hereby empowered and required, with such workmen horses, carts, implements and tools as they shall think fit to enter into and upon the said tract and premises as soon as conveniently may be after the return of the Commissioners aforesaid (if the said commissioners shall judge it expedient to embank the said tract of meadow, marsh, swamp and cripple) and then and there to dig and carry earth and mud from the most convenient places on the outside of the said Bank at such distance therefrom as the Commissioners shall direct and purchase suitable materials for such a bank, sluice or sluices, and for opening and scouring such drain or drains as shall by the said Commissioners be recommended and directed and shall

shall cause the same to be erected made and completed as speedily as may be in such manner and by such ways and means as the said managers shall think fit and reasonable: and the said managers for the time being in every year, and hereby further empowered and required to enter upon and inspect at least six times in each year the condition of the said Bank, and of the dam, sluices, floodgates and canals or drains, and shall cause the same with such other works or conveniences as they shall think necessary to be kept in good order and sufficient repair and may from time to time, add to the size of the bank as they shall see occasion, and keep the same at least three feet above all tides and of a proportionable width.

Sec. 5. And be it enacted that the owners and proprietors of the said tract of meadow marsh, swamp and cripple shall assemble on the first Monday of March Eighteen hundred and seventeen and on the same day annually thereafter at such convenient place in the said Hundred of Appoquiniminik as shall be appointed by the managers for the time being or a majority of them and shall then and there by a majority of them, and chosen by ballot three fit persons, owners or proprietors to be managers, and one fit person to be treasurer for the year next ensuing; and the said managers shall give ten days notice by advertisement of such place of meeting: and if any manager or treasurer, appointed by this act, or hereafter elected as aforesaid, shall die, or refuse or neglect to serve his place may be supplied by an Election of the said owners or proprietors, to be held

held at such time and place as the surviving or acting managers or managers shall appoint giving ten days notice thereof as aforesaid!

Sec. 6. And be it enacted that the treasurer hereby appointed and every treasurer hereafter to be chosen, shall before he takes upon himself the execution of his office, enter into an obligation with at least one sufficient surety to the managers in double the sum that may probably come into his hands during the continuance of his office as nearly as can be estimated by the managers, conditioned that he will once in three months or oftener if required render his accounts to the said managers, and well and truly account and settle with them, for and concerning all sums of money that may or shall come to his hands by virtue of this act, or belonging to the owners or proprietors of said tract and pay the ballance on such settlement as shall appear to be in his hands, unto such person or persons or for such services as the said managers for the time being, or any one of them shall order and appoint and not otherwise; and that he will at the expiration of his office deliver up and pay the balance of the money therre=maining in his hands, together with the book accounts concerning the same, and all other papers and writings in his keeping, belonging to the owners of the said tract unto his successor in the said office; and that he will do and execute all other things as treasurer, to the said owners and proprietors according to the true sense and meaning of this act.

Sec. 7. - And be it enacted that the costs and charges of making and supporting the bank and

dam

dam across the said Bank & marsh, and of such sluice or sluices & such canals or public drains as the said Commissioners or any three of them shall judge necessary and direct, shall be paid by all the owners and proprietors of the tract afo. according to the number of acres they and every of them hold or occupy, (respect being had to the quality cir=cumstances and situation thereof) according to the general rate or assessment to be made by the said com=missioners, or any three of them as aforesaid, and all other future costs and charges shall be paid in the same proportion.

Sect 8. And be it enacted that it shall and may be lawful for the said Managers as often as they shall see occasion to lay such assessments and taxes on every acre of meadow, marsh, swamp and cripple, contained in the said tract within the bank according to the general rate or assessment to be made as aforesaid as they shall see fit or judge necessary for the making, supporting repairing and keeping in good order the Bank, dam, sluices and public canals or drains, and all and every other work and works which they shall and may judge to be convenient or necessary and make from time to time for the stopping out the tide or draining the waters from said meadows, marsh, swamp and cripple: and all and every assessment made and tax laid by the managers under this act shall become due and pay=able from the respective owners and proprietors (in pro=portion to their several rates as aforesaid) to the treas=urer for the time being in three months from the time.

time of making or laying thereof, of which public notice shall be given by the managers within one month after laying the same, by advertisements in two or more public places in aforesaid Apoquiminink hundred wherein shall be specified the sum laid, what it will amount to in the Dollar, according to the general rate aforesaid, and the time when the same shall become due: So always and Provided that the sum of sixty dollars shall in the beginning of every year be in the treasurer's hands ready to be applied in the premises, as occasion may require; of all which sums of money and all others coming to his hands as treasurer, the said treasurer shall in books to be provided at the expense of the said owners and proprietors for that purpose, keep just true and fair accounts and shall pay and debit the same according to the directions and orders of the managers for the time being, or any two of them, and not otherwise. And the managers or any two of them, shall furnish to the treasurer a list of the names of the several owners and proprietors, and of each owner's or proprietors rate or dollarage stating from time to time the several changes, alterations, transfers and alienations of rights in the several parts and parcels thereof as they shall come to their knowledge, and inform the said treasurer of every tax laid and the amount thereof and when the same will become due within one month from the time of laying the same,

Sect 4. And be it enacted that the treasurer for the time being shall demand and receive of the several owners or proprietors of the said meadows, marsh swamp

and =

and cripple their respective quotas or sums of money afor=
=said in virtue of this act from time to time as the same shall
become due, and in case any of the said owners and proprietors
shall refuse or neglect to pay the said treasurer on the
day and times aforesaid the several sums of money which
they respectively ought to pay according to the true in=
=tent and meaning of this act, they and each of them
so refusing or neglecting shall forfeit and pay to the
said treasurer the additional sum of ten per centum
on the sum so unpaid and afterwards shall for every three
months neglect or refusal in like manner forfeit and pay
to the treasurer for the time being the further sum of
ten per centum on the said sum so unpaid, –

Sec. 10. And be it enacted that if any of the said
owners or proprietors shall neglect or refuse as aforesaid
to pay the several sums of money, together with
all forfeitures arising thereon, which they respective=
=ly ought to pay at any time or times hereafter for
the space of ten days after the days or times at
which they ought to be paid, that then and so often
it shall and may be lawful to and for the said
treasurer by direction of the said managers or any
two of them in his name, as treasurer to the said
owners and proprietors to proceed to recover the same in
like manner as bounty rates and levies are recoverable

Sec. 11. And be it enacted that the said managers
for the time being, or any two of them, shall have the
power of disposing of all money paid to the treasurer
by virtue of this act, unless in such cases as the ow=
=ners and proprietors when met shall order a certain

sum=

sum for a particular service) and may appoint a person or persons from time to time to enter upon and inspect the condition of the banks dams, sluices, floodgates and drains on the premises aforesaid and to inform the said managers when any repairs are wanting and may displace such person and appoint others in their stead as they think fit: and the said managers shall have power to offer and pay such reward or rewards as they may think necessary out of the common Stock for the destruction of such vermin as usually damage the said banks as well as for other general services and to settle accounts with the Treasurer from time to time; and to do and perform all matters and things pertaining to the general good and advantage of the said owners and proprietors.

Sect 12. And be it enacted that the orders of the said managers or any two of them, on the treasurer shall be complied with by him and shall be good and sufficient vouchers to indemnify him for the payments and delivery of money and effects committed to his charge by virtue of this act, and that all bonds or other written personal contracts for the use of the said owners or proprietors, shall be taken in the name of the said treasurer for the use and benefit of the said owners and proprietors and payable to him or his successor or successors and the same with or without assignment, shall be good and available in Law to the Successors in the said office for the use of the said owners and proprietors

= and =

and shall be recoverable in any Court of law in this State in the same manner as other debts and contracts are recoverable, and the receipts of such succeeding treasurer for any sum or sums of money shall be good and effectual,

Sec. 13. And be it enacted that no process suit or proceeding whatsoever which at any time hereafter shall be commenced, shall be discontinued or put without day, by reason of the death disability or removal of such treasurer, but shall stand good and effectual in Law to all intents and purposes notwithstanding such death disability or removal

And whereas the well draining, preserving and keeping open the drains of the said Marsh, Meadow, swamp and cripple are of great importance to the said owners and proprietors:

Sec. 14. Therefore be it enacted that all and every the said owners or proprietors shall be allowed and suffered to discharge all or any of the waters off their respective lands through their natural channels or by a direct course across the said lands of any other of the said owners or proprietors as shall by the said managers for the time being be judged convenient into the main channel or sluice best suited to discharge the same, and shall be allowed to

open scour and cleanse the same at all seasonable times as often as the managers may think necessary: Provided always, that the owner or possessor, of the ground, through which any such drain may run shall do and contribute a proportion of the labor and expense of opening cleansing and scouring equal to the benefit accruing to the ground through which such drain, shall pass; which proportion shall be ascertained by the managers, But if it shall happen that the owner or possessor of the ground through which such drain is intended to pass shall think himself or herself aggrieved thereby, the person requiring such passage for water, shall first pay all the damages sustained by such aggrieved owner which damages shall and may be finally settled by two fit and disinterested persons chosen by each party; and in case the four persons, so chosen shall not agree they are hereby empowered and required to choose one other fit and disinterested person, and in either case the award of any three shall be final and conclusive.

Sect. 15. And be it enacted that all drains to be made for dividing the grounds of the respective owners or possessors shall be opened cleansed and scoured at least once in three years by equal proportions of labour and expence of each owner or possessor along whose land such drain shall pass, and the said managers are hereby authorized and required at all seasonable times

upon

upon application of any of the said owners or possessors to view and judge of the sufficiency of drains whether division or otherwise within the said tract to be fenced and shall give notice thereof in writing to the owner or possessor; and if any of the said owners or possessors upon request of his neighbour owner or possessor and notice as aforesaid or for more than ~~three~~ one year as aforesaid shall refuse or neglect to make, amend, scour or repair their or any of their parts of division, drains respectively according to such directions, it shall and may be law=ful for the said managers, or any two of them, to order any workman to open, scour, and amend the same, & settle and adjust the price thereof and charge the owners or possessors so refusing or neglecting with their respective parts and order the treasurer for the time being to make demand thereof; and if within ten days after such demand they or any of them so charged as aforesaid, shall not make payment thereof, it shall and may be lawful for the said treasurer to recover the same in like manner as other fines, forfeitures and charges are recoverable by this act; any law, usage or custom to the contrary notwithstanding.—

Sect 10. And be it enacted that if any of the said owners or possessors, their workmen, servants or any other person whatsoever, shall cast any weeds, rubbish or other rubbish into the public drains or canals or in=to the lanes, so that it shall get into the said drains or canals, leading to the trunks or sluices and shall not immediately remove the same upon request from the

= man=

managers or either of them, such owner or possessor or other person for every such offence shall forfeit and pay any sum not exceeding three dollars nor less than one dollar to be recovered by the treasurer before any Justice of the peace in like manner as debts under forty shillings are recoverable by the laws of this State, —

Sect. 17. And be it enacted that all bridges which shall be built or erected over the public drains or canals leading to the trunks or floodgates shall be laid on sleepers placed as nearly as may be with the top of the adjacent grounds so that the currents of the water shall in no wise be impeded thereby, and if any owner or owners, possessor or possessors shall erect any bridge contrary to the directions of this act, the said managers are hereby authorised and required to cause the same to be removed forthwith, and the expence thereof shall be recovered of the said owner or owners possessor or possessors, in like manner as other debts and charges are recoverable by this act, in the name of the treasurer.

Sect 18. And be it enacted that for the more orderly execution of their duty and trust, the said managers are hereby required to meet at least once in two months in the tract aforesaid, and there or at some other convenient place confer and conclude, concerning the matters hereby committed to their charge and shall cause fair minutes of their proceedings to be kept in a Book provided for that purpose to which minutes and also to the treasurers accounts all persons concerned shall have free recourse at all reasonable times. —

(contin'd)

(~~Sect 19. And be it enacted~~ that the said managers for the time being, shall from time to time inspect the aforesaid banks for the purpose of ascertaining, whether trees briars slides or other rubbish are projecting to a state that will injure the owners or proprietors generally and they are empowered and required upon the discovery of such trees, briars slides or other rubbish to give notice in writing to the owner or proprietor upon whose land such trees, briars slides or rubbish may be and direct the same to be cleared off within ten days from the date of such notice, and in case of neglect or refusal of the said owner or proprietor to comply therewith, the said managers are authorized and required to enter upon the premises and clear off or cause to be cleared off the said trees, briars, slides or other rubbish; and the expense thereof shall be recovered from the said owner or proprietor as other debts are recoverable by this act)

Sect 19. And be it enacted that if any person or persons shall wilfully, break down or damage any of the said banks dams, sluices, or floodgates, or let in the water so as to injure the owners or proprietors, he she or they shall for every such offence pay treble the damages thereby occasioned to be recovered by an action upon the case, in the name of the treasurer, in any court of record in this State; and the said damages and all other forfeitures arising under this act shall be added to the common Stock of the said owners and proprietors of the said tract of meadow marsh and cripple.

Sec. 20. And be it enacted that the said manager-

=ges shall respectively be paid for every day attendance by them upon the business hereby committed to their charge the sum of one dollar, and it shall be lawful for the said treasurer, out of the moneys by him collected as aforesaid to retain five per-centum upon the sums so collected for his trouble as treasurer: *

Sect 22 And be it enacted that the said owners and possessors are hereby authorized and required to obtain a certified copy of this act from the Secretary of the State of Delaware and have the same Recorded in the Recorders office of New-Castle; and the recorder shall receive the same compensation as for recording deeds; and that a certified copy from said office shall be deemed and taken in evidence in all courts of record. — — —

* Section 21. And be it ~~fur~~ enacted that if the said owners and possessors shall refuse or neglect to meet and elect managers & Treasurer in any year according to the provisions of this act in that behalf then the managers & Treasurer for the time being shall remain & continue managers & Treasurer until the next annual meeting appointed ~~appointed~~ for that purpose and until others shall be [redacted] appointed only to succeed them in the said offices respectively. —

An Act authorizing the Trustees of the poor of Kent county to remove from the poor house of Kent county to the hospital in Philadelphia lunatick and insane persons in certain cases

House of Rep.
6 Feb. 1816 read
7 ——— read by special order paragraphically & passed
Sent for concur. A. L. Hayes Clk.

In Senate
Feb. 7 - 1816 - read
Feb 8 --- 2nd time
Feb 10 --- 3d time by paragraphs & passed with an amendment J. M. Clayton Clk.

1816 ch. 115

An Act authorizing the Trustees of the Poor of Kent County to remove from the poor house of Kent county to the hospital in Philadelphia Lunatic and insane persons in certain cases.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That it shall be Lawful for the Trustees of the poor of Kent County and they are hereby authorized to cause to be removed from the poor-house of Kent county to the Hospital in Philadelphia any Lunatick or insane person or persons now admitted or received into or confined in the said poor house or hereafter to be admitted or received into, or confined in said poor-house, and for that purpose to make contracts with the person or persons having the care, management or government of the said hospital, or authorized to make contracts for admission into said hospital, and to defray all charges and expenses of removing such Lunatick or insane person or persons ~~and~~ to the said hospital and of keeping maintaining and supporting him or them in the said hospital; all which charges and expenses so defrayed and paid shall be allowed to the said Trustees of the Poor in their settlements with the Levy Court of Kent county.

Sec. 2. Provided always, that no order for any removal as aforesaid shall be made except with the concurrence of two thirds of ~~the board~~ all the ~~of~~ Trustees of the Poor for Kent county.

0697

House of Rep.
10 Feb. 1816 disagreed to
by Senate
12 Feb. 1816 Q.
Adhered to
J. Mullanphy
Clk

H. of R.
13 Feb. 1816
Committee of Conf.
Mr Hayden, Clk
Mr Sen.

Committee of conf.
on part of the Sen.
who recede from
the amendt. of the
Senate.
Report of the
Com. adopted.
Feb 15 - 1816
J Mullanphy Clk

N. H. Rep.
13 Feb. 1816
Concurred in by
Messrs Ridgely
& Raffer

Amendment
within
Agreed to

0848

In Senate
Feb 9. 1816.–

"The words "or hereafter to be admitted or received into or confined in said poor house", in the tenth and eleventh lines of the first section were stricken out.

On the question "Shall the bill pass as thus amended?"

It was carried in the affirmative

Extracts from the Journal

J. M. Clayton Clerk

Just for con curriam

H. of Rep.
10 Feb. 1816

Disagreed to

A. S. Hayes.

"In Senate
12. Feb. –
"Adhered to".

J. M. Clayton Clk

An Act to vacate part of the old road leading from Dover to Pattons bye.

In Senate

Jan 10th 1816 read 1st time.
Jan 11th " read 2nd time
Jan 12th read third time
By paragraphs and
passed the Senate
J. M. Clayton Clk.

H. of Rep.
13 Jan. 1816 read and referred.
22 " " reported & read 2d time
23 " " reported 3d time,
by paragraphs & passed
Concurred in A. L. Hayes Clk

An Act to vacate so much of the old road leading from the town of Dover, through Saint Jones's neck, to the landing on Little Creek, called Pattens Dyke, as is between the intersection of the new road lately laid out from Dover to said landing, and the road leading by Joshua Nickersons to the Methodist meeting-house

Whereas it appears to this General Assembly that in consequence of a new road having been laid out and completed from Dover to the landing on Little Creek called Pattens Dyke, that part of the old road, formerly used as a public highway between the intersection of the said new road and the road leading by Joshua Nickersons to the Methodist meeting-house has become useless and unnecessary to be kept open as a public highway.

Sec. 1. Be it therefore enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met that the said old road lying and being between the aforesaid points, to wit the intersection of the new road laid out from through Saint Jones's Neck Dover to Pattens Dyke, and the road leading by Joshua Nickersons to the Methodist meeting house, and heretofore used as a public road, be and the same is hereby vacated.

An act authorizing a special election in the Hundred of Whiteclay Creek in New Castle County to supply a vacancy in the board of Road Commissioners for said Hundred.

House of Representatives
24 January 1816 read
26 ——— read
by special order by paragraphs & passed
Per concur. A. Lofland Clk.

In Senate
Jan 26th 1816 — read 1st
Jan 27th — read 2d time
Jan 31st — read 3d time by paragraphs, and
passed the Senate
J. M. Clayton Clk

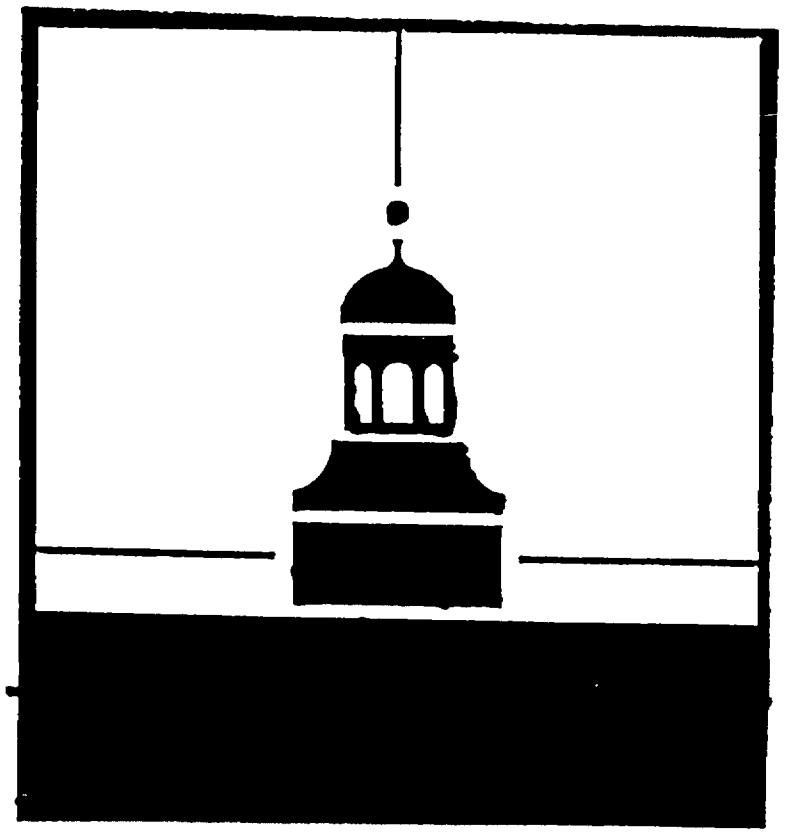
An Act ~~for~~ authorizing a special Election in the hundred of White Clay Creek in New Castle County, to fill a vacancy in the office of Road Commissioner for said hundred

Whereas a Petition has been presented from sundry Inhabitants of the Hundred of White-Clay Creek in the County of New-Castle stating that James Glasgow was elected a Road-Commissioner for said Hundred on the 15th day of September in the Year of Our Lord One Thousand eight hundred & fifteen and that in the General Election in October following he was elected a Levy Court Commissioner which rendered him ineligible as a Road Commissioner That the remaining two Road Commissioners then in Office, either through Neglect or a Misconstruction of the Law, did not appoint a successor, and praying for a Special Act, for the purpose of appointing one to fill the vacancy.

Be it therefore Enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met. That the Collector of the Hundred of White-Clay creek shall on the first Tuesday of ~~March~~ March next (at the usual place of holding Elections in said Hundred) hold an election in the manner and form prescribed by Law for one Road Commissioner for the Hundred of

0644

White-Clay Creek whose term shall expire on the
sixteenth day of Septr 1818; & that the said
Collector shall give legal Notice in said hundred
of the time and place of holding such Election



END FILE

1815 Jan.- Feb

Legislative

Acts- Private

0845

An act declaring null and void a marriage solemnized between Amelia Elizabeth Dupont and Nathaniel Perkins otherwise called Nathaniel N. Clifford.

House of Representatives
20 Jan. 1816 read
23 " " read 2d time by special order and by paragraphs passed the third time

Jas Pea. C. H. Hayes, Clk.

In Senate

23d Jan. 1816 - read. -
24th Jan. 1816 read 2nd time & referred -
— - 25th reported -
— 25th read 3d time by paragraphs & passed. -

S. M. Clayton Clk

An act declaring null and void a marriage solemnized between Amelia Elizabeth du Pont and Nathaniel Perkins otherwise called Nathaniel H. Clifford

Whereas a marriage was solemnized, on or about the ninth day of August one thousand eight hundred and thirteen, between Amelia Elizabeth du Pont of Brandywine Hundred in Newcastle county in this State, and a certain Nathaniel Perkins under the assumed and false name of Nathaniel H. Clifford: and whereas at the time of the said marriage the said Nathaniel Perkins had a wife then living in England: therefore

Section 1. Be it enacted and declared by the Senate and House of Representatives of the State of Delaware in General Assembly met and it is hereby enacted and declared, That the said marriage solemnized as aforesaid between the said Amelia Elizabeth du Pont and the said Nathaniel Perkins, otherwise called Nathaniel H. Clifford, be and the same is hereby declared to be null and void and of no force or effect whatsoever.

Sect. 2. And whereas the said Amelia Elizabeth du Pont after the solemnization of the said marriage between her and the said Nathaniel Perkins bore a child to the said Nathaniel Perkins, which child is a female now living and called by the name of Gabriella du Pont: and whereas the said Amelia Elizabeth du Pont, at the time of the solemnization of the said marriage between her and the said Nathaniel Perkins, was altogether ignorant of the former marriage of the said Nathaniel Perkins and that he then had another wife living: therefore,

Be it further enacted and it hereby is enacted and declared by the authority aforesaid, That the aforesaid child of the said Amelia Elizabeth du Pont and the said Nathaniel Perkins, by the said name of Gabriella du Pont, shall be and hereby is declared to be and made legitimate, and by the said name of Gabriella du Pont shall be and hereby is declared to be and made capable of inheriting and transmitting property of every kind and description whatsoever, and hereby is vested with and declared to be entitled to and shall possess and enjoy all the rights benefits advantages privileges and immunities of a person born in lawful wedlock in as full and ample manner to all intents and purposes whatsoever as if the the said Gabriella du Pont had been born in lawful wedlock.

An act to divorce Ann C. Hains and John Hains the husband of the said Ann from the bonds of matrimony.

House of Representatives
24 Jan. 1816 read
25 ——— read
31 ——— read
by paragraphs & passed

Sent for concurrence } A. L. Hayes, Clk.
Mr. Clk:
Feb 1. 1816 — read —
" 2 — 1816 — 2nd time
" ——— passed with no amendments
House Bill Passed } Dall Clayton Clk
1816.

An act to divorce Ann C. Hains and John Hains the husband of the said Ann from the bonds of matrimony.

Whereas matrimony is an institution which has for its objects purity of morals, and virtue in society and the preservation and happiness of the human race; a due encouragement of which by endeavours to render it sacred and honourable and to cause it to answer its true design, is the duty of all men and for these ends it is necessary that when either husband ~~or~~ or wife regardless of his or her duty and in contempt and violation of the matrimonial covenant, is guilty of such gross impropriety of conduct as by reason thereof the purposes of a marriage are frustrated and do the misery and wretchedness of the innocent party will ensue from a continuation of the same that it should be dissolved — And whereas the General Assembly is the only tribunal in this State of competent authority to decree such dissolution and it is proved and clearly appears to the same that John Hains the husband of Ann C. Hains has eloped from the said Ann C. Hains and wilfully and obstinately deserted the said Ann and renounced

her conjugal society and domestic concerns, all which is considered a sufficient cause of divorce from the bonds of matrimony; Wherefore,

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, that Ann C. Haing and John the husband of the said Ann be and they are hereby divorced from the bonds of matrimony, and that the marriage by and between them contracted and solemnized is and shall be dissolved, annulled, and made void and of no effect from and after the day of passing this act.

An act to divorce Ann C. Haines and John Haines the husband of the said Ann from the bonds of matrimony.

H. of Rep.

24 Jan. 1816 read.
25 ——— read.
31 ——— read

by paragraphs & passed

Cert for Concur } C. A. Lofland, Clk.

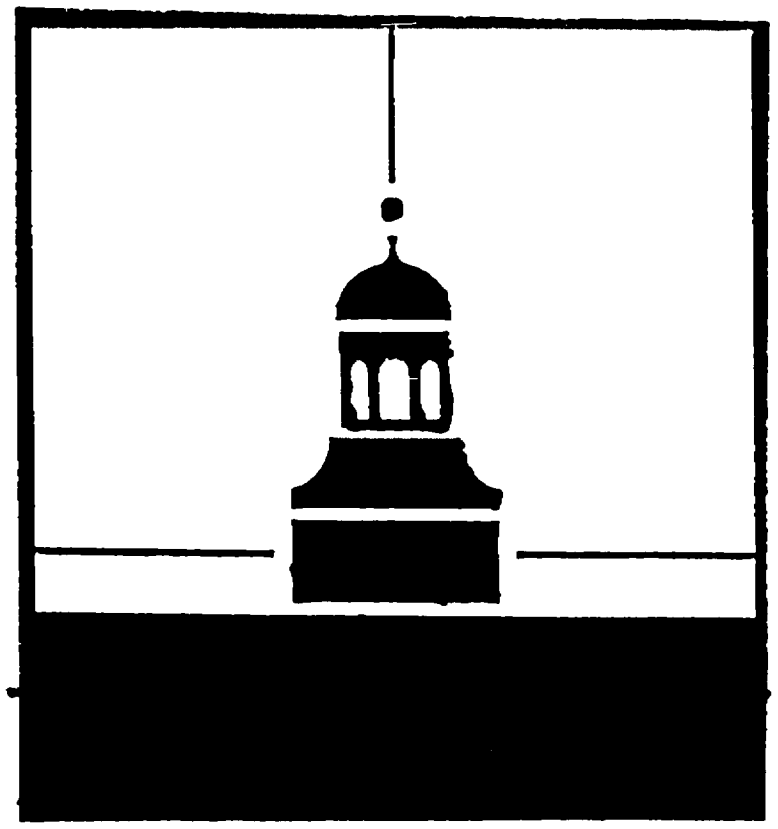
Transcribed

An Act to Divorce Ann C Hain and John Hain the husband of the sd Ann from the bonds of Matrimony.

Whereas matrimony is an institution which has for its objects purity of morals and virtue in society and the preservation and happiness of the human species a due encouragement of which by endeavours to render it sacred and honourable and to cause it to answer its true design, is the duty of all men; and for these ends it is necessary that when either husband or wife regardless of his or her duty and in contempt and violation of the matrimonial covenant is guilty of such gross impurity of conduct as by reason of the purposes of a marriage are frustrated and the misery and wretchedness of the innocent party will arise from a continuation of the same that it should be dissolved And whereas the general assembly is the only tribunal in this State of competent authority to decree such dissolutions and

it is proved and clearly appears to the same that John Hains the husband of Ann C Hains has absented from the said Ann C Hains and wilfully and obstinately deserted the said Ann and renounced her conjugal society and domestic comforts all which is considered a sufficient cause of divorce from the bonds of matrimony, wherefore

Be it enacted by the Senate and house of Representatives of the State of Delaware in general assembly met that Ann C. Hains and John the husband of the said Ann be and they are hereby divorced from the bonds of matrimony and that the marriage by and between them contracted and solemnized is and shall be dissolved annulled and made void and of no effect from and after the day of passing this act



END FILE

1816 Jan.- Feb. Leaislative Bills [redacted] Last

An act to repeal certain acts respecting free negroes and free mulattoes and for other purposes

H. of Reps.

10 Jan. 1816 read.
11 " " read 2d time
13 " " recommitted
18 " " committed

Reported an act with a different title & the House received the report

A. Stayes, Clk

An Act to repeal certain acts respecting free negroes and free mulattoes, and for other purposes ——

Sec 1st Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, that the sixth, seventh, eighth and ninth sections of the act intitled "An act for the better regulation of servants and slaves within this government, passed the thirteenth year of George the second be and the same are hereby repealed, and made null and void ——

Sec 2nd And be it enacted by the authority aforesaid that the Act passed the twenty eighth day of January in the year of our Lord one thousand eight hundred and eleven, intitled "An act to prohibit the emigration of free negroes, and free mulattoes into this State, and for other purposes," be and the same is hereby repealed, and made null and void ——

Sec 3rd And be it enacted by the authority aforesaid that an act intitled "an act respecting free negroes & free mulattoes passed on the thirty eth day of January in the year of our Lord one thousand eight hundred and eleven, be, and the same is hereby repealed and made null and void ——

Sec 4th And be it enacted by the authority aforesaid that if any person or persons, his, her, or their agent or factor, shall after the passing of this act, export or sell with an intent for exportation, or carry out for sale from this State, any negro or mulattoe slave without a license first had and obtained from

the justices of the supreme court, or justices of the court of General quarter-sessions of the peace and jail-delivery, or any two of them, shall forfeit and pay for every negro or mulattoe slave so exported, or sold with an intention for exportation, or carried out for sale the sum of five hundred dollars to be recovered by indictment in any Court of General Quarter sessions of the peace and jail-delivery in this State, and in addition thereto shall be imprisoned not less than six months, nor more than twelve months: And the negroe or mulattoe slave so exported or sold with an intention for exportation, or carried out for sale is hereby declared free and entitled to enjoy all the privileges that a free negroe or free mulattoe may or can do within this State —

A supplement to the act entitled "An Act for the trial of negroes".

In Senate

Feb 3 — 1816 — read
Feb 5 " " read a 2d time & referred
Feb 8 " " read 3d time after report — and the amendments adopted —
Feb 8. - read 1st time
Feb 9. read 2nd time
Feb 12 —— called up to be read & postponed.
—— — ditto — do —
Feb 13. AM. — do
Feb 13. P. M. read third time by paragraph and passed the Sen. with numerous amendments.

S. M. Clayton Clk

S Bills
1816

A supplement to the act entitled "An act for the Trial of negroes".

Sec 1. Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That if any negroes or mulattoes above the number of five in one company shall meet together and shall be guilty of any riotous or disorderly conduct tending to disturb the peace and good order & shall be thereof convicted by the view of one Justice of the Peace or the testimony of one credible witness, every such negroe or negroes or Mulattoe or Mulattoes if slave or servt. shall be publickly whipped at the discretion of one Justice of the Peace not exceeding twelve lashes. Or any of them not exceeding thirty dollars & shall be committed to the Jail by the said Justice until the fine & costs be paid.

Sec 2. And be it enacted - That it shall be the duty of any one Justice of the Peace within this State as often as he may be informed that any negroes or mulattoes above the number of five in one company are met together and engaged in any riotous or disorderly conduct tending to disturb the peace & good order to issue his warrant to any Constable of the County, for the apprehension of such negroes or negroes, mulattoe or mulattoes: and if upon his or their appearance, it shall be made appear

to the satisfaction of the said Justice, that ~~if~~ they had met or assembled together as aforesaid and were engaged in any riotous or disorderly conduct tending to disturb the peace & good order ~~[illegible]~~, he shall at his discretion order if a slave or servant such negroe or negroes, mulattoe or mulattoes, to be publickly whipped by any constable of the county with any number of lashes not exceeding ~~thirty-nine~~ twelve + and the said Justice and constable shall have and receive the like fees as are provided for by the laws of this State.— (Here comes Sec 3.—) (vide next page)

Sec 4 And be it enacted that the seventh section of the act to which this is a supplement be and the same is hereby repealed.—

+ Dif fee Vet see opposite

069

0699

⁜ Provided nevertheless, that it shall and may be lawful for the said Justice to adjudge and order a fine of any sum not less than fifty cents, nor exceeding two dollars, to be received by the officer ordered to execute the sentence of the said Justice, when any slave or servant from the master or mistress, or masters or mistresses, Parents or Parents ~~Guardian~~ or ~~Guardians~~ slave or servant of every such ~~negro or negroes, mulatto or mulattoes~~; and in case of the payment of such sum of money, so adjudged ⁜ and ordered, the said slave or servant ~~negro or negroes, mulatto or mulattoes~~, shall not be whipped; which sum so ordered, adjudged and paid to the said officer executing such sentence, shall by him be paid over to the treasurer of the Poor of the County - for the use of the Poor. -

0660

An act supplementary to an act entitled "An act for the trial of negroes"

In Senate

Feb 3 - 1816 - read

— 5 — 2d time and referred. -

— 8 — read 1st time after report

— 8 — 1st time

— 9 — 2d time

— 12 read in part

— 13 — do - A.M.

13. P.M. 3d time by yeas & nays. —

Sent for concurrence

L M Clayton
Clk

House of Rep.

14 Feb. 1816 read.

15 — rejected.

A L Hayes

Sec. 4. Be it enacted that the constitution of the authorities [illegible] be and the same is hereby repealed. -

A supplement to an act entitled "An act for the trial of negroes. —

Sec 1. Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That if any negroes or mulattoes above the number of five in one company shall meet together and shall be guilty of any riotous or disorderly conduct tending to disturb the peace and good order, & shall be thereof convicted by the view of one Justice of the Peace or the testimony of one credible witness, every such negroe or negroes, mulattoe or mulattoes if a slave or servant shall be publickly whipped at the discretion of one Justice of the Peace, not exceeding twelve lashes, or if free shall be fined by the said Justice in any sum not exceeding thirty dollars, & shall be committed to the Jail by the said Justice until the said fine and costs be paid, —

Section. 2. And be it enacted that it shall be the duty of any one Justice of the Peace within this State as often as he may be informed that any negroes or ~~negroes~~ mulattoes above the number of five in one company are met together and engaged in any riotous or disorderly conduct tending to disturb the peace and good order to issue his warrants to any constable of the County for the apprehension of such negroes or negroes, mulattoe or mulattoes: and if upon his or their appearance, it shall be made appear to the satisfaction of the said Justice that they had met or assembled together as aforesaid and were engaged in any riotous or disorderly conduct tending to disturb the peace & good order he shall at his discretion order such negroe or negroes, mulattoe or mulattoes if a slave or servant to be publickly whipped by any constable of the county with any number of lashes not exceeding twelve, or if free shall be

fined by the said Justice in any sum not exceeding thirty Dollars, & shall be committed to the Jail by the said Justice until the said fine & costs be paid:- And the said Justice and Constable shall have and receive the like fees as are provided for by the Law of this State:- Provided nevertheless, that it shall and may be lawful for the said Justice to adjudge and order a fine of any sum not less than fifty cents, nor exceeding two dollars, to be received by the officer ordered to execute the sentence of the said Justice upon any slave or servant, from the master or mistress, or mastery or mistresses, Parent or Parents of every such slave or servant; and in case of the payment of such sum of money, so adjudged and ordered the said slave or servant shall not be whipped; which sum so ordered, adjudged and paid to the said officer executing such sentence, shall by him be paid over to the treasurer of the Poor of the County for the use of the Poor.-

Section 3. And be it enacted that if any action shall be brought against any Justice or Constable for any thing done under and pursuant to this act, the person ~~or persons~~ sued may plead the General Issue & give this act in evidence for his Justification and defence

(Cont)

cf ch 82 ???

In Senate

Feb 7 - 1816

"The Bill entitled "An act concerning intestate real estate" was taken up the third time in order to pass.'

"The following amendment was then adopted;

After the word "State" in line 6th strike out the remainder of the Section and insert in lieu thereof "in case of any intestacy which may happen after the passing of this act, no representation shall be admitted amongst collaterals after Brother's and sister's grandchildren and that so much of all and every act of the General Assembly as is hereby altered shall be and is hereby repealed."

On the question, "Shall the bill pass as thus amended —

It was carried in the affirmative. —

Sent for concurrence

Extract from the Journals

J. M. Clayton

Clk

Found with 1816

Amendments proposed by the Council to the Bill Intitled "An Act "to compel Executors to give Security for the faithful discharge of the duty Reposed in them by their Testators

In pa: 1 line 3 next after the Word [Testators] insert [and for other purposes]

In pa: 1 line 8 from the Top ~~[illegible]~~ next after the Word [Security] ~~[illegible]~~ insert as follows [upon obtaining Letters Testamentary]

In same pa: line 10 next after the Word [Bond] insert the Words [or Obligation]

See on the other Side

at the bottom of pa: 3. Insert the following Clause And Whereas several litigious or negligent Executors and Administrators, having money in their hands to satisfy all the just Debts of the deceased, in Violation of their duty and the Trust in them Reposed have suffered themselves to be Sued, presuming that the deceased's Estate must be burthened with all the unnecessary Cost they vexatiously or negligently occasion which has too frequently happened to the great delay of many honest Creditors & the great injury of the Legal Representatives, ~~and disappointment of the deceased~~ for Remedy whereof in future Be it Enacted That no Executor or Administrator shall hereafter be allowed any Cost of Suit in any Action to be recovered against such Executor or Administrator out of the deceased's Estate unless the Court before whom the Action is brought shall certify that the Executor or Administrator had just or probable Cause or Reason for withstanding such Suit or that the same was

Commenced before Executor or Administrator Sued to Judgment or Demand made upon the Debtor by Administrator or Executor and Bill thereof

In pa: 2. next after the Word [Estate] in last line but one insert as follows

["So always and provided that No Suit be prosecuted on any such Testamentary Bond; or on any Administration Bond for any Debt or Damages due from or recovered against any Testator or Intestate, or their Effects, before two Non Est Inventus, upon two Writs of Capias ad Respondendum or a Nihil habet on a Summons to be returned against the Executor or Administrator or a Fieri facias returned Nulla bona by the Sheriff of the County where such Executor or Administrator live or where the Effects of such deceased lies or such other apparent Insolvency or insufficiency of the person or Effects of such Executor or Administrator as shall in the Judgment of the Court that hears the Cause render such Creditor or Creditors remediless by any other Reasonable Means save that of suing such Bonds; on pain that such person or persons that shall cause such Bonds to be sued contrary to the true Intent and Meaning hereof shall be condemned in full costs of Suit to be adjudged by the said Court to the Defendant or Defendants that shall be so sued against the person or persons that shall cause the same to be sued and shall award Execution thereof as usual in other Cases].

Amendments to the Bill relating to Executors & Administrators

In same pa: last line dele the Word [always] and in its stead insert the Word [also]

In pa: 3 line 3 insert after the Word Testamentary insert the Words [or administration]

& on the other side In same pa: 3 line 5 next after the Words [Bonds] and that all Actions upon any Administration Bonds hereby granted shall be commenced within six years from

An Act to prevent the disturbance of Camp Meetings, held for the purpose of religious Worship.

In Senate

Jan 19. - 1816 - read. -

Jan 22. - ... read 2nd time. -

25 - made the order of the day to morrow; but not considered on the day appointed. Mullayton Clk.

0888

An Act to prevent the disturbance of Camp Meetings held for the purpose of religious Worship.

Whereas it is understood by this General Assembly, that the Bishops and Clergy of the Methodist Episcopal Church have for years past thought proper to hold Meetings in the Woods commonly called, Camp Meetings for the purpose of religious worship and of promoting the cause of religion, and that these meetings have been disturbed in consequence of the sale of spirituous liquors; and it is also understood, that the persons selling spirituous liquors elude the laws of this State by professing their object to be the sale of bread or other food, and ostensibly pursuing this object, which enables them to conceal their selling of liquors; and it is considered, that the right of all men to worship and serve their creator according to the dictates of their conscience is sacred; and that no person can claim to make meetings held for this purpose occasions for traffic.

Sec. 1. Be it therefore enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That it ~~shall not be lawful for any~~ no person or person whomsoever shall ~~to~~ make, erect, place or have any Booth, Stall, tent, cart, carriage, or place for the purpose of selling, trafficking or disposing of any spirituous liquors, wine, porter, beer, cider ~~bread, porter or other provisions, under pain or penalty whatsoever~~ within two miles of the place where any Camp Meeting shall hereafter be regularly held in this State for the purpose of religious worship, at any time during the holding of said Meeting or on the day prior to the commencement thereof, excepting only ~~in public~~ taverns, public

hours of entertainment and stores duly licensed agreeably to law; or shall ~~to~~ sell or traffic or dispose of, or ~~to~~ have for sale, or traffick or to be disposed of, any spirituous liquors, wine, porter, beer, cider ~~bread, food, provisions or articles whatsoever~~ at any booth, stall, tent, cart, carriage or place within two miles of any such Camp Meeting hereafter to be held in this State for the purpose of ~~cat~~ religious worship, excepting only Taverns, Public Houses of Entertainment and stores duly licensed according to the laws of this state, during the holding of such meeting or the day prior to the commencement thereof. And if any person or persons shall make, erect, place or have any booth, stall, tent, cart, carriage or place for the purpose of selling, trafficking or disposing of any spirituous liquors, wine, porter, beer, cider ~~bread or other provisions or articles whatsoever~~ within two miles of the place where any Camp Meeting shall hereafter be regularly held in this State for the purpose of religious worship at any time during the holding of said Meeting or on the day prior to the commencement thereof, Excepting only as aforesaid & excepted, or shall sell, traffick or dispose of, or have for sale, traffic or to be disposed of, any spirituous liquors, wine, porter, beer, cider ~~bread, food, provisions or articles whatsoever~~, at any booth, stall, tent, cart, carriage or place within two miles of any such Camp Meeting hereafter to be held

in this State, except as afore excepted, during the holding of such Meeting or the day prior to the commencement thereof such person or persons so offending shall forfeit and pay the sum of not exceeding thirty dollars nor less than two dollars lawful money of the United States of America to be recovered by Indictment in the Court of General Quarter Sessions of the Peace and Gaol delivery; and it shall be the duty of any Justice of the Peace in this State upon complaint made to him and duly supported by oath or affirmation of an offence committed against this Act, to require the person or persons offending to find surety or sureties for his, her or their appearance at the next Court of General Quarter Sessions of the Peace & gaol delivery in the county in which the offence shall have been committed and in the mean time to be of good behaviour & keep the peace.

Sec. 2. Provided always and be it further enacted that it shall be lawful for the managers of any Camp Meeting to be held as aforesaid by writing under their hands or the hands of any three of them to license and permit any person or persons, to sell food and provisions, for the use of such meeting and have any tent, or booth for that purpose; & the person or persons so licensed & permitted shall not come within the purview or provisions of the above section.

An act, to regulate the practice of ~~Physic~~ Medicine, and Surgery, within this state.

Sect. 1.

Be it enacted by the senate, and House of Representatives of the state of Delaware in general assembly met, that James Filton David Stewart, ~~Thos~~ George Munro, James Merrit, McCallmont & Benjamin Physicians of the county of Newcastle, and William Arnold, William Johnson, James Fisher, Isaac Robertson, Windsor Morris, Joseph B. Harris, Physicians of the county of Kent, and John White, James Dickson, Edward Burton, Robert Burton Physicians of the county of Sussex be, and they are hereby appointed, and constituted a board of examiners, to be denominated the Medical board of examiners for the state of Delaware. to hold their said appointment for the space of three years from the passing of this act if so long they shall continue to reside, and practice medicine, and surgery within their respective counties; vacancies happening by death, resi= =gnation, removal, inability to serve; or upon the expiration of the term of their appointment, the General assembly may at any subsequent supply such vacancy so as aforesaid happening —

Sect. 2 And be it enacted, That the said board of examiners shall meet in the Town of Dover upon the first tuesday in ~~January~~ May next and upon the first tuesday of every ~~January~~ May thereafter annu= =ally

when, and where they shall continue for any length of time, not being less than three days; and shall during that time have the power of granting licenses for the practice of Medicine and Surgery within this state, and they are hereby authorized, and required to grant such licenses under the hands and seals of the President and Secretary of the said board to any Person, or Persons applying for the same who shall either upon a full and strict examination, or upon the production of a Diploma from some reputable Medical College, be deemed adequate to the practice of medicine and surgery.

Sect. 3. And be it enacted, That the said board of examiners, may at their first meeting, and at their annual meetings thereafter appoint from their own body a President, a secretary, and a Treasurer.

Sect. 4. And be it enacted, That if any Person, or Persons not being at the time of the passing of this act, a Practitioner of Medicine and Surgery within this state, shall thereafter practice Medicine or Surgery and demand, or receive fee or reward therefor, within the limits of this state, without having obtained such Testimonials of skill as aforesaid; he ~~shall~~ shall for ~~every~~ each, and every such offence, forfeit and pay the sum

of fifty dollars, the one half thereof to the informer, or Person suing for the same, and the other moiety to the State Treasurer, for the use of the State. to be recovered in any court where sums of the like amount are recoverable by the laws of this State.

Sect. 5 And be it enacted, That any Person obtaining a license to practice medicine and surgery within this State, from the aforesaid medical board of examiners, shall upon receiving such license, pay to the Treasurer of the said board of examiners the sum of Ten dollars, to be applied by the said board of examiners in payment of any expenses which may by them be necessarily incurred under, and by reason of this act.

Sect. 6. And be it enacted, That it shall be lawful for any Three members of the aforesaid board of examiners for the time being upon the application of any Person whose design it may be hereafter to commence the practice of medicine, and surgery within this State, to grant to such Person so applying as aforesaid, a certificate permitting ~~him~~ such applicant to practice medicine and surgery until the next annual meeting of the board, and no longer; Provided that no such

This bill has been transcribed

An act to regulate the practice of medicine, and surgery within this state.

H. of Reps.
18 Jan. 1816 read a.
19 ——— read 2d time.
23 " " read 3d time
by paragraphs & passed
Sent for con. A. L. Hayes, Clk.

Transcribed

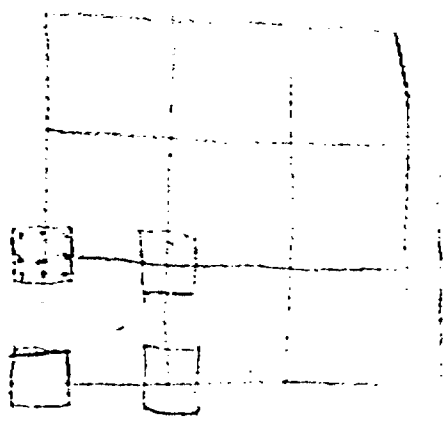
certificate be granted to the same person, more than once. →

Sec 9 And be it enacted Seven ~~Eight~~ That ~~four~~ members may constitute a board for the transaction of business, and a majority of the members present shall have power to grant licenses as aforesaid —

Provided however that nothing in this act contained shall be construed, deemed, or taken to prevent any Physician duly authorized by law, and who may reside and Practice in any of the States adjoining this State, from Practising within this State when called upon for that purpose

Sec —

upon the subject of turnspits —



A Supplement to the act entitled "An act respecting arms belonging to the State of Delaware".

H. of Rep.

9 Jan. 1816 reads.
10 " " read 2d time
16 " " read 3d time
by paragraphs stapled

A. L. Hayes, Clk.

Transcribed

A Supplement to the Act Intitled an Act respecting the Arms belonging to the State of Delaware

Sect 1 Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met that the Commissary of Military Stores within the respective Counties of this State shall cause the Arms and Accoutrements belonging to the State within the respective Counties of this to be Stored in the following places to wit the Arms and Accoutrements within the County of Newcastle in the Court House at the Town of Newcastle — the Arms and Accoutrements within the County of Kent ~~at the~~ State House at Dover the Arms and Accoutrements within the County of Sussex ~~County~~ per the Court House at George Town

Sect 2 Be it enacted that the Commissary of military Stores within the respective Counties of this State shall cause the Arms to be carefully repaired and cleaned and afterwards to be placed in Boxes and the expence of repairing cleaning and Storage of the Arms and Accoutrements ~~of the Box~~ within the respective Counties of this State shall be allowed by the levy Court of such County

Sect 3 Be it enacted that the powder belonging to this State shall be sold by order of the governor of the State and the money arising therefrom shall be paid over into the hands of the State Treasurer for the use of the State.

Sect 4 Be it enacted by the Authority aforesaid that the respective Brigadier Generals within this State may direct the Commissary of Military Stores to Issue the Arms and equipments or any part thereof to such Captains or Commanding officer of any Company of Militia within such Brigade who shall give Bond in a sum of one thousand Dollars with two or more good and sufficient Sureties in the Name of the State of Delaware to be approved of by the Brigadier General to keep ~~the~~ such Arms and Accoutrements in good order and repair and the safe return thereof to the Commissary of Military Stores of such Brigade when Required by the Brigadier General of the Brigade — and it shall be the duty of the Brigadier General taking such Bond to

To cause the Bond so by him taken to be Recorded in the office of the Recorder of Deeds in the County and the Recorder is hereby Directed to record the same and the Copy of said Bond under the hand & seal of the Recorder of the County shall be allowed in all Courts of Law within this State to be as Valid as the Original Bond is

06,78

An act for the appointment of an additional Number of Justices of the peace

An act to authorize the Governor or to appoint an additional number of Justices of the Peace in the several Counties of this State

In Senate

Feb 10 - 1816 - read

~~1st reading~~ ~~2d~~

0000

An act authorising the Governor to appoint an additional Number of Justices of the peace in the several Counties of this State

Be it enacted by the Senate and House of Representatives of the state of Delaware in general assembly met, two thirds of the members of each House concurring therein and approving thereof That the Number of Justices of peace shall be increased so that there shall be sixty in commission at the same time in the County of New Castle three, ~~one hundred and two~~ sixty: and in the County of Kent ~~fifty~~ sixty, and in the County of Sussex ~~one hundred and ten~~ sixty

An Act to authorize the Administrator de bonis non of John Mitchell deceased to convey to James Dickson of the County of Sussex Physician two lots of Land with the appurtenances situate near Laurel Town in said County of Sussex.

Sec. 1. Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met That it shall and may be lawful for said James Dickson of the County of Sussex Physician or his heirs executors or administrators to petition the Supreme Court or Court of Common Pleas when sitting in the County of Sussex for an order of such Court to be made directing the administrator de bonis non of John Mitchell late of said County deceased to convey to said James Dickson his heirs and assigns two lots of Land with the appurtenances which were sold by Rhoda Mitchell executrix of said John Mitchell at public sale and purchased by said James Dickson

Sec. 2. And be it further enacted That the Court to whom said James Dickson shall petition shall and are hereby required to examine into the facts respecting the sale of two lots of Land as aforesaid made by Rhoda Mitchell executrix of said John Mitchell to said James Dickson and if said James Dickson shall

duly make appear to the satisfaction of said Court that a sale of such lot of land was duly made by the executrix of said John Mitchell deceased to him, the said James Dickson and that the purchase money has been paid, or if any part thereof remains unpaid, upon payment thereof to the administrator de bonis non of said John Mitchell, then the said Court shall and are hereby required to make an order directing the administrator de bonis non of said John Mitchell to convey such lot of land to said James Dickson his heirs and assigns by a Deed of Bargain and Sale so as to vest in the said James Dickson all the right of said John Mitchell deceased of in and to said lot of land with the improvements and appurtenances.

~~[illegible]~~

The act to authorize the administrator de bonis non of John Mitchell, dec.d to convey to James Dickson the Quantity of Land and lot of land therein mentioned

Chas. Ashby 21 Jan. 1816
22 read 2d time and
ordered to be engrossed

R. Allen
C.

1816 Jan.

Passed

Senate Bill
1816

A supplement to the act entitled "An act to prevent injury by dogs in New Castle County".

H. of Repr.

18 Jan. 1816 read.
19 " " read 2d time
24 ——— taken up for the third reading postponed by adjournment

7 Feb ——— read by paragraphs & passed.

Ext for concurrence.

A. L. Hayes, Clk.

John Penoyer

Feb 7 " 1816 " read
Feb 8 " " 2nd time
Feb 12 ——— Called up to pass & postponed.

——— Order taken up again & the first & second sections passed, when the further consid. was postponed to tomorrow morning ———

A supplement to the act, entitled an act to prevent injury by dogs in Newcastle County.

Sect. 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 act entitled "an act to prevent injury by dogs in Newcastle County". passed upon the fourth day of february 1811. be, and the same is hereby made absolutely null, and void.-

Sect. 2 —— and be it enacted, That the third section of the aforesaid act, be and the same is hereby repealed. Provided however that nothing in this act contained shall be deemed or taken in any way to affect the collection of any tax, or taxes which may, or ought to have been levyed, upon any dog, or dogs before the passing of this act according to the provisions of the act to which this is a supplement.

Sect. 3 —— And be it enacted. That if any Collector, or Collectors of tax, in and for the county of Newcastle, who may heretofore have collected, or who shall hereafter collect and receive any sum, or sums of money, or whose duty it was to have received, or hereafter receive any tax, or taxes upon dogs, levyed according to the

provisions of the act to which this is a supplement, shall not have settled for, and duly paid over every such sum, or sums of money so by him collected, or which it was his duty to have collected, to the County Treasurer, for the County of Newcastle.
Or, or before the first day of May next, or shall for the space of twenty days thereafter neglect, or refuse to pay over all, and every such sum, or sums of money so by him collected, or which it was his duty to have collected, and was collectable, retaining only so much therefrom for his trouble of collection as is allowed by the 4th section of the act to which this is a supplement, such, and every such Collector as aforesaid, so refusing or neglecting to pay over all such sum, or sums of money, shall forfeit and pay the sum of five hundred dollars, with costs of suit, to be recovered in any Court where debts of a like amount are made recoverable by the laws of this State, - to be applied to, and for the use of the poor of Newcastle County.

Sect. 4. — Be it enacted, That if the County Treasurer, for the County of Newcastle, shall neglect, or refuse to pay over all moneys which may have come into his hands, or which may hereafter come into his hands, under, and by virtue of the act to which this is a supplement, on demand, to the order of the Treasurer of the Board of Trustees of the poor for Newcastle County, such Treasurer, so refusing or neglecting as aforesaid shall

forfeit and pay the sum of Three Thousand dollars with costs of suit, to be sued for, and recovered in any Court of this State where debts of a like amount and by the laws of this State are recoverable, to be applied to and for the use of the poor of New Castle County.

A Supplement to an act
entitled an act directing
the manner of seizing out
attachments within this gov=
ernment. –

Read Jan 10th 1816 –
Read Jan 11th – 2nd time
read Jan 17. 3d time
committed & reported
with amendments same
day. –
Read with amendments
Jan. 17. 1816 – 1st time
Jan 18 – – – 2nd time

A Supplement to an act, entitled, "An act directing the manner of suing out attachments within this government."

Sec I. Be it enacted by the Senate and House of Representatives of the State of Delaware, in General assembly met — That so much of the seventh section of the act entitled "an act directing the manner of suing out attachments within this government", as requires that the person or persons requesting a writ of attachment against a non-resident, or some other credible person for him, her or them, shall upon oath or affirmation, declare, that the said defendant avoids coming into this government, but he or she be taken to answer his or her just debts as it is believed — he and the same is hereby repealed, made null and void.

0688

An additional supplement to the act entitled "An act for the better regulation of distresses for rent and for other purposes therein mentioned".

H. of Rep.
19 Jan. 1816 read
22 " " read 2d time

An aditional Supplement to the act entitled "An Act for the better regulation of distresses for rent and for other purposes therein mentioned"

Be it enacted by the Senate and House of Representatives of the State of Delaware in General assembly met That from and after the passing of this Act when any Lease or tenancy for one or more years or at will shall be dei=
=rous of removing from and leaving the Lands and tenements to him her or them demised or let at the expiration of his her or their lease or term therein. it shall be the duty of such Lessee or tenant to give notice in writing to his her or their Lessor or Landlord of his her or their intention to remove from and leave the lands and tenements to him her or them demised at least three months previous to the determination of such lease or demise; and in case of his her or their neglect or refusal to give notice as aforesaid

such neglect or refusal shall be deemed and taken to be an agreement on the part of such Lessee or tenant to continue the possession of the lands and tenements to him her or them let or demised on the terms and conditions on which he she or they hold the same at the time such notice is hereby required to be given

Provided nothing herein contained shall be construed or taken to effect or apply to any lease or demise made or executed anterior to the passing of this Act or when notice is given by the Superior landlord to the Lessee to remove from the lands and tenements and to him her or them demised as equally to the ~~and~~ directions of the laws of this State

And be it enacted

That when notice shall be given by any lessee or tenant as aforesaid, it shall and may be lawful for the Lessor or Landlord to whom notice is given in case the Lessee or tenant shall refuse or neglect to remove from and leave the lands and tenements to him her or them demised or let at the determination of his her or their lease therein to proceed to recover the Lands and tenements by his her

0692

or them demised in the manner prescribed and directed by the Laws of this State when the Lessee or tenant holds over after the determination of his lease notice being previously given by his Lessor or Landlord to remove from and leave the premises to him he or them let or demised.

Sec. 3 And be it further enacted that when the goods and chattles of any lessee or tenant shall be sold by virtue of an execution directed to a Sheriff or Constable it shall be the duty of the Sheriff or Constable when the rent is not due to deduct the interest from the amount of the rent payable by law to the Lessor or Landlord and to pay over the balance to the Lessor or Landlord entitled to receive the same.

Sec. 4 And be it further enacted that the provisions of the twentieth section of the act entitled "An act directing the manner of suing out attachments within this Government shall extend to every case of rent whether payable in money or produce of any kind when it is apprehended that any Lessee or tenant is about to depart this State and to remove

his her or their effects therefrom, before the rent according to the reservation thereof, will be due and payable and in such case, upon oath or affirmation made by the Landlord or person entitled to such rent before the Prothonotary of the County or the Clerk of the supreme Court that the said Lessee or tenant is about to depart this State and remove his her or their effects therefrom as is believed by the Lessor or Landlord entitled to such rent and of the amount thereof and when the same will be due and payable and that the Lessee or tenant refuses to give better security for such rent — The same proceedings shall be had and the like Judgment given as are provided in the section aforesaid.

Sec. 5. And be it enacted

That so much of the Laws of this State as are hereby altered amended or supplied be and the same are hereby repealed made null and void

le As.

To the Sheriff of Kent County Greeting:

You are hereby commanded to summon Nicholas Ridgely, Willard Hall, ~~Peter Robinson~~ Upper Clark

Before our Committee of Grievances at Dover the day of January instant, to give evidence ~~impeachment~~ as they shall be examined to. And this ~~upon~~ penalty of one hundred pounds. And have you

Witness the Chairman of

An act to vest in James Gilmore the title which Henry Bridle had to a certain lot or piece of Land situated in Christianna Hundred and County of New Castle in the State of Delaware.

Whereas the said Henry Bridle in his lifetime by virtue of a certain Indenture of Lease and demise duly executed under the hands and seals of Matthew Briggs and Elizabeth his wife became seized and possessed of and in a certain lot or piece of Land situate in Christianna Hundred aforesaid bounded now by a road called Bixby Street, by lands of Cæsar A. Rodney Esquire, Alexander Gray and by the Kennet Road containing Four acres three quarters and eight perches be the same more or less. To hold to him the said Henry Bridle his heirs and assigns for and during the residue of Two thousand years which had commenced on the second day of March Anno Domini 1787 under and subject to a yearly Ground rent of Twenty Five Shillings continually payable therefor during the said Term as by the said Indenture now produced appears. And the said James Gilmore having presented his petition to this General Assembly setting forth the facts before stated and that the said Henry Bridle married the mother of the petitioner, and died intestate without issue and without any kindred known by the petitioner; and the labour and money of the petitioner's mother had in a great measure paid for the said

land and that the said Henry Bridle had frequent=
=ly declared his determination to devise the said
estate to the petitioners Mother in case she sur=
=vived him but was prevented from so doing
by his sudden and unexpected death that the
petitioners mother after the decease of the said
Henry Bridle occupied the premises until her
death and that the possession of the said estate
had continued on the part of the petitioner & his
mother for twenty one years and that the whole
of the said estate had been devised to him by his mother;
That the Escheator of New Castle County had held
an inquisition upon the premises and notified
the petitioner to depart therefrom or accept a
lease or that the same would be sold according
to Law; that the petitioner is a Labouring man
and has an increasing family entirely dependant
upon him for support and praying this Gene=
=ral Assembly to grant him leave to bring in a
bill to be passed into a Law to vest in him all
the estate which the said Henry Bridle had
in the premises. And it appearing to this
General Assembly that the facts stated in the
said petition are true and that it is reason=
=able that the prayer thereof be granted and
that Justice be done in the premises.

Sec. 1st Be it therefore Enacted by the Senate and
House of Representatives of the State of Delaware

in General Assembly met. That all the Estate, Right, Title Interest, Property claim and demand whatsoever which was of the said Henry Bridle in his lifetime and at his decease of in and to the said Lot or piece of land and premises with the appurtenances to the same belonging or in anywise appertaining, shall be and the same is hereby transferred and conveyed to the said James Gilmore his heirs and assigns and vested in him as fully and amply to all intents and purposes as the said Henry Bridle in his lifetime and at the time of his death was vested therein; saving and preserving nevertheless to all and every person and persons, Bodies Politick and corporate, his her and their heirs, successors Executors and administrators all such Estate, right, title and interest of in to and out of the same premises as they or every or any of them had before the passing of this act as could or might have had if this act had never been made or passed.

Sec. 2d And be it further enacted that the said James Gilmore shall within one year after the passing of this act procure a copy thereof regularly attested by the Secretary of this State, to be recorded in the Office for recording of Deeds in and for New Castle County for which the recorder shall receive the like compensation as for recording of Deeds, and when Recorded a copy thereof from under the hand of the Recorder & the public seal of his office shall be allowed as evidence in any Court of Law or

Equity within this State
Passed at Dover

An act to vest in James Gilmore the title which Henry Bridle had to a certain lot or piece of land situated in Christiana Hundred in the County of New Castle in the State of Delaware.

H. of Reps.

10 Jan. 1816 read
12 " " read 2d time
17 " " read 3d time
by unanimous consent passed

Sent for co. A. L. Hayes, Clk.

In Senate -

Read - Jan. 17. 1816 - 1st time -
— — Jan 20 — 2d time -
Feb. 5. Postponed till next session —

An act to vest in James Gilmore the title which Henry Bridle had to a lot of land in Christiana Hundred. —

H. of Rep.

10 Jan. 1816 read

An additional supple-
ment to the act entitled
"An act for the relief of
insolvent debtors."

House of Representatives

10 Jan. 1816 read.
13 " " read 2nd time
18 " " referred
22 " " reported & read
23 " " taken up & lost on the 1st. section.

Henry Miles
Lost & indefinitely
postponed

1816

An additional supplement to the act entitled "An act for the relief of insolvent debtors within this State."

Whereas by the laws of this State no person is entitled to the benefits of the several acts of the General Assembly made for the relief of insolvent debtors unless he or she shall have resided in the State one year next before his or her imprisonment, and it is expedient to alter the same in order to prevent the necessity of frequent applications to the General Assembly by persons who may be unable to make payment and who are nevertheless without relief under the existing laws:

Sec. 1. Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met that ~~at all times~~ from and ~~immediately~~ after the passing of this act, the like benefit and relief which by the Laws of this State made for the relief of insolvent debtors ~~may be~~ are afforded to any inhabitant thereof who has resided therein for the space of one year before his or her, ~~or their~~ imprisonment, shall be extended and afforded under the same rules, regulations, exceptions and restrictions and on the same terms and conditions to all and every such person and persons as ~~—~~, in and by the said acts of the General Assembly or any of them is mentioned; notwithstanding he, she, or they ~~may not have resided~~ shall not have resided within this State for ~~any time~~ the space of one year before his, her, or their imprisonment.

Sec. 2. Be it enacted that so much of the ~~laws~~ acts of the General Assembly ~~relative thereto~~ for the relief of insolvent debtors of this State as is hereby altered, be and the same is hereby repealed, made null, and void.

An additional supplement to the act entitled "An act for the relief of insolvent debtors within this State."

H. of Rep.

10 Jan. 1816 read
13 " " read 2d time.

Transcribed
A.L.H.
6/12

An executive act Supplement to the act entitled an act for the relief of Insolvent Debtors within this State

Whereas by the Laws of this State no person is entitled to the benefits of the Several Acts of the General Assembly made for the relief of insolvent debtors unless he or she have resided in the State one year next before his or their imprisonment and it is expedient to alter the Same in Order to prevent the necessity of frequent applications to the General Assembly by persons who may be unable to make payment and who are Nevertheless without relief under the existing laws

Sect 1 Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met that at all times from and Immediately after the passing of this act the like benefits and relief which by the Laws of this State made for the relief of insolvent Debtors may or can be afforded to any inhabitants thereof who have resided therein for the space of one year before his or her (or their imprisonment shall be extended and afforded under the Same rules regulations exceptions and Restrictions and on the Same Terms and Conditions to all and every such person and persons as are in and by the Said Acts of General Assembly or any of them mentioned Notwithstanding he she or they has or have or not resided or shall ~~have~~ not have resided within this State for any time before his her or their imprisonment

Sect 2 Be it enacted that so much of the Insolvent Laws of this State as is hereby altered be and the Same is hereby repealed made null and Void

An act for laying out and establishing a public landing place on Blackbird Creek.

House of Representatives

24 Jan. 1816 read

25 ——— read

12 Feb. ——— postponed till next session

11 January 1817 read

14 ——— read

24 ——— read

lost on the question as to the propriety of the first section

A. L. Hayes

Bills Rejected & Postponed

4/8/17

An Act for laying out and establishing a publick Landing place on black bird Creek

Sec. 1. Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, that it shall be lawful to make a public Landing-place and wharf for the general convenience of all persons having occasion to use the same upon the ~~east~~ south side of Black Bird Creek in Appoquinimink Hundred and Newcastle County at or near to the place upon the said Creek where the Road leading from the Village of Black Bird through lands now held by John Matthew to the said Creek terminates and below the said Road and the Landing now owned by the said John Matthew.

Sec. 2. And be it further enacted, That the Prothonotary of the Court of Common Pleas in & for the county Newcastle, or the Clerk of the Supreme Court in and for said County be and hereby is enjoined and required upon application made to such Prothonotary or Clerk by the managers herein after named or any two of them forthwith to issue a Writ under his hand and the seal of the Court directed to Sheriff of Newcastle County thereby commanding him to summon Five substantial and impartial freeholders of the said County to go upon and view the lands and low grounds upon the Creek aforesaid at the place aforesaid

and set apart, lay off and condemn two acres of the said Land, or low grounds by meets and bounds for a publick Landing place in such form and at such place as they shall deem most suitable for that purpose, without interfering with the Improvements now there made or erected, and to determine and assess the value of the said Land so by them to be laid off; and to ~~certify~~ return the proceeding, in the premises ~~under his hand & seal~~ ~~of the hand and seal~~ to the court, whose officer shall issue the said Writ ~~of the said freeholders or a majority of them to the Court out of which said Writ shall issue into the office of the Clerk, who shall issue the same, on ~~at or before~~~~ the first day of the Term next after the issuing of the said Writ, of the Court by whose officer the same shall be issued for Newcastle County aforesaid, together with the said Writ, and the said Sheriff ~~and the said Freeholders solemnly sworn to~~ shall give to the Owner or Owners of the Land, or low grounds lying at the place aforesaid five days notice in writing of the ~~time~~ day when said Writ will be executed and shall summon the freeholders according to the exigency thereof; and the said Sheriff and the said Freeholders so by him to be summoned shall go upon and view the said Land, and low grounds at and near to the place aforesaid; and the said Freeholders or a majority of them shall set apart, lay off

and condemn two acres of the said lands or lowgrounds or such less quantity as the said Freeholders or a majority of them shall deem proper in such form and place as they or a majority of them shall deem proper by meets and bounds, ~~and shall cause a~~ for the purpose of being used for a public Landing place and Wharves; and the said Freeholders or a majority of them agreeing shall determine and assess the value of the said lands or low grounds so by them to be laid off according to the best of their skill and judgment, and shall cause a plot of the said lands so laid off to be made by a skillful surveyor; and the said Freeholders or majority of them shall make a return and certificate under their hands & seals or the hands and seals of a majority of them describing the lands or low grounds so laid off and the ~~to~~ certifying the value thereof, as to be determined and assessed as aforesaid and shall deliver the same together with the plot aforesaid to the Sheriff aforesaid, who is hereby required to return the same together with the writ aforesaid to the court, whose officer issued said writ ~~into the office of the clerk or prothonotary~~ ~~who issued the same~~; and if the Court, whose officer shall issue said Writ, shall approve the return of the said freeholders or a majority of them the said Land or low grounds so by ~~them~~ the said freeholders or a majority of them set apart, laid off and condemned shall from and after such approbation

thereof be deemed and taken to be a public Landing place free to all persons having occasion to use the same - and shall be so held, regarded & treated - Provided that the value aforesaid shall be duly paid or tendered to the Owner or Owners before such approbation shall be granted - provided also, that no objection of mere form shall be sufficient to set aside such return, but the Court shall approve the said return and proceedings unless a substantial and valid objection thereto shall be made & supported.

Sec. 2. And be it further Enacted, That

be and they are hereby appointed Managers of the public Landing place so to be laid off as aforesaid for the term of Four years from the first day of March next; and they or either of them are authorized to receive and collect from any person or persons, who may be willing to contribute, monies for the purpose of raising, wharfing or otherwise improving the said Land or Low grounds so to be laid off as aforesaid and the said Managers and each of them shall keep an exact account of all the monies by them or him received and the persons respectively by whom paid, and shall faithfully appropriate and apply all the said monies or so much thereof as shall be necessary to the raising, wharfing or otherwise improving of the said Land or Low grounds so to be laid off as aforesaid; and the said Managers shall annually exhibit to the Treasurer of Newcastle County aforesaid an account of all receipts & expenditures and the said Treasurer is authorized to adjust and settle such accounts.

Sec. 3. And be it further enacted, That the managers aforesaid be and are hereby authorized to enter upon the lands or low grounds so to be laid off as aforesaid, after the same shall have been laid off and the value aforesaid paid or tendered as aforesaid and the return approved as aforesaid and raise, wharf and improve the same and to make there any wharf or wharfs or other improvements which the said managers or the survivers of them or a majority of them may deem suitable for the purpose of making the same a convenient, public landing place, with the monies so by them to be collected and received as aforesaid, and to keep the premises in repair.

Sec. 4. And be it further enacted, that the said landing place and wharfs and improvements thereon and thereat made, when completed, shall be public, free to and for all persons having occasion to place there any wood, lumber, goods or commodities whatever, on paying the tolls imposed by this Act.

Sec. 5. And be it enacted, that the managers aforesaid or the survivers or surviver of them shall be entitled to demand and receive from every ~~the~~ person and persons using the said public landing the following tolls, to wit, for every cord of hickory wood cents, for every cord of other wood cents, for every Hundred staves cents, for every ~~hundred~~ thousand hoop poles cents, for every hundred

feet of otter Timber, plank or board cents; and so in proportion for any greater or less quantity.

Sec. 6. And be it further enacted, That the managers aforesaid, the survivers or survivor of them shall account annually with the levy court for Newcastle county for all tolls, which they shall receive, and the balance thereof over and above what may be expended in repairing, wharfing or improving said landing, shall be fairly and rateably divided among all the persons, who shall have contributed moneys for the making wharfing and improving said landing as aforesaid until the whole sums thus contributed shall be repaid and afterward all balances remaining in the hands of said managers or any of them shall be paid to the county treasurer for Newcastle county.

Sec. 6. And be it further enacted, that ~~pro~~ it shall and may be lawful for the levy court of Newcastle county at some sitting of that court in the year of our Lord One thousand eight hundred and twenty to appoint five persons to be the managers of the said public landing place for one year after such appointment and till successors shall be appointed & the said levy ~~court shall~~ annually thereafter appoint five persons to be managers of the said landing place for the

year ensuing each appointment and afterward till successors are appointed; and it shall be the duty of the Managers aforesaid and all other managers appointed under this law & they or a majority of them or the survivers of them are empowered to regulate the said public Landing so as to prevent ~~all~~ encroachments, and to keep the same from being occupied by any one, or a few individuals improperly, to the exclusion of others, in order that the said Landing place may be and continue publick & free to all persons having occasion to use the same.

Sec. 9. And be it further enacted, That if any person or persons shall molest, hinder or obstruct the managers aforesaid or any of them or any workman, Labourer, artist or servant by them employed in raising, wharfing or improving the Landing place aforesaid so to be laid off as aforesaid, after the return of the freeholders laying off the same shall have been approved as aforesaid, or shall injure any wharf, improvement or works made, done or erected at or upon said Landing place, or shall ~~or~~ wilfully obstruct, encroach upon

or injure the said Landing place, the person or persons so offending shall forfeit and pay the any sum not less than nor more than to be recovered in the Court of General Quarter Sessions of the peace & gaol delivery within New Castle County - and further the Managers for the time being are hereby empowered to ~~prosecute~~ sue in their own names and prosecute to final Judgment & execution before a Justice of the peace or in any court of record suit or suits against such person or persons so offending and recover treble damages with costs to be applied to the use of said Landing place & the improvement thereof.

Sec. 8. ~~Provided always and be it further enacted~~ that if the return of the freeholders aforementioned or a majority of them shall not be approved by the court, then and in such case, the said court shall award a new writ of the same in pursuit the writ required in the first section of this act, and the Prothonotary or Clerk shall issue the same & the Sheriff and Freeholders shall proceed in the same manner as directed by this act

Sec. 8. And be it further enacted by the authority aforesaid, that ~~the~~ if there shall be no public road leading to the said land or low grounds, which shall be so laid off as aforesaid, then the freeholders aforesaid or a majority of them are hereby authorized and required to lay out a publick road of the width of forty feet to the same from such part of the publick road now open, as they shall deem most suitable and in such place as they shall deem most suitable and shall assess the ~~value of the land over which said road shall be laid out~~ damages which the owner or owners of the land over which such road shall pass will sustain thereby, and shall ~~return the said~~ make a return of said road ~~of~~ and of the damages assessed under their hands and seals or the hands & seals of a majority of them together with their certificate & return of the land so to be laid out as aforesaid; and the said damages shall be paid in like manner as the damages for laying out other public roads in Newcastle County & the proceedings of said Freeholders or a majority of them being approved the said road shall from thenceforth be deemed & taken to be a public high way

Sec. 9. And be it further enacted, That the Sheriff aforesaid ~~and~~ shall receive two dollars for each days attendance in the premises and

the freeholders aforesaid shall each receive one dollar for each day attendance; and the ~~Sheriff and~~ freeholders shall before laying out the Landing place aforesaid or a road as aforesaid be sworn or affirmed before ~~some~~ a Judge or ~~some~~ a Justice of the Peace for New castle county to perform the duties required by this Act faithfully and impartially according to the best of ~~their~~ their skill and judgment.

Sec. 10. And be it further enacted by the authority aforesaid, That if the Court, to whom the return aforesaid shall be made shall not approve the same, then it shall be the duty of the said Court and the said Court is hereby authorized and required to appoint five substantial and impartial freeholders of New castle county aforesaid to go upon and view the Lands & low grounds on and near to the Creek aforesaid at the place aforesaid and set apart lay out and condemn two acres of Land there or a less quantity, as the said Freeholders or a majority of them may deem suitable in such form and at such place as they shall deem most suitable for a publick Landing place without interfering with the Improvements now there made or erected; and to assess the value of the lands or low grounds by them to be laid out, and to lay out such road as aforesaid, if necessary, and assess the damages to be justained thereby; and the said Freeholders so to be appointed by the

Court ~~shall have and exercise~~ or a majority of them shall have and exercise the same powers which the freeholders to be summoned as aforesaid or a majority of them have or can exercise and shall return their proceedings in the premises to the said Court, who shall approve ~~or reject~~ the same, unless a valid and substantial objection can be made thereto; and the said return & proceedings shall have the same force and effect to all intents and purposes as the return and proceedings of the sheriff & the freeholders to be summoned, have or can have under this Act; or if said return shall not be approved other five freeholders shall be appointed by the Court ~~with~~ for like purposes, and with like powers, until a public landing place shall be laid off & established; and the value of the lands or low grounds condemned for such landing place and the damages sustained by the road laid out, if any shall be paid in like manner as herein before provided; and the freeholders appointed by the Court shall take the same oath or affirmation & receive the same compensation as herein before provided: and when a landing place & road or a landing place & road shall be laid off & approved all the provisions of this Act shall extend to the same.

Amendment reported by the
Committee to whom the said
bill was referred.
17 Jan. 1817 Read

0719

Section 11

Provided. Nevertheless in case the aforesaid John Matthews (or any other person or persons that may own or possess the aforesaid landing) shall immediately after the passing of this act, admit any person or persons whomsoever that may have wood or other lumber to deposit it at his or their landing, and permit them to dispose of it as they may think proper; And shall also permit any Vessel to load and unload at the aforesaid landing without molestation or obstruction, agreeable to the provisions of this act, and shall within one year from the time aforesaid if the Managers should so direct proceed to enlarge his wharf and lumber yard, so as to accommodate all persons that may wish to deposit wood or other lumber in said yard as aforesaid: all such wood and lumber subject to the wharfage stated in the fifth section of this act, then and in that case the aforesaid Managers are directed not to proceed to the condemnation of any land or lowland for a public wharf agreable to the provisions of this act.

Report of the committee on the supplementary bill to the act for establishing boundaries &c. in the Town of Newcastle.

30 Jan. 1817 read

Amendments

Sect 1 line 4 after the word "New Castle" strike out the remainder of the Bill and insert the following ~~Section~~ in lieu thereof; as Section 1. "and their successors hereafter to be elected shall be one body politick & corporate in Deed and in law by the name & style of the commissioners of the Town of New Castle and by that name shall be and are hereby made able and capable in law to have take purchase receive possess enjoy and retain to them and their successors Lands tenements hereditaments goods chattels and effects of what kind nature or quality soever, and the same to sell grant demise alien or dispose of to Lie & be sued plead and be impleaded in all courts of law and equity or in any other place whatsoever, and also to make have and use a common seal and the same to break alter and renew at their pleasure

and the following as Sect 2d Be it enacted by the authority afsd. that every white male inhabitant of the Town of New Castle who shall have resided therein twelve months and within that time have paid a State or County Tax, and every other white male who shall be owner of any real estate within the said Town shall be entitled to vote at all elections for commissioners Aldermen, Constable, Treasurer, Clerk of the market, & Town Clerk of said Town.

The following as Sect 3. Be it further enacted that no person shall be capable of being elected or of serving as commissioner, alderman, constable, or Treasurer of the Town of New Castle who shall not, and twelve months before his election, be a citizen of the United States, and a freeholder and resident

within the said Town, and every person elected or appointed to any office under the authority of this act shall before he enters upon the duties of his office take an oath or affirmation to support the constitution of the United States, also an oath or affirmation to support the constitution of the State of Delaware and perform the duties of the office to which he shall be elected or appointed with fidelity.

The following as Sect 4. Be it further enacted that ~~and election shall be held at the Court House in the town~~ the Commissioners of the Town of New Castle shall have power and authority to enacted ordinances to prevent the introduction of contagious or infectious diseases into said town, and for this purpose their jurisdiction shall extend to any distance within one mile of the boundaries of the same and in such ordinances may arrange a board of health for said Town, establish rules and regulations therefor, and for the infliction of penalties; to provide by ordinance for lighting the lamps of said town, erection of lamps within the same, and to provide by ordinances for the infliction of penalties or punishment ~~[illegible]~~ any person or persons, who shall damage or destroy any of the lamps of said town, to establish night watches and their fees; to provide by ordinances for the erection of public wharves, and regulating of the same; to provide by ordinances for extending wharves into the river Delaware within the said Town, and for the infliction of penalties; to provide by ordinances Rules and

Regulations for Vessels coming to, lying at, loading or unloading within the Harbour of the said Town, and for the infliction of penalties, to appoint a Harbour Master and establish his fees; to provide by ordinance for establishing of auctions and appointing auctioneers, and establish their fees; to provide by ordinances for regulating weights and measures, and for the infliction of penalties on those who use false weights and measures, to regulate the weight of bread, and the size of bricks, to provide by ordinances for the cordage of wood and bark, to establish what shall be deemed merchantable, appoint corders thereof, and establish their fees, to appoint regulators to lay out the foundations of party walls or other buildings on any of the streets of the said Town, to provide by ordinances for infliction of penalties on building without such foundation being laid out by such regulators, and establish their fees; to provide by ordinances for defining what shall be deemed nuisances in the streets, lanes, or alleys of the said town or elsewhere, and for the removal of such, and for the infliction of penalties; to provide by ordinances for regulating the market of said Town, repairing the Market house, or making additions thereto, and for the regulating the fees of the Clerk of the market and for the infliction of penalties on any person or persons who shall be guilty of any breach of the rules established for the market within the said Town; to provide by ordinances for the sweeping of chimnies, appoint places and establish their fees, and for the infliction of penalties, to erect pumps or other appratus for supplying the Citizens of said Town with good and wholesome water; to provide by ordinances for the infliction of penalties

on any person or persons who shall damage or destroy the pumps or other appurtenances of the said Town, to assess collect & receive a tax for the use of the same; to appoint inspectors of Flour, Inspectors of Salted Provisions, Inspectors and measurers of lumber and establish their fees, to appoint Gaugers and establish their fees; to provide by ordinance for weighing of Hay, weighing or measuring of Coal, lime, grain or any other matter sold within the said Town, to appoint weighers and measurers and establish their fees; to provide by ordinances for the infliction of penalties on unlicensed or illegal venders of Spirituous liquors within the said Town; to provide by ordinance for the infliction of penalties on any person or persons who shall deal trade or barter with any servant or slave without an order from the owner or employer of such servant or slave except it be in the public Market; to provide by ordinance to assess a tax on any hog running at large, without the inclosure of the owner thereof within the said Town and for the collection thereof; to provide by ordinance for the infliction of punishment on negroes or mulattoes assembling within the said Town without an order from the owner or employer of such negro or mulatto; to provide by ordinances for the infliction of penalties on any person or persons shooting within the limits of said Town, except in days of public rejoicing or military exercise; to provide by ordinance for infliction of penalties on any person or persons who shall damage or injure the fences or hedges of any person or persons within the limits of said Town. Provided always that the power and authority given in this act shall not authorize the Commissioners of the Town of New Castle to provide by ordinance for the infliction of a penalty above the sum of

dollars nor for punishment at

hard labour in the work house of New Castle County exceeding months, [redacted]

[redacted]

BEST SHOT AVAILABLE

An additional supplement to an act entitled "An act for establishing the boundaries of the Town of Newcastle and for other purposes therein mentioned."

In House of Reps.

18 Feb. 1816 read

23 January 1817 read & committed.

30 ——— read, amended

31 ——— read

6 Feb ——— read & postponed until next session

H. L. Hayes
Clk. H. R.

BEST SHOT AVAILABLE

An Additional Supplement to an Act
intitled An Act for establishing the boundaries
of the Town of New Castle and for other purposes
therein mentioned.

Section 1. Be it enacted by the Senate and House of
Representatives of the State of Delaware in
General Assembly met, That the burgesses, freemen
of New Castle for the time being and
a majority of them met and assembled together
shall be and they hereby vested with
adequate and ample powers and authorities
to take cognizance of, examine and adjudicate upon to all
and all manner of justices of the peace, misdemeanors and
crimes and misdemeanors committed and done
or which shall hereafter be committed or done by any person
of an intention to commit or do by any person
or persons within or without the
limits of the town of New Castle and for the space
of one mile round the limits of the said town
and shall have power to hear and determine

and

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[illegible] and order to be punished and
punished by fine and imprisonment or either
the penalties
according to the provisions of this act or as
may be ordained by the ordinances hereinafter
authorized to be made. And for that, inasmuch
as to give warrants according to the nature of the
case in the name of the [illegible] of Edinburgh and against
the offender or offenders, under the hand and seal
of the said Lord Provost or a magistrate, ten
days at the least to cause such offender or
offenders to come before them on a necessity of
their [illegible] to answer the matter and
charge, and in like manner the witnesses and
[illegible] for the assistance of
either parties, and proceed for the ascertaining of
matters to testify of the matter and belonging, in
order the better and more effectually to exercise
the said powers and authorities and other powers
given by this act or which may hereafter be
provided for and ordained by ordinances to be
made and ordained as aforesaid for the further
ordained and ordained the better to effectuate
further the matters and

the

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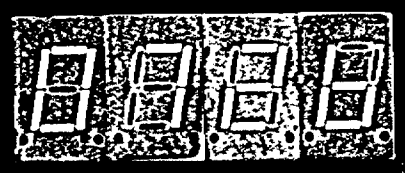

the objects of this act — and [illegible] have
the like power and authority to commit to
prison and punish offenders Negro and mulatto
[illegible] Civil & to the
militia and [illegible] pursuant to the
of this act [illegible] the said
[illegible] and [illegible] which the said
[illegible] upon a jury of [illegible] should
[illegible] upon a jury of [illegible] authority
to [illegible] ministry of the authority
[illegible] relation to
[illegible] after [illegible] and Ordinances
[illegible] making and enacting Acts and Ordinances
for the better regulation of the said town and
[illegible] the health
[illegible] being or coming
[illegible] and [illegible]
within the limits of the [illegible]
Section 2 And be it enacted that [illegible] fines to
[illegible] or other penalties and
by the said [illegible] or majority of
[illegible] pursuant to the act or
[illegible] shall be made to the
[illegible] and ordinances [illegible]
[illegible] for [illegible] the [illegible] and
shall be the duty of the keeper of the said
Gaol to receive and safely keep them until
Discharged by due course of law and no more

the

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shall be inflicted or caused to be inflicted the
punishment or punishments by whipping
and imprisonment for a time, or either, as
the said commissioners or a majority of
them, who may assemble or meet together
as aforesaid, may adjudge and order to
be inflicted on such negro or mulatto or
negroes or mulattoes as may be duly convicted
on summary hearing before them or any
of them.

Section 3. Be it enacted, That the said commissioners or a majority of those who may
assemble, shall have
hereby vested with full power and
authority to cause to come before them
of them, to appear before them or a
majority of them, by warrant
of arrest to be issued as aforesaid, all persons charged
with having or holding bonds or titles and
claims to the services or labor of any
persons, and to issue process for and
compel the attendance of witnesses to be
examined

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[illegible] for [illegible] the [illegible]
of said commonwealth the same lighting houses
and ~~[illegible]~~ warehouses, and on
the proof thereof and adjudge the [illegible]
[illegible] and lighting up every such house
and houses and the same house of the
[illegible] imprisonment for a term
[illegible] not
[illegible] and by a fine not
exceeding [illegible] imposed by law on
conviction of the offence for hindering a lighting
house — and all constables peace officers and
other citizens shall be aiding and assisting
to the commissioners and their proper officers
and officers in the execution of the provisions
of this ~~act~~ section and of the other provisions
of this act and of the ordinances to be made
hereunder therewith

Section 4 And be it enacted that the said
commissioners or a majority of them who
may assemble and meet together at any time
authorized and empowered to ordain and
establish

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[illegible] from time to time seem fit and convenient hereafter all such laws and ordinances which they shall judge necessary and which shall be reasonable and obligatory for the better regulation of servants and others that may be resident within the limits and districts aforesaid at any time or times hereafter and to make such rules and regulations and prescribe such penalties and punishments to be inflicted on offenders not exceeding twenty one days imprisonment not exceeding a month in the county gaol or prison or otherwise by such ordinances may be provided - and which shall also specially provide the mode and form of proceeding against persons in the said [illegible] for such offenders and their commitment to the prison of [illegible]

Section 5. And be it enacted That when a fine is the sole punishment or part of the punishment of any person or persons offending against

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0140

The provisions of this act or any [illegible]
of the said commissioners [illegible] of
the offenders offences shall be committed to
the said town of [illegible] to be safely kept
untill the fine or forfeiture of [illegible] be
[illegible]

[illegible] that the said
[illegible] shall have power and
[illegible] full power and
authority to make and enact ordinances
with three sanctions that may be deemed
[illegible] and that all
the Direct [illegible] and at all
times hereafter shall be in all respects
effectual and of [illegible] within the limits
and precincts aforesaid for the following purpose
and respects that is to say for preventing
[illegible] and selling hay and other articles for
weighing hay or straw or other articles of
merchandise or goods in or from the said town
[illegible] for the sale for regulating weights and
measures for cording wood and bark
[illegible]

brought

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brought into the said town for sale; for the storage of gunpowder, and other combustible materials in safe and proper situations; for the assortment, survey, and sale of sponge, timber, wood, and bark, and inspection of timber and staves; for the erection of markets, pestilence and houses of public worship, and schools, and to be imposed levied and collected from persons using or occupying the same; for regulating, improving, paving, and cleaning the streets and alleys of the said town; for the preservation and protection of bridges and fences within the limits and precincts aforesaid; for arresting and punishing all breakers of the peace and disorderly persons, vagrants, walkers and loiterers, guilty of annoyance or disturbance, or of soliciting thereto, or disorderly assemblages of three or more persons in the public streets, lanes or alleys, or other public places within the said town within the said

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said limits or precincts by day or by night
for the preservation and safety of the public
lamps and other public property within
the said limits and precincts; for the
[illegible] and for sanctioning
[illegible] and for preventing
[illegible] and of weights
[illegible] and punishment
[illegible] of such weights and measures
[illegible] from time to time
[illegible] duty and fees of
[illegible] for the said town [illegible] form and
manner for the said town [illegible] form and
amount of the security to be given by him
to the said commissioners [illegible] the security
[illegible] for the assessment [illegible]
prescribing the duty and fees of commissioners
constables [illegible] and other form other
ministerial duties and services under the
authority and direction of the said commissioners
incident to that office; and [illegible]
and imposing taxes on the [illegible] and
[illegible] property within the said bounds

of

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[illegible] of the said commissioners and
[illegible] to be
imprisonment provided that the [illegible] to be
[illegible] required in manner [illegible]
the [illegible] and [illegible] of [illegible]
[illegible] shall not [illegible] [illegible]
[illegible] of the said [illegible]
[illegible] bound [illegible]
[illegible] of the said [illegible]
[illegible] or [illegible] [illegible] and [illegible] [illegible]
[illegible] within the said bounds [illegible]
[illegible] of the said bounds

Section [illegible] And be it enacted that the [illegible]
[illegible] of [illegible] which may be [illegible]
adjudged and [illegible] and in [illegible]
of the [illegible] provisions of the said [illegible]
ordinances [illegible] shall be [illegible]
twenty one days [illegible] offence [illegible]
[illegible] imprisonment [illegible] of the said [illegible]
and moreover the said commissioners neither
[illegible] shall not receive or take any fees or
emoluments for any act or service done or
performed

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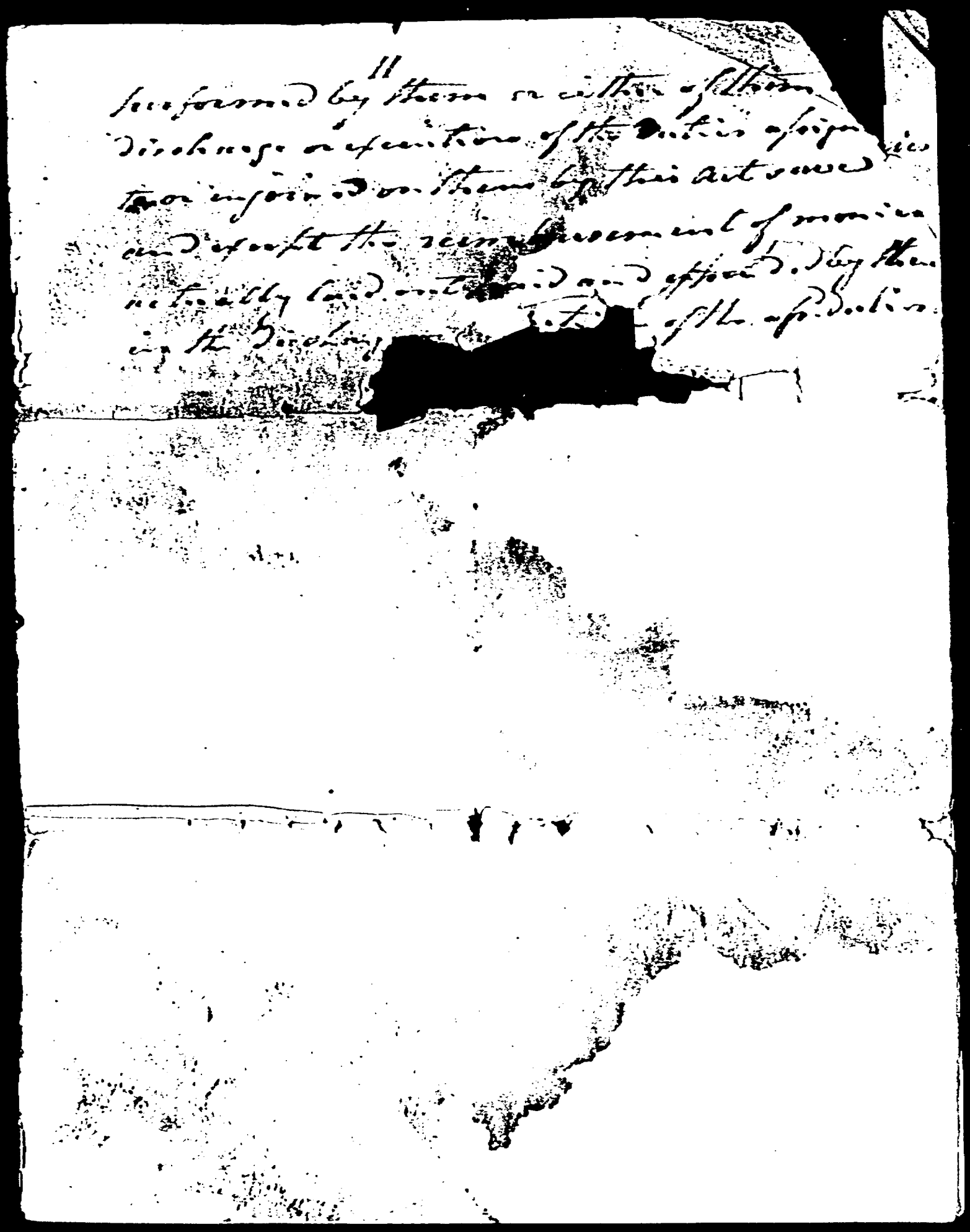

A Supplement to an Act entitled "An act concerning executions issued by Justices of the Peace in and for the County of New Castle & Kent"

H. of Rep.

22. Jan. 1816 read

24 ——— read

5. Feb. ——— Indefinitely Postponed.

Execution of mass by Sheriffs

A supplement to an act, intitled an act concerning executions issued by Justices of the peace in and for the counties of Newcastle and Kent

Sect 1 Be it enacted by the Senate and house of Representatives of the state of Delaware, in general assembly met, That every execution issued by a Justice of the peace in and for either of the Counties Newcastle and Kent in this state, shall according to the tenor thereof be returnable to the Justice issuing the same on some certain day of the week and month in the body thereof to be set fourth at full length and the return day shall not be less than ~~the~~ nor more than six months from or after the issuing of such execution

Sect 2 And be it enacted, that the first section of the act to which this is a supplement Dated the 9th Day of February 1815. be and it is hereby ~~and~~ repealed made null and void

An act incorporating the "Glasgow improving company."

An act ~~to~~ incorporating the Stockholders in the Glasgow improving company in the County of Newcastle.

House of Representatives
24 Jan. 1816 read.
26 ——— read by special order by paragraphs & passed
A. L. Hayes, Clk.

To concur.

In Senate

27 Jan. 1816 reads. –
30 Jan 1816 2nd time,
1 Feb ——— 3d time
and rejected

S. M. Clayton
Clk

An act incorporating the ~~stock~~ stock holders in the Glasgow improving company, in the County of Newcastle.

Sect. 1. Be it enacted, by the senate, and House of representatives of the State of Delaware in General assembly met,

That when, and as soon as Ten thousand dollars shall have been subscribed by not less than fifteen Persons, under, and according to the regulations herein after mentioned and prescribed, and for the purposes herein after directed, they, and their successors shall be, and hereby are declared to be a body politic and corporate, in fact and in law, under the name, style, and title of the "Glasgow improving company." and by that name may have perpetual succession, may make and use a common seal, and the same renew, alter, or amend at pleasure; may sue and be sued, plead, and be impleaded; answer and be answered in any Court of law or equity within this state. and generally may do and suffer all acts matters and things which a body politic and Corporate may lawfully do and suffer.

Sect. 2 And be it enacted.

That books shall be opened at the village of Glasgow upon the first Monday in March next, under the

direction of William Cooch, Levi Boulden, Jacob Faris, Wm. James Thompson and Benjamin Boulden, or any two of them, and shall there remain open for the space of six days, unless the sum of fifty thousand dollars should have been sooner subscribed, —

Sect. And be it enacted. That the whole capital stock of the "Glasgow improving company" shall at no time exceed the sum of fifty thousand dollars; divided into five hundred shares of one hundred dollars each, payable in bank notes of any of the banks of this State, five dollars upon each share shall be paid by every subscriber at the time of subscribing, and the remaining sum of ninety five dollars upon each share, at such time, or times as the Directors or a Majority of them appointed as herein-after directed, shall allow and prescribe, provided that no larger, or greater sum than Twenty dollars upon each share so subscribed, shall be demanded at any shorter period than Thirty days, — and provided also that notice in writing shall be given to every stock holder Ten days previous to every such demand.

Sect. And be it enacted. That if any stock holder shall fail to pay his or her instalments after due notice being given, such stock holder shall forfeit to the use of the Company all money by him or her paid antecedently to such failure, or default. —

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Sat. And be it enacted. That no stock holder, subscriber, or member of the said Company shall at any time be answerable in his Person, or individual property for any contract or engagement of the said Company. or for any loss; deficiency or failure of the capital stock of the said Company: but the whole of the capital stock, together with all property, rights and credits belonging to the said Company and nothing more shall at all times be answerable for the demands against the said institution.

Sat. And be it enacted - That for carrying into effect the design of this act, and for the well ordering the affairs of the Corporation hereby created, there shall be five directors chosen from amongst the stock holders, each director holding in his own name at least ten shares of the capital stock of the said Company. and Elected by ballot of the stock holders in Person, or by proxy, upon the first monday in april next, and upon the first monday in every april thereafter annually. each share of stock held, will entitle the holder to one vote at every such election.

Sat. And be it enacted. That the Directors of the Glasgow

improving company, when elected, and as soon ~~after~~ thereafter as possible shall procure to obtain by purchase, or otherwise and the same retain in behalf, and in trust for the said Company, a lot, or lots in, or near to the village of Glasgow in Newcastle County northern this State, and thereupon build erect and finish small neat dwelling houses and work-shops suitable for mechanics, to the amount, and full extent of the whole capital stock of the said Company, or as speedily as the same can, by the provisions of this act be had, and obtained: and the same rent, or let out when finished, to such industrious mechanics as may apply for the same, and which will be deemed to conduce most to the benefit of the neighbourhood; for, and upon such yearly, or other rents as they, or a majority of them may think moderate, and proper.

Sect. And be it enacted. That the Directors of the "Glasgow improving Company" shall, as soon as the state of their funds, and the progress of the work will admit, make declare, and pay yearly dividends of all clear profits in any way arising from the Company's property, in proper proportions to the stock holders, or their proper representatives

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Sec. And be it enacted. That the Directors of the "Glasgow Improving Company" (whom a President, Secretary, and a Treasurer) shall have power to make, ordain and establish, and the same alter and amend at pleasure, by-laws, rules, and regulations which may be deemed necessary for the well ordering, conducting, and managing the affairs, and concerns of the said Company. and the same maintain, and enforce, if not contrary to the Constitution or laws of this State, or of the United States. —

Sec. And be further enacted, and it hereby declared That the whole Capital Stock of the "Glasgow improving company" real, Personal, and mixed shall at no time exceed the sum of fifty thousand dollars. nor shall the said capital stock be in any other way employed than as is herein directed and prescribed.

Sec. And be it enacted. That every matter and thing in this act contained shall be deemed, construed, and taken most favourably for the Corporation. —

An act to vest certain lands in Pencader Hundred in the County of Newcastle in Joseph Graham

H. of Reps.

18 Jan. 1816 read.
19 " " read 2d time
12 Feb —— read and rejected

0749

0749

An act to vest certain lands in Pencader Hundred in the County of New Castle in Joseph Graham,

Whereas it appears to this General Assembly in the petition of Joseph Graham in the County of New Castle in this State, That the said Joseph Graham being an alien did purchase from a certain James Harris by Deed of Conveyance bearing date the twenty sixth day of January in the year of our Lord one thousand eight hundred and eleven a tract or parcel of land containing four acres more or less, lying and being in the County & State aforesaid, as satisfactorily appears by the said Deed of Conveyance presented to this General Assembly. And whereas it appears that the said Joseph Graham made such purchase without having any knowledge or information that he was to be deemed an alien untill legally naturalized within the United States; that having recently received information of such his condition of alienage, and being solicitous agreeably to his prayer for an act for the relinquishment and release of the claim of this State in right of the Sovereignty of the said State to the real property so purchased by him as aforesaid, and for investing him his heirs and assigns, with a legal ability to hold the same, and every part thereof, Notwithstanding his alienage:

Sect. 1 Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That all the estate, right, title, interest, property, claim, and demand which has accrued to the State of Delaware of, in, and to the tract, piece, or parcel of land in the County of New Castle

and

and State aforesaid herein before recited and mentioned, with the appurtenances; shall be and is hereby relinquished and released unto the said Joseph Graham and to his heirs and assigns forever: provided always that the said Joseph Graham shall within the space of one year from and after the passing of this act become a Citizen of the United States agreeably to the laws thereof.

Sect. 2. And be it enacted That from and after the passing of this act, the said Joseph Graham his heirs and assigns shall be and are hereby declared to be seized of such estate, and estate of, and in, ~~and to~~ the said tract, piece or parcel of land, tenements, ~~and~~ hereditaments and appurtenances herein before mentioned and recited, as in and by any conveyance, or assurance in law he may have obtained for the same, subject to all incumbrances and contracts, made by the said Joseph Graham, which would have operated on, and affected the said real estate or property, had the said Joseph Graham been the legal owner of the said estate at the time of creating the same incumbrance, or making the same contract, provided always, That nothing in this section shall be construed to vest the aforesaid lands in the said Joseph Graham his heirs and assigns until he shall have complied with the condition or proviso contained in the first section of this act.

Sect 3. And be it further enacted That the said Joseph Graham within six months after he becomes a Citizen as aforesaid shall procure a Copy of this act regularly attested by the Secretary of State to be re-

corded in the Rolls office for the County of New Castle; for which the Recorder shall have the same compensation as for the recording of Deeds; and when so recorded a Copy thereof under his hand and the seal of his office, together with a Copy of his Certificate of Citizenship or naturalization shall be allowed as evidence in any Court of law, or equity within this State.

0748

An act Respecting
the publication of the laws
of this State.

House of Rep
7 Feb. 1816 read
8 ——— read by special order by paragraphs & passed.

In concurrence A. L. Hayes, Clk.

In Senate

Feb 8 – 1816 – read
Feb 10 ——— 2d time
– 14 ——— passed

D. Mallayton
Clk

An act respecting the publication of the Laws of this State.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That all laws both of a public and private nature and all resolutions of a public nature that shall be passed at the present and at all future sessions of the legislature of this State, by both branches thereof, shall be ~~published~~ printed and published, and shall be distributed in the manner prescribed by Law for publishing and Laws of this State in case of a public nature; and besides the publication above ~~[illegible]~~ directed, the said Laws and resolutions above ~~[illegible]~~ shall immediately after such direction be published in ~~[illegible]~~ by the Secretary of State in two of the public newspapers of this State

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An act concerning divorces and alimony.

H. of Reps.

10 Jan. 1816 read.
16 " " read 2d time.
12 Feb — indefinitely postponed (alias rejected).

A. L. Hayes Clk.

An Act concerning divorces and alimony.

Whereas it is the design of marriage, and the wish of parties entering into that state, that it should continue during their joint lives, yet where the one party is under natural or legal incapacities of faithfully discharging the matrimonial vow, or is guilty of acts and deeds inconsistent with the nature thereof the laws of every well regulated society ought to give relief to the innocent and injured person: Therefore,

Sect. 1. Be it enacted by the Senate and House of Representatives of the State of Delaware in general assembly met, That where a marriage hath been heretofore or shall hereafter be contracted and celebrated between any two persons, and it shall be adjudged in the manner hereinafter mentioned, that either party at the time of the contract was and still is naturally impotent or incapable of procreation, or that he or she hath knowingly entered into a second marriage, in violation of the previous vow he or she made to the former wife or husband, whose marriage is still subsisting, or that either party hath committed adultery, or wilful and malicious desertion and absence without a reasonable cause, for and during the term and space of four years, in every such case it shall and may be lawful for the innocent and injured person to obtain a divorce, not only from bed and board, but also from the bond of matrimony itself.

Sect. 2. And be it further enacted by the authority aforesaid, That if any person hath been or shall be injured in any of the ways abovementioned, the husband in his

own proper person, or the wife by her next friend, may exhibit his or her petition or libel to the Justices of the Supreme Court of this State in term time or to one or more of the same Justices in the vacation, at least thirty days before the next term, setting forth therein particularly and specially, the causes of his or her complaint, and shall together with ~~his or her~~ such petition or libel, also exhibit on oath or affirmation, taken before some Judge or Justice of the peace within this State, ~~[illegible]~~ ~~he or she verily~~ that the facts contained in said petition or libel are true to the best of his or her knowledge and belief, and that the said complaint is not made out of levity or by collusion between the said husband and wife and for the mere purpose of being freed and separated from each other, but in sincerity and truth, for the causes mentioned in said petition and libel; and thereupon a Subpoena may and shall issue from the said Court signed by one of the Justices thereof, directed to the person so complained against, commanding him or her to appear at the next Supreme Court, to answer the said petition or libel; and upon due proof, at the return of said process that a copy thereof was served, either personally on the said party, and the original shown to him or her under the seal of the Court, or that he or she could not be found, and that a copy thereof was left at the place of his or her usual and last abode

at

at least fifteen days, before the day of the said return, inclusive, if he or she shall refuse or neglect to appear, then an alias subpoena shall issue, returnable the first day of the next term, and be served personally in manner aforesaid; but if he or she cannot be found, then proclamation shall be publicly made by the sheriff of the proper county on three several days in term time at the court house for the party to appear and answer as commanded by the subpoena, and that notice be also given in some of the public newspapers of the Borough of Wilmington, or the City of Philadelphia, for four successive weeks previous to the return day of the said process; and in the mean time the Court may make such preliminary rules and orders in the cause, that the same may be brought to issue or a hearing at the second term, when the Court may determine the same, ex parte, if necessary. But if the defendant shall appear and answer, agreeably to the rules of the Court, and either of the Parties shall desire any matter of fact, that is affirmed by the one and denied by the other, to be tried by a jury, the same shall be tried accordingly at bar, or in the County where the said fact is charged to have arisen; and in case the ground of the petition or libel be for the cause of adultery committed within this State, then and in such case an authenticated transcript of the record of the conviction, and attainder of said offence shall be filed, together with said petition or libel, and shall be admitted as good evidence thereof at the trial or hearing; but if the said offence is charged

to

to have been committed within this State, and the party fled before conviction, or that it was done beyond seas, or without the limits or jurisdictions of this State, then the same may be put in issue, and tried by a jury at bar, if either party shall desire the same; or, if not desired to be so tried, may be enquired into by the Court in the presence of the Parties, or, if either of them will not attend, then ex parte, by the examination of witnesses on interrogatories, exhibits, or other legal proof, had either before or at the hearing.

Sect. 3. And be it further enacted by the authority aforesaid, That if any husband or wife upon any false rumour, in appearance well founded, of the death of the other (whose the other has been absent for the space of seven whole years) hath married, or shall marry again, he or she shall not be liable to the pains of adultery; but it shall be in the election of the party unmarried, at his or her return, to insist to have his or her former wife or husband restored, or to have his or her own marriage dissolved, and the other party to remain with the second husband or wife; and in any suit or action instituted for this purpose, within one year after such return, the Court may and shall sentence and decree accordingly.

Sect. 4. And be it enacted by the authority aforesaid, That in any action or suit commenced in the said Court for a divorce, for the cause of adultery, if the defendant shall allege and prove that the Plaintiff has been guilty of the like crime, or has admitted the defendant into conjugal security or embraces, after he or she knew of the criminal fact, or that the said Plaintiff (if the husband) allowed of the wifes prostitutions, and receive her for them, or exposes his wife to lewd company, whereby she became ensnared to the crime aforesaid, it shall be a good defence, and a perpetual bar against the same.

Sect. 5. And be it enacted by the authority aforesaid, That it shall and may be lawful for the said Supreme Court after hearing any cause commenced before them by virtue of this act to determine the same, as to law and justice shall appertain, by either dismissing the petition or libel, or sentencing and decreeing a divorce and separation from the nuptial ties or bonds of matrimony agreeably to the prayer thereof; and that after such sentence nullifying or dissolving the marriage, all and

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vary the duties, rights, and claims, accruing to either of the said parties, at any time heretofore, in pursuance of the said marriage, shall cease and determine, and the said parties shall severally be at liberty to marry again, in the like manner as if they had never been married.

Sect. 6. Provided always nevertheless, That he or she who hath been guilty of the adultery may not marry the person with whom the said crime was committed, during the life of the former husband or wife: Provided also, That nothing herein contained shall be construed to extend to, or affect, or render illegitimate any children born of the wife during coverture.

Sect. 7. And be it further enacted by the authority aforesaid, That when any woman shall be divorced as aforesaid, and shall afterwards openly cohabit with the person named in the petition at bed and board, and proved to be partaker of her crime, she shall not, and she is hereby declared to be incapable to alienate, directly or indirectly, any other lands, tenements, or hereditaments, but that all deeds, wills, appointments, and conveyances thereof, shall be absolutely void and of none effect, and after her death, the same shall ~~inherit~~ descend, and be subject to distribution, in like manner as if she had died seized thereof intestate.

Sect. 8. And be it enacted by the authority aforesaid, That if any husband shall, maliciously, either abandon his family or turn his wife out of doors, or by cruel and barbarous treatment endanger her life, or offer such indignities to her person as to render her condition intolerable, or life burthensome, and thereby force her to withdraw from his house and family, it shall and may be lawful for the Supreme Court upon complaint and due proof thereof in manner aforesaid, at the first or any subsequent term, to grant the wife a divorce from bed and board; and also to allow her such alimony, as her husband's circumstances will admit of, so as the same do not exceed the third part of the annual profits or income of his estate, or of his occupation or labour; or to decree but one of

them, as the justice of the case shall require; which shall continue until a ~~reconciliation~~ reconciliation shall take place, or until the husband by his petition or libel, offer to receive and cohabit with her again and to use her as a good husband ought to do; and then and in such case the Court may either suspend the aforesaid sentence or decree, or in case of her refusal to return and cohabit under the protection of the Court, to discharge and annul the same according to their discretion; and if he fail in performing his said offers and engagements, the former sentence or decree may be revived and enforced, and the arrears of the alimony ordered to be paid.

Sect 9. Be it enacted by the authority aforesaid, That no person shall be entitled to a divorce from the bond of matrimony, or from bed and board, by virtue of this act, who is not a Citizen of this State, and who has not resided therein at least two whole years previous to the filing his or her petition.

Sect 10. And be it further enacted by the authority aforesaid, That the said Court may award costs to the party, in whose behalf the said decree shall pass, or that each party shall pay his or her own costs, as to them shall appear to be reasonable and just.

Sect 11. And be it further enacted by the authority aforesaid That either of the parties in any suit or action to be brought in pursuance of this act, after the final sentence or decree given, may appeal therefrom to the High Court of Errors and Appeals, upon entering into a recognizance before one of the Justices of the Supreme Court, with at least one good surety in a sum amounting to double the costs incurred in the said Supreme Court, for debt to prosecute the said appeal with effect — and the said Appeal may and shall be prosecuted and conducted in the same manner, that other suits or appeals may or can be conducted in the said High Court of Errors and Appeals, and the judgment of the said

Court with all the proceedings, shall be again remitted to the Supreme Court, as in other Cases

An act to regulate the practice of medicine and Surgery within this State.

Sec. 1. Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, that James Tilton, David Stewart, George Munro, James McCallmont, and Benjamin Merritt, physicians of the County of New Castle; and William Winder Morris, Joseph B. Harris, Arnold Naudain, John Adams, and James Fisher, physicians of the County of Kent; and Isaac Robertson, John White, James Dirickson, Edward Dingle, and Robert Burton physicians of the County of Sussex, be and they are hereby appointed and constituted a board of examiners to be denominated the Medical Board of Examiners for the State of Delaware, to hold their said appointment for the space of three years from the passing of this act, if so long they shall continue to reside, and practice medicine and surgery, within their respective Counties: Vacancies happening by death, resignation, removal, inability to serve, or upon the expiration of the term of their appointment, the General Assembly may at any session supply such vacancy so as aforesaid happening.

Sec. 2 And be it enacted, that the said Board

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of Examiners shall meet in the Town of Dover upon the first Tuesday in May next and upon the first Tuesday of every May thereafter annually when and where they shall continue for any length of time not being less than three days; and shall during that time have the power of granting licenses for the practice of medicine and surgery within this State and they are hereby authorized, and required to grant such licenses under the hands and seals of President and Secretary of the said board to any person or persons applying for the same who shall either upon a full and strict examination or upon the production of a diploma from some reputable medical college be deemed adequate to the practice of medicine and Surgery.

Sec. 3. And be it enacted, that the said Board of Examiners, may at their first meeting thereafter appoint from their own body a President, a Secretary, & a Treasurer.

Sec. 4. And be it enacted, that if any person or persons not being ~~a practitioner~~ at the time of the passing of this act, a practitioner of medicine ~~or~~ surgery within this State, shall thereafter practice medicine or surgery and demand or receive fee or reward therefor within the limits of this State without having obtained such testimonials of skill as aforesaid, he

shall for each and every such offence forfeit and pay the sum of fifty dollars, the one half thereof to the informer or person suing for the same, and the other moiety to the State Treasurer for the use of the State, to be recovered in any Court where suits of the like amount are recoverable by the laws of this State; Provided however that nothing in this act contained shall be construed deemed or taken to prevent any Physician duly authorized by law and who may reside and practice in any of the States adjoining this State from practising within this State, when called upon for that purpose

Sec. 5. And be it enacted that any person obtaining a license to practice medicine and surgery within this State from the aforesaid Medical Board of Examiners shall upon recovering such license pay to the Treasurer of the said Board of Examiners the sum of ten dollars to be applied by the said Board of Examiners in payment of any expenses which may by them be necessarily incurred under and by reason of this act.

Sec. 6. And be it enacted, that it shall be lawful for any three members of the aforesaid board of Examiners for the time being upon the application of any person whose design it may be hereafter to commence the practice of medicine and

Surgery within this State to grant to such person so applying as aforesaid a certificate permitting such applicant to practice medicine and surgery until the next annual meeting of the board, and no longer; Provided that no such ~~paper~~ certificate be granted to the same person more than once.

Sec. 7. And be it enacted, that seven members may compose a board for the transaction of business and a majority of the members present shall have power to grant licenses as aforesaid

An act to regulate the practice of medicine and surgery within this State

H. of R. Rep.
18 Jan. 1816 read
19 " read
23 " read by paragraphs & passed
for encm. J. L. Hayes, Clk.
25 Jan. " in Senate
30 Jan. " 1816 - 2nd read
" " 2nd time
" " of
9. Feb. " 3d time
& passed
J. M. Clayton
Clk
Bill Rejected
1866

An act to appoint a Printer of the Laws of this State and of the Journals of the Senate and House of Representatives

In Senate

Feb 10 – 1816 – read –
Feb 12 ——— 2d time
——— 3d time.
by special order and passed –
C. put for concurrence

S. M. Clayton
Clk.

H. of Rep
12 Feb. 1816 read
——— read 2d time
by special order, and the question upon the first paragraph "Shall that be the first section?" was unanimously determined in the negative.

A. L. Hayes, Clk.

An Act to appoint a Printer of the Laws of this State and of the Journals of the Senate and House of Representatives.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met That Moses Bradford of the Borough of Wilmington be and he is hereby appointed Printer for the General Assembly of this State for one year from the passing of this Act, and that it shall be the duty of the said Moses Bradford to print the Journals of the Senate and House of Representatives under the direction of the Clerk of the Senate and House of Representatives respectively and to print the Laws passed at the present Session, under the direction of the Secretary of State and to do and execute all such other printing as shall be required to be done by for the State, under any Law or resolution of the Legislature - And the Secretary of State and the Clerk of the Senate and House of Representatives, respectively, are hereby authorised and directed to contract with the said Moses Bradford for printing the Laws and Journals aforesaid, if he will undertake the same on as reasonable Terms as other printers / And when the printing shall be done if approved

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by the said Secretary and Clerks respectively — the said Secretary and Clerks respectively shall give to the said Printers a certificate specifying the number of sheets or pages printed and the price agreed on for the same and it shall be lawful for the Governor upon examination of such certificate or certificates to draw an order therefor for the amount due — upon the State Treasurer for the payment thereof in the manner and form directed by the act Intitled An act making provision for the payment of the printing the Laws and the Journals of the Senate and House of Representatives — which order or Orders shall be paid by the State Treasurer as by the said act is directed.

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Proposed amendments to the attd Bill

1. Sect 2. line 9th strike out the word 'ten' and insert in lieu thereof, thirty.

2. In said sect. line 10th between the word 'Cause' and the word 'action' insert, of.

3d. In Sect. 3. line 4th strike out 'ttes' and insert in lieu thereof 'tels'.

4th. In same sect. line 9th between the word 'this' and the word 'a' insert the word, is.

the following as section 5.

Sect 5. And be it further enacted by the authority aforesaid, that where a sale is made by the Sheriff or Coroner aforesaid under the provisions of the fifth and tenth sections of the act to which this is a supplement — the said officer who makes the sale shall pay the money or moneys arising therefrom into Court, subject to the further order & direction of the parties thereof provided always That so much of the fifth and tenth section of the original act as is herein altered and supplied, be and the same is hereby repealed made null and void.

MUTILATED DOCUMENT

A Supplement to an act entitled "an act directing the manner of issuing out attachments within this Government."

1. Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly Met — That so much of the 16th Section of act entitled an act directing the manner of issuing out attachments within this government as requires that the person or persons requesting a writ of attachment against a Non-resident or some other credible person for him, her, or them shall upon oath or affirmation, declare that the said defendant avoids coming into this Government, lest he or she be taken to answer his or her just debts as it is believed be and the same is hereby repealed, made Null and Void.

Sect 2d And be it further enacted that after the passing of this act a writ of attachment may issue out of any Court of Law of this State for any sum to the amount of thirty dollars and upwards against a resident in the State upon one non est Inventus being returned by the Sheriff or Coroner [illegible] out against such resident and delivered to the Sheriff or Coroner at least ten days before return day thereof and such proof made of the cause of action as the Court shall think fit, and that so much of the 9th Section of the said recited act as requires two Non est Inventus upon two writs taken against a resident before issuing such attachment be and the same is hereby repealed.

Sect. 3d And be it further enacted That any one Judge of the Court from which attachment process may be issued shall hereafter have the same power to order the sale of Goods and Chattels attached where the same are of a perishable nature or may create expense in keeping them as 3 Justices of the court of Common Pleas would do under the provision of the 8th Sect of the act to which this a supplement and

MUTILATED DOCUMENT

0001

such order shall be executed and proceed
ed on by the officer named therein in the same
12 manner as directed by the said 5th Sect of the
said Original Act.

Sec 4. And be it further enacted that Judgment shall
be given for the Plaintiff in any original attachment
at the second term of the court after issuing the writ
unless the Defendants shall enter Special Bail as is
required and provided by the said act to which this
is a supplement, any thing in the tenth section of the
said act to the contrary notwithstanding –

Supplement to an act
entitled an act directing the
manner of suing out attach=
ments within this government.

Jan 17 – 1816
18 – — 2 nd time.
19 — — 3 d time by
the Senate

Passed the Senate
S. Ch. Clayton Clk.

Read
Ch. Clerk.

Read by paragraph
Jan. 1816 reads.
22 reads
24
27 Feb.
1 Feb.

Read by paragraph
& postponed till tomorrow
Friday June 7 rec
Feb
A. J. H.

Passed
Jan. 9. 1817. approved
Thos. Cleghorn Randolph
Governor

An Act for the payment of certain claims and for other purposes

Sec 1st Be it enacted by the Senate and house of Representatives of the State of Delaware in general Assembly met that the Treasurer of this State be and he is hereby authorized and directed to pay to Brigadier General John Stockton the sum of ten dollars and twenty five cents for fluts furnished the Volunteer Companies belonging

To Captain John Adams the sum of six dollars and ten cents paid by him for repairing muskets

To Adjutant General Cornelius P. Comegys the sum of thirty five dollars and eighty four cents, amount advanced by him for printing sundry forms and postage of letters addressed to him in his official capacity. together with the sum of five dollars for drawing orders in favour of the witnesses examined in the house of Representatives in relation to the general election in Newcastle County in the year eighteen hundred and thirteen, To Abel Harris the sum of twenty five dollars for his trouble in taking care of the Arms and Ammunition of the State deposited at Dover, and for branding five hundred muskets, To Frederick Schreader Gun Smith the sum of forty eight dollars and fifteen cents, for repairing muskets under the order of Brigadier General John Stockton, To Moses Bradford the sum of 0[illegible]

of thirty two dollars for printing done by order of the Secretary of State, To Kendal Batson commissary of Military Stores of Sussex County (in addition to the sum of fifty dollars paid him by Samuel Paynter Esquire State treasurer) The sum of one hundred and three dollars thirty three and a half cents for money expended and service rendered by him in that capacity. To pay to Captain Thomas Rodneys company the sum of fourteen hundred twenty two dollars and forty eight cents for military service performed at Lewis Town by the order of his Excellency Daniel Rodney Esquire Governor of the State, That for similar service performed by the order of the Governor at the said place to pay to Captain David Hazzards company the sum of ninety two dollars and eighty seven cents, to Cornett William Rapole guard of horse the sum of seventy one dollars and ninety cents, To Cornet Morris's guard of horse the sum of ninety four dollars forty eight cents and an half, To Lieutenant John Smith's Guard of horse the sum of sixty dollars and seventy four cents and an half, To pay to James Wilson, for inserting the Governor proclamation of the Election of Thomas Cooper and Thomas Clayton Esquires Representatives in Congress in eighteen hundred and fourteen and for printing general orders of the Governor the sum of nineteen dollars and fifty cents, To pay to John W. Nancy Commissary of Military Stores of Kent County

the sum of thirty dollars and fifty cents (in addition to the sum of fifty dollars paid him by the State treasurer) for cleaning and taking care of the public rooms, To pay to Augustus M. Schee the sum of thirty three dollars for printing done by the order of the Secretary of State. To Daniel Hudson the sum of fourteen dollars and twenty cents for repairs done to the public rooms at Georgetown, To pay to Captain William Frankland his officers non commissioned officers and privates or their representatives the sum of one hundred and fifty four dollars and nineteen cents for military services performed at Lewis Town in the year eighteen hundred and thirteen under the order of Colonel Samuel Paynter, To pay to Jno. Crow Esquire commander of Military Stores of Newcastle County the sum of twenty five dollars for services in that capacity, To pay to John M. West the sum of nine hundred and eighteen dollars and twenty cents for provision and forage furnished the Volunteers Militia at Lewis Town during the last year, and to pay to David Walker the sum of eighty dollars for materials furnished and work done on the fort at Lewis Town -

Sec 2. And be it further enacted that the said Samuel Paynter esquire pay to Doctor James Snow escheator

of Newcastle County the sum of fifty
four dollars and fifty two Cents
being a balance due him upon a
final adjustment of his account
under the act entitled an act for
the appointment of executors and
to declare and regulate intestate Laws
the twenty third day of January
Eighteen hundred and five and
the supplement thereto passed the
first day of February eighteen hun
dred and seven —

An act for the
payment of certain
claimants, therein
mentioned.

N. of R.
10. Feb. 1815. read 1st time
— — — read 2d time
By Mr Smith and
passed
J. Sommerville
Clerk
In Senate
In Senate
10 Feb. 1815 read.

In Senate
8. Jan. 1816. read 1st time &
9. Jan. ... read 2d time &
referred to a committee of 3,
viz. Mess. Stout, C. A. Bonney & Poulter
who made — Bill & act
- respecting a new hearing
and to be engrossed —
J. M. Clayton Clk —

Feb 13 — 3d time by paragraphs and ~~passed~~ thoseconcurred in

S. M. Clayton
Clk

Sent for con.

An act supplementary to the act entitled An act to incorporate a company to erect a drawbridge over Christiana Creek at the Village of Newport and for other purposes therein mentioned.

House of Rep.

27 Jan. 1815 read
28 — read 2d time
9 Feb. — Postponed to the next next session

9 Jan 1816 committed
18 — read as reported
19 — read
22 — read & passed to the 5th section
2 Feb — read & passed the House

A. L. Hayes, Clk.

Sent for concurrence

In Senate

Feb 2. 1816 — read 1st time
Feb 5 — " " " 2nd time
Feb 8 — reported & read 1st time after report
Feb 10 — 1816 — read 2d time

An act Supplementary to the act entitled "An Act to incorporate a company to erect a draw-bridge over Christiana Creek at the village of New Port and for other purposes therein mentioned.

Sec. 1. Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, that it shall and may be lawful for the President and managers of the New Port Bridge company with their superintendants, surveyors artists and chain-bearers to enter into and upon all and every the lands, tenements and enclosures in through and over which it may be thought proper to pass and to examine the grounds and beds of gravel most proper for laying out and making a turnpike road from the turnpike road on the south side of the Newport Bridge to the road leading from the Bear Tavern to Christiana Bridge near to where the road from Newcastle to Christiana Bridge intersects the road from the Bear Tavern and it shall be lawful for the President and managers to lay out a road for the use
16 of the said company not exceeding Sixty feet in breadth which in the best of their skill and judgment will be most practicable from the turnpike road on the south side of the Newport Bridge to Christiana Bridge near where the roads from Newcastle and the Bear tavern to Christiana Bridge will intersect each other, and after the said road shall be laid out a fair map or plot of the same shall be delivered to the recorder of Newcastle County who shall record the same, which map or plot thereof so recorded or a copy thereof under the hand and seal of office of the recorder of Newcastle County shall be taken and received in all court of law or equity in this State as evidence of the site and location of the road of the New Port Bridge company.

Sec. 2. And be it enacted, That in order to enable the said New Port Bridge company to ~~con tinue~~ commence, carry on, and complete the turnpiking

the said road, on the South side of the creek and lay
out and open, make and turnpike the said proposed
6 road on the South side of the said Creek and the ne-
7 cessary buildings and improvements, the said company
is hereby authorized and empowered to enlarge the capi-
tal stock of the said company by new subscriptions to car-
ry into effect the intention of this act and it shall be the
duty of the ~~said company and in each of~~ said President
and managers to open books for receiving subscriptions to
the additional capital stock of the said company and in
each of those books shall be entered as follows, to wit,
"We whose names are hereunto subscribed do promise to pay
to the President, managers, and company of the Newport
bridge company the sum of twenty five dollars for every share
of stock in the said company set opposite to our respective
names in such manner and at such times as shall be de-
termined on by the said President and managers of the New-
Port Bridge company", before the said President and
managers shall open the said books for the additio-
nal capital stock of the said company they shall give
public notice ~~thereof~~ at least twenty days of the time and
place when and where such books will be opened and the
said President and managers shall permit all persons of
lawful age and bodies politic and corporate ~~who shall~~ to
subscribe in said books in their own name or the name
of any other person who shall duly authorize the same
for any number of shares in the additional capital
stock of the said company and the said books shall
be kept open by the President and managers of the said
company until the whole number of shares shall be
subscribed which shall be deemed by the President
and managers necessary to complete the work; Pro-
vided that no person or persons or bodies politic ~~and~~ or
corporate shall be permitted to subscribe in their
own names or the names of others until they shall
have previously paid to the treasurer of the Newport
Bridge Company ten dollars on each and every share
to be subscribed.

Sec. 3. And be it enacted that each subscriber

as aforesaid shall be entitled to receive from the said company a certificate under the seal of the said company for the amount of monies when paid, so by him or them to be subscribed as aforesaid, which constitute a stock entitling the proprietor thereof his attorney and assigns to receive dividends semiannually of the proportional part of the profits and income of the said turnpike road or such thereof as he may have loaned monies for making and improving to be regulated from time to time as to the amount of dividend, by the ordinances of the said company: Provided that certificates of the said capital stock may be assigned in such manner and form as the said company may by their ordinances direct and prescribe.

Sec. 4. And be it enacted, that the Newport bridge company shall and may turnpike and cause to be turnpiked twenty feet in breath of the said road at least as the improvement therein progresses, and bed the same with wood stone gravel or other proper and convenient materials to form a solid foundation for the same facing the same with gravel sand stone pounded or other small hard substances in such manner as to secure a firm and as nearly as the nature of the country will admit an even surface rising towards the centre or middle by a gradual arch, and shall maintain and keep the
12 same in repair; and in case the said company should neglect to keep in repair the said road, then the like proceedings shall be had as are provided by the fourteenth section of the act entitled "An act to incorporate a company for making an artificial road from the Town of Newport to Clarke's Corner," and the receiving tolls shall be suspended, and again revived, demanded, and collected in the cases under the circumstances referred to and provided for by the said section, which shall govern in similar cases arising under this act.

Sec. 5. And be it enacted, that it shall and may be lawful for the said President and managers

their superintendents, agents, engineers, artists, surveyors and workmen with their tools and instruments, carts, wagons, wains and other carriages, and beasts of draught and burden to enter upon the lands contiguous to and near to ~~which~~ the sites of the said road first giving notice to owners or occupiers thereof and doing as little damage thereto as possible and ~~repairing~~ repairing any breaches they may make in the enclosures thereof and making amends for any damage that may be done to any improvements thereon, upon a reasonable agreement if they can agree, or if they cannot agree then upon an appraisement to be made on oath or affirmation by three disinterested freeholders any two of them agreeing mutually to be chosen, or if the owners respectively on due notice shall neglect or refuse to join in the choice then to be appointed by any Justice of the Peace for New Castle County, on application made to such justice by the President and managers aforesaid in writing; and on tender of the appraised value of the damages so to be ascertained to cut down dig take and carry away any stone gravel sand earth or other materials there being most conveniently situated for making or repairing the said road.

Sec. 6. And be it enacted, that the said New-Port Bridge Company shall have power to erect and cause to be erected permanent bridges over all creeks and waters crossed by the routes or tracks of the said road, where the same may be necessary: Provided that no tole be demanded or taken from any person passing or repassing from one part of his or her farm to another or to or from any place of public worship or funeral on days appointed for that purpose.

Sec. 7. And be it enacted, that as soon as the New-Port Bridge company shall have completed turnpiking as aforesaid the said road on the South side of the said Creek, the said company shall give notice when the said road shall be completed, to the Governor of this State who shall thereupon forthwith nominate and appoint at the time of receiving each of the said notices

three judicious and skilful persons to view and examine the said road, to make report to him whether the same be so far executed in a complete and workmanlike manner according to the true intent and meaning of this act; and if their report shall be in the affirmative, then the governor shall by licence under his hand and the great seal of this State, permit and suffer the said Newport Bridge Company to erect and fix such and so many gates or turnpikes upon and across the said road as will in the opinion of the said Company be necessary and sufficient to collect the tolls and duties hereinafter granted to the said company from all persons travelling on the same with horses cattle, stock and carriages.

Sec. 8. And be it enacted, that the said Company having perfected the said road and the same being examined approved and licensed as aforesaid, it shall and may be lawful for the said company to appoint such and so many tole gatherers as the said company may deem proper to collect and receive of and from all and every person and persons using the said road the tole, and rates hereinafter mentioned, and to stop any person or persons riding leading or driving any horse, ass, or mule or driving any cattle, hogs, sheep, stock sulkey, chair, chaise, gig, phaeton, chariot, coach, Coachee Cart, waggon, sleigh, sled, or other carriage of burden or pleasure from passing through the said gates or turnpikes, until they shall have respectively paid the same; that is to say, for every
14 space of one mile in length of the said road on the South side of the said Creek the following sums of money respectively and so in proportion for any greater or less distance, or for any greater or less number of hogs sheep cattle or stock, to wit, for every score of sheep or hogs, one cent; for every score of cattle, two cents; for every horse, ass, or mule laden or unladen, one cent; for every sulkey, cart, chair, chaise, or gig with one horse one cent and a half cent; with two horses, two cents; for every coach, chariot, coachee, phaeton, or Waggon with two horses one and a half cents, and for either and each of the carriages last mentioned with four horses two and a half cents; for every other carriage of pleasure or burden under whatever name

it may go the like sums according to the number of wheels and of horses drawing the same, for every sleigh or sled one half cent, for every horse or ox drawing the same; and for every cart or waggon drawn by oxen one half cent for each ox in the same.

Sec. 9. And be it enacted, that every person or persons who shall prefer an annual contract for the use of the said road shall be entitled for himself and family, to all the benefits of the same, except as to carriages for the conveyance of persons or for horses and carts or waggons conveying or transporting articles of growth, produce, or manufacture or of other sort, for hire or sale, for the sum of one dollar per mile to be paid for each and every mile of the said road so by the person or persons to be used in such manner that a quarterly payment shall always be in advance: And if any person or persons ~~to be used~~ shall think the said annual commutation unreasonable and disproportionate to the number of his or their family and their use of the said road the party aggrieved and the President of the said company for the time being shall each choose one disinterested freeholder who shall decide what reduction if any shall be made from the annual payment herein before specified, and in case the two persons so chosen cannot agree, they shall choose a third person and then those three persons or a majority of them shall decide as aforesaid; but in case the said President shall neglect or refuse to choose a freeholder for the purpose aforesaid for the space of ten days, then the freeholders chosen by the party aggrieved as aforesaid shall decide what reduction ought to be made if any, which shall be the commutation for the current year.

Sec. 10. And be it enacted, that if any person or persons owning, riding on, or driving any carriage of burden or pleasure as aforesaid or owning, leading, or driving any horse or mule, or driving any hogs sheep stock or cattle as aforesaid shall with intent to defraud the said company ~~to~~ to evade the payment of any of the tolls or duties as aforesaid pass therewith thro' any private gate or bar or along or over any other ground or lands near to adjoining any turnpike a gate which shall be

erected in pursuance of this act, or if any person or persons shall with the intent aforesaid take off or cause to be taken off any horse or other other beast or cattle of draught or burden from any carriage of burden or pleasure or shall practice any other fraudulent means or device with intent to evade or lessen the payment of any such tole or duty, all and every such person or persons offending in manner aforesaid shall for every such offence respectively forfeit
18 and pay to the Newport Bridge Company the sum
19 of fifteen dollars to be sued for and recovered with costs of suit before any Justice of the Peace in like manner, and subject to the same rules and regulations as debts of equal amount are, or may be by law recoverable.

Sec. 11. And be it enacted, that if the said road on the South side of the said Creek shall be laid out and founded over and upon any land whereby the owner thereof shall suffer any damage the person or
4 5 persons sustaining such damage may make application to the Court of Common Pleas for Newcastle County and thereupon the said Court shall appoint six fit and disinterested persons to view and adjudge the amount of the damage done, which if approved of by the Court shall
10 be paid by the company: Provided always that it shall be the duty of the viewers in assessing damages to take into consideration the advantage derived from the said road passing through the land of the complainant, and that when the same road shall happen to be laid out and founded on any former laid out and confirmed road the owner or owners of such land shall not be entitled to receive compensation from the company for any damages sustained thereby and the said Newport Bridge Company shall not have authority to make any building or enclosure but the whole breadth of the said road shall be kept free and open except where it may be necessary to erect gates or turnpikes for collecting the tolls.

Sec. 12. And be it enacted, that if any person or persons shall cut, pull down, injure, damage, or destroy any of the toll houses turnpike gates or any part of the said

road or ~~either~~ other works or improvements of the said company or remove the same, he, she, or they so offending shall forfeit damages for the injury committed and over and above those damages shall pay to the said company thirty dollars to be recovered as other debts and demands of twelve pounds and under are recoverable before any justice of the peace of Newfastle County.

Sec. 13. And be it enacted that the respective tolegatherers who shall be from time to time appointed by the President and managers of the Newport Bridge Company shall before they enter on the duties of their offices respectively give bond to the said Newport bridge company with one or more sufficient sureties to be approved of by the President and managers of the said company with a warrant of Attorney annexed thereto to confess judgment in the sum of one thousand dollars conditioned for the true and faithful performance of the duties reposed in him as tolegatherer in the employ of the said Company and that he will render a true and perfect account, verified by his oath of all monies by him received as tolegatherer aforesaid to the said President and managers or their authorized agent monthly and every month or within shorter periods if required by the said President and managers during his attendance as tolegatherer aforesaid and shall and will pay over the monies so by him received to the treasurer monthly or oftener if required which shall come to his hands or possession and also at the time of payment furnish the said treasurer with his account of daily receipt of tolls by him, and that he will give faithful constant attendance at the tolegate placed in his charge during the continuance of his said office.

Sec. 14. And be it enacted that all wagoners, carters and drivers of carriages of all kinds whether of burden or pleasure using the said road shall except when overtaking and passing by a carriage of slower draught keep their horses and carriages on the right side of the said road in the passing direction leaving the other side of the said road free and clear for other carriages to

pass and repass: and if any waggoner carter or driver shall offend against this provision he shall forfeit and pay any sum not exceeding five dollars to any person who shall be so obstructed in his passage and will sue for the same, before any justice of the peace to be recovered with costs as other debts under forty shillings are recovered.

Sec. 15. And be it enacted, that if any tolegatherer on said road shall demand any greater rate of tole from any person using the said road than by this act is authorized and allowed, such tolegatherer shall forfeit and pay the sum of twenty dollars for every such offence to be for the use of the person aggrieved to be recovered before any Justice of the Peace of the said County in such manner as other debts are before them recoverable.

Sec. 16. And be it enacted, that if the said Company shall not proceed to carry on the said work within two years after the passage of this act or shall not within eight years thereafter complete the said road according to the true intent and meaning of this act; then and in either of the said cases the Legislature may resume the rights liberties and franchises granted by this act to the said company.

Militia bill.

H. of R.
27. Jan. 1815. Read.
30. —— —— Read 2d. time.

Militia Bill
H. of R.
27. Jan. 1815 Read
30 —— —— Read 2d time
10 Jan. 1816 read 1st time
& indefinitely postponed.
Pass to its number
A true copy

A further additional Supplement to the act intituled an act to establish an uniform Militia throughout this State —

Sec. 1. Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, that from and after the passing of this act the Militia of this State shall be Trained in Troop or Company once in the Months of March and August and once November in every year at such Time and place within the Bounds of such Troop or Company as the Captain or Commanding Officer shall order and direct, the Cavalry of each Brigade shall be Trained in Squadron or Battalion on the First Tuesday of May and September in each year at such place within the Brigade as the Major thereof shall order and direct the Artillery of each Brigade shall be Trained in Battalion on the wednesday after the First Tuesday of May and September in each year at such place within the Brigade as the Major thereof shall order and direct, the First Battalion of the First ~~Regiment~~ Fourth and Seventh Regiments shall be Trained within their Respective Bounds at such place as shall be ordered and directed by the Respective Major thereof on the Thursday after the First Tuesday of May and September in each and every year, the second Battalion of the First ~~Fourth~~ and Seventh Regiments shall be Trained within their Respective Bounds at such place as shall be ordered by the Respective Major thereof on the Friday after the First Tuesday of May and September in each and every year the First Battalion of the second fifth and eight Regiments shall be Trained within their Respective Bounds at such place as shall be ordered and directed by the Respective Major thereof on the Second Tuesday of May and September in each and every year, the second Battalion of the second fifth and eight Regiments shall be Trained within their Respective Bounds at such place as shall be ordered and directed by the Respective Major thereof on the wednesday after the second Tuesday in May and September

in each and every year, the First Battalion of the
Third Sixth and Ninth Regiments shall be Trained
within their respective Bounds at such place as shall
be ordered and directed by the respective Major thereof
on the Thursday after the second Tuesday of May &
September in each and every year, the First
Battalion of the Tenth Regiment shall be Trained
within the Bounds thereof at such place as the Major
thereof shall order and direct on the Friday after the
second Tuesday of May and September in each and
every year, the Second Battalion of the Tenth Regiment
on the second day after the day on which the first Battalion shall muster
shall be Trained within the Bounds thereof at such
place as the Major thereof shall Order and direct,
the First Fourth and Seventh Regiments shall be
Trained within the Bounds of the respective Regiments
at such place as the respective Colonels thereof shall
44. order and direct, on the second Tuesday of ~~June and~~
October in each and every year, the second, fifth and
eighth Regiments shall be Trained within the Bounds
of the respective Regiments as aforesaid at such place as shall
be ordered and directed by the respective Colonels thereof on the
49 Wednesday after the second Tuesday of June and October
in each and every year, the third Sixth and ninth
Regiments shall be Trained within the Bounds of the
respective ~~Regiments~~ as aforesaid at such place as shall
be ordered and directed by the respective Colonel
thereof on the Thursday after the second Tuesday of
55 June and October in each and every year, the
Tenth Regiment shall be Trained within the bounds
thereof at such place as the Colonel thereof shall
order and direct on the Friday after the second
59 Tuesday of June and October in each and every
year

Sect 2 Be it enacted that it shall be the duty of the Captain
or Commanding Officer of a Troop or Company to give
Ten days public Notice in at least five of the most
public places within the Bounds of such Troop or
Company stating the Hour day and place of meeting

for Training in Troop Company Squadron Battalion or Regiment, and it shall be the duty of the Colonels of Cavalry, Artillery and Infantry to give fifteen days notice to the Captains of their respective Squadrons or Battalions of the place and hour of meeting for Training in Squadron, Battalion or Regiment, and it shall be the duty of the Colonel or Commanding Officer of Regiments to give twenty days notice of the place, day and hour of meeting for Training in Regiments, and in case any Officer whose duty it shall be to give notice as aforesaid of the place day and hour of meeting for Training shall neglect or refuse to comply with the directions of this Act such Officer neglecting or refusing shall be put under an arrest and tried by a Court Martial who shall order such delinquent officer to be suspended or cashiered as to the said Court shall seem meet proper

Sec 3 Be it enacted that if any Colonel Lieutenant Colonel or Major shall neglect to attend on the day and at the place and hour appointed for Training of their respective Regiments Squadrons or Battalion such Colonel Lieutenant Colonel or Major shall pay a Fine of Ten dollars for each and every delinquent, and in case the Brigade Inspector of any of the Brigades of the Militia within this State shall neglect or refuse to attend on the days and at the place and hour appointed for Training in Squadron Battalion or Regiment such Brigade Inspector shall pay a Fine of Ten Dollars for each and every delinquent, and in case any Captain or Sub altern officer of the Militia of this State shall neglect to attend the day place and hour appointed for Training in Troop Company Squadron Battalion or Regiment such Captain or Sub altern officer shall pay Five Dollars for each and every delinquent and in case any delinquent of Cavalry Artillery or Infantry shall neglect to attend on the day place and hour appointed for Training of the Corps to which such delinquent shall belong in Squadron Battalion or Regiment such delinquent delinquent shall pay Five dollars for each time of his default and if any Non Commissioned Officer or private of the Militia of this State shall neglect to attend

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act the Roll of the Troop or Company to which he may belong and during the time of training shall not attend to his duty either in Troop Company Squadron Battalion or Regiment such defaulting non commissioned officer shall pay any Dollar and fifty Cents for each default

Sect 4 Be it enacted that it shall be the duty of the Captain or commanding officer of each Troop or Company of the Militia of this State to be caused to be kept by the Clerk of his Troop or Company a Roll of the officers non commissioned officers and privates and it shall be the duty of such Clerk within half an Hour after the time appointed for training to call the Roll of such Troop or Company and every officer non commissioned officer or private who shall make default in not attending to the third call of his name by the Clerk of such Troop or Company shall be charged with the Fine as mentioned in the third section of this act by the Clerk in the Book of the Troop or Company, and unless the said Fine shall be remitted in the manner hereafter provided the officer non commissioned or private so charged shall pay all such Fines so charged as aforesaid in the Book of the Troop or Company to the Regimental paymaster or some one of the Paymasters to be applied in the manner provided for in the act to which this is a supplement

Sect 5 Be it Enacted that the Adjutant of each Regiment Squadron or Battalion shall provide a Book in which he shall enter the Names of each officer of the Regiment Squadron or Battalion and it shall be the duty of such Adjutant within half an Hour after the time appointed for training either in Regiment Squadron or Battalion to call the Roll of officers whose duty it is to be present in the line may be at the place of training and the officer who does not shall at the third call of his name by the Adjutant or some other to be charged in the Book opened by the Adjutant with the Fine as mentioned in the third section of this act and unless the said Fine of such defaulting officer

shall be remitted in the manner hereafter provided for, such delinquent officer shall pay all such Fines so levied by the Lieutenant in the Book of the Regiment Squadron or Battalion to the Brigade paymaster or some in his respective to be applied in the manner provided for by the act to which this is an additional supplement

Sec 6 Be it enacted that the Captains or Commanding officers of each Troop or Company of the Militia within this State shall cause the Clerk of his Troop or Company to give public notice in at least five of the most public places within the Bounds of their Respective Troops or Companies at each fifteen days before the First Tuesday of December in each and every year in which Notice the Clerk of the Respective Troop or Company of the Militia within this State shall insert the name of the Non Commissioned officer and Private who stands charged on his Book together with the days on which such charges were made and the place and hour of meeting of the Court it shall be the duty of such Captains or Commanding officers of each Troop or Company of the Militia to appoint a Court to consist of three subaltern officers one whereof shall be appointed President thereof, the Commanding officer appointing such Court shall appoint the place and hour of meeting of such Court which shall assemble on the First Tuesday of December in each year within the Bounds of such Troop or Company and it shall be the duty of the Clerk of each Troop or Company of the Militia of this State to attend with the Book of the Troop or Company kept by him to the meeting of such Court and the said Clerk of such Troop or Company shall be the Clerk of the Court for such Troop or Company before the Court shall proceed to Business the Members thereof shall administer to each other the following oath or affirmation I ____ do swear (or affirm as the Case may be) that I will perform the duties of a member of this Court agreeable to the True intent and meaning of the Militia Laws of this State according to the best of my Skill and understanding without favour affection or partiality so help me God after the Members of the Court shall be

swear or affirm the President of the Court shall administer to the Clerk the following oath (or affirmation ~~as the case may be~~) of S —— Clerk of the Troop (or Company as case may be) of the Squadron (or Battalion as the case may be) within the — Brigade do in the presence of almighty God swear (or affirm as the case may be) that agreeable to the provision of this Act Notice has been given of the Fine charged against each delinquent non-commissioned officer and private and of the time and place of holding of this Court and that the Book by me now presented is the Book of the Troop (or Company as the Court may be) kept by me and that the names of the delinquents on each and every day of training there who are marked delinquent for not attending at the bell of the roll are the charges then made by me against such delinquents all of which duty I have performed without favour or affection, and I do further solemnly promise to fulfill the duty of a Clerk to this Court with fidelity so help me God, the Court shall then proceed to examine on oath or affirmation such delinquent or witness or witnesses as shall be produced before the Court to prove that the delinquent or delinquents was prevented from attending on the day or days of training by reason of the sickness of himself his wife Child or children which oath or affirmation made by such delinquent or such witness or witnesses shall be recorded by the Clerk in a Book to be kept for that purpose of such Court and subscribed by the person or persons making such oath or affirmation and it shall be the duty of the Court upon such evidence to remit the Fine or Fines charged against such delinquent and shall cause the Remission of such Fine or Fines to be entered by the Clerk in the Book of the Troop or Company opposite the name of the person whose Fines shall be Remitted and it shall be the duty of such Court to cause the Clerk ~~of the said Court~~ thereof to make a True Copy of the names of persons belonging to such Troop or Company who stand charged for a Fine or Fines together with the Remission thereof ~~taken under his hand~~ and to be transmitted to the Brigade paymaster within Ten days after the passing of the said Court signed by the ——

68 President of said Court and his duplicate Copy thereof within
69 Days to the auditor of Accounts and it shall be the duty of the
auditor of Accounts to charge the Brigade pay master with
the amount of such Returns of Fines which shall have not been bonded
and in case the President of any Court appointed as in manner aforesaid
shall neglect to transmit
the copies required by this act to the Brigade pay master and to the
auditor of Accounts within the time mentioned the President of such Court shall forfeit
and pay to and for the use of said Brigade the sum of five
hundred Dollars to be sued for by the Brigade pay master
in any Court within this State as debts of the same amount
are by the laws of this State and further the said President of
such Court shall be rendered incapable to exercise any office
in the militia within this State

Sec 7 Be it enacted that the Brigadier General of the respective Brigade
within the bounds of his command shall appoint
a Regimental Court to consist of five members one whereof
he shall appoint as President and it shall be the duty of
such Court to meet within the bounds of such Squadron
or Battalion within the respective Brigades
on the second Tuesday of December in each
and every year at such place as shall be appointed by the
Brigadier General of the respective Brigade and it shall be the
duty of the Clerk of each Troop or Company of the militia of this
State to transmit to the adjutant of the Squadron or Battalion
a list of the names of such officers belonging to the Troop or Company
to which such Clerk shall belong Twenty days before the meeting
of such Squadron or Regimental Court and it shall be the duty of the adjutant
of the Squadron or Battalion or Regiment as the case may be
to give Ten days notice of the place appointed for the Regimental
Court in which notice shall be inserted the names of
all commissioned officers within the
bounds of such Regimental Court and the Rank of each officer who were
absent at any of the Training days in the last mentioned
and the said Regimental Court after having admitted
to and taken the following oath or affirmation viz
viz I _____
do sincerely (or affirm as the case may be) that I will perform
the duties of a member of this Court agreeable to the laws of
the State according to the best of my skill and understanding
without favour offendum or partiality so help me God

after the members of the Regimental Court shall have been sworn or affirmed, the Adjutant of the Squadron or Battalion within the Bounds of such Regimental Court shall be sworn or affirmed according to the Following Form I ——— Adjutant of the Squadron Battalion or Regiment in the ——— within the ——— Brigade do in the presence of Almighty God swear (or affirm as the case may be) that the Returns by me made to this Court concerning the Names of the Officers who were absent on the days of Training in Troop or Company as returned to me by the Clerks of the respective Troops or Companies and also the Names of those Officers who were absent on the days of Training in Squadron Battalion or Regiment which I was the Adjutant and by me entered and further that notice hath been given to the defaulting Officers according to the provision of the Act of the place of meeting of this Regimental Court and also that I will perform the duty of a Clerk of this Court with Fidelity so help me God, the Court shall proceed to examine on oath or affirmation the defaulters or such witness or witnesses as shall be produced before the Court to prove that the defaulter was detained from attending on the day or days of Training by reason of the sickness of himself wife or child or children which oath or affirmation made by such defaulter or any witness or witnesses shall be recorded in a Book to be provided for that purpose by the Clerk of the Regimental Court, and shall be subscribed by the person or persons making such oath or affirmation and it shall be the duty of such Court upon such evidence to remit the Fine or Fines charged against such defaulters and cause the Amount of such Fine or Fines to be entered by the Clerk in the Book of the Squadron or Battalion opposite the name of the defaulter and it shall be the duty of such Court to cause the Clerk of the Court to make a true account or Copy of all the Fines which have been charged against the Officer or Officers Returned to the Regimental Court together

with the remission thereof by the Court and shall transmit to the Brigade paymaster within Ten days after the Rising of the said Court signed by the President of said Court and a duplicate Copy thereof to the auditor of Accounts of this State and it shall be the duty of the said auditor to charge the Brigade paymaster with the amount of the Fines so returned by the said Court and in case the President of any Regimental Court shall neglect or refuse to transmit to the Brigade paymaster and auditor of Accounts the a Copy of the sentence which was Returned together with the remission thereof especially in the proviso in of this act the President of any such Regimental Court martial or any defaulter shall — forfeit and pay fine hereinbefore Doll mentioned for ~~such~~ by the Brigade Paymaster in any Court of Law within this State as debts of the same amount and by the Laws of this State and shall be applied as other Fines are by Law and such President of any Regimental Court martial or any defaulter shall be rendered incapable of holding any office thereafter in the Militia within the State

Sec 8 Be it enacted by the authority aforesaid that when any part of the Militia of this State shall be ordered by the ~~order of the~~ President of the United States or the ~~authority of the~~ Governor of this State the Adjutants shall by Ballot from each Troop or Company the commanding officers of such Troop or Company shall ~~write Boxes for the~~ provided for that purpose and place in one of which he shall draw the names of the Non Commissioned officers of his Troop or Company and in the other Boxes in which he shall place the names of the Privates of his Troop or Company and from such Boxes shall be drawn by some disinterested Freeholder appointed for that purpose by the commanding officers of the Troop or Company the number of such commissioned officers and privates required from such Troop or Company, no ~~person~~ Non Commissioned officers or privates names who shall have performed his Tour of duty shall be placed in such Boxes until the remaining part of such Troop

or Company shall be drawn therefrom and it shall be
the duty of the Commanding officer ordered to detach from
his Troop or Company to make a Return of the Names
of the Non Commissioned officers and privates forthwith
to the Major of the Squadron or Battalion which such
Captain or Commanding officer is attached to and
it shall be the duty of the Respective Major or other
The Respective Brigade to make the Returns forthwith of this
Non Commissioned officers and privates of the Respective
Squadron or Battalion to the Brigade Inspector of
the Brigade to which the Respective Major is belonging
and the Brigade Inspector of the Respective Brigade
shall Return forthwith to the Adjutant General a Correct
Roll of the Non Commissioned officers and privates of his
Brigade and in Case any officer who shall be required
to detach from his Troop or Company and make the
Return of such detachment in manner aforesaid shall
neglect to perform the duty required of him for the space
of Two days from the date of his orders such Captain
or Commanding officer of a Troop or Company shall
be put under Close Arrest and shall be Tried by a Court
Martial which shall order such officer to be Cashiered if found
Guilty and in Case of the neglect of any other officer to perform the
duty required ~~by this Act in relation to making detachments and~~
~~Returns they~~ such defaulting officer shall be tried by a Court martial
and if found guilty shall be Cashiered ~~an~~

Sec 9 Be it enacted that the Governor of this State shall appoint for
each Regiment a Colonel, To each Troop of Cavalry a third
Lieutenant and to each Company of Artillery a third and fourth
Lieutenant To each Company of Grenadiers Riflemen or Infantry
a Second and third Lieutenant the Commander in Chief of
the State shall appoint four aides de camps one whereof shall
Reside within the Bounds of each Brigade with the Rank
of Lieutenant Colonels a Commissary General of Military ~~Commissary~~
~~Stores~~ Stores for the State shall be appointed and Commissioned

who together with the Quarter Master General and the Adjutant General shall severally rank as a Brigadier General, there shall be to each a Brigade Inspector, Brigade Quarter Master, Brigade Paymaster, Brigade Judge Advocate, the Major General of the Division shall appoint three aide de camps one whereof shall reside in each Brigade and shall be from the Line of Captains with the Rank of Major there shall be appointed from the Line of Subalterns by the Brigadier General of each Brigade an aid de camp and a Brigade Inspector with the Rank of Major there shall be appointed and commissioned for the Division a Surgeon General there shall be appointed by the Majors of the Respective Squadrons of Cavalry a Paymaster Quarter Master and ~~appointed from the Line of Subalterns there shall be~~ also a Surgeon and Surgeons Mate, the Majors of Artillery within the Respective Battalions shall appoint a Paymaster Quarter Master and appoint from the Line of Subalterns for the Respective Battalions also a Surgeon and Surgeons mate and a Sergeant Major the Captains of each Troops or Companys shall appoint five Sergeants and five Corporals

Let it be enacted that the Respective County Treasurer shall be the Paymaster and it shall be the duty of such Brigadier Paymaster before he enters upon the duties of his office to give Bond together with two good and sufficient Sureties in the sum of five Thousand Dollars Current Lawfull money of the United States conditioned for the faithfull performance of the duties of his office to be approved of by the Brigadier General of his Brigade which Bond the Brigadier General of the Respective Brigade shall cause the same to be Recorded in the office of the Recorder of his County and after the same shall be so Recorded shall transmit the same to the Auditor of Accounts to be by the said Auditor to be filed in his office and if any Person or persons may be aggrieved by the non-performance of the duty of such Brigadier Paymaster it shall be Lawfull for such person or persons to commence a suit in the Name of such Brigadier Paymaster Recorded to be assigned and a copy of said Bond under the hand and official seal of office of the Recorder of the County wherein

The Same shall be Recovered shall be ascertained as in any original ordinance of the
Court of Law or equity within this State ~~within the Jurisdiction~~
of such Brigade ~~pay master~~ and shall be sufficient ~~thereof~~
for the person or persons proving the debt to satisfaction
of such Court before whom the same may be Laid

Sect 11 Be it enacted that the respective Brigade pay masters
shall by themselves or their respective proper to recover all
such fines as shall be transmitted to the said Brigade
pay master of such Brigade by the respective Regimental
of Company Regimentals or Brigade Courts in the same
summary manner as ~~collateral~~ Cavalry Rates under
Lawes now in force by the Lawes of this State upon a warrant to be issued
by the respective Regimental of the Company Regimentals or
Brigade Courts which such Regimental of the Courts are
hereby to issue upon the Returns by them to be made
to the Brigade pay master duly entitled to the said fines
as aforesaid for neglect to make a Return of the fines
to the said Brigade pay master to be recovered and applied
in the same manner

Sect 12 Be it enacted that the Brigadier General of the
First Brigade the Brigade Inspector & said Brigade
Major shall with any other officers of the Cavalry or Artillery
to be appointed by the Brigadier General for that purpose
shall meet in the Town of Newbern on the third Tuesday
of February in the present year and so all subsequently
of such officers do meet or the majority of them to fix
the Regimental Bounds within the said Brigade
also to fix and establish the respective Battalion
and Company Bounds within the respective Regiments to
do as to divide the Regiment & Battalion and Company Bounds
as nearly equal as may be from the Returns last made
to the Brigade Inspector of said Brigade and a Return
of such Regimental Battalion and Company Bounds
shall be made into the Office of the Secretary of Newbern
Carolina and shall be there filed and a copy of the
same shall be

shall be transmitted to the Office of the Adjutant General of this State there to be filed in which Return they shall number the respective Companies, Regiments in each Regiment which Numbers shall be fixed by the Officers aforesaid appointed in manner aforesaid shall be the Numbers of the respective Regiments Battalions Companies in the said Brigade ever thereafter in any Rule Order given in addition to the Contrary notwithstanding —

Be it enacted that the Brigade General of the First Brigade shall cause public notice to be given in each of the Companies Numbers within the First Brigade in the Number of such Company shall be divided and it shall be the duty of the Officer Commanding the Company within the — Company of such Company to cause a Roll to be made of all such Citizens Residents the ages of eighteen and sixty years who may reside within such Counties who have not enrolled themselves in some of the Troops of Cavalry Companies of Artillery Grenadiers Rifflemen or Light Infantry, and it shall be the duty of such Captain or Commanding Officer to make a Copy of his Roll — and cause the same to be entered in a Book to be provided for that purpose and cause notice to be given by a proper non commissioned Officer to the persons residing within such Company Number or Division the second Tuesday of March next and also transmit a copy of his Roll to make to the Brigade Inspector of his Brigade on or before the third Tuesday of March next and in case any Captain or Commanding Officer shall neglect or refuse to comply with the aforesaid directions the Brigade Inspector shall cause such Officer to be put under arrest and such delinquent shall be tried by a Court Martial and if found guilty shall be — cashiered and be rendered incapable ever after to hold a Commission in the Militia of this State —

Act 14 Be it enacted that the Offence of the Infanticide and
Light Infanticide of the ~~female~~ Respective Bastards shall
be Trained at such place within the Mother
Bastards respective shire at least twice in every year
from in the presence of the Bastards shire, and in
case of the neglect to attend the Bastard training why
days by any Offence Offence of Infanticide or Light Infanticide
such offence unless prevented by sickness of himself
~~the~~ such child or children which he shall make
appear on oath or affirmation before a Bastard
~~Justice~~ to be appointed for that purpose by the Bastards
and that he appointed Bastards such expense
of such Bastards shall pay the sum of
five Dollars and it shall be the duty of the Parent
of such Bastards Court to transmit a list of such
Sums to the Bastards payment with a warrant
thereto annexed directed to the said Bastards payment
to proceed to the Bastard shire as by Rules and
Laws are by the Laws of this State provided and shall
transmit a copy thereof to the Auditor of accounts
who shall charge the said Bastards payment
therewith. it shall be the duty of the said Bastards
payment to appear before the Auditor of accounts
for this State and settle his accounts on or before
the first Tuesday of May in each year and the
said Auditor shall credit the said Bastards
payment with all sums which ~~he~~ may have
been paid by him ~~and which~~ provided such sums have been
drawn by the Authority of the State ~~to~~ which this
is an additional supplement or by the Authority of
this State and the said Auditor shall credit the
Respective Bastards payment with such sum of
those who may in the opinion of the ~~Respective~~ Bastards
Guardian of his bastards be unable to pay ~~[illegible]~~

Sect 16 Be it enacted that there shall be paid out of the Treasury of this Respective Brigades to the Clerk of each Troop or Company annually for the service of such Clerk the sum of Dollars and there shall be paid to the Non Commissioned Officers of each Company in the First Brigade for his service in notifying the privates within his Company Rounds the sum of Dollars which orders in favour of the Clerk of a Troop or Company shall be drawn by the Captain or Commanding Officer thereof on the Brigade pay master and the Commanding Officers of Troops or Companies within the Respective Brigades shall be paid by orders to be drawn on the Brigade pay master of their Brigade the expense of printing paper for their Company Books and their Blanks Notes which shall be paid for by the Captain or Commanding Officer and attested by the Major of the Corps to which such Officers may be attached

Sect 17 Be it enacted that in addition to each Regiment of the Militia of this State there shall be allotted one Company of Rifflemen of not less than sixty and not exceeding one hundred and Commissioned Officers and Serjeants which said Company shall be formed of Volunteers from the Rounds of each Regiment and the Governor of this State shall Commission the Officers for such Rifle Company as soon as the said Company shall have Received the efficient Number of not less than sixty and the said Company when so Received shall not Receive any other Recruits to be added to such Number than fifty men

Sec 18 Be it enacted that the Arms of the State in good Repair by the Respective Commandants of Militia Corps ~~and Companies~~ be Inspected and for that purpose one shall order the Officer or Officers under whom performing the Duty at present to cause the same to be delivered at such place as the said Commandant of Militia Corps shall appoint within the Respective Brigades and the said Commandant of Militia Corps shall report the Condition of the Same to the Governor of this State who is hereby authorized and required to cause such as may want Repairs to be Repaired at the Expense of the Person or Persons ~~to whom the same belong~~ in Fault or Default and when the said Arms have been put in good and Compleat order the Same shall be Stored in such place as the Governor shall order and direct and when the said Arms have been put in good and Compleat order the Expense of the Arms shall be paid out of the Treasury of the State according to the expense of Transporting and Storage

Sec 19 Be it enacted that the Colonel of the Respective Regiments and the Brigadier of Cavalry of this State shall draw orders on the Brigade Paymaster of their Brigade for the payment of the Expense of a Book or Books for the Regimental and Brigade Inspection and Relation and for the Regimental Court of his Regiment, the Brigadier General of the Respective Brigade shall draw orders for the payment of a Book or Books for the Brigade Court and for a Record Book to be kept by the Brigade Inspector of his Brigade in which Book the Inspector shall enter the returns of his Brigade -

Sec. 20 Be it enacted that the ~~Respective~~ Adjutants of the Respective Regiments Squadrons or Batteries shall be found and of the Treasury of his Brigade for his Services in attending the Regimental Court and acting as a Clerk of the Same the Sum of Dollars Who for the Colonel or Major of the Squadron or Battalion shall draw on the Brigade Paymaster for the Same

Sec 21 Be it enacted that the Respective Brigade Inspectors shall be paid out of the Funds of the State annually the sum of one hundred Dollars for his expense of postage for communicating the notice of offers, the Inspector General of the State shall be paid out of the Funds of the State annually the sum of Two hundred Dollars for his expense of postage relating to the affairs of his office

Sec 22 Be it enacted that the Brigade Inspectors of every Brigade shall neglect to give Bond and security to the Selectmen of the Brigade General of his Brigade, the said Brigade General shall give the same to the Governor of the State who shall appoint and commission another Brigade Inspector for such Brigade who shall give Bond and security as aforesaid by this act

Sec 23 Be it enacted that every non commissioned officer or private of the Militia of this State shall be furnished with a good and sufficient musket or rifle providing himself with a good and sufficient musket Bayonet, Bayonet belt, Cartridge Box to contain twenty four Rounds of Cartridges and shall appear therewith at the several training days in the Militia meetings. shall be exempt from the Tax for Capitals in the General assessment of his County or producing a certificate thereof from his Captain or commanding officer to the Grand Court and Court of Appeals of his County

Sec 24 Be it enacted that in every Commissioned Officer shall remove out of the Bounds of his proper Corps or Brigade Regiment Battalion Squadron Troop or Company his officer shall be thereby vacated. each and every officer of the Militia of this State shall on all training days and all meetings of the Militia Militia Courts appear in uniform with a sword or hanger and in case any officer shall appear on parade without being so equipped he shall incur the same penalties as for being absent on the days of training or Brigade to be recovered and applied in the same manner. The uniform to be worn by the officers of the Militia of this State shall be same as worn by the officers of the United States of the same Rank grade

Sect 25 Be it enacted that it shall and may be lawfull for any person called to do a Tour of duty to find a substitute — who is approved of by the Captain or Commanding officer of the Troop or Company or prefered by the Muster master may serve in the place of such person

Sect 26 Be it enacted that each member of a Court appointed under the authority of this act or the act to which this is a supplement shall be allowed and paid out of the Fines of such Brigade the same fees and Mileage as are allowed by law in attending the Courts of Law in this State to be by orders drawn by the Brigadier General of such Brigade and the Adjutant of the Second Brigade shall be allowed for Summoning the Members of the Regimental Courts two Dollars per day to be paid out of the Fines of such — Brigade by orders drawn by the Brigadier General of the Brigade

Sect 27 Be it enacted that no person or persons shall be permitted to appear with a Hall or Booth on any of the parade grounds of the Militia of this State without having first obtained permission from the Commanding officer of the day —

An act to enable Aletta Clarke to build a mill ~~dam~~ at a place called Levinah Causey in Sussex county upon one of the branches of Broadkill creek, and to erect a dam across the said branch of the said creek at that place.

H. of R.
10. Jan: 1815. Read 1st time.
12. —— —— Read 2d time.
20. —— —— Read & postponed 26.
12 Feb. 1816. indefinitely postponed.
A. L. Hayes Clk

0800

An Act to enable Aletta Clarke to build a Mill at a place called Levinah's Causeway in Sussex county upon one of the branches of Broadkiln Creek and to erect a dam across the said branch of the said Creek at that place.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That it shall and may be lawful for Aletta Clarke her heirs, executors or administrators at any time after the passing of this Act to build a Mill at the place called Levinah's Causeway upon one of the branches of Broadkiln Creek in Sussex county and to erect a Mill Dam for the use of the said Mill across the said ~~Creek~~ branch of the said Creek at that place.

Sec. 2. And be it further enacted, That the Prothonotary of the Court of Common Pleas of this State in and for the county of Sussex shall upon the application of the said Aletta Clarke, her heirs, executors or administrators issue a writ directed to the Sheriff of Sussex county aforesaid commanding him to summon six substantial freeholders of the said county, who shall with the said Sheriff go upon and view the fast land where the said proposed Mill dam must join the fast land on the said branch of the said Creek and ~~the~~ survey, and lay off one bank of the said Fast land on the south east side of the said branch of the said Creek and one acre of the said Fast land on the opposite side of the said ~~Creek~~ branch in the most advantageous place and manner for the said Mill and dam and condemn the said land so to be ~~marked out~~ laid off for the use of said Mill and dam and to adjudge and determine the true value thereof, and also shall survey and mark out the cripple and low grounds that may be covered with water and drowned in consequence of the erecting of the said dam and shall adjudge and determine the loss and damage, which

the owner or owners of the said Cripple and low grounds, which will so be covered with water and drowned in consequence of the erecting of the said dam, will sustain by such erecting of said dam; and the said Sheriff and freeholders are likewise commanded ~~to~~ to certify and return by a certain instrument under their hands and seals their proceedings and determination touching the premises together with a plot of the said fast lands and cripple and low grounds so by them to be laid off, marked out and condemned to the Court of Common Pleas of the State of Delaware to be held in and for Sussex county aforesaid next after the issuing of the same writ and if the same shall be approved by the said Court, a certificate shall be indorsed thereon to that effect, and thereupon the said return with said Certificate thereon & the said plot shall be filed of record in the said Court and shall forever transfer to the said Aletta Clarke, her heirs and assigns a good title in fee in and to the said lands, cripple and low grounds so laid off, marked out and condemned - Provided the said Aletta Clarke, her heirs, executors or administrators shall build a mill and erect a mill dam within six years after such return shall be made and approved as aforesaid and pay the condemnation money ~~within six months after such return & so approved~~ unto the owner or owners of the said lands, cripple and low grounds so marked out and condemned respectively or to the respective executors or administrators or assigns of such owner or owners before, she the said Aletta Clarke or her heirs, executors or administrators shall commence the erecting of the dam aforesaid

or lawfully tender payment of such condemnation money.

Sec. 3. And be it further enacted, that the Sheriff of Lupex county aforesaid, shall before he and the said freeholders shall go upon the premises aforesaid ~~shall~~ give ten ~~ten~~ days notice to the parties and to each of said freeholders, and also before the said Sheriff and freeholders shall go upon the said premises for the performance of the duties required by this Act, the said Sheriff shall administer to each of the said freeholders an oath or affirmation, that he the said freeholder shall & will perform the duties required of him by this Act faithfully and impartially according to the best of his skill and judgment — which oath or affirmation the said Sheriff is hereby authorized to administer — and the said Sheriff shall receive for each day's attendance in performance of the duties required by this Act three dollars and each of said freeholders one dollar for each day's attendance to be paid by said Aletta Clarke her heirs executors or administrators.

An act more effectually to prevent the crime of kidnapping within this state

In Senate.—

Jan 31st 1816 read.—

Feb 1 — 2d time

Feb 2 — 3d time by paragraphs & passed Senate

S. M. Clayton Clk

House of Representatives

3 February 1816 read.

6 Febr —— read.

8 —— take up & reject

on the first section

A. L. Hayes

0805

An Act more effectually to prevent the crime of Kidnapping within this State

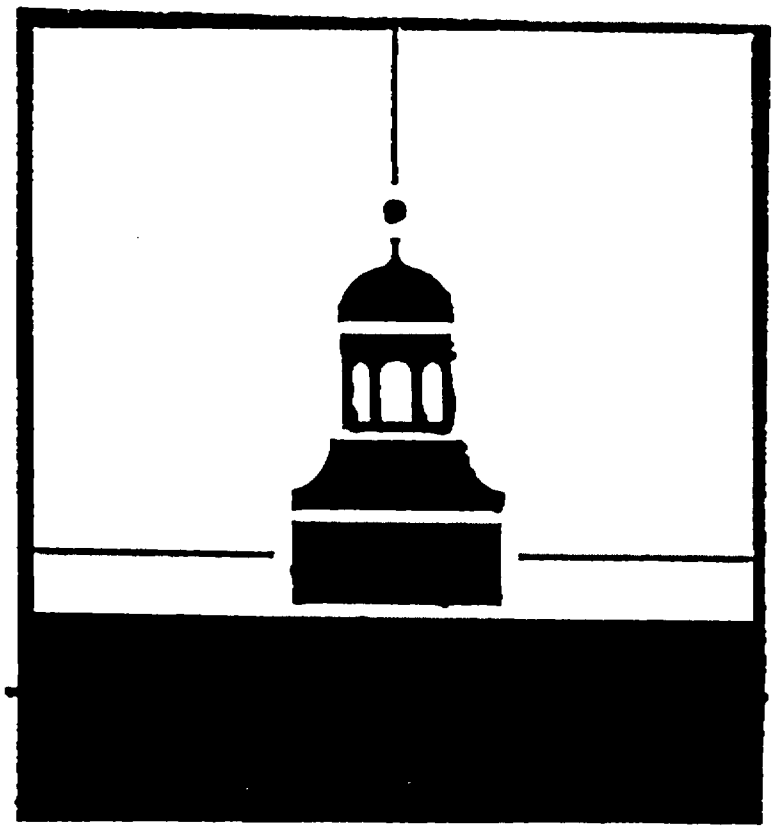
Sec. 1. Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met. That from and after the passing of this Act every person who shall feloniously kidnap take and carry away from this State into any other State any free negro or free mulatto or shall aid or assist any person or persons in committing such offence and being thereof legally convicted or attainted by verdict of a jury or confession of the party offending or shall stand mute and not directly answer to the indictment endorsed with the name of the prosecutor or prosecutors if required to be endorsed shall be fined in any sum not less than two hundred dollars nor more than one Thousand dollars and shall be imprisoned any time not less than two months nor more than one year as the court in their judgment shall order and shall also pay the costs of prosecution

Sec 2. And be it further enacted that any person or persons who shall aid or assist any other person or persons in feloniously kidnapping taking and carrying away from this State into any other State any free negro or free mulatto as aforesaid, every such person or persons so aiding or assisting shall and may be prosecuted and

convicted or acquitted although the principal felon cannot be taken — to be prosecuted and tried for said offence which trial and conviction or acquital of such aider or assister shall exempt him her or them from — being further prosecuted in case the principal felon shall be afterwards taken and convicted.

Sec. And be it further enacted that the first section of the Act intitled "An Act to punish the practice of — "kidnapping free negroes and free mulattoes and for — "other purposes" shall be and the same is hereby — repealed. Provided always that all offences committed against the said recited Act, and all Indictments — found and prosecutions commenced and depending or which shall be commenced for any offence heretofore committed against the same, shall be carried on prose- cuted and tried, and Judgments rendered thereon in the same manner to all intents and purposes as if the said first section of the said recited act had not been Repealed — And where any person or persons shall ~~hereafter~~ hereafter be convicted of any offence against ~~the said first section of~~ the said recited Act, he she or they, — shall be sentenced to undergo the punishment — prescribed and directed by that Act unless the person or persons so convicted shall in open Court pray the Court before whom such conviction shall be had — to render Judgment against him her or them agreeably to the

Provisions of the first section of this Act for the like offence in which case the said Court shall cause such prayer to be entered on record and shall thereupon render Judgment according to the provisions of this Act in the same manner as if the party had been convicted for an offence committed against this Act, and such Judgment shall be good valid and effectual to all intents and purposes and shall be carried into execution accordingly.



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1816 Jan.-Feb. Legislative Communications

Communication
From W. Hale
ad. 1816

0808

I think, the law, as it now is and always has been in this State, relative to dower, to be far preferable to the english common law principle, that the right of dower ~~should~~ shall prevail against rights of creditors.

If we did not find this principle in our Law Books, I question whether it would be thought of as law, that a man by marrying could create a right paramount to the obligation to pay a just debt, or that a woman, for whose support, perhaps, a husband has incurred a just debt, could upon the death of a husband derive from him a right, which might defeat the payment of this debt.

A case, which I knew in Massachusetts, suggests an argument, which would not have otherwise occurred to me, concerning the policy of the common law principle upon this subject. A man there had owned large real estate. Profusion had reduced him to poverty. He was often heard to boast, that upon his death his widow would be the richest woman in the state. Is it reasoning against probability to suppose cases, in which apprehension, that a wife may be left destitute, may induce a husband to make, for the payment of his debts, exertions, which he would not make, if certain, that she would have at his death, all, which, if not indebted he might be willing to give to her?

The common law principle on this subject merits less consideration, than most common law principles deserve. The common law does not permit the sale of lands for the payment of debts. Our law authorizes the creditor to make the most, he can, of his debtor's property. The land is therefore sold clear of dower.

Admit the principle established, that the widow ought to have dower, although the creditor may thereby be defeated. Is not the propriety of introducing the common law rule on this subject, extremely problematical? Suppose ten cases of sales of the lands of married men. In every case this right of dower will seriously affect the sale, to the injury both of creditor and debtor. Out of the ten cases, there may not be one in which the wife will survive, so that the injury will be attended by no good. Taking common probability, at least in five of the ten cases, the husband will survive, but common

prudence will induce a purchaser always to calculate that the wife will survive, so as not to assume any risk voluntarily. Beside, those men inclined to give the best price, avoid titles entangled by incumbrances. Such titles are at the mercy of speculation. In every case the evil will be certain, the good intended doubtful. Or according to any Calculation of Chances, a serious injury ~~maybe~~ will be done in ten cases, that a contemplated good may follow in five.

Suppose the husband dead, ~~but~~ The executor or administrator by careful management of the whole real estate may in some cases save it; when if one third were taken away, the rest must be sold. There was a case of George Cubbidge in this county, in which the whole real estate, barely rented, and the whole was thus saved. Had the widow taken her dower, the whole would have been sold subject to this dower and would not have paid the debt. It was taken in execution after his death.

Suppose two thirds sold and the debts unpaid. The creditor will probably sell the reversion in the other third. Such an interest can never be sold well, and thus a life estate in one third, will in effect destroy that third.

If the principle were admitted, that widow's dower ought to be favoured, so as to be preferred to creditors, a principle not of the most obvious justice, I should still think, our law ought not to be altered. The good, which ~~will~~ may arise will in no degree compensate the mischief, which must be produced.

Memorial of
Carey & Lee.
Jan 4. Recd.
Jan 24. Ref'd to
Chiefs Clement
Taylor
Tennant

To the Speaker of
the House of Representatives
of Delaware

0812

Sir

By this Mail we take the liberty to forward a few copies of the advertisement of Strickland's Reports upon Canals, Rail Roads, Turnpikes, Bridges &c &c to which we solicit your attention –

The Work contains a great quantity of very valuable information, upon these subjects & we hope your Legislature will be disposed to patronize it by supplying themselves & the Departments of the executive with copies of it –

From the importance of the part relating to the construction of Roads & Bridges we are disposed to believe there would be much economy in supplying each county of the State with a copy of it, that they may be possessed of the best information when engaged in the construction of such works & thus make them in a durable & economical manner –

We remain
Very respectfully
Your Obed.t Serv.ts
H. Clay Blair

To The Speaker of the House
of Representatives of
Delaware –

Phil. Mar 15. 1846 –

Writ of Election to fill the vacancy in the House of Representatives occasioned by the death of Robert Hill esqr.
Jan. 1816

To be delivered on the 12th.

Come to hand January 9th 1816. John Robinson Shff

The State of Delaware }s.

To the Sheriff of Sussex County, Greeting:

Whereas a vacancy hath happened in our House of Representatives by the death of Robert Hill esquire one of the representatives from our said County of Sussex:

You are therefore hereby commanded and required to cause an election to be duly advertised by notices set up in the most public places in the several Hundreds in your bailiwick, and on Wednesday the seventeenth day of January instant to hold an election in the several electorial districts of the said County of Sussex for the electing of a proper person to fill the said vacancy in our said House of Representatives agreeably to the constitution and laws in such case made and provided. And you are further hereby commanded to make known to the honourable the House of Representatives forthwith after the day of the said election how you have executed this writ, and to return the same: hereof fail not. Witness the honourable Cornelius P. Comegys esquire, Speaker of the House of Representatives of the State of Delaware this ~~Eighth~~ Nineteenth day of January in the year of our Lord one thousand eight hundred and sixteen.

Cornelius P. Comegys

By Virtue of the within Writ to me directed I have caused an Election to be duly advertised by Notices set up pt. as within I am commanded

To Answer John Robinson Shff

Memorial of
Presley Allen
House of Representatives
30 January 1816 read.

0848

To the Honourable the House of Representatives of the State of Delaware

The memorial of Presley Allen Clerk of the Supreme Court for Kent County, and of the High Court of Errors and Appeals of the State of Delaware, Respectfully sheweth, That having seen a Resolution reported to the said House for his removal from office, he is desirous of submitting to the House an explanation, respecting the circumstances alledged against him.

Since he has been Clerk of the Supreme Court, the emoluments of that office, together with that of the Clerk of the High Court of Errors and appeals, have never been adequate to the support of his family. The fees of both Offices, he believes do not exceed four hundred dollars a year; these are scattered over the County and State, and are difficult to obtain, and many of which can never be had. Upon these fees alone he could not subsist. He has therefore kept a Store in the town of Dover, in order to assist him in providing for his family. The duties of his offices if he had no other employment, would require but a small portion of his time. For if he were constantly in the office assigned to him in the Old jail, the greater part of his time would be wholly unoccupied, or spent in total idleness. The business of both his offices could furnish but little employment to any person capable of performing

ing the duties of either.

Your Memorialist has devoted to the duties of his office all the time which the discharge of those duties required, and the leisure which they left him he has employed about his Store and his other concerns – He has heretofore temporarily kept in his Store his dockets and the papers of his office of the most recent date and most likely to be called for – And in doing this, he consulted, as he conceived, equally the convenience of the public as his own. It has been for these reasons that he has kept his office at his Store, where he could discharge the duties of them, as well as at the room assigned for the Clerk of the Supreme Court; at which room although much of his time would remain unoccupied in the regular discharge of his official duty, he could not engage in any employment of any advantage to his private concerns –

Your Memorialist humbly conceives that no injury or inconvenience has been sustained by any person whatsoever, in consequence of the temporary removal of his dockets and papers to his Store; but if it should appear to the Honorable House of Representatives, that any inconvenience results to the public from keeping the papers and books, ~~at his~~ his composing the records of the Supreme Court and Court of Errors and appeals, at his Store, he will remove them to the room in the old gaol, assigned

for the office of the Clerk of the Supreme Court and the business of his office in future shall be there transacted.

Your Memorialist further observes that previous to, and during the first part of the setting of the High Court of Errors and Appeals, last held at Dover, he was confined to his house by sickness; and it appears by the deposition of the Chancellor, that to this cause any temporary derangement of the papers of that Court, at that term, was attributable. And your Memorialist begs leave to present to your Honourable body several depositions which he has procured, by which he humbly hopes whatever imputations have been cast upon his official conduct, are effectually removed and done away.

All which your Memorialist respectfully submits to your honours

Presley Allee

Dover, January 30, 1810.

The House of Representatives will please to observe that in the deposition of his honor the Chancellor, there is a small mistake committed by his honour; to wit, in the case of Wells and Stewart vs Rock, the record has never been sent up to the Court of Appeals, although the assignment of errors is filed in the office — the record that was really in the possession of Mr. Read was in the case of Aiken vs Bradford — Mr. Read took this paper to New Castle, returned it, the case was argued at the late term, and a final decree was entered in the cause P. Allee

In Senate
Read 3d January 1816.—
John Clayton Clk.

H. of Reps.
10 Jan. 1816 read
A. L. Hayes, Clk.

The Honble
Jesse Green,
President of the Senate.

Dover, 3 Jany 1816.

Sir,

I have the Honour to inform You, that owing to my bad State of Health last Spring, I reluctantly came to a Resolution to relinquish the Compilation of a Digest of the Acts of Assembly.

The Labour of collating the several Acts, with the minute Attention requisite in such a Work, I found to require more Assiduity than my Health would allow: And in the Progress of the Business I perceived, that it would be absolutely necessary to transcribe the greater Part of the Laws, to make them intelligible to myself, or to any other Person who might have to superintend the Press. I had supposed that the printed Pages of the present Volumes might have been used, instead of a written Copy; but from many Causes, I was on Experience obliged to abandon this Expectation, and discovered that I must rely upon my Pen alone for a Completion of the Plan. Small Parts only of many Pages were to be retained, which produced so much Obliteration, and frequently accumulated so many Leaves, for very little Matter, that I found neither Notes or Memory would ensure that Order which was essentially requisite. Additionally, a small Portion of the third Volume, and the whole of the fourth, with an Exception of little more than an hundred Pages, are printed on Paper unfit for writing, which renders so much of those Volumes useless, without transcribing as much as is necessary to be inserted in the Digest.

I abandoned the Performance of a Work by no Means unpleasant to me, merely because my State of Health requires such Attention to Exercise, and other Circumstances, as would not allow that Assiduity and Perseverance necessarily to be bestowed in its Execution.

You will be pleased to make such Communication of this Letter as you may deem proper.

I have the Honour to be,
Sir,
most respectfully
your obedient Servant,
Nicholas Ridgely.

Christiana Dec
26th Jan'y 1816

15

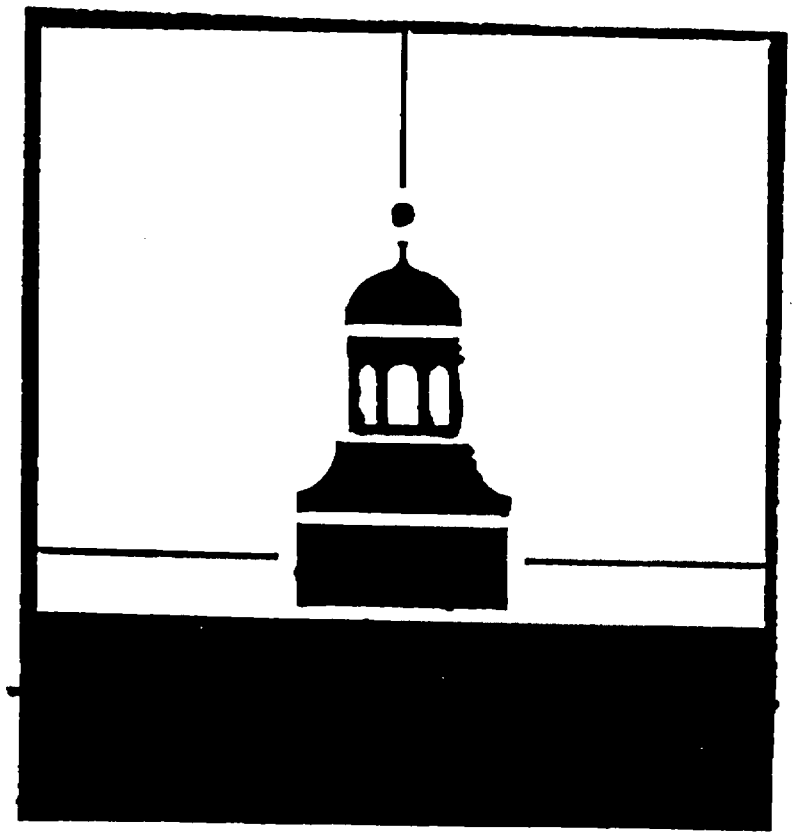
Mr. John Crau Esqr

Dawes

Christiana January 25th 1816

Sir, I received your letter dated January 22 the 1816 The little that I know of the Nature & principal of your Detail of the Bill before the Legislature for turnpiking the south side of the Christiana Creek does not allow an answer to your enquiry so distinct & precise as I could wish If the Road be as is presumed by them intended to favour the Interest of the Bridge Company to the prejudice of Individuals of the Hundred it ought to be opposed by every member of Independent & unprejudiced mind If it be intended to tax the Hundred for the execution of this Road without a Compensating Interest it ought to be opposed. If the Contemplated Road be to run from Newport Bridge to Christiana & be made on principals of Equality it is my opinion that it deserves support. Time would not allow of taking the opinion of as many as I could wish or of forwarding memorials, I therefore give you my own opinion Corroborating with a few that I have a Chance to Converse with on the subject Mr Thomas Riley of Philadelphia is at present down at this place & owns a farm on the road on which I suppose the Road ought to run a gracious Freeze by with me from your friend ---- Charles Allen

Mr John Crow Esqr



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1816 Jan. - Feb. Legislative Governor's Message

Honorable

Jesse Green

Speaker of the Senate

Dover

1816

Lewes January the 12th 1816.

Sir

Since my return from Dover, I have received three Letters from the Governor of North Carolina; covering Resolutions relative to proposed amendments, to the Constitution of the United States. Which I herewith transmit, and request you will be so good, as to cause the same to be laid before the Senate, and the House of Representatives.

I have the Honor to be

Sir

Your Obedient Servant

Danl. Rodney

Honble

The Speaker of the Senate.

In Sen
Read. Resolved Unanimously

Milford Del
1811 Oct 31

24

The Honorable
The Speaker of the Senate.
of the State of Delaware
Dover.

1816

Lewes Jany the 27th 1816.

Sir/

I received yesterday the enclosed Resolutions from the Governor of the State of Vermont. Which I Transmit to you, for the consideration of the General Assembly.

And have the Honor to be

Sir

Your Obedient Servt

Danl. Rodney

Hon. The Speaker
of the Senate.

0888

STATE OF VERMONT.

Montpelier, Nov. 10, 1815.

Sir,

Agreeably to the direction of the General Assembly, I herewith transmit their resolutions of the present session, on the subject of the Amendment to the Constitution of the United States, proposed by the State of Massachusetts.

I HAVE THE HONOR TO BE, WITH GREAT CONSIDERATION AND RESPECT,

YOUR OBEDIENT SERVANT,

Jonas Galusha

HIS EXCELLENCY

THE GOVERNOR OF

Ohio

WHEREAS,

The Legislature of Massachusetts has proposed the following amendments to the Constitution of the United States :—

First....Representatives and Direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective number of free persons, including those bound to serve for a term of years, and excluding Indians not taxed, and all other persons :—

Second....No new State shall be admitted into the Union, by Congress, in virtue of the power granted by the Constitution, without the concurrence of two thirds of both Houses :—

Third....Congress shall not have power to lay an Embargo on the ships or vessels of the citizens of the United States, in the ports or harbors thereof, for more than sixty days :—

Fourth....Congress shall not have power, without the concurrence of two thirds of both Houses, to interdict the commercial intercourse between the United States, and any foreign nation, or the dependencies thereof :—

Fifth....Congress shall not make, or declare war, or authorise acts of hostility against any foreign nation, without the concurrence of two thirds of both Houses, except such acts of hostility be in defence of the territories of the United States when actually invaded :—

Sixth....No person who shall hereafter be naturalized, shall be eligible, as a member of the Senate or House of Representatives of the United States, nor capable of holding any civil office under the authority of the United States :—

Seventh....The same person shall not be elected President of the United States a second time; nor shall the President be elected from the same State two terms in succession :—

RESOLVED, *By the General Assembly of the State of Vermont*, that it is inexpedient to concur with the said Legislature, in the amendments aforesaid.

RESOLVED, That the Governor be requested to transmit a copy of the foregoing preamble and resolution, to each of the Senators, and Representatives from this State, in the Congress of the United States; and to the Executive of each State in the Union, with a request that the same be laid before the Legislature thereof.

In General Assembly, November 1, 1815....Read, and adopted.
Attest, WM. D. SMITH, *Clerk.*

In Council, November 7, 1815.....Read and concurred.
Attest, ROLLIN C. MALLARY, *Sec'y.*

STATE OF VERMONT.

Secretary of State's Office,
Montpelier, Nov. 8, 1815.

I HEREBY CERTIFY That the foregoing is a true copy from the record in this office.
Attest, WILLIAM SLADE, jun. *Sec'y of State.*

The Honble the Speaker

of the House of Representatives

Dover

Letter from the Government.
H. of Reps.
8 January 1816 read
8th January 1816 read.

Dover Jany. 1st 1816.

Sir

I transmit the Journals of the Senate and House of Representatives of the United States, and the following Copies of the Laws, which I have rec^d during the Recess of the Legislature from the Governors of the respective States vizt—

The Laws of New Hampshire, for 1813 and 1814. one Copy
" Massachusetts — 1814 and 15 three Copies one retained
" Connecticut from 1808 to 1815 inclusive, one Copy—
" Ohio ---- — 1814. and 15. One copy
" Maryland ------ 1813. 14 and 15 — Two copies —
" Virginia ------- 1813. and 14 -- Two copies
" also Henings Statutes at Large 4th Vol. from 1711 to 1736.
" North Carolina for 1814. One copy—
" Kentucky --- for 1813. 14 and 15 — Three copies —

The whole comprising Eighteen Volumes —

Several Letters accompanying the above mentioned Laws that either contain some information, or propose an alteration, relative to the interchange of the Laws, I herewith send for the inspection, and consideration of the Legislature. I also transmit a number of Letters covering resolutions, of the Legislatures, of Massachusetts, — Rhode Island, Connecticut, New York, New Jersey, Pensylvania, Maryland, and North Carolina — relative to proposed amendments to the Constitution of the United States —

Caesar Rodney

Dover Jany 3rd 1816

Communication
the Governor
relating to resolution
the H. of Rep.

H. of Rep.
Jan. 1816 rec'd & rec-
ferred

Gentlemen of the
House of Representatives

Lewis January the 25th 1816

I rec^d your resolution of the 24th instant requesting me to lay before the House of Representatives, any evidence that I may have, of the violent and destructive course, touching the State Tax, which has been taken, by some of the citizens, of New Castle County, and which, I had said, was greatly Reprehensible. As I am inclined to think this proceeding, is not according to strict rule, or the usage of the Government, I do not wish it to be drawn into a Precedent, hereafter, with this reservation, However, I chearfully comply with the request, and submit the following Reply.

On the Twenty seventh of last month, the State Treasurer, laid before me, a report accompanied with a number of Documents, and Letters, from the Collectors, and other Officers, connected with the laying and Collection of Taxes, for the purpose of explaining to me, the cause of the total failure, in collecting the State Tax in the County of New Castle. a report to the same effect, accompanied with most of the Documents, and Letters, that had before been in my Possession, was laid before the House of Representatives, on the fifth instant, by the State Treasurer, And are now I presume before the House.

If my memory is correct, it will appear by a reference to the Letters a^d. That a Committee of a publick meeting, and of the Levy Court of the County, had recommended, or urged the Collectors not to collect the State Tax. That some were threatened with suits, if they did collect it, and were told that the Law was unconstitutional, and that there was an Understanding or agreement, between the Collectors, not to accept the lists

These endeavours, and the influence, they exercised, appears from the Letters of the Collectors, to have succeeded in deterring, or

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dissuading them from collecting the State Tax, and consequently seems to have been the means of obstructing the execution of the Law, for the Support of Government.

Without adverting to Oral Testimony, or to Letters that might implicate individuals, to corroborate the above evidence; I may be allowed, to refer, to some papers, that appeared in our Public prints, after the passage of the Law, viz.t The account of a meeting at the Red Lion, Tavern. Some pieces under the anonymous signature of "a Citizen". and a number of Notices circulated among the Public. These Publications are within the reach of the Legislature, and it is perhaps unnecessary, for me to point out their nature, and tendency.

The above detail of circumstancy, and Testimony, taken in connection with the important, and undeniable facts; That the Law has not been executed, nor any part of the Tax paid in New Castle, forms altogether, such a mass of evidence, as will I conceive, fully Justify and establish, every Sentiment expressed in the Message.

Having drawn your attention Gentlemen, to the principal Points of evidence, on which my own Judgment was formed, and on which the observations touching the State Tax, was chiefly founded, I would remark, that it belongs to the Legislature, and they alone have the power; to send for Persons, and papers, to examine Witnesses, and to investigate cases of this nature. It is the peculiar province of the Governor, to obtain information of affairs concerning the State, and present to the General Assembly, for their consideration, his views, of such measures, as he shall judge expedient.

I therefore Trust the Legislature will be

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Satisfied, that in bringing this Subject, fairly, and impartially before them, for their consideration; I have treated it with all the Tenderness, and moderation, of which it is susceptible.

Dav.d Rodney

* One of those Petitions, I have herewith transmitted, to the House of Representatives.

The Honorable

The Speaker of the House of Representatives
of the State of Delaware
Dover

MUTILATED DOCUMENT

0987

Lewes Jany the 25th 1816.

Sir

I received this evening a resolution, passed yesterday, by the House of Representatives; In reply to which, I transmit the within communication; and request you will be so good, as to lay the same before the House

I have the Honor to be
Sir
Your Obedient Servt
Danl. Rodney

The Honble.
The Speaker of the
House of Representatives

Message - 1816

Gentlemen of the Senate
and of the House of Representatives

With unfeigned Gratitude to the Supreme Disposer of Human Affairs, I congratulate you on the Restoration of Peace, since your last adjournment. This event though, now, not of a recent date, has relieved us from so many difficulties, and has produced, so fair a prospect of National Prosperity, and so peculiarly, Rescued our State from grievously threatened Calamity; that we particularly ought, with humility and thankfulness, to acknowledge the Goodness of Him, who governs the destinies of Nations, in this his Merciful Dispensation. And not only Gentlemen because Peace has been Re-established between the United States, and Great-Britain; But because another War less formidable indeed, has terminated with reputation to our Country, and has promised security to our commerce, in that part of the World, where so little respect is paid to public Law, or to the Comity of Nations; and where Captives are treated with the painful severities, of Cruel despotic slavery. The name of the American Commander, and the account of the Expedition, against the Regency of Algiers, and the other States of Barbary, will be mentioned, in History, and handed down to Posterity, as one of the most extraordinary instances, of Maritime Skill, and successful Enterprize. Certainly Gentlemen we ought to acknowledge, with lively sensibility, the blessings bestowed upon us; and to cherish by Wisdom and Justice, the peaceful relations, in which, we are placed, with all the World. But although we have abundant reasons for national joy, yet among ourselves in our own State, we have multiplied causes, to be dissatisfied with our own, internal Condition.

The late direct Tax laid upon the United States, by an Act of Congress passed on the ninth of January, whereby this State was apportioned with the sum of sixty four thousand and ninety two dollars and fifty cents, has produced by some means, such inequality and injustice, such gross oppression, on the Counties of Kent and Sussex, as cannot patiently be borne, and ought not to be acquiesced in, while there is a power capable of affording Redress. Notwithstanding the Board of principal Assessors had one or more meetings and completed the adjustment and equalization of the valuation, of the several Counties, and proceeded to apportion to each County, its quota of direct tax, "so as to raise upon each County, a quota of

"Taxes bearing the same proportion to the whole direct tax imposed on
" the State, as the valuation of each County, bears to the valuation of the State."
Yet it hath so happened that the inhabitants of New Castle County have been
assessed at the rate of Twenty six cents only, on the hundred dollars, while
Kent County pays at the rate of twenty eight cents, and Sussex fifty
nine cents on every hundred dollars. And this has been done too, in
defiance of the plain meaning of the Act of Congress, and directly in
Contradiction to the valuation of Lands and Slaves made by Officers
residing in each County, upon their own examination and Inspection
acting under the solemnity of an Oath. Thus setting up an imaginary
and unfair proportion, against the dictates of common Justice and
our bitter experience. In this business so serious and important, so mani=
=festly improper; I recommend to you earnestly to remonstrate, and
call upon Congress to remove the Grievance. Let no legal measure be
omitted. The wrong is destructive the relief should be speedy, and Effi
= cacious. The case is the more urgent, because if the Secretary of the
Treasury under the authority given in the fourth section of the Law,
should not correct the faults or mistakes of the assessors, it is
declared by the twenty first section of the said Act. "That the va=
" = luation, assessment, equalization, and apportionment made by the
" said Board of principal assessors as aforesaid, shall be and remain in
" full force and operation, for laying, levying, and collecting yearly
" and every year, the annual direct tax by this act laid and imposed,
" until altered, modified, or abolished by Law."

With great regret Gentlemen I feel it to be my duty, to
Represent to you the failure in collecting, in New Castle County
their proportion of the Tax laid by an "Act making provision for
" the support of Government, for the year One thousand Eight hundred and
" fifteen, and for other purposes" passed on the seventh day of February
last. Under a pretence that the proportion for New Castle County
was unequal, Exertions were made, to excite among the people, dis=
content and clamor, and to induce a belief that the Legislature
designed to impose on them, an oppressive and unjust share of
the public Burthens. And it was recommended to the collectors
of County Rates and Levies not to accept the collection. These en=
= deavours were too successful. The Collectors though solicited by the
Treasurer of the State, have refused to accept the Lists, and no part of the
Tax has been collected. On this subject I received in July last seve=
= ral petitions, signed by about Four hundred of the inhabitants of
New Castle County; Complaining of the provisions of this Law,

In altering the proportions of the several Counties; and soliciting me to call a special meeting of the General Assembly to reconsider the Act, from the lateness of the application and for other reasons, I deemed it inexpedient to call the Legislature. On one side of this Question it is alledged, That the Constitution, which vests the Legislative Power of the State in the General Assembly, and which prescribes the mode of passing Bills for raising revenue, has been deemed an absolute Nullity, and violated in its most vital part. That the year before the Act passed, the County of New Castle, under the United States assessment, paid thirteen cents of direct tax, on the hundred dollars, Kent County, thirty nine cents and Sussex nearly as much. A disproportion unheard of and unparallelled, in any Country Governed by Equal Laws. That the Legislature had a right to apportion the State tax agreeably to the express Legislative Power granted by the Constitution ~~United States Assessment~~, and from the increased amount of the direct tax, and the urgency of the case, it became their duty, to exercise that right. On the other side it is said, that the Constitution, is silent as to the Power of the Legislature to change (to alter) the apportionment; but if the Legislature had this right it would be an abuse of that right, to alter the proportions of the several Counties, unless the Representation was also Changed, and Unless it was preceded, by an assessment of real and Personal property, made under the authority of the State. Without expressing my opinion on those questions, I would Gentlemen observe, that even supposing the Law did not operate exactly alike upon all the Counties, yet so violent and destructive a course, as has been taken by some of the Citizens of New-Castle, is greatly reprehensible, because any inequality would be Temporary, and admitted of a simple and easy remedy. If upon experience it had been found, that too great a share of the tax had been imposed on New Castle the Legislature might, and would no Doubt, either by remission to the County, in future bills of Revenue, or by refunding any overplus, have made ample retribution. Such has been the course between the Counties, on similar occasions; and such ever must be the course, Because it is not to be expected, that in any attempt to regulate so difficult a Matter, The Legislature can at once make a proportion Mathematically exact and just. Yet they may so amend the Laws, that finally right may be done and satisfaction given. If equity will give satisfaction. This subject will require your Cool and deliberate consideration; particularly to establish between the

Counties a fair proportion founded on an equal assessment.

The frequent applications to the Legislature, for special acts to bring into the State, and to carry out Slaves; and the readiness of the Legislature in yielding to such applications, demonstrate that the provisions of the Public Acts of Assembly, on those subjects are not deemed sufficient, and ought to be enlarged. I therefore recommend to you to enact a Law, comprehending all cases in which it will be proper to allow Slaves to be introduced, and to be carried out of the State, and to authorize one of the Courts of Law, to grant Permits accordingly.

The acts for regulating Servants, Slaves, and Free negroes passed at different Periods, are so scattered over the volumes of our Law, that it is difficult for a person interested in them, if he is not a professional man, to discover the Law applicable to his case. To revise and consolidate some of those ~~Laws~~ Acts, would be I conceive a work of Public convenience and Utility.

One of those Acts passed the thirtieth of January, One thousand Eight hundred and eleven. Is thought by some persons, to be inconsistent with that Spirit of Liberty, which pervades the Constitution of this State. Inasmuch as it subjects the Offender, who may be convicted of theft, to the smallest amount, to be sold by the Sheriff as a Servant, for any Term not exceeding seven, or less than two years, to any person residing in this State, or Elsewhere. If the Purchaser resides out of the State, and beyond the Jurisdiction of the Courts, he may sell him again, as a Slave for life, if he is not restrained by his religious or moral principles. Thus by the operation of Law, and the Judgment of one of our Courts, a Freeman eventually becomes a Slave. This appears to be a retrograde movement in our Republican system. Slavery I consider was never legalized by any Act of the Government. It was only tolerated as a part of the British Colonial system; But the moment we assumed our Independence, the Freemen of Delaware in the Constitution of Seventy six, Declared, that no Slave should hereafter be brought into this State, for Sale, from any part of the World. Our Laws also under the present Constitution (till within a few years past) Breathing the same Spirit, Have prohibited, by Statutes highly penal, the bringing in, or carrying out of Slaves, Servants or Free Negroes for Sale. I would therefore from respect to the sentiments and the feelings of many of our Citizens, suggest the propriety of repealing this Law, or at least to Modify it, in such a manner

as will prevent the Mischief complained of.

It would also be advisable to extend our acts of Assembly to the case of Insolvent Debtors, confined in our Prisons, who are Non Residents, and do not come within the provisions of the Laws now in operation. The shortest and perhaps the most effectual Remedy would be to repeal the twenty third Section of the "Act for the relief of Insolvent Debtors within this Government.

The Complex regulations in regard to fines and forfeitures, and indeed as to Marriage, Tavern, Hawkers and Pedlary Licenses, induce me to recommend to you a revision of all those Laws. They may be simplified by directing the Secretary of State to certify to the Auditor, when and to whom, such Licenses as issue from him, were committed for distribution; and fines inflicted by Justices of the Peace, might be certified to the Court of Quarter Sessions, and that Court could certify the whole to the Auditor, with the Licenses dispensed by their Clerk. Thus the Auditor would be apprised directly, by the Secretary, and the Court of Quarter Sessions, of all the Revenue arising from these Sources. And the System designed by the Act, instituting the Office of Auditor of Accounts, would be continued complete. There would be but two Treasury Officers; One to regulate the accounts, and compel payment; the other to receive all Public Money, and without any additional expense. Whereas, now, the Secretary in some instances, performs duties more properly belonging to the Auditor, and Treasurer. The fees arising from impressions of the Great Seal, and for Commissions being few, and easily collected, might with more advantage remain with the Secretary of State.

Divorces form another subject, which requires general Legislative Provision. Whether it would be more beneficial to Society not to pass any such bill, under any circumstances; or whether they be constitutional or not, I mean to suggest no opinion. It is enough for me to know that the Sympathy of the Legislature is frequently excited, and that the power of dissolving marriages is frequently exercised. If cases of this kind were committed to the Court of Chancery or to one of the Courts of Law, it would be a great relief to the Members of the General Assembly, and would give the Parties more time and opportunity for deliberate investigation. Besides if the Constitutionality of Special Acts be doubted, no such objection could be made to a general Provision, because all future Marriages, would be contracted, subject to the conditions imposed by such a Law.

The time consumed and the expense incurred by the Public in passing Private acts, Relating to Slaves, Non-resident Debtors, and Divorces, seem to be decisive reasons, why all such cases should be transferred to Judi-cial Tribunals; and more especially, as they appear to belong to that Department of Government, and particularly Divorces, for however they may be allowed, still the act is Judicial, although clothed with the forms of Legislation.

Marriage in other respects, seems to require the interposition of the Legislature. I am not advised that we have any Law which prescribes the degrees of affinity and Consanguinity, within which Marriages may, or may not, be contracted, Unless the British Statute, regulating this Matter, has been introduced by implication. It certainly has never been received into Practice. The Subject is of importance and should not be left with any uncertainty, because it concerns the Morality of the People; and because at some future day the issue of such Marriages, may be materially affected. The Wisdom of declaring by positive Law, the degrees, within which Marriages may not be contracted, cannot be doubted. And it would be a Salutary provision, to secure by Law, the Mode of preserving Proofs of Marriages: The act to regulate Marriages enjoins upon every Minister, of Such as of the Gospel, and upon every religious Society, to keep a Register of Marriages, but no directions are given where those Registers shall be deposited; and there is little probability, that after the lapse of a few years, any Proof of a Marriage could be made by a Register, unless of the Religious Society called Quakers. It would often be difficult to ascertain, even if such Registers are kept, by whom a Marriage was celebrated, or where the Register could be found. Considering the descent of Lands, it is of great moment, that the evidence should be easy and accessible; and if it were practicable, to keep Registers of Births also, it would add to the security of Titles. Sufficient evidence of Marriages may safely be preserved, by causing those who officiate in their celebration, to return certificates, to the Recorder of Deeds, to be recorded in his Office. Those who dispense Marriage Bonds, might receive a small additional sum upon each, to be paid to the Recorder for his Services.

The Termination of the War, so speedily after the last adjournment rendered the execution of the Act, Appropriating a sum of Money, to purchase Ammunition, and Rations, for the Militia that should thereafter be called out, Unnecessary. Wherefore no Money was drawn from the Treasury in Pursuance of that Act.

In my Message of last year I stated to the General assembly: That no money had been placed at my disposal, either for the Pay or Rations of the Militia, which I had deemed it my duty to call in to service the preceeding campaign. No appropriation having yet been made, to satisfy those Officers and men, for their services, or for their Rations. I am induced again to represent the justice of their claims and earnestly to recommend to the Legislature, to make provision for their payment, and also for the payment of other just demands against the State, that accrued during the War with Great Britain.

The office of Auditor of accounts having become vacant, in the Recess of the General assembly, by the resignation of Peter Carvile Esqr I appointed Joseph Barnes Esq. of Smyrna to supply the vacancy, agreeably to the provisions of the Act, for the appointment of the Auditor of accounts.

By a ~~confidential~~ letter from the adjutant General, I learn that from circumstances beyond his control, it had not been in his power to procure a satisfactory return of the Military stores, belonging to the State, agreeably to my Orders of March last. Some Legislative provision will be necessary, to enable the respective Brigadier Generals, and Military Commissaries, to collect and recover, the Arms, Equipments, and Military stores, of every description; and also for their preservation, and safe keeping, and for the sale of such articles, as may be of a perishable nature, or may create too great an expense in keeping.

Such Books, Papers, Resolutions, and Letters, as I have received from the Respective States in the Union, for your use or Consideration, I shall cause to be laid before you.

Danl. Rodney

Dover January the 3rd 1810.

Message Jany. 1816.
H. of Rep.
3 Jan. 1816 read.

0848

Gentlemen of the Senate
and of the House of Representatives

With unfeigned Gratitude to the Supreme disposer of Human Affairs, I congratulate you on the Restoration of Peace, since your last Adjournment. This event though now not of a recent date, has relieved us from so many difficulties, and has produced so fair a prospect of National prosperity, and so peculiarly rescued our State from greatly threatening Calamity; that we particularly ought, with humility and thankfulness, to acknowledge the Goodness of Him who, governs the Destinies of Nations, in this his Merciful Dispensation. And not only Gentlemen because Peace has been re-established between the United States and Great Britain; But because another War less formidable indeed, has terminated with reputation to our Country, and has promised security to our Commerce, in that part of the world, where so little respect is paid to Public Law, or to the Comity of Nations; and where Captives are treated with the painful severities, of Cruel despotic Slavery. The name of the American Commander, and the account of the expedition against the Regency of Algiers, and the other States of Barbary, will be mentioned in History, and handed down to Posterity, as one of the most extraordinary instances, of Maritime Skill, and Successful Enterprize. Certainly Gentlemen we ought to acknowledge with lively sensibility, the blessings bestowed upon us; and to Cherish by Wisdom and Justice, the peaceful relations in which we are placed with all the World. But although we have abundant reasons for national Joy, yet among ourselves, in our own State we have multiplied causes, to be dissatisfied with our own internal ~~Affairs~~ Condition.

The late direct Tax laid upon the United States by an Act of Congress passed on the ninth of January last, whereby this State was apportioned with the sum of sixty four thousand and ninety two dollars, and fifty cents, has produced by some means, such inequality and injustice, such gross oppression, on the Counties of Kent and Sussex, as cannot patiently be borne, and ought not to be acquiesced in, while there is a power capable of affording redress. Notwithstanding the Board of principal Assessors had one or more meetings and completed the adjustment and equalization of the valuation of the several Counties

and proceeded to apportion to each County its quota of direct tax "so as to raise upon each County a quota of taxes bearing "the same proportion to the whole direct tax imposed on the State, "as the valuation of each County, bears to the valuation of the State." Yet it hath so happened that the inhabitants of New Castle County have been assessed at the rate of Twenty six cents only in the hundred dollars, while Kent County pays at the enormous rate of seventy eight cents, and Sussex fifty nine cents, on every hundred dollars. And this has been done too in defiance of the plain meaning of the act of Congress, and directly in contradiction to the valuation of lands and slaves made by Officers residing in each county, upon their own examination and Inspection, acting under the Solemnity of an Oath. Thus setting up an imaginary and unfair proportion, against the dictates of common Justice, and our better experience. In this Business so Serious and important, so manifestly improper; I recommend to you earnestly to remonstate, and call upon Congress, to remove the Grievance. Let no legal measure be omitted. The wrong is destructive, the relief should be speedy and efficacious. The case is the more urgent, because if the Secretary of the Treasury, under the Authority given in the fourth section of the Law, should not correct the faults or mistakes of the assessors, it is declared by the 21. Sec. of said Act, "That the valuation, assessment, equalization, and apportionment, made by the said board of principal assessors as aforesaid, shall "be and remain in full force and operation for laying, levying, and "collecting, yearly and every year, the annual direct tax by this "act laid and imposed, until altered, modified, or abolished by Law.

With great regret Gentlemen, I feel it to be my duty, to Represent to you, the failure in collecting, in New Castle County, their proportion of the Tax laid by an "Act making provision for the support of Government for the year One thousand eight hundred and fifteen, and for other "purposes." Passed on the seventh day of February last. Under a pretence that the proportion for New Castle County was unequal, Exertions were made to excite among the People, discontent and clamor, and to induce a belief that the Legislature designed to impose on them, an oppressive and unjust share of the public Burthens. And it was recommended to the Collectors of — —

County Rates and Levies not to accept the Collection. These endea=
=vours were too successful. The Collectors have refused to accept the
Lists, though solicited by the Treasurer of the State, and no part of
the tax has been collected. On this subject I received in July last, seve=
=ral Petitions, signed by about Four hundred of the inhabitants of
New Castle County; Complaining of the provisions of this Law, for
altering the proportions of the several Counties; and soliciting me to
call a special meeting of the General Assembly to reconsider the Act.
From the lateness of the application, and for other reasons, I deemed
it inexpedient to call the Legislature. On one side of this Question it
is alledged, That the Constitution which vests the Legislative Power of
the State in the General Assembly, and which prescribes the mode of
passing Bills for raising Revenue, has been deemed an absolute nullity
and violated in its most vital part. That the year before the Act passed
the County of New Castle under the United States assessment, paid thirteen
cents in the hundred dollars of direct Tax, Kent County thirty nine
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~~United States apportionment~~ express Legislative power given by the Constitution, and from the increased amount of the di=
=rect tax, ~~it was~~ and the urgency of the case it ~~was~~ became their duty to ex=
=ercise that right. On the other side it is said that the Constitution is
silent as to the Power of the Legislature to change ~~or alter~~ the apportion=
=ment, but if the Legislature had the right to alter, it would be an abuse
of that right, to alter the proportions of the several Counties, unless
the representation was also changed, and unless it was preceded by
an assessment of real and personal property, made under the Author=
=ity of the State. Without expressing my opinion on those Questions
I would Gentlemen Observe, that even supposing the Act did not
operate exactly alike, upon all the Counties, yet so violent and destruct=
=ive a course as has been taken by some of the Citizens of New Castle
is greatly reprehensible, because any inequality would be temporary,
and admitted of a simple and ~~an~~ easy remedy. If upon experience it had
been found, that too great a share of the Tax had been imposed on New Castle
the Legislature might, and would, no doubt, either by remission to the
County in future bills of Revenue, or by refunding any Surplus, have
made ample retribution. Such has been the Course between the Coun=
=ties on Similar occasions; and such ever must be the Course, Be=
=cause it is not to be expected, that, in any attempt to regulate so

difficult a matter, the Legislature can, at once, make a proportion, Mathematically exact and just. They may ~~though~~ yet so amend the Laws, that finally right may be done and Satisfaction given. If Equity will give Satisfaction. This subject will require your cool and deliberate consideration; particularly to establish between the counties a fair proportion, founded on an equal assessment.

The frequent applications to the Legislature, for special acts to bring into the State, and to carry out Slaves; and the readiness of the Legislature in yielding to such applications, demonstrate that the provisions of the Public Acts of Assembly, on those subjects are not deemed sufficient and ought to be enlarged. I therefore recommend to you to enact a Law, comprehending all cases in which it will be proper to allow Slaves, to be introduced, and to be carried out of the State, and to authorize one of the Courts of Law to grant permits accordingly.

The acts for regulating Servants Slaves and Free Negroes passed at different Periods, are so scattered over the volumes of our Laws, that it is difficult for a person, interested in them, if he is not a professional man, to discover the Law applicable to his case. To revise and consolidate some of those acts, would be I conceive a work of Public convenience and utility.

One of those acts passed the thirtieth of January, One thousand eight hundred and Eleven, is thought by some persons to be inconsistent with that Spirit of Liberty, which pervades the Constitution of this State; inasmuch as it subjects the offender, who may be convicted of theft to the smallest amount; to be sold by the Sheriff as a servant; for any Term, not exceeding seven, nor less than two years; to any person residing in this State, or elsewhere. If the Purchaser resides out of the State, and beyond the Jurisdiction of ~~the~~ the Courts, he may sell him again, as a Slave for life, If he is not restrained by his religious, or Moral principles. Thus by the operation of Law, and the Judgment of one of our Courts, a freeman eventually becomes a slave. This appears to be a Retrograde movement in our Republican System. Slavery, I consider was never legalized by any Act of the Government. It was only tolerated as a part of the British Colonial System; But the moment we assumed our Independance, the freemen of ~~this State~~ Delaware in the Constitution of Seventy Six, declared, that no Slave should hereafter be brought into this State, for Sale, from any part of the world. Our Laws also under the present Constitution, (till within a few years past,) Breathing the same Spirit, have prohibited

By Statutes highly Penal, the bringing in, or carrying out of Slaves, Servants, or Free Negroes for Sale. I would therefore, from a respect to the sentiments ~~[illegible]~~, and the feelings of many of our Citizens, suggest the propriety of repealing this Law, or at least to modify it, in such a manner as will prevent the Mischief complained of.

It would also be advisable to extend our acts of Assembly to the case of Insolvent Debtors, confined in our prisons, who are non Residents, and do not come within the provisions of the Laws now in Operation. The shortest and perhaps the most effectual Remedy would be to Repeal the twenty third Section of the "Act for the relief of insolvent Debtors within this Government."

The Complex regulations in regard to fines and forfeitures, and indeed as to Marriage, Tavern, Hawkers and Pedlars Licenses, induce me to recommend to you a revision of all those Laws. They may be simplified by directing the Secretary of State to certify to the auditor when and to whom such Licenses as issue from him, were committed for distribution; and fines ~~and forfeitures~~ inflicted by Justices of the Peace, might be certified to the Court of Quarter Sessions, and that Court could certify the whole to the auditor, with the Licenses dispensed by their Clerk: Thus the auditor would be apprised directly by the Secretary, and the Court of Quarter Sessions, of all the Revenue arising from these sources. And the System designed by the Act, instituting the Office of Auditor of Accounts would be continued complete. There would be but two Treasury Officers; one to regulate the accounts, and compel payment; The other to receive all public Money, and without any additional expense. Whereas now, the Secretary in some instances, performs duties, more properly belonging to the Auditor, and Treasurer. The fees arising from impressions of the Great Seal, and for Commissions being few, and easily collected might with more advantage remain with the Secretary of State.

Divorces form another subject, which requires general Legislative provision. Whether it would be more beneficial to Society not to pass any such bill, under any circumstances; or whether they be Constitutional or not, I mean to suggest no opinion. It is enough for me to know that the Sympathy of the Legislature is frequently excited, and that the power of dissolving Marriages is frequently exercised. If Cases of this kind were committed to the Court of Chancery, or to one of the Courts of Law, it would be a great relief to the members of the General Assembly, and would give the Parties more time and opportunity

For deliberate investigation. Besides if the Constitutionality of Special Acts, be doubted, no such objection could be made to a general provision, because all future Marriages, would be contracted, subject to the conditions imposed by such a Law.

The time consumed, and the expense incurred by the public in passing private Acts, Relating to Slaves, Non resident Debtors, and Divorces seem to be decisive reasons, why all such cases should be transferred to Judicial Tribunals; and more especially as they appear to belong to that Department of Government, and particularly divorces, for, however they may be allowed, still the Act is Judicial, although clothed with the forms of Legislation.

Marriage in other respects, seems to require the interposition of the Legislature. I am not advised that we have any Law which prescribes the Degrees of Affinity, or Consanguinity, within which Marriages may, or may not, be contracted, Unless the British Statute regulating this matter, has been introduced by implication. It certainly has never been recieved into practice. The subject is of importance, and ought not to be left with any uncertainty, because it concerns the Morality of the people; and because at some future day, the issue of such Marriages, may be materially affected. The Wisdom of declaring by positive Law, the degrees within which Marriages may not be contracted, cannot be doubted. And it would be a Salutary Provision to secure by Law, the mode of preserving proofs of Marriages. The Act to regulate Marriages enjoins, upon every Minister, or Preacher of the Gospel and upon every Religious Society, to keep a Register of Marriages, but no directions are given, where those Registers shall be deposited: And there is little probability, that after the lapse of a few years, any Proof of a Marriage could be made by a Register, Unless of the Religious Society called Quakers. It would often be difficult to ascertain, even if such Registers are kept, by whom a Marriage was celebrated, or where the Register could be found. Considering the descent of Lands, it is of great moment, that the evidence should be easy and accessible; and if it were practicable, to keep Registers of Births, it would add to the security of titles. Sufficient evidence of Marriages may safely be preserved by causing those, who officiate in their Celebration, to return Certificates, to the Recorder of Deeds to be recorded in his Office. Those who dispense Marriage Bonds, might receive a small additional sum upon each, to be paid to the Recorder for his services.

The Termination of the War so speedily after the last adjournment, rendered the Execution of the Act, appropriating a sum of money, to purchase Ammunition, and Rations, for the Militia that should thereafter be called out, unnecessary. Therefore no money was drawn from the Treasury in pursuance of that Act.

In my Message of last year I stated to the General Assembly that no money had been placed at my disposal, either for the pay or Rations of

The Militia, which I had deemed it my duty to call into service, the preceding Campaign. No appropriation having yet been made to satisfy those Officers, and men, for their Services, or for their Rations. I am induced again to represent the Justice of their claims, and earnestly to recommend to the Legislature, to make provision for their Payment; and also for the Payment of ~~such~~ other Just Demands against the State, that accrued during the War with Great Britain.

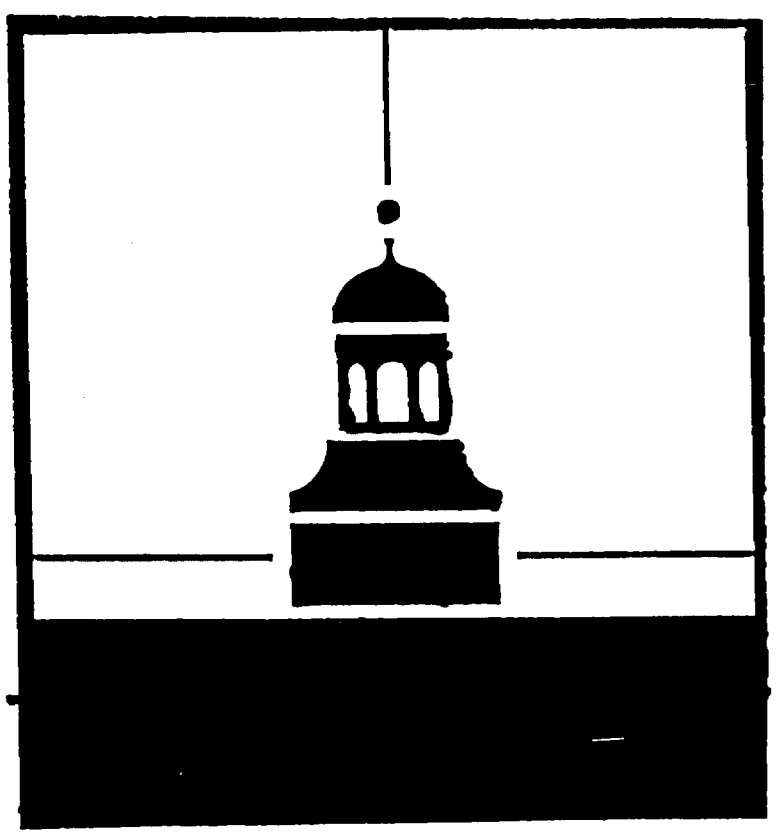
The Office of Auditor of Accounts, having become vacant, in the recess of the General Assembly, by the Resignation of Peter Caverly Esqr. I appointed Joseph B. Harris Esqr of Smyrna, to supply the vacancy agreeably to the act, in such case, made and provided.

~~By~~ By a ~~communication~~ letter, from the Adjutant General, I learn that from circumstances beyond his control, it had not been in his Power, to procure a satisfactory return of the Military Stores belonging to the State, agreeably to my Orders of March last. Some Legislative provision will be necessary, to enable the respective Brigadier Generals, and Military Commissaries, to collect, and recover the Arms, Equipments, and Military Stores, of every description; and also for their preservation, and safe keeping, and for the Sale of Such Articles, as may be of a perishable Nature, or, may create too great an expense in Keeping.

Such Books, Papers, Resolutions, and Letters, as I have received from the respective States in the Union, for your Use or Consideration, I shall cause to be laid before you.

Danl. Rodney

Dover January the 3d 1810



END FILE

1816 Jan.- Feb. Legislative [redacted] Grievance Committee

Edward McCullough's
Certificate

1846

0889

I Edward M'Cullough of the Town Hundred and County of Newcastle do hereby certify that the Copies of the Laws & Journals purchased by me from Henry ~~Steele~~ Esqr. Prothonotary of the Court of Common Pleas for Newcastle County were all more or less damaged from exposure to ~~damp~~ damp, and appeared useless except for the purpose for which they were purchased. The said Journals & Laws were purchased when the office of Prothonotary was removed to Newport and the Militia occupied the Publick Buildings. The accompanying copies of said Laws & Journals exhibit a correct medium example of the State of those purchased —

Edwd M'Cullough

In presence of
Geo Read Van

Newcastle Jany. 3rd 1816

Memorial of the
Legislature
to
Congress.
House of Representatives
9 February 1816 read

Page of the journal 247

X To the Congress of the United States of America, The memorial of the General Assembly of the State of Delaware, Respectfully sheweth:

That by the act of Congress entitled "An act for the apportionment and collection of direct Taxes and internal duties", three collection districts were established in this State; the first consisting of the County of New-Castle, the second of the County of Kent; and the third of the County of Sussex.

That in pursuance of that act, Lands, lots of Ground with their improvements, dwelling houses and Slaves, were enumerated and valued by the respective Assessors, at the rate each of them was worth in ready money, in the aforesaid Collection Districts; and after all appeals were heard, and the valuations adjusted, it appeared that, the valuation in New-Castle county amounted to 8.975.403 dollars; in Kent County to 2.774.361 dollars and in Sussex County to 2.718.475 dollars. –

That by an act of Congress entitled "An act to lay and collect a direct Tax within the United States", three millions of Dollars were laid on the United States, of which there were apportioned to this State, thirty two thousand forty six dollars and twenty five cents; and that the Quota of that sum apportioned to New-Castle County was 12.208 Dollars, 8 cents to Kent County 10.882 Dollars 7 cents and to Sussex County 9.156 Dollars and 6 cents. –

That it manifestly appears by the valuations made in pursuance of the act of Congress that the Quota of this Tax assigned to each County, did not bear the same Proportion to the whole Tax imposed on the State, as the valuation of each County bore to the valuation of the State. –

That, the Assessments and valuations aforesaid were made with a Reference to the first day of February in the year one thousand eight hundred and fourteen, and were not completed and known, untill some time in the Summer of that year; and in the course of that Summer, and the ensuing Autumn; it is believed that the said Tax

- was -

0897

was generally paid by the People of the State; and the Legislature not having been in Session between the completion of the valuations and the Payment of the Taxes, no Variation was made of the respective Quotas imposed on the several Counties, so as more equally and equitably to apportion the said Tax: And it may be truly stated that the Legislature then had no certain Data, by which the Quotas of the several Counties could have been more accurately proportioned than was actually longed; for State Taxes had been so little burdensome that the expense and difficulty of making an exact Valuation of Real Property and Slaves in the several Counties, had prevented any serious endeavor in obtaining satisfactory information on the subject. —

According to the valuations made and finally adjusted by the Assessors of the United States, the rate per-centum of the three millions Tax in the County of Newcastle was thirteen cents; in Kent 39 and in Sussex 35; an Inequality which, it is believed, does not exist in any other part of the UNION, On every Hundred Dollars worth of Taxable Property there were paid in Kent County three times, and in Sussex much more than twice the sum paid on the like amount in New-Castle County. —

By the act of Congress entitled "An act to provide additional Revenues for defraying the expences of Government and maintaining the public Credit, by laying a direct Tax upon the United States and to provide for assessing and collecting the same" passed in January 1815 ample Provision was made for correcting the inequalities and disproportions, and rendering exact Justice to each of the Counties; but to the astonishment of this General Assembly, to the Great Grievance and oppression of their Constituents of the Counties of Kent & Sussex, the Board of principal Assessors, after the Correction of a few trivial Errors and after ascertaining the

valuation

valuations of Real Property and Slaves to be in Newcastle County 8,975.403 dollars; in Kent 2.772.518 Dollars and 13 cents: and in Sussex 2.718.476 dollars, fixed on New Castle County only 26.000 Dollars, on Kent 22,000 Dollars, and on Sussex 16.092 Dollars and 50 cents – upon which several sums the rate on every Hundred dollars in New Castle County is 28 9 mills cents, in Kent 78 cents and 6 mills, and in Sussex 59 cents, Thus Kent ~~again~~ pays ~~more than~~ nearly 13 three times, and Sussex more than twice ~~and nearly two thirds~~ three times in the Hundred dollars, as New Castle. The whole sum laid in Kent County beyond its just Proportion is 9.710 dollars and 56 cents and in Sussex 4.048 Dollars and 17 cents whereby New Castle is exonerated from the sum of 13.704 Dollars and sixty seven cents which according to the valuation of Property justly belongs to that County. The meaning and intention of the last mentioned act of Congress was too clear to admit of doubt: instead of exercising arbitrary powers, the Tax should have been proportioned by the adjusted and equalized value of Property in the Counties; and then New Castle would have been charged with 39.764.67/100 Dollars; Kent with 12.283.57/100 Dollars; and Sussex with 12.043.97/100 Dollars; because these sums bear exactly the same Proportions to the valuations of the said Counties respectively as 84.092 dollars and 50 cents, the whole direct Tax of the State, being to 14.466.397 dollars and 10 cents, the valuation of Taxable Property in the State. –

By the act last mentioned the principal officers were required after the adjusting and equalizing the value of Property in any County or State District, and rendering the valuation of the several counties and State Districts just and equitable, to apportion to each County and State District, its proper Quota of direct Tax, and to lay the same upon all the subjects of direct Taxation therein prescribed, within the respective Counties and State Districts, so as to

raised

raised upon each county or State District, a Quota of Taxes bearing the same proportion to the whole direct Tax imposed on the State, as the valuation of such county or State district bears to the valuation of the State; Here is the extent of the power vested in the municipal assessors. They had no right to control those directions. Their offices were purely ministerial in apportioning the Quota of Taxes. After the valuations of the several counties were adjusted and equalized (in which done they had a discretion) the Law fixed the Proportions; that is, it enacted that there should be raised upon each County, or State District a Quota of Taxes bearing the same Proportion to the whole direct Tax imposed on the State, as the valuation of such County or State District bears to the valuation of the State. By departing from the Proportions prescribed by the three millions act it is evident that the Congress intended that a more equitable rule should be established; and by proportioning the Quotas of Tax according to the several valuations, no injustice could be done -

With the utmost cheerfulness the Legislature and People of this State submit to the acts of Congress. They are willing to bear their just share of the public burdens: But when the General assembly beholds a flagrant act of Injustice, done by the arbitrary will of ministerial officers in violation of the law by which their authority was delegated to them, and by the manifest oppression of the Great part of their citizens, the duty which they owe to their constituents compels them to exert all the means which the Constitution and law afford them, to avert so great an evil - And the case is more urgent; because by the act last mentioned it is enacted and declared, "that the valuation, assessment, Equalization and Apportionment made by the said Board of principal Assessors, aforesaid shall be and remain in full

= force

force and operation for laying, levying and collecting, yearly and every year, the annual Tax by that act laid and imposed untill altered modified or abolished by Law. –

The General Assembly of the State of Delaware therefore request of the Congress of the united States, that the apportionment aforesaid made by the said Principal assessors may be so altered and modified, that the Counties of Newcastle, Kent and Sussex respectively may hereafter be apportioned with a Quota of the annual direct Tax, laid and imposed by the said act, bearing the same proportion to the whole direct Tax imposed on the State as the valuation of the said Counties respectively bears to the valuation of the State; also that in any future direct Tax hereafter imposed on the State, the said Counties of Kent and Sussex may have so much thereof remitted to them as shall be equal to the excess laid upon them beyond their just Proportions: And that the principal assessors may be compelled to execute the laws of Congress according to their true intent and meaning –

Memorandum

1816

0888

1 That part of the Governors message relating to the late direct tax laid upon the United States, by an Act of Congress passed on the ninth of January, whereby this State was apportioned with the sum of sixty four thousand and ninety two dollars and fifty cents and the previous ~~inequality and~~ oppression produced on the Counties of Kent and Sussex by the unequal apportionment of the Board of principal Assessors. ~~be referred to a committee~~

2 That part of the Governors message relating to the failure of collecting in New Castle County, their proportion of the Tax laid by an "Act "making provision for the support of Government for the year "1815, and for other purposes" passed on the 7 February last ~~and the violent and destructive course taken by some of the Citizens in defeating the last assessment~~. and establishing between the Counties a fair proportion founded on an equal assessment —

3 That part of the Governors message relating to special laws to bring into the State and carry out slaves, and that a law, comprehending all cases in which it will be proper to allow slaves to be introduced and to be carried out of the State, authorizing one of the Courts of Law to grant permits accordingly.

4 That part of the Governors Message ~~regulating~~ relating to the regulation of Servants, Slaves and Free Negroes passed at different periods to revise and consolidate some of those acts: and to repeal, or at least to modify, only those acts passed the 30th January 1811 which subjects the offender who may be convicted of theft, to the smallest amount, to be sold by the Sheriff as a Servant for any term not exceeding seven years nor less than two years to any person residing in this State or elsewhere

5 That part of the Governors message ~~relating~~ recommending, extending our acts of Assembly to the cases of ~~Insolvent Debtors~~ Non Resident Insolvent Debtors confined in prison. Wishing as the shortest and most effectual Remedy to repeal the 23 Section of the "Act for the relief of "Insolvent Debtors within this Government"

6 That part of the Governors message relating to a revision of all the laws and regulations in regard to fees and forfeitures, & to marriage, Tavern Stakers and Dollars licenses

7 That part of the Governors Message relating to Divorces - recommending general Legislative provision, in preference to passing private acts.

8 That part of the Message recommending a Law to prescribe the degrees of affinity and Consanguinity within which marriages may or may not be contracted. and to secure by Law the mode of preserving proof of marriages; and to keep Registers of Births also.

~~That part of the Governors Message relating to money to be placed at his disposal, for the pay and Rations of the militia, which he had called into service~~

9 That part of the Governors Message recommending provision to be made ~~appropriation of money~~ to satisfy those officers and men, for their services or for their Rations, which he called into service during the late war with Great Brittain

10 That part of the Governors Message ~~recommending~~ stating that Legislative provision will be necessary to enable the respective Brigadier Generals and Military Commissaries to collect and receive the Arms Equipments and Military Stores of every description and for their preservation and safe keeping, and for the sale of such articles as may be of a perishable nature or may create too great an expense in keeping.

James Booth Esquire
&
Peter Robinson Esquire

1816

0866

Before the Committee of Grievances
- 18 January 1816 -
Present of the Committee Messrs Ridgely & Vickers

Peter Robinson, Esquire, Secretary of State of the State of Delaware, on his solemn oath, saith; That he believes that Alexander Reynolds Esquire was appointed Clerk of the Peace in and for the County of Newcastle about the month of January eighteen hundred and ten, (not having the Register of appointments in Dover he cannot speak more certainly as to this appointment) That the said Alexander Reynolds was recommissioned as the Clerk of the Peace aforesaid in the month of January eighteen hundred and fifteen and now holds the office. That so far as it regards the performance of the duties of Clerk of the Peace aforesaid by the said Alexander Reynolds, he cannot speak other than as it regards his duties respecting the payment of the public moneys. That as far as it regards the payments of the public moneys aforesaid by the said Alexander Reynolds previous to the time when this deponent was last appointed Secretary of State, it appears from the journal and ledger of the office of the Secretary of State now before this deponent, and before the committee, that at May Term 1810 the said Alexander Reynolds received for fifty two Tavern licences the sum of six hundred and twenty four dollars and that on the twelfth day of September eighteen hundred and ten he paid in part thereof the sum of six hundred dollars being for fifty tavern licences - That this deponent is satisfied from what he has seen among the records of the Secretary of State's office that the forfeiture thereby incurred was remitted to the said Alexander Reynolds by George Truitt Esquire when Governor of this State. That this deponent knows of his own knowledge and from what he has heard that the Tavern licence money received by the said Alexander Reynolds at May Term eighteen hundred and fourteen was not paid till the month of November eighteen hundred and fourteen - ~~but~~ That the sum received as aforesaid by the said Alexander Reynolds at May Term 1814 for tavern licences as aforesaid amounted to the sum of six hundred dollars: that in August of the year last aforesaid, the father of the said Alexander Reynolds delivered to this deponent a check from the said Alexander Reynolds drawn in favour of this deponent on the Farmers Bank in the Town of Newcastle for the sum of six hundred dollars on account of the tavern licence money last aforesaid: that the said check being sent to the said Farmers Bank at Newcastle for payment the same was refused by the said Bank on the ground that the said Alexander Reynolds had no funds there to meet it and was sent back to this deponent about the fifth of October eighteen hundred and fourteen - that this deponent immediately informed the said Alexander Reynolds of his check aforesaid being dishonoured and refused as aforesaid - that in reply the said Alexander Reynolds apologized by observing that the check had been out so long he had overdrawn upon the funds intended

to meet it - That the money for which the said Check was drawn as afore=
=said was afterwards paid to this deponent at two payments in the month
of November 1814 as afore said, on two checks drawn by the said Alexander
Reynolds in favour of this deponent on the Farmers Bank at New Castle -

That on the eleventh day of January eighteen ~~and~~ hundred and fifteen or about
that day the said Alexander Reynolds settled and adjusted with this deponent his
account with the State and there was then on that settlement a balance due to the State from
the said Alexander Reynolds for cash actually received by him for the said State, of one
thousand and eighty eight dollars: That for this balance the said Alexander Reynolds
gave his judgment bond to the State payable in ninety days, with his father and under
sureties - which bond with the interest from the time of payment aforesaid, was paid
into the hands of the Attorney General (when it had been placed for collection) about
the last of December 1815 or the beginning of this month in That At the May Term and an
adjourned Court in July 1815 the said Alexander Reynolds received five hundred and
forty dollars for tavern licenses in cases recommended and also twenty four dollars
from a person for keeping a house of entertainment for two years without licence - that on
account of moneys thus received for tavern licenses aforesaid the said Alexander Rey=
=nolds paid to this deponent the sum of five hundred and twenty four dollars on the
first of September eighteen hundred and fifteen - That since the settlement aforesaid
on or about the 11 January 1815, the said Alexander Reynolds has not paid to this deponent
any sum of money for the use of the State other than the amount of the bond aforesaid
and the aforesaid sum of five hundred and forty dollars, nor has he made any settle=
=ments in That a true copy of the account of the said Alexander Reynolds with the
State from the time of his first appointment as clerk of the peace for New Castle County
to the present time, as the same stands upon the ledger in the office of the Secretary of
State, taken and compared with the ~~ledger~~ said account in the said ledger and
signed with the name of this deponent, as required by the committee, is hereunto
annexed - -

That so far as this deponent knows or believes, the marriage licenses and hawkers
and pedlars licenses distributed by the Secretary of State to the Clerks of the peace respectively
according to the practice of the office of Secretary of State ought to be accounted for
once a year.

This deponent further saith that in communications from the said Alexander Reynolds re=
=specting moneys received by him for the State, the said Alexander Reynolds has frequently stated
to this deponent, in excuse for not paying over the public moneys, that he was unable to get his
public allowances from the county of New Castle - That this deponent believes that the not
paying over the public moneys aforesaid by the said Alexander Reynolds within proper time
proceeded from inattention on his part rather than from any unworthy motives.

Being asked whether he knows of any other public officer of the State refusing neglecting
or failing to perform or committing any abuse of the duties of their respective offices, this de=
=ponent saith that he does not nor recollect any particular instance of such a case.

Peter Robinson.

Sworn to & subscribed this
18 January 1816 before
H. M. Ridgely Chairman

Depositions of witnesses taken before the Committee of Grievances

- 15 January 1816 -

Present, of the Committee, Mess.rs Ridgely & Vickers -

James Booth, Esquire, Chief Justice of the Court of Common Pleas of the State of Delaware, on his solemn affirmation says, That he has heard frequent complaints against the official conduct of Alexander Reynolds Esquire Clerk of the Peace in and for the county of New Castle - That frequently during the Sessions of the Court of Quarter Sessions of the Peace in and for the County of New Castle this affirmant has known the said Alexander Reynolds, during a suspension of the business, to go out of the Court without leave, which has a tendency to impede the business of the Court - That the Court on one occasion publicly reprimanded the said Alexander Reynolds severely: but for what particular offence it does this affirmant does not now remember - That this affirmant of his own knowledge cannot speak of any particular fact of official misconduct or neglect in performing the duties of his office on the part of the said Alexander Reynolds, other than his inattention during the sessions of the Court as is above mentioned, and that this affirmant has frequently observed that the papers of the office of the said clerk of the peace, particularly those relating to roads in the county of New Castle, were in disorder and confusion -

Being asked whether he knows of any other public officers of the State refusing neglecting or failing to perform or committing any abuse of the duties of their respective offices: this affirmant saith that he does not recollect of any such case at present -

Jno. Booth

affirmed to and subscribed this 15 January 1816, before -

H. M. Ridgely Chairman of the Committee

Alex. Reynolds Esq.
to the
Stirling &c

Alexander Reynolds Esq. D.

1810 Feby	13	To 48 marriage licenses	$96.00
	16	To 12 do	24.00
May Term		To Cash rec.d by you for 52 Tavern licenses as p. your rec.t & list of Recommendations filed	624.00
July	15	To 48 Marriage licenses	96.00
			$840.00
1811 Jany	11	To this sum being the balance due from him in the Time of T. Clayton Esq. Secretary as p. page 109	192.00
	30	To 36 Mar. Li. and as Many bonds	72.00
1812 Feby	21	To 36 do. do. do.	72.00
April	17	To 36 do. do. do.	72.00
		To 10 Trimans licences	60.00
June	23	To 40 Mar. Li. & as Many bonds	80.00
	29	To Tav. Li. dispensed at May T. 1811. 54 cy. @	648.00
Dec.	17	To 50 Mar. Li. & as Many bonds	100.00
		The Items of the above account more in the Time of T. Clayton Esq. & Mr. Fitler Esq.	$1296.00
1812 Jany	31	To the above balance	548.00
July	26	To 30 Marriage licenses	60.00
July	31	To Tavern licenses at May T. & July 1812	540.00
Oct.	12	To 50 Mar. Li. & as Many bonds	100.00
		To 30 Mar. Li. & as Many bonds	60.00
			$1308.00
1813 May	16	To the above Balance	768.00
May	26	To 14 Mar. Li. & as Many bonds	28.00
	19	To 70 Mar. Li. & as Many bonds	140.00
May	7.	To 34 Tav. Li. dispensed	408.00
Sep.		To 12 Pedlars licenses	72.00
			$1416.00
		To this sum being balance from page 117	908.00
1814 Feby	2	To 60 Mar. licenses & as Many bonds	120.00
		To 20 Tim. licenses	120.00
		To 3 Hawkers & Pedlars	48.00
April	4	To 30 Mar. Li. & as Many bonds	160.00
		To 50 Tav. licenses dispensed at May T. 1814 & Lett.s	600.00
			$1956.00
1815 July	11	To the balance due	1088.00
		To 21 Hawkers & Pedlars unlicensed	126.
		To 35 Mar. Li. unlicensed	70.00
		To 12 do. in hands of Rawle and Daniel	24.00
		To Commission of Register in City & Cty. of the Peace N. Le	20.00
April	12	To 70 Mar. Li. & as Many bonds	140.00
		To Tavern licenses dispensed at May & July Terms of 1815	540.00
		To cash rec.d of for 2 years keeping public entertainment without licence	24.00
Nov.	22	To 20 Mar. licenses	40.00
Dec.	19	To 40 do. do	80.00

0871

Contra Cr.

1810 Sep. 12	By Cash for 50 Tavern licenses	$600.00
1811. Jany 11	By Cash from the hands of Tho. Clayton Esq.	48.00
	Balance	192.00
		$840.00
1811 June 29	By post Note for $520	$520.00
July 31	By Cash	128.00
1812 Jany 31	By Check of Judge Booth	100.00
	Balance	548.00
		$1296.00
1812 July 31	By Cash for Tav. Lic. at Mill ay T. Trimble 1812	540.00
	Balance	768.00
		$1308.00
1813 July 16	By Cash for Tav. Lic.	$403.00
July 30	By returned 7 Mar. Lic. spent in time of Gov.t	14.
	20 do. if.d in the Gov. Market Pay	40.
	3 Pennions to band Wars &c	13
	By Check	28
	Balance	908.00
		$1416.00
1814 Apl. 4	By 24 Mar. Licenses if.d by Gov. Market	48.00
	By 1 Check on the Bank N.C.	470.00
	By 1. Do. Do	130.00
1815 Jany 11	By 21 Hawkers & Pedlers Lic. on hand	126.00
	By 35 Mar. Lic. on hand	70.00
	By 12 do. in hands of Roach & Daniel	24.00
	Balance	1088.00
		$1956.00
	By his Bonds & Ent.s to the State with his father & Uncle Security &c	$1088.00
1815 Sep. 1	By Cash for Tav. Lic. May Ter.m at Spring Term 1815 & Early Term	540.00

Secretary's Office.
January 13th 1816

A True Copy from the Ledger furnished the Committee by their request.

Peter Robinson J. S.

Zadock B. Clark

0873

Before the Committee of Grievances
22nd January 1816

Parents of the Committee sitt the members.

Andrew Brotherton Solemnly on his solemn oath deposeth and saith, that by the last Term of the Court of Chancery in and for Kent County was a Suit Brought against this deponent and one Jacob Hemington, that this deponent all the defendants appeared at the said Term that this deponent and others of the defendants had their appearances entered in said Suit and delayed Counsel to prepare their answer, that this deponent and John White and Henry his wife two other of the defendants in said Court, request to accompanied Mr. Ball the Registry in Chancery to make out a copy of the Bill against they came up again, and he promised that he would ÷ that on the fourth day of October, this deponent and the said defendant John White came to Town for the purpose of getting a copy of the said Bill for the purpose of having them answer prepared in the said Suit, that this deponent and said John White called upon the said A. McC. Ball and requested a copy of the said Bill which he had promised to make out for them, he told them that it was not made out, they then requested him to make it out on that day, but the said A. McCball said he would not and said he wanted to go to Smyrna that day, - He promised to make out a copy of the said Bill, so that the defendants might have

time to file in their answer according to the Rules
That some time about the middle of November this de-
fendant and the said John White and Mary his wife and
this deponent's brother four of the defendants in the said Bill came
to Dover for the purpose of having their answer prepared
and filed in the said Suit, that upon enquiring of
this deponent and the other defendants they were inform-
ed that the said Archibald McCall was not in Dover
but was in England, that there was no person ap-
pointed to transact the business of the Register in Chancery
as this deponent was informed and believes - That this
Deponent and John White and Mary his wife called upon
their Counsel and enquired whether the said A. McCall
had furnished him with a copy of the said Bill and
were informed they had not, and that the said defen-
dants had to return home again without obtaining
a copy of the said Bill and without putting in their
answer to the said Suit, That this deponent has been
informed to day by his Counsel in the said Cause
that since this deponent and John White and Mary
his wife were in Dover in November last as aforesaid
their said Counsel gaining the said absence of the said
A. McCall from Dover obtained access to the Chancery
Proceeding and took from the file thereof the original Bill

in the bonds aforesaid and have made an attachment
for the use of the said defendants and this deponent further
saith that his answer in the said bond is not yet filed,
that this deponent and John Pollitt and Mary his wife
and this deponent the father of the said defendants in this bond lived in Mifflin
Mercer about twenty miles from this place, - that
this deponent and John Pollitt and Mary his wife and
this deponent brother the ~~in the cause~~ the aforesaid defendts
in the said bond, came to Town on the 10th day of
this month for the purpose of again going about the
answer and they found the said A. McColl was not
in Town and were informed that he had been absent
from Town some time.

Zadok C. Clark

Sworn to and subscribed this
22 Jan. 1816 before
H. M. Ricketts Chancellor

Depositions of Witnesses taken before the Hon. Judge Fisher, relative to the Official conduct of Presley Allee.

House of Reps
30 January 1816 read.

0877

Deposition of the Honourable Nicholas Ridgely taken before me John Fisher, on the subject of the official conduct of Pusly Allee Clerk of the Supreme Court of the State of Delaware in and for Kent County and of the High Court of Errors and Appeals of the State aforesaid;

The said Nicholas Ridgely being sworn deposeth and saith as follows; That some time in the month of October or November last, this deponent called on the said Pusley Allee as Clerk of the High Court of Errors and Appeals, for all the papers in cases of writs of Error directed to the Supreme Court and the Court of Common Pleas, by the said Court of Errors and Appeals; that the said Pusley Allee furnished this deponent with all the papers he called for in good order and condition, except as follows: That in one of the cases the record was not delivered to this deponent by the said Pusley Allee and this deponent thinks that record was in the case of Wells and Stuart against Rock; and on this deponent's inquiring of Mr. Allee particularly for the missing record, Mr. Allee told this deponent that George Read Ergain had it, which record was not produced at the setting of the Court. In the case of Simpson vs Smith there was an unsigned bill of Exceptions, which was in the Court at the August Term last, and which it was said Ch. Just. Johns had taken away for the purpose of inspecting and signing; but this deponent does not think the said bill of exceptions, was a record in the cause, as the same was not signed: That on Monday before the said Court of Errors and Appeals sat, in this present month, this deponent called on

Mr. Allee

Mr. Allee at his dwelling house, and asked him what arrange-ments he had made about attendance on the said Court, which was to sit on the next day; that this deponent found Mr. Allee sick, who said that he had engaged Joseph Harper Junr. to attend as Clerk in his place; that on Tuesday morning the day on which said Court met, this deponent came into Court, and saw the Docket and some of the papers laying on the desk and some papers inside the desk, and some papers on the window-seat in the room; and finally most of the papers were put on the window-seat, as being the most convenient place; that said papers were obtained as they were wanted in the progress of business, except the papers herein before excepted and also except the papers in the case of Perkins & Robinson, which this deponent heard it said, generally, that James Rogers Esquire had taken away, but for which papers, as they related to an Appeal from Chancery, this deponent did not particularly inquire. And this deponent further saith, that Mr. Allee, by reason of his indisposition, as this deponent supposes, did not attend the Court the first week of its session; that the next week Mr. Allee attended, and there was no difficulty about any of the papers, except as before excepted; That the Court called for an old Docket, not containing any suits now depending, except such as have been transferred into the present docket; that Mr. Allee said he did not know of any such docket, but this deponent recollected said docket, described it to Mr. Allee and directed him to

search

Search for it, and after being absent a little while produced it in court; that this deponent does not recollect said docket being wanted at any time since Mr. Allee has been clerk of the court, and was then asked for only to see a particular entry ~~which~~ in a suit long finished before Mr. Allee was the clerk; that the court saw both the docket and the entry — That this deponent has often called on Mr. Allee as the Clerk of the Court of Errors and Appeals, for a view of papers belonging to that office, and that he has always very cheerfully furnished me with such papers, except as herein before excepted; that this deponent knows not where Mr. Allee keeps his papers, but that he has generally written a note to him for such as he wanted and has always found them ready for him, when called for; that this deponent thinks Mr. Allee capable of performing the duties of his office, that he thinks Mr. Allee is honest, but rather too indolent. And further saith not.

Nicholas Ridgely.

Taken, sworn to and subscribed this 27th day of January 1816

before

John Fisher.

Deposition of Joshua G. Brinckle, Esquire, who being sworn in due form of law deposeth and saith, That while he practiced the law in Dover, he never found any difficulty in procuring any writ or process from Mr. Allee as Clerk of the Supreme Court, nor the view of any record or paper requested by this deponent, which belonged to his office; that this

this deponent was but a short time in the practice of the Law, during which his practice was not extensive in the Supreme Court, but principally in the Court of Common Pleas, on account of the convenience of the Prothonotary's office to that of this deponent; that this deponent from his knowledge of Mr Allee thinks him competent to the discharge of the duties appertaining to his office and that he is honest in the discharge of those duties; that he knows of no injury resulting to any parties from any neglect in the discharge of the duties of either of his offices; and that this deponent believes, that the emoluments of Mr Allee's offices are not sufficient for the support and maintenance of himself and family; and further this deponent saith not.

S Gordon Brinckle

Taken, sworn to and subscribed this 27. Jany 1816 before

John Fisher.

The deposition of William K. Lockwood, Esquire, who being produced, sworn and examined deposeth and saith, That Presly Allee officiated as deputy for this deponent in the office of Clerk of the Supreme Court of Kent County and of the High Court of Errors and Appeals for the state, for about one year next before this deponent's resignation of those offices; that during that time this deponent was very frequently in the office and had no reason to complain of any disordered state of the papers; that since Mr. Allee has been appointed to those offices, this deponent frequently had business to transact in the office of the Clerk of the Supreme Court, has been able to find any records or papers he wanted easily and without any difficulty whatsoever; and has always had his business done in the most satisfatory manner; that since Mr. Allee has kept his office at his store, this deponent ~~has frequently~~ has frequently had occasions of business in said office and always got his business done as well there, as at the room assigned for keeping said office in; nor does this deponent believe that any injury or inconvenience has resulted to any one, by reason of said office being kept at his store; that being shewn the deposition of Willard Hall Esquire respecting the official conduct of Mr. Allee, ~~this~~ in which Mr. Hall mentioned some delay in issuing ~~in~~ ~~issuing~~ a

a writ of partition, in which the deponent as guardian of Andrew Caldwell was plaintiff, the deponent saith that no inconvenience has resulted in said case, on account of the delay mentioned by Mr. Hall, as the business under the said writ, can be done between this time and the Term in March next, to which the said writ is returnable; that while the deponent was Clerk of the Court of Appeals, he had frequent difficulty in finding papers belonging to said court, owing to the confused state they had to be kept in, for want of a proper case, wherein to arrange the said papers alphabetically; and that the papers are now, for want of a case, belonging to said office kept in a case belonging to the estate of William P. Rafsel, the former clerk of the Court of Appeals; that said case is of inconvenient form and structure for said papers and could not originally have been intended for such a purpose, having instead of pigeon holes, nothing but shelves and being additionally by much too small; that during the time the deponent was Clerk of the Court of Appeals the papers of said Court were kept in said case, for want of a better being furnished by the state; And that the deponent believes Mr. Allee to be honest and capable of discharging the duties of his said office; and that judging from the emoluments of said office, while the deponent possessed them, he is of opinion that they are not adequate to the maintenance of Mr. Allee's family; and further saith not.

William K. Lockwood

Taken sworn to and subscribed this 29. January 1816. } before John Fisher

The deposition of Willard Hall, Esquire, who being produced, sworn and examined, deposeth & saith, ~~That~~ in answer to the following questions put by Mr. Allee, to wit, Whether any injury or inconvenience has been sustained by the plaintiffs in the case of a writ of enquiry which he mentioned in his deposition before the Committee of the House of Representatives and in the cases of Dower and partition mentioned in the same deposition? That the writ of enquiry is returnable to the next March Term, no final judgment can be given till that term; that this deponent has not understood from the plaintiff that he had any ground of complaint in the case; that he understands the writ is going on to execution and if it be regularly executed and returned to said Term, for which there is sufficient time, he has no knowledge of any injury or inconvenience which the plaintiff will sustain by reason of the delay; that as to the other two cases, they were issued at the instance of Wm. H. Lockwood on whose application this deponent gave directions for them to issue, who requested they might be issued soon, but this deponent has not understood from said William H. Lockwood whether he has sustained any damage or inconvenience by reason of the delay; and having understood, that the deposition of said Lockwood has been taken, this deponent refers thereto.

Or

On the following question being put, to wit, what further knowledge he has in relation to the case of Dehorty's defence against Jones & alias, mentioned in the former deposition, Mr. Hall deposes and says, that Mr. Allen shewed ~~this~~ him this morning a paper in his handwriting, which this deponent believes to contain the judgment in that case upon the question of amendment; that this deponent has this afternoon seen the original paper containing that judgment, which was drawn up by counsel at the time when judgment was pronounced in December 1814 and the paper which Mr. Allen has shewn this deponent this morning, was taken from the original paper as drawn up by counsel; that it was intended Mr. Allen should enter the judgment from the paper which the counsel had drawn up; that Mr. Allen informed this deponent, that in some manner, the two papers had gotten misplaced in his docket; that on the page of the docket, this deponent says, ~~there was not~~ on which the original judgment was entered, there was not room to enter the judgment or the amendment and that this deponent believes that Mr. Allen had drawn up the paper which he shewed this deponent this morning for the purpose of being attached to that page of his docket; and that this deponent had not heretofore been able to find those papers by reason of their being ~~displaced~~ misplaced in the docket; ~~and further this deponent saith not~~ and that said paper is now annexed to said page in the Docket as Mr. Allen has shewn this deponent, on this day —

Taken, sworn to and subscribed this 29th of January 1816, before John Fisher.

Willar Hall

The Deposition of Joseph Harper, the elder, who being solemnly sworn in due form of law, deposes and says, That since Presly Allee has held the office of Clerk of the Supreme Court of the State of Delaware for Kent County and of the High Court of Errors and Appeals he has not heard of any complaints against him in either capacity; that he believes Mr. Allee to be as competent to the discharge of the duties of his office, as any man in Kent County; that this deponent has frequently done business for Mr. Allee in his office as Clerk of the Supreme Court, in his absence, and has found the papers of said office, without special instructions from Mr. Allee, so as to do the business of said office; that this deponent thinks when he officiated in the Clerkship of the Supreme Court for Mr. John Caldwell, the fees at that time, if all collected, would not have amounted to more than three hundred dollars and that from the encrease of business in said office and from the view this deponent has had of the Dockets, he does not suppose, the fees thereof would ~~not~~ amount, if all collected, to more than four hundred dollars, at this time, that this deponent does not think any person has sustained any injury or inconvenience by the dockets being kept at the store of

Mr

Mr Allee; and that this deponent does not think the fees of both of Mr Allee's offices are sufficient to maintain himself and family and that were he to follow nothing else for a support his family must suffer; and further saith not.

Joseph Harpers

Taken sworn to and subscribed this 27 Jan. 1816 before

John Fisher

0887

State of Delaware ss.

The State of Delaware to Francis Haughey Esquire Sheriff of New Castle County, Greeting — Whereas on the tenth day of this instant, it was resolved by the Honorable the house of representatives of the State of Delaware, That a Committee of three members be appointed, to be styled the Committee of Grievances, whose duty it shall be to inquire diligently into the conduct of all the public officers of this state, and to report all cases of public officers offending, refusing neglecting or failing to perform or committing any abuse of their respective offices; and that the said committee have power to send for persons and papers, to compel the attendance of witnesses, and to issue Commissions to any part of the State to procure testimony. And Whereas the committee appointed under the said resolution, on the 19th day of Jan.y 1816 issued to the undersigned a commission to bring before us, and diligently to examine all witnesses whatsoever touching the public officers of this state in and for the county of New Castle, and touching all cases of the same officers refusing neglecting or failing to perform or committing any abuse of their respective offices, and more especially into the refusal or neglect or failure to perform or committing any abuse of the duties of their respective offices on the part of the Register of Wills, Prothonotary, Clerk of the Supreme Court, Clerk of the Orphans Court, Clerk of the Peace, Register in Chancery, and Recorder of Deeds in and for the County aforesaid — and in and by the said commission we are commanded us, to cause said witnesses to come before us, and to

examine them respectively touching the said matter: You are therefore commanded to summon James Riddle James Booth John Wiley Edward McCullogh

to appear at 11 o'clock A.M. on Saturday the 20th Inst. at the office of James Rogers in the Town of Newcastle - and Samuel Moore Abraham Egbert and William Hardman to appear on Monday the 22nd Inst. at the hour and place aforesaid - and John Clarke and Jacob Vandegrift to appear on Tuesday the 23rd Inst. at the hour and place aforesaid personally to testify in and about the premises aforesaid. In testimony whereof we have hereunto set our hands & seals this 13th of Jan.y 1816.

James Rogers

J. B. Bush

Summons on the Riddle, Booth, Wiley, & McCullogh

Moore, Egbert & Hardman to answer

E. W. Wells, Clerk

Service $3.00

Subpoena

N. Ridgely
N. Hale.

Commanded as within
Commanded
V. Vanderford S.J.A.

The State of Delaware

To Vincent Vandeford, Sergeant-at-arms of the House of Representatives.

We command you that you summon Nicholas Ridgely and Willard Hall esquires, that they be and appear before Henry M. Ridgely Nicholas G. Williamson, and Nathan Vickars, the Committee of Grievances of our House of Representatives, on Friday the 19th (January) instant, to give evidence touching such points as they shall be examined unto. And this they may not omit under the penalty of one hundred pounds. And have you then there this Subpoena. Witness the aforesaid Henry M. Ridgely esquire Chairman of the Committee of Grievances, at Dover this eighteenth day of January in the year of our Lord one thousand eight hundred and sixteen.

H. M. Ridgely, Chairman.

Subpoena

Robert Palmetary
Isaac Cropper Clarke.

Commanded as Within
Commanded unto Isaac C. Clarke
and
~~Robert Palmetary~~
Robert Palmetary
Joseph Brukmaster S
for
Vincent Vanderford SAS

The State of Delaware,

To Vincent Vandeford, Sergeant-at-arms of the House of Representatives;

We command you that you summon Robert Palmetary and Ladoc Cropper Clark that they be and appear before Henry M. Ridgely Nicholas G. Williamson, and Nathan Vickars the committee of grievances of our House of Representatives, on Monday the 22d (January) instant, to give evidence touching such points as they shall be examined unto. And this they may not omit under the penalty of one hundred pounds. And have you then there this subpoena. Witness the aforesaid Henry M. Ridgely esquire, Chairman of the Committee of grievances at Dover this eighteenth day of January in the year of our Lord one thousand eight hundred and sixteen.

H. M. Ridgely, Chairman.

Joseph L. Harper.

0894

Before the Committee of Grievances
26 January 1816.
Present of the Committee Messrs Ridgely & Vickers.

Joseph L. Harper being solemnly sworn deposeth and saith, That Archibald McCale the Register in Chancery in and for Kent County has resided out of the Town of Dover from about the first of October last till the present time or until yesterday when he came to Dover. That during the time aforesaid there was not any person to attend to the duties of or to keep open the office of Register in Chancery aforesaid untill about the twenty ~~seventh~~ sixth day of last month, this deponent received a letter from the said Archibald McCale authorising this deponent to act for him as Register in Chancery. That this deponent has understood and believes that the said Register in Chancery wrote the letter aforesaid to this deponent, in consequence of William Hall Esquire requesting him to appoint some person to act for him in some business in which Mr. Hall was concerned. That the papers and records of the said office of Register in Chancery were in great confusion and disorder when this deponent took charge of them. Many of the said papers and records were lying loose upon the floor in one of the rooms of Mr. Coombe's Tavern in Dover, others were in a press in a house of Richard Cooper in Dover and they were in pretty good order.

Richard Cooper Esquire a Judge of the Supreme Court of this State has been sick and unable to attend the Court for a great while and this deponent understands there is no prospect of his recovering.

That the papers and records of the Supreme Court in and for Kent County are in great disorder and confusion: That Mr. Allen the clerk of that Court keeps some of them in his store and some of them in the room appropriated as his office in the jail. That he kept some of them also in a stone house then unoccupied of Joseph H. Raymond for a considerable time last spring and summer.

Sworn to & subscribed
this 26 Jan. 1816 before
A. McRidgely Chairman

J. L. Harper

Robert Palmetary

0898

0897

Before the Committee of Grievances
23rd January 1816

Present of the Committee all the members -

Robert Palmerty on his solemn oath deposeth and saith that; there was a suit brought to the last term of the Court of Chancery by John Jones and others against this deponent and his wife and other defendants; that he applied at the last Court of Chancery and employed Counsel in the said suit, that at that time he spoke to Archibald McCall the Register in Chancery to make him out a copy of the Bill filed in the said suit, that the said Register in Chancery said that it was time enough to make out a copy of said Bill, and said he could not do it at that time but that he would do it time enough ~~for him to file his answer~~ that this deponent was again at Dover at an adjourned Court of Chancery in September last, and at that time he again applied to the said Archibald McCall for a copy of said bill, and was informed ~~time~~ he had not made out a copy of said bill and the still insisted that it was time enough, that about a month after that time he again enquired of the said Archibald McCall if he had made out a copy of said Bill, and he informed him he had not. ~~this deponent enquired~~ That afterwards some time in the month of December he ~~again~~ saw the said Archibald McCall in Smyrna and again enquired

if he had made out a copy of said Bill and was informed that he had not, and said he would send this Deponent down to Mr. Ridgely and said he could file an answer from the original Papers, without a copy of the said bill, and this deponent then had informed Mr. Ridgely this Counsel that no copy of the ~~said~~ bill was ~~made out by the said Register in Chancery~~, ever delivered to him by this said Archibald McCall, and this deponent further saith that no copy of said Bill was ever delivered to him by the said Archibald McCall, and this deponent further saith, that his counsel in the said Court informed him that during the absence of the said Archibald McCall from Town he the said Counsel obtained access to the Chancery Papers of Kent County by opening the desk in which they were contained by a key which he happened to have in his possession and which key was not sent to him by the said Archibald McCall, and took therefrom the original Bill in said Cause and made an abstract therefrom, that ~~during the~~ after an answer was prepared in the said cause, for this deponent and his said wife and another of the said defendants, this deponent and his said wife and the said other defendants came to Town for the purpose of putting in their said answer in the said cause in the month of ~~December last~~, that the said Register was sent in Town and they could not put in their said answer in consequence thereof.

that this deponent and his said wife at that time afterwards saw the said Archibald McCall in Ballymena and had the said answer with him, and requested the said Archibald McCall at that time to take the said answer, after said he couldn't do it, then and there this said deponent said if he would come down to Down that Joseph L. Hanna would do it for him, that a day or two afterwards, this deponent and his said wife and the other defendants came down to Downpatrick for the purpose of putting in their said answer, and were informed that the said Jos. L. Hanna could not take the answer and the said answer was then taken before the Chancellor who was in attendance on the High Court of Errors and Appeals at that time in Downpatrick - That this deponent lives about two miles from Dromore and William Green the other of the defendants above mentioned lives about twelve miles from Dromore

Robert Palmerston

Sworn to and subscribed this 23 January 1816 before
H. McRidgely Chairman

Gw Fowen Del
Jan 4 1784

R H

Henry ill Rixey Esquire
Chairman of the Committee
of Grievances
Dover
Delaware.

bundle

X This does not relate to the

BEST SHOT AVAILABLE

Depositions of Witnesses, taken before Isaac Tunnell and Peter Robinson by virtue of a Commission to them directed by the Committee of the House of Representatives styled the "Committee of Grievances", bearing date the 19. of January 1816, and authorizing them to call before them and diligently to examine all Witnesses touching the Cases of public officers of the State in Sussex County, and more particularly the Cases of the Prothonotary, the Clerk of the Peace, the Clerk of the Supreme Court, the Clerk of the Orphans' Court, Register in Chancery, the Register for the probate of Wills and granting Letters of Administration, and the Recorder in and for the said County, refusing, neglecting or failing to perform or committing any abuse of their respective offices.

Robert D. Stout being sworn on the Holy evangels of Almighty God, saith That he does not know of any public officer of the State, or of any of the above mentioned officers in Sussex County, having refused, neglected or failed to perform, or having committed any abuse of their respective offices.

Robert D. Stout

Examined Taken and Subscribed this 22. day 1816 before
Peter Robinson
Isaac Tunnell

Benton Harris, being sworn on the Holy, evangels of Almighty God, saith That he does not know of his own knowledge of any public officer of the State, or of any of the above mentioned officers in Sussex County refusing, neglecting, or failing to perform or committing any abuse of the duties of their respective offices.

Benton Harris

Examined Taken and Subscribed this 22. day 1816 before
Peter Robinson
Isaac Tunnell

Doctor Isaac Robertson being sworn on the Holy, evangels of Almighty God, saith that he knows of no particular case, of any public officer of the State, or of any of the above mentioned officers in Sussex County refusing, neglecting or failing to perform, or committing any abuse of their respective offices. That he has not had any particular business with any of said officers, so as to enable him to answer more fully upon the subject, or to answer more certainly

BEST SHOT AVAILABLE

0901

Copy of said Oath.

Examined Taken & Subscribed this 22th July 1816 before
Peter Robinson
Isaac Turnell

Isaac Robinson

Thomas Robinson being sworn on the Holy Gospels of Almighty God saith, That he does not know of his own knowledge of any of the public officers of the State, or of any of the above Mentioned officers of Superabounding, refusing, neglecting or failing to perform or Committing any abuse of the duties of their respective offices.

Tho. Robinson

Examined Taken & Subscribed this 22. July 1816 before
Peter Robinson
Isaac Turnell

William Bell being sworn on the Holy Gospels of Almighty God saith, That as far as he has had any thing to do with the public officers above Named, they have done their duty and he does not know of his own knowledge of any of the public officers of the State, or of any of the above Mentioned officers in Superabounding, refusing, neglecting or failing to perform or Committing any abuse of the duties of their respective offices.

Wm Bell

Examined Taken & Subscribed this 22. July 1816 before
Peter Robinson
Isaac Turnell

BEST SHOT AVAILABLE

0903

The State of Delaware D.
To Peter Robinson & Isaac Tunnell

For taking five depositions under a Commission from the Com. of Grievances & executing said Commission, such fees as the General Assembly may deem adequate & honourable —

Fond

Commission
to
Peter Robinson
Isaac Turnell.

1816

Depositions

The State of Delaware Ss.

The State of Delaware to Peter Robinson and Isaac Funnell of the County of Sussex, esquires, Greeting:

Whereas on the tenth day of January instant it was resolved by the House of Representatives that a committee to be styled the "Committee of Grievances" whose duty it shall be to inquire diligently into the conduct of all the public officers of this State and to report all cases of public officers aforesaid refusing, neglecting, or failing to perform or committing any abuse of the duties of their respective offices; and that the said Committee have power to send for persons and papers, to compel the attendance of witnesses, and to issue commissions to any part of the State to procure testimony;" &c.

And Whereas Henry M. Ridgely, Nicholas G. Williamson, and Nathan Vickers were appointed the said committee.

Now Know ye, that we in confidence of your prudence and fidelity have appointed you and by these presents do give unto you or either of you full power and authority to call before you or either of you and diligently to examine all witnesses whatsoever touching the cases of public officers of the State in Sussex County and more particularly the cases of the Prothonotary, the Clerk of the Peace, the Clerk of the Supreme Court, the Clerk of the Orphans' Court, Regis-

ter in Chancery the Register for the probate of Wills and granting Letters of Administration, and the Recorder in and for the said County, refusing, neglecting, or failing to perform or committing any abuse of their respective offices: and therefore we command you that at certain days and places to be appointed by you or either of you for that purpose you or either of you do cause the said witnesses to come before you and then examine each of them touching the said matters on their respective corporal oaths, or if they be conscientiously scrupulous of taking an oath, on their affirmations first taken before you or either of you; and that you take such their examinations and reduce them into writing; and when you shall have so taken them you are to send the same to the undersigned at Dover, closed up and under your seals or the seal of either of you distinctly and plainly set, and this writ. Witness the honourable the Committee of Grievances at Dover, this nineteenth day of January in the year of our Lord one thousand eight hundred and sixteen.

By order of the Committee

J. M. Ridgely, Chairman

0906

END

FILE

1816 Jan. - Feb.

Legislative

Grievance Committee -
Proceedings against William Johnson

Depositions
of
witnesses
sworn and examined before
John Clark, Gideon Emory and
Robert Patterson esquires relative
to the official conduct of
William Johnson esquire one of
the justices of the peace in and
for Newcastle county.
Taken at Smyrna.

Henry Walker being solemnly ~~sworn deposeth~~ affirmed deposeth and saith as follows; to wit,

What do you know of the matters stated in the first charge, now read to you?

I know nothing of the matters stated in this charge.

What do you know of the second charge?

I know nothing of the matters stated in this charge.

What do you know respecting the matters stated in the third charge?

I have no knowledge of this charge.

What do you know of the matters stated in the fourth charge?

I know nothing of his general practice. But I know that a black man was brought before Mr. Johnson for an assault committed on his wife. The black man and his wife however on being brought forward made up the matter - the man promising not to be guilty of the like again. The black man asked Mr. Johnson what the costs were, and he replied it was time enough to know that when he had the money to pay them. He answered to this that he should like to know the amount, that he might-

know how much to bring when he could get the money. The Squire said if he could get security for the payment of the costs, he should not be against waiting a while with him. The black man said he reckoned he could, and turning to me, asked me if I would be his surety; I said I would if I could know long a time he could have; and then asked the squire the amount of the costs and how long a time he would give him. He said the amount was five dollars and that he would wait two or three weeks. I told him I would go surety for that time. It appeared to me then that the thing was closed.

W. Johnson. - What was the negro's name?

He called himself Glasgow Vaught.

W. J. - Who else was in the office at the time?

W. John Simmons and several others.

W. J. - How long ago was this?

I can't tell. It was on an office day some time between last spring and fall.

W. J. - Do you know whether the costs in that case were ever paid?

I do not.

Did the negro complain of the costs?

Yes he did - he ~~dun~~ said he did not know how they were made out - W. Johnson said the next time he should be brought before him, he would double them.

W. J. - Do you know whether there was any fine ~~was~~ imposed in that case?

I do not - I heard nothing of it.

W. J. - Were any witnesses examined.

No, I ~~believe not~~ did not see any.

W. J. - What was the negro woman's complaint?

I suppose it was something like her being afraid of her life.

W. J. - In what manner did you become surety for the costs?

I did not put my name to the docket. I merely gave my word.

Mr. J. – Do you know whether the negro was ever before me at any other time?

No, Sir.

Mr. J. – Did you see the justice make out a bill of costs.

I did not.

Mr. J – Who was the constable?

I think Mr. Hutcill was.

Mr. J. – Was Mr. Hutcill present?

I rather think he was.

June 19th 1815.

Henry Scaffer

No. 2. John Pearson being solemnly affirmed deposeth and saith as follows; to wit,

Do you know anything of the matters ~~co~~ stated in the first charge now read to you?

There was a ~~summ~~ summons left at my house for me to attend before Mr. Johnson at the suit of Robert Palmetry. I saw the constable on the next day and told him I could not attend at the office on the next office day. ~~The constable at the day~~ I did not attend at the day, but sent notice that I would attend at the office day next following. I went at the next office day, and the squire let me know he had given judgment against me the week on a private day. The summons was left at my house on Wednesday and the return was on the next friday. I appealed from the judgment, which he had given against me:

Mr. J. – How was that case finally determined? ~~on the appeal?~~

This question being put by Mr. Hall counsel for Mr. Johnson, the commissioners ~~decid~~ decided that it was irrelevant, and that the witness should not be compelled to answer it.

John Pearson

June 19th 1815.

No. 3. William White being solemnly sworn deposeth and saith as follows, to wit,

What do you know of the matters contained in the first charge?

I acted as constable under W. Johnson, commencing some time in the month of August eighteen hundred and thirteen. I know of a case between John Chatten and Isaac Mafford. John Chatten had a bill of sale on a cow given by William Alfray, as well as I recollect. William Alfray ~~sold~~ held the cow in his possession: and some time afterwards sold ~~the~~ her to Isaac Mafford. John Chatten then came forward and claimed the cow under this bill of sale, and brought a suit for her before W. Johnson. It appeared from the testimony given in, that the cow had never been taken out of the possession of William Alfray by John Chatten; and that when she was sold to Isaac Mafford, she was delivered to him by William Alfray. John Chatten obtained a judgment against Isaac Mafford in the cause for about ~~twenty~~ dollars. I was not constable at the time and do not know the form of the action.

W. I. – Was any appeal ever taken in that case?
Not that I ever heard of.

W. I. – Was the cause tried by freeholders or by the justice himself?
By freeholders I think; William Weldon, I think was one of them – the other I do not recollect – William Weldon junior was the person I allude to.

Who considered himself aggrieved by the judgment W. Mafford did.

I also knew of a case of William Parsons, negro, against Francis McBreedy. Parsons brought a suit against McBreedy for a debt under ~~twelve~~ pounds. When Parsons came forward and produced his account, and W. McBreedy's account was taken out, a balance was left in Parsons' favour of forty two dollars. The referees rose from the table and told W. Johnson that it was above their notice. W. Johnson then told them to go back and to reduce it under twelve pounds: they went back and reduced it down to about ~~twenty~~ eight

dollars and some cents.

W. J. - Who were the referees in that case?

William Weldon and John Hudson and I believe were two of them - it appears to me however that Hudson altho' summoned did not sit upon the trial.

W. J. - Did Mr. Johnson retire with the referees or did they act alone in making the reduction?

They were alone - that is in the same room but at a seperate table.

W. J. - Were the parties both present when Mr. Johnson directed the referees to make the reduction?

I don't recollect that they were. If they were in the same room they were not at the table where squire Johnson sat.

I recollect another case - a suit brought by Alexander Harris against me. The suit was to recover back money from me, which I had paid over as rent due from Harris to Mr. Fimmemore. I had sold Harris's property on executions in my hands against him. Harris then lived on property belonging to Mr. Fimmemore, and Mr. Fimmemore came forward and claimed rent due to him for the premises on which Harris lived; I then ~~claimed~~ paid over to Mr. Fimmemore the rent claimed, to the amount of about twenty dollars. Harris brought the suit to recover back from me this money. I appeared and told the squire I did not think an action of that kind would lie against me, because I did not think he could try the question, whether Mr. Fimmemore had any title to the land. Mr. Johnson insisted that the trial should go on - I then begged leave for Mr. Fimmemore to appear in my stead; and he was admitted to speak and make any defence he could; but the justice would not make him defendant in the case. Mr. Fimmemore and myself were then demanded to produce Mr. Fimmemore's deeds and title papers for the land. After the deed was produced, witnesses were produced to ~~Harris~~ prove that Harris was married to the woman, with whom he lived, and that she had had a child after the marriage. They then demanded of us the production of a mortgage deed for the land, which Mr. Fimmemore had in his possession. The cause here ended - the referees fell out with the parties, ~~one another~~, and nothing more was done. While I was making my defence in the course of the cause, the justice threatened to kick me out of the office, at the same time rising from his chair and

coming towards me.

Mr. S.– Who required the production of the deeds and title papers?

Squire Johnson first said he thought they ought to be produced; and the referees then asked for them.

Mr. S.– Was there any lease proved from Mr. Simmons to Harris?

Not to my knowledge.

Mr. S. – Had Simmons ever the possession of the land?

I believe not; he had just purchased the land.

Mr. S.– When was it that the justice threatened to kick you out of the office.

It was on the last day of the trial; some time in last February.

Do you know anything of the matters stated in the second charge?

Yes; I know of the cases of Ephraim Blizzard and Levi Blizzard. Thomas Weldon took out summonses against those two persons, and left them with Mr. Johnson, and I called and got them. And returned home, I called at Mr. Weldon's– he asked me if I had served the summonses – I told him that I had not, and he then told me not to serve them; he said that since the had taken out the writs the defendants had come and paid him. At the next office-day (friday) I returned the writs with the endorsements "satisfied says plaintiff"; Squire Johnson then asked me if I had served them, I replied that I had not; he enquired why I had not, and I then told that Mr. Weldon had informed me, the money was paid. Squire Johnson then asked me where we were to get our costs; he said we could not get them unless the summonses were served and gave them back to me and told me to go and serve them. I told him, I had not earned any costs and did not look for them; he said he should look for his, and again told me to go and serve the writs. I put the summonses in my pocket and kept them there as much as six months afterwards. The suits were brought about the first of November, and about the thirtieth of December executions were issued in the cases. I kept the summonses and executions both in my pocket until some time in June, when my time being out, I threw down the summonses on the table in the ~~table~~ office – the executions I kept – and I believe have them yet in my possession –

perhaps however I have since returned the executions.

W. J. – Did not you return the executions "satisfied and paid", and bring Mr. Weldon with you to sign them?

Mr. Weldon was satisfied, as he told me, but not by me – he said the defendants had paid him the money, and that he would pay the costs.

I also know of the case of Matthew Donohue vs. Lewis Appleton. Donohue brought a suit against Appleton for a debt under forty shillings, – Appleton appeared ~~appeared~~ and denied the charge. ~~He~~ Donohue never appeared and, Appleton ~~Donohue~~ requested the Squire to enter a nonsuit. The Squire told him to give himself no more trouble, that, he would give him a nonsuit as Donohue had not appeared.

Do you know anything relative to the fourth charge?

There was a case of Robert Kirkley against ~~John Reed~~ Thomas Reed, and another of John Sigers against Thomas Reed. ~~Thomas Reed had employed~~ The cases were for debts above ~~under~~ forty shillings. The costs in the two cases amounted to about ~~twenty two~~ dollars. There was a frivolous trial in one of the cases, but the costs were the same in both. Thomas Reed had employed Kirkley to cut and hew timber; Kirkley afterwards employed Sigers as a partner to help him. After they had finished cutting and hewing the timber, there was some dispute respecting their wages. They then brought these suits against Reed. The whole of the claims of both amounted to above twelve pounds. The parties appeared, referees were summoned and the causes laid over until the next office-day. Reed & Kirkley appeared the second day – the cause was tried and judgment went against Reed – and the fee bill was made out. The judgment was for about seven dollars. The costs in that case were, I believe, ten dollars and eighty seven cents. Sigers didn't appear, and his case of course was not tried. The costs in this case were the same as in the other. Sigers was non-prossed and an execution issued against him for the costs.

W. J. – Did you ever collect the costs in these cases?

I did.

Was it the invariable practice of Mr. Johnson to swear you to ~~speak~~ the truth of your returns on every summons?

It was; and he took the fee of twenty cents. When the defendant would appear on the return day and pay the debt; he always demanded the twenty cents for swearing the constable.

Q. - Did he not always enquire of you, before swearing you, ~~that~~ whether the defendant was present?

No he did not. I sometimes held back the summonses until the defendants would appear, and then would deliver them to him and inform him the defendant was present; but he would still demand the twenty cents for swearing me.

Q. - Can you name any case in which he took the twenty cents and the constable swore, when the defendant appeared?

It was done in the case of myself against Samuel Marshall, who appeared and paid the ~~debt~~ costs and part of the debt.

Do you know anything of the case of ~~Glasgow to~~ the State against Glasgow Faught?

I was present when the justice told the defendant that the costs were five dollars. I do not know that the costs were ever collected, in whole - a part of them to the amount of three dollars was collected. Two witnesses were summoned ~~examined~~ at the trial, but I believe did not appear. The three dollars were collected by me and are yet in my hands.

June 19th 1815.

Wm White

No. 4. Thomas Roberts being solemnly sworn deposeth and saith as follows; to wit,

Do you know anything of the matters stated in the first charge now read to you?

A summons at the suit of Matthews and Ginn was served on me; I appeared at the return day of the writ, and confessed judgment and paid the costs of suit, for which I took Mr. Hutchill's receipt. Mr. Johnson was not at home.

June 19th 1815.

Thomas Roberts

No. 5. John Kimmemore being solemnly sworn deposeth and saith as follows; to wit,

Do you know of anything respecting the matter stated in the first charge now read to you?

In the case of Alexander Harris against ~~White~~ William White then just out of the office of constable. the action was for a trespass I suppose, in paying over money improperly while in office. In this case I was interested as the money had been paid over to me, notwithstanding which I was summoned as a witness and appeared. On my appearing I told the justice I was interested & wished to be excused from being qualified as a witness; and requested of him that I might be permitted to defend the suit, which he permitted. I then let the referees know that the money had been paid over to me under a claim of rent, at the sale of the ~~defendant's~~ plaintiff's property, I then being owner of the land on which he lived. I was then called on by the justice and by Robert Naudain one of the referees to produce my deed in proof of my being the owner: the trial was then put off to another day. I laid the deed before the referees, observing that the land had been under a mortgage for twenty five years back, and was never released until I bought it, and that if that deed was not sufficient I would lay the mortgage deed before them, and it was agreed that I should, by the justice and Robert Naudain who took a very active part in the case. Witnesses were then summoned to prove the plaintiff's marriage with the woman with whom he then lived, and that she had had issue by him after the marriage. When the witness appeared on the third day of the trial, the justice got into a violent passion and pleaded all that he could in favour of

the plaintiff on the legality of the suit being called in question — this was during the course of the trial; ~~The legality of the suit being called in question~~. The justice then rose and threatened to kick Mr. White out of the office if he gave him any of his impudence, which he had not done as I perceived. In the end the referees separated and the suit was discontinued.

W.J. Did you ever lease the land to Alexander Harris, or did he ever agree to pay rent to you or any person under whom you claim?

No.

Do you know anything of the matters stated in the charge?

There was a case brought by myself against one John Loockerman — a case of damage under twelve pounds. The suit was brought some time in May eighteen hundred and fourteen. I attended once or twice, but Mr. Loockerman did not appear; upon which I plead for a judgment, but could not obtain it; and at last the justice refused to act on that summons, and stated that he would issue a fresh summons and send for him. He did so. The second summons was issued in June following. I attended and also the defendant, who plead that he was not ready for trial, in consequence of which it was put off to the first day of July; at which time the trial came on. The justice stood up and plead vehemently in favour of the defendant as is very commonly his practice; and objected to my evidence, whether the defendant did or did not, and called on him to make objections. At last the award was made out by Robert Vandain and Thomas Bostock. On Wednesday the sixth of July I called on Mr. Johnson for a transcript, finding the judgment was against me for six dollars and forty nine cents, costs, the justice informed me that he had not yet entered his judgment, that the case should go just as I wished — if I wished, he would enter a nonsuit, if otherwise, he would enter as the referees had reported, stating that if there was a nonsuit entered I might try the case over again;

to which I replied act according to law, I want nothing out of the legal course of things. He studied a while, and then I asked him what he intended doing; he said he would enter a judgment on the report of the arbitrators and did so for costs; the judgment was dated on the ~~twenty~~ fourth of June preceding. On thursday July the seventh I went to Newcastle to take an appeal; and the time limited for taking the appeal appeared to be out; but on my ~~mem-~~ ~~tion~~ obligating myself to prove that the report was given or made out on the first day of July, the appeal was entered. The appeal is still depending.

W. J. – Did you claim or enter the appeal with the justice?

No, I did not.

W. J. – Did you ever see the date of the judgment on the docket, or the date of the award?

No, I never did.

Do you know any thing relating to the matters stated in the fourth charge?

The first case I recollect is one brought by ~~Thomas~~ Robert Kirkley against Thomas Reed. I was one of the referees in this case. There were two witnesses examined before us. The case was very plain and judgment went against Mr. Reed. Mr. Reed called upon William White, who was then the acting constable for a bill of the costs; and Mr. White told him he would have the bill made out, and accordingly went to Mr. Johnson and asked him for a bill, and received it on a loose piece of paper in figures – it amounted to ten dollars and some cents.

Another case is that of the State against Glasgow Faught. I was present when Glasgow Faught was brought before Mr. Johnson on a charge of having committed an assault and battery on his wife. The husband and wife, on their appearing, with the consent of the justice, made up the matter. There was no fine imposed that I heard of – the squire told them to make it up themselves and to plague him no more. Glasgow then asked the justice what the costs were, he answered, have you got the money to pay them, he replied he had not, but would try and get it; the justice then said it would be time enough to know the amount when he had the money to pay; and

said he must give security for the payment of them, Glasgow said he would try if he could know how much it was; and Mr. Johnson then said the amount was about five dollars. Glasgow then called on Mr. Henry Walker to be his security; Mr. Walker asked what time the justice would give for the payment of the money; the justice said two or three weeks, Mr. Walker then replied that he would see the money paid at the time.

Another case was brought by Mr Rothwell against Ezekiel Roe for a debt above forty shillings. I was one of the referees to settle this case. When the papers were laid before the referees, I found that this case had been tried once before before Mr. Johnson; only that the parties were reversed the first case being Roe against Rothwell. I then refused to go into it; we quit the thing merely by saying there was nothing due the plaintiff, and so left it. From certain bills, which I saw and from what I understood, the amount of the costs in the two cases was about thirty eight dollars.

W. J. What was the amount of the justice's costs in those cases?

I do not know.

There was a case of one Jupiter Jones against James White both negroes. It was for debt above forty shillings and under twelve pounds. In this case I was summoned as a referee. The plaintiff after laying his account before us, produced a charge against the defendant for a damage to the amount of twenty dollars, the alledged damage consisted in White's having left Jones, ~~with~~ by whom he was employed. From the agreement between them and other evidence the referees reported in favour of the defendant, for the sum of twenty dollars or thereabouts. During that week I was summoned as a witness in a case between the same parties; I appeared, and there was a reference called, I was qualified to give evidence, I told them I knew nothing more about the business, except that I had been a referee in a former case for the same thing. The justice stood up and contradicted me, saying the first was an ac-

tion of debt and this an action for damage; I replied that the parties, papers, and demand were all the same. The referees went on and made out a report in favour of the plaintiff. I believe two of the referees in this case were William Frazer and Andrew Nandain.

Then was a case brought before Mr. Johnson by John Alston against me. This action was for damage under forty shillings, said to have been done by cattle, horses, geese and so forth. When I appeared, I enquired if he had ever had the damage valued or the fence examined by fence-viewers, and was informed that he had not; I then got the trial put off until the next office day, and in the mean time got two of the fence-viewers to examine the division fence between Alston and myself, who after measuring the fence pronounced my part good and lawful, and wrote a note to Mr. Alston to make up his part within the time limited by law. With these papers I went forward on the next office day, and laid them before the justice, who appeared for some time not to know what to do in the business. Mr. Alston then told him that he had persuaded him to bring the suit in that way, and had said he would give him a judgment which the justice then did for damages and costs.

Mr. I. – Were there any witnesses examined in that case?

Yes, there were.

Mr. I. – What was the testimony given in?

One of the witnesses said there had been ten bushels of corn destroyed by my horses, turkeys and geese. Another witness stated that, if there was any destroyed it did not exceed half of a bushel. The latter witness was summoned by me, the former by ~~me~~ the plaintiff, the latter witness had tended the corn and knew all about it.

Then was a case brought before Mr. Johnson by Matthew Donohue against Lewis Appleton for debt under forty shillings; Appleton appeared, Donohue did not. After Appleton had waited until ~~about~~ towards sun down, he

applied to the justice for a nonsuit. The justice told him he would grant it, and that he need not trouble himself any more about it that the thing was at an end. About ten days or two weeks afterwards the constable called on Appleton with an execution, which had been issued in the same case — the debt, I believe, was one dollar or seventy five cents, and the costs of judgment seventy six cents. There were no witnesses in the case. I paid the money to Mr. Hukill, the then acting constable, and took a receipt for debt and costs, which however I have not got here with me.

There was a case of ~~Lammel~~ Simon Suffery against myself and William White for the recovery of a cow, which had been taken from Suffery under an execution. The cow had been levied on under an execution at my suit against a certain Seth Adams, by William White, then acting constable, and was regularly inventoried and appraised. A part of Adams's property was sold under this execution, and part was not, and the execution not satisfied, to the best of my knowledge. Some time afterwards Adams absconded and left the State, leaving some property and among the rest this cow said to have been sold to ~~Lammel~~ Simon Suffery by Adams. The property was again seized upon or rather hunted up by William Hukill constable and by William White late constable, and advertised for sale. At the day of sale, enquiry was made about this cow, she was said to be in the possession of Suffery, and locked up in a barn. Messrs Hukill and White called on me and a number of others to go and assist them in bringing the cow to the vendue-house — I went with them — they got the cow and brought her away; and set her up and sold her — I bought her. Some time after that Mr. Hukill served the summons on me; I went forward. The justice read the charge to me and asked me what I had to say against it; I replied that I had

done nothing, but what I had been directed to do by two officers, and stated the facts of the case, adding that I should always do the same when called on in that manner. I told the justice I did not think the action would lie against me, and that Mr. Tuffey ought to have applied to a higher tribunal. However referees were summoned to try the case and Mr. Johnson asked Tuffey what his demand was - he answered he wanted his cow. Mr. Johnson ~~told him~~ said no, it is the value of the cow you sue for; he still persisted that he wanted to recover the cow and nothing else; and the justice then told him, that if he wished to get the cow, he must apply to a higher tribunal. The justice then rose to argue the case before the referees, as he commonly does. I then told the ~~defendant~~ justice, that I thought, that the ~~defendant~~ plaintiff by himself or attorney, alone had the right to prosecute the suit; the justice then flew into a violent passion, and told me, I was an impudent worthless fellow, and that he had a right to argue causes in that way, that it was a horrid crime and that I was at the bottom of it, that I ought to be trounced for it; I replied have it done, Sir, I am ready to abide the decision of a court and jury upon anything I have done. In the end, the referees refused to report and adjourned without day. Mr. White was joined in the summons with me, but it appeared that they considered me as the principal aggressor. The suit was then dropt; and ~~an appl~~ a writ of replevin was regularly taken out for the cow. The suit before Mr. Johnson was never tried, I believe it ended there - I have heard nothing more of it. Before I know of it there may be a judgment entered, and execution taken out.

~~There was a suit brought before Justice Johnson by Wm. Adam against Jesse Fairmore and Mountain against Charles Adams for a debt under twelve pounds. In this case referees were appointed, the plaintiff dropt, the defendant pleaded poverty & [illegible]~~

A suit was brought before Mr. Johnson by Fairmore and ~~Adams against~~ Mountain against Charles Adams, the parties appeared, and the de=

fendant plead non assumpsit, alleaging that the cause had been once tried before Justice Naudain. After one or two meetings the defendant neglected to appear at the proper time directed in the summons, and judgment was entered against him for the debt and costs, and execution issued and the money was paid. I was one of the plaintiffs in this case. The money, I believe, was justly due.

W. J. – ~~Do the papers~~ Does the paper, which you have held in your hand and looked upon while you have been giving in your testimony contain the same with the deposition, which you have now made?

In ~~part~~ the principal part it does. Some things not mentioned in it, I have recollected since it was drawn up.

W. J. How long has it been since the paper ~~now~~ which you have held in your hand was drawn up?

This question the commissioners determined to be irrelevant, and the witness was not required to answer it.

W. J. When were the cases of Alston against you & Simon Tuffery against you and William White commenced?

Since the ~~last the~~ adjournment at last session of the General Assembly.

June 20th 1815. John Timmonson

No. 6. John Lancaster being solemnly sworn deposeth and saith as follows; to wit,

What do you know of the matter stated in the ~~first~~ fourth charge now made to you?

John Timmonson brought a suit before W. Johnson against me, in which judgment was given against me, on the report of referees, for six dollars debt or damages and five dollars and forty nine cents costs. Three witnesses were summoned, and two of them were examined, the third, who was summoned ~~by~~ for me, was not examined, as he was interested in the cause. ~~One of the referees, Mr. Hutchins, whole~~

June 20th 1815. his John + Lancaster mark

No. 7. { Thomas Reed being solemnly sworn deposeth and saith as follows; to wit,

What do you know of the matter stated in the fourth charge?

This witness said on his oath that he knew nothing relative to any of the charges, and was accordingly discharged.

June 20th 1815.

No. 8. { William White being again called further deposeth and saith as follows; to wit,

There was a suit brought by Finnemore & Mountain against Charles Adams. In this case Mr. Mountain brought a transcript of a judgment, which had been rendered before Mr. Naudain. The parties appeared and the defendant plead not assumpsit and that the case had once been tried by justice Naudain, and produced a transcript from his docket. Mr. Johnson plead that the transcript had no weight, and said that notwithstanding that, the suit before him would still lie, and that he should proceed to trial. It was laid over to the next office-day. Referees were summoned to appear on that day, but did not attend. The defendant did not attend at the adjourned day of meeting, and in consequence, a judgment by default was entered. Some time afterwards an execution was issued for the debt and costs — the money levied and paid over to the plaintiff. I believe the costs in this case were about one dollar and eighty six cents.

There was a case before Mr. Johnson brought by Comfort Wright against John Staats, another against John B. Staats, another against ~~Sammy~~ Sammy Shutt, another against William Shutt, and another against John Basil junior. Service the writs. Some of the defendants appeared others did not. John Staats, John B. Staats and William Shutt attended and informed the justice they were ready to hear the charge against them. The justice then told them the plaintiff was not present and that therefore he could not try the causes that day; they were then laid over to the next office-day. On the next office-day they appeared again and informed the justice that they were ready

for trial. The justice told them this time also that the plaintiff was not present = they then insisted upon having a judgment of nonsuit; but the justice refused to enter nonsuit and directed them to appear on the next office-day. They appeared on the third day and the trial was still not called — the plaintiff still did not appear and it went off without any other day being appointed for trial; and the thing laid on for a considerable time. This was sometime in March; in the June following I was at the office and asked Mr. Johnson what had been done, and whom we were to look to for our costs: he then took his docket and turning to the cases, said he had done nothing in them, but that he was then going to enter judgments and to issue executions against them. ~~Also~~ Most of the defendants live about six miles from Smyrna.

Joseph Ferguson against Samuel Marshall was a suit before Mr. Johnson. The parties appeared and the case was laid over. Some witnesses were then summoned; at the next office-day it was again laid over to the next. The cause then came to trial, but was submitted by the parties to some of their neighbours to be settled. The costs in this case were fourteen dollars and some cents. An execution was afterwards issued for the costs. The execution was in the hands of Mr. Hukill, and from him I received my fees. The neighbours to whom the cause was submitted were not to report to the justice, but to the parties: the cause was to be amicably settled in that manner.

There was a case before Mr. Johnson of Joseph Wesley against Isaac Stoops. The parties met & the trial was put off for several days. At length the defendant did not appear and judgment went against him by default. I believe that referees and witnesses were summoned in this case. The costs in this case were about twenty dollars — they were collected ~~and paid over~~ from the plaintiff by me and paid over to the justice and so forth: I do not recollect how much I paid over to the justice.

W.J. — Was the three dollars which you collected of Glasgow taught by virtue of any writ or by any written order or direction from Mr. Johnson?

No Sir. I had no writ or written order, but merely a verbal order.

W. S. Did Mr. Johnson tell you what amount to collect of Glasgow Taught?

No, I do not recollect that he did.

How did it happen that you collected no more of Glasgow Taught than three dollars?

Because he had no more money about him at that time: he paid me that sum in part.

June 20th 1815

William Rothwell

No. 9. William Rothwell being solemnly sworn, deposeth and saith as follows; to wit,

Eyskine Roe sued my mother, Ann Rothwell before Mr. Johnson for debt. I knowing the charge to be illegal attended at the office for my mother: after I showed my mother's account to the justice, he observed it ought to be tried by referees. Witnesses to the number of five or six were ordered to be summoned to appear at the next office day, to which time the cause was put off; but the witnesses did not appear at that day, and it was put off two or three times. When the referees and witnesses did attend the cause went on to trial, and the referees reported in favour of the plaintiff for, I reckon, about six or eight dollars. I was afterwards talking with two of the referees about the case, and they told me their report was occasioned by their not understanding a part of my mother's account: I then thought perhaps that I could have the judgment opened as the report was made against my mother through mistake, and went to Mr. Johnson to enquire if this could be done; he replied to my enquiry that he did not think it could be opened; but he observed that, as it was late ~~when~~ in the evening when the report was returned to him, he had not entered judgment. He told me the best way of getting at the thing, would be to sue Mr. Roe for damage; I then directed him to have a writ issued at the suit of my mother against Mr. Roe for damage, as he advised; which was done. Roe met at the day and I directed some witnesses to be summoned. Roe said he had two or three witnesses, whom he wished to bring forward, and must have the cause put off on that account. The cause was put off; and at the time appointed

referees were selected, and the trial went on. The referees reported no cause of action. After Mr. Johnson had read the award to me, he asked if I was satisfied; I told him I must be, as I could do nothing more in it. I then enquired of him, what the costs amounted to, he replied that he would tell me directly. Shortly after the constable came to me and told me the amount was about twelve dollars. I paid my mother's witness myself fifty cents each, which the constable told me was the amount of their fees - there were four of them: No other part of the costs in this case ~~was~~ have ever been paid.

June 20th 1815

Wm Rothwell

No. 10. John Lawber esquire being solemnly sworn deposeth and saith as follows; to wit,

In one case I was plaintiff and was cast and was of course to pay the costs; when the case was decided, which was done after one or two adjournments, I asked for a bill of costs, ~~which was made out for me~~ in consequence of their being so very high, with a view to settle them. While waiting for this bill, I was warranted in a case for damages by one James Reed. This latter case was continued at the request of James Reed rather oftener than was proper, according to my ideas, and oftener than was convenient for me; in consequence of which I proposed to pay the costs if Reed would discontinue his suit; which was agreed to, and a non suit was entered. Some time afterwards William Hutkill called on me with a bill of costs; but it not being signed by the justice I refused to pay it. The constable's costs I paid to him with the exception of one dollar, which he could give no account of, informing him that if Mr. Johnson would send a bill properly made out and signed I would pay that

also. I heard nothing more of the matter until I was told that executions had been issued by the justice for the costs – the one against myself, the other against Reed, which I afterwards found to be the fact and paid off both. The costs in the first case were ~~fifteen~~ fourteen dollars and seven cents ~~including the bill of costs~~. In the case of James Reed against me the costs were ~~twelve~~ thirteen dollars and ~~thirty four~~ seven cents. ~~There~~ In the case of Reed against myself there were but three witnesses, Joseph Griffin a fourth witness was present on the last day of the trial. There were in the case of Reed vs. me charges made in the bill of costs for ~~summoning~~ issuing summons for my witnesses, which were not ordered.

Q. Did you send any order or direction to Mr. Johnson to summons your witnesses?

No; I did not.

In both cases I personally assisted Mr. Johnson to make out bills of ~~costs and sign them~~ the particular costs according the act of Assembly. Mr. Huckill left with me bills of the costs in both cases in the handwriting of Mr. Johnson, but not signed by him.

While I was attending at Mr. Johnson's office on one of these cases, I was appointed a referee in the case of Ezekiel Roe against Ann Rothwell then depending before the justice. In this case, if I recollect right, the award was for six dollars and some cents, at least above forty shillings. I heard the costs in this case announced to the person attending on Mrs Rothwell's account, which were above twenty four dollars; and heard that person, William Rothwell, ask the justice for a bill of the particulars, but whether it was delivered I do not know. The bills were demanded in consequence of a dispute between myself and the justice relative to the propriety of some of his charges.

June 20th 1815.

John Lowber

No. 11. William Weldon junior being solemnly affirmed doth depose and say as follows; to wit,

What do you know ~~anything~~ relative to the matters stated in the first charge now read to you?

There was a case before Mr. Johnson of Ezekiel Roe vs. Ann Rothwell. Referees were summoned who settled this case. Sometime afterwards, I was at a vendue, and heard William Rothwell, who acted for his mother Ann Rothwell, desire Mr. Johnson to have the cause tried over again. Mr. Rothwell stated that he had not a fair trial on account of the absence of a witness whom he could not get there, and that if the justice would have it re-heard, he would take care to have this witness produced. The case was some time afterwards brought on again, and I was summoned as a witness — I had been a referee on the first trial. The trial went on and the case was settled in the same way it had been before. Mr. Rothwell was speaking to me on the day of the vendue about the case, and told me he intended removing it; I advised him to let it alone, that he would probably be thrown in the costs again; he said, if he should be thrown into the costs, he should be better satisfied, after having his witness before the referees. The witness he wished to have was Mr. Bowman of Newbastle.

I have had one or two cases before Mr. Johnson, in which I have been defendant or surety, and have had the costs to pay, I did not find the fees charged by him higher than those charged by other justices of the peace.

June 21st 1816.

Wm Weldon Jr.

No. 12. Samuel Hutchinson being solemnly sworn deposeth and saith as follows; to wit,

What do you know relation to the matter stated in the second charge now read to you?

There was a case befor Mr. Johnson while I was a constable of Newcastle county of Abel Harris against Thomas Carrow. The summons was issued and put into my hands to be served. I served the summons and went to squire Johnson's the day it was returnable — Mr. Johnson was not at home. I then went to Mr. Johnson's son's expecting to meet him, and while I was there, seeing him return towards home I followed him to his house. After I had left Mr. Johnson's first, Mr. Carrow called at ~~the~~ Mr. Johnson's also, but went away before I returned and probably before the justice himself got home. Mr. Johnson on my arrival told me this, and that he could do nothing as Mr. Carrow had gone away before he saw him. Then I told Mr. Johnson that as that was case he had better return the summons to me, that I should see Mr. Carrow ~~befor~~ at our review day on the next wednesday, and that I would notify him over again; the justice then gave me the same or another summons in the same case. I did see Mr. Carrow as I expected and notified him to ~~meet~~ appear ~~at~~ on friday, the next office day. I myself did not attend at the office on the return day — I do not know whether Mr. Carrow did or did not. At the friday following the return day or a week after that, I went to the office and offered to make a return of the summons — Mr. Johnson looked at the summons and told me there was a judgment entered.

June 21st 1815.

Saml Hutchinson

No. 13. Daniel Crouch being solemnly sworn deposeth and saith as follows; to wit,

Do you know of anything relative to the matters stated in the first charge now read to you?

One Jupiter Jones a negro, hired another negro named James White to work with him for five months and engaged to give him eight dollars and fifty cents per month, and the liberty of absenting himself four days in harvest on condition that he made up those days at the expiration of the term. Harvest came on and Jones still retained White in his own employment. White mentioned to Jones that he had not availed himself of the liberty of having four days during the harvest and that it was then over, Jones replied to this that he would make him compensation. Some time after this White was taken sick and had to quit work for about two weeks. When he began to recover Jones went to him to see if he intended a returning back to his service again: White offered to go back if Jones would make him compensation for the four days in harvest. Before Jones went to see White, however, he told me that he had determined not to take him back unless he would agree to ~~work~~ make up lost time by working for him two days for each one, while he was absent thro' sickness. Jones refused to pay White anything for the four days in harvest. Jones then applied to W. Johnson for a writ against White, and it was issued. The cause went on — referees were appointed, of whom I was one. Jones exhibited to us an account of monies which he had paid White during the time he was with him, to which he had attached a charge of twenty dollars against White for leaving him. On examining the cause we found that White had sufficient cause for leaving the employment of Jones, and of course that there could be no claim against White for damage;

of course nothing remained for us to do but to strike the balance between the account of the plaintiff for money paid and the account of the defendant for the work which we had done; we found a balance of about twenty dollars in favour of the defendant White. Jones being dissatisfied with that award, instead of appealing, prevailed on the Squire to issue a new writ against White, - in this case he demanded nothing but damages for White's leaving him - Referees were summoned and I was summoned as a witness. Jones now demanded fifty dollars damages. The referees finally awarded him thirty one dollars and some cents. White being dissatisfied with the award immediately applied to the justice for a transcript with the intention of appealing; the granting the transcript ~~by~~ was put off by Mr. Johnson - he observing that it would do on some future day. White applied a second and a third time and was still put off by Mr. Johnson - he telling him that he had not closed the judgment and that it would be time enough when that should be done. These applications were made upon three several office-days after the trial. The first case was tried some time in September eighteen hundred and fourteen.

Mr. J. - Did the negro appeal before the justice, or desire him to enter ~~the~~ an appeal?

No; he did not: but at the time of demanding a transcript he signified to Mr. Johnson that he intended taking an appeal.

There was a case before Mr. Johnson of Ezekiel Roe against Ann Rothwell. Ezekiel Roe obtained a precept against Ann Rothwell for I think about thirteen dollars. William Rothwell, who was agent for the defendant his mother, brought forward before the referees, some charges against the plaintiff. The referees awarded in favour of the plaintiff for about seven dollars, as well as I recollect. A part of the claim produced by the defendant, being denied by the plaintiff, and there not being sufficient evidence in the opinion of the referees to prove it, was not allowed. William Rothwell not-

being satisfied prevailed on Mr. Johnson to issue a precept at the suit of his mother against Roe for that part of his mother's claim which had not been allowed. This case was referred to arbitrators, and the claim still not being sufficiently proved, they awarded no cause of action.

Do you know anything relative to the matter stated in the fourth charge?

I paid off a judgment before Mr. Johnson for another. The costs in that case were twenty cents higher than I believe attorney's charge. The additional twenty cents were, as I understood, for swearing the constable to the truth of the return which he had made on the summons.

June 21st 1815.

Daniel Crowell

No. 14. { Samuel Hutchinson being again called further deposeth and saith as follows; to wit,

Mr. S. — Were you one of the referees who tried a cause between William Parsons, negro, and Francis McCrady?

I was.

Mr. S. — Did the justice in that case on the referees' mentioning to him that the debt was above twelve pounds direct them to go back and make a report for some sum under twelve pounds?

I don't recollect his having done so — I believe he did not.

Mr. S. — What was the sum for which the award was made out?

I don't recollect precisely — I believe about twenty eight dollars, which I rather suppose was the balance on our striking the accounts.

Mr. S. — Were you influenced in that case by anything said by Squire Johnson?

I don't think he said anything in favour of either party; if he did it has slipped my memory.

Mr. S. — Have you been frequently at Mr. Johnson's office?

Two or three times.

Mr. S. — Did you ever hear him argue for either party in the course of a cause before referees?

Never.

Samt. Hutchinson

June 21st 1815.

No. 15. { William Weldon junior being again called further deposeth and saith as follows; to wit,

Wt. J. What knowledge have you of the trial before the referees in the case of William Parsons vs Francis McCready before Mr. Johnson?

I was present during the trial. The referees went over the accounts and Mr. Hutchinson told me that there was a balance of more than twelve pounds in favour of Parsons; and asked me what they should do – I told him to see if they could not allow Mr. McCready more of the credits than they had. The referees then went over the accounts a second time and made out the balance to be less than twelve pounds.

Wt. J. – Did you hear any direction from Mr. Johnson to the referees?

I did not hear him say anything to them after I went into the room.

Wt. J. – Have you been frequently at Mr. Johnson's office?

I have.

Wt. J. – Did you ever hear him argue a cause before referees in favour of either party?

No I never did hear him argue in favour of either party. I have heard him explain the law to the referees when they appeared to be at a loss.

June 21st 1815.

Wm Weldon Jr

No. 16. { Isaac Morford being solemnly affirmed deposeth and saith as follows; to wit,

What do you know relative to the matters stated in the first charge now read to you?

Late in the year eighteen hundred and fourteen or in the beginning of the present year, I was summoned by John Chatten before Mr. Johnson in a case of a debt under twelve pounds. Early in the day on which the summons was returned I went to the office to Mr. Johnson about the case as I conceived it not within his jurisdiction. I had an opportunity of seeing and speaking with the justice before business commenced and told him I did not think the suit ought to have been brought before him; the squire observed that if Chatten had brought a suit in his own error, the judgment would of course be against him and that I had better stay and attend to the business. Soon after the court opened Mr. Chatten appeared and brought a note given to him by Matthew Clark payable in six months from the date – the note was then due – underneath the note was

written "I assign to John Chatten one horse, one cow and one calf as a security for the payment of the above note" and signed "Matthew Clark." This note he put into the hands of Mr. Johnson and charged me with holding the cow — I had purchased the cow of William Allfree. After a short debate, I asked for a reference. The day the referees met; I proved that I had purchased the cow of William Allfree; and alleged that the cow even if she did not belong to me, could not be recovered by the plaintiff before a justice of the peace. I prayed the justice to give his opinion to the referees whether, the suit could be legally sustained or not: the justice was busy and paid but little attention to my request; and the referees proceeded and made out a report against me for twenty one dollars, which was the price that I paid to Mr. Allfree for the cow. This cow was the same one which was mentioned underneath the note, and formerly belonged to Matthew Clark. I knew that Clark had assigned or sold a cow to John Chatten, but until the suit was brought, thought it was not the one I purchased of Allfree.

What do you know relative to the second charge?

Abraham Van Dyke married Ann Powell in Maryland before a justice of the peace; and by some means got a note from her for a sum a little under forty shillings. Ann Powell afterwards married my son Cornelius Morford, and a suit was brought on the note against ~~the~~ my son and his wife by one Simmons to whom the note had been assigned. When we met my son contended that the note was procured by fraudulent practices. The plaintiff did not appear. The squire readily put off the cause in order to give notice to the plaintiff to appear. I think we attended on three different days and the plaintiff did not attend; and the squire gave my son and his wife a non-suit. Another suit was commenced on the note before Mr. Johnson in the course of a few days. We attended twice in this second case and my son prayed a non-suit, the squire stated that it was nothing more than right and promised to enter the non-suit. Some time in the course of the next week Mr. Hutchill called on my son and over-haley told him that the squire wished him to appear at the office on that business.

I have had cases to pay in cases before Mr. Johnson but never found them to attend those charges by other justices of the peace.

June 21st 1815.

Jesse C Morford

No. 17. William Hutchill being solemnly sworn deposeth and saith as follows; to wit,

~~What reason have of the meeting stated in the fourth clause of the notice?~~

W. J. Were you one of the referees in the case of William Parsons against Francis McCreedy?

I was.

W. J. – Did the referees in that case inform the justice that the ~~fees~~ debt was above twelve pounds and receive from him any direction?

I believe not; I don't recollect any such thing.

W. J. – Have you frequently attended at W. Johnson's office?

Every office day but one or two within the last twelve months, and frequently before.

W. J. – Did you ever hear W. Johnson argue a cause in favour of either party before the referees?

No; I have heard him explain the law to them, and inform them that if facts were so and so, the law was so and so: and explain the nature of the case to them.

W. J. – What are the usual costs in cases determined before referees before W. Johnson?

From two and a half to five dollars. I know of two cases in which the costs amounted to a greater sum – the cases were Ezekiel Roe vs. Ann Rothwell, and John Lawber vs. John Kirkley. In the case of Roe vs. Rothwell there were seven or eight witnesses, the greater part of whom lived about twelve miles distant from the office.

June 21st 1815.

Wm Hutchill

No. 18. Isaac Morford being again called further deposeth and saith as follows; to wit,

W. J. – Have you been frequently in the office of W. Johnson?

I have.

W. J. – Did you ever know him to argue in favour of either party before referees?

I did not. In the case of ~~Simmons~~ Harris against Simmons and White, Simmons wished to prove his title to the land on which Harris lived in order to hold the rents; and the justice addressed the referees at some length, informing them that they had

nothing to do with the title to the land.

June 21st 1815.

Juan Mosford

In obedience to a resolution of the Honourable the General Assembly of the State of Delaware we the undersigned did meet at the village of Smyrna and in conjunction with the other commissioner (~~Thomas~~ Gideon Emory) in the said resolution did take the foregoing depositions of witnesses relative to the official conduct of William Schuson Esquire one of the justices of the peace in and for Newcastle county which we now return to your Honourable Body. Dover the ninth day of January in the year of our Lord one thousand eight hundred and sixteen.

John Clark (Seal)

Robert Patterson (Seal)

— — —

Depositions
1816.

John Lockerman
vs
John Fennemore
in
John Lockerman
Copy of Transcript
from Justices Docket

State of Delaware
Newcastle County } ss

John Tennemore
vs
John Lockerman } Summons Issued May 20th alias June 17th

Trespass under twelve pounds
To appear June 24th at 10 Oclock S. ell.

Justice	$1.09
Constable	$1.98
Referees	1.46
Witnesses	1.96
	$6.49
Trans.	" 20th Paid

Defendant Appears a Reference is granted
Judgment on the report of Referees for Defendant.
for $6.49 costs of Suit.

(SEAL)

I do certify that the above is a true Transcript of a Judgment entered by me at the Suit of John Tennemore against John Lokerman on a Report of Referees Witness my hand and Seal the 6th day of July A. D. 1814.

William Johnsone

Newcastle County

I do certify that the above is a true Copy of the Transcript from William the docket of William Johnson as it remains filed of Record in the Court of Common Pleas of the Dec. Term A.D. 1814. Given under my hand and Seal of said Court at Newcastle May 23. 1815

Henry Steele Prothy

Filed
Court of Eq

June 20th 1815. Proved on the oath of John Lowber esquire to be in the handwriting of Wm Johnson esq. & to have been delivered to him by William Hutkill constable

John Clark
Gideon Prior
Robert Patterson

No 346 Lowber vs Rickley

Costs

Justice fees

Sum — 13
Office — 20
Sub Lib Tin 3 times — 60
Sum Wt pro Plaintiff & Defendt — 26
2d time — 26
3d — 26
1st — 13
Judgment — 10
1.94

Constable

do Sum — 33
1st time 3 Wts — 30
Mileage (10) — 1.20
2d time 2 Wts — 20
Mileage (10) — 80
3d time 1 Wt — 20
Mileage (10) — 40
Sum Lib Tin 3 times — 90
Mileage 5. 3 time — 1.80
6.13
Sum Wts 4 — 1.00
fees Lib Tin — 2.40

fees for Witnesses

1st time 3 Wts — 60
Mileage — 1.20
2d time 2 Wts — 40
Mileage — 80
time 1 Wt — 20
Mileage — 40
3.60 Witnesses
2.40 Lib Tin
6.13 Const
1.94 Justice
$15.07

Docket B No 44 Read vs Lowber

Costs

Justice fees

Sum — 13
Off — 26
Sub Wt pro Plaintiff & Deft — 26
2d time — 26
3d time — 26
Sub Lib Tin (three) — 40
Judgment — 10
1.61

Constable

do Sum — 33
1 Sub Wt No 3 — 30
Mileage (10) — 1.20
2 Sub Wt 3 — 30
Mileage — 1.20
3 Sub Wt 2 — 20
Mileage — 80
Sub Lib Tin three times — 60
Mileage (5) — 1.20
6.13
fees Lib Tin — 1.60

Witnesses

John Shelton — 60
James Phillips — 1.20
Joshua Carter — 60
Joseph Griffeen — 60
3.00 Witnesses
1.60 Lib Tin
6.13 Constable
1.61 Justice
$12.34

6.13
6.13
2.40

(Copy)

Recd. Feb. 14. 1815 of Jno. Lowber five dollars & fifty four cents in full of the balance of an execution for fourteen dollars and 8 seven cents against him in the case of Jno. Lowber versus Jno. Kirkley on Wm. Johnson's docket.

$5.54 pr. Wm. Hutcill Con.

Recd. Feb. 14. 1815 of Jno. Lowber seven dollars and ninety four cents in full of the balance of an execution against James Reed on Wm. Johnson's docket for thirteen dollars & 7/100 which he assumed to pay.

$7.94 pr. Wm. Hutcill Con.

Proved June 20th 1815. on the oath of John Lowber esquire.

John Clark

Robert Patterson

Gideon Emory.

Report by the
Sergeant at Arms

0943

The Serjeant-at-arms of the House of Representatives in obedience to the orders of House returns that he delivered to Wm Johnson Esquire, on the 22d inst, a copy of a resolution of the House and of certain Charges against the said Wm Johnson, Esquire, furnished him by the Clerk

Vincent Vanderford S.A.A.R

0944

Depositions
in behalf
of
William Johnson Esq.

0449

Depositions of witnesses sworn and examined before me John Fisher at my home in the town of Dover and state of Delaware, this twenty-fifth day of January in the year of our Lord one thousand eight hundred and seyteen, in pursuance of a Resolution of the Honorable the House of Representatives of the State of Delaware empowering the said depositions to be taken by me, passed on the 24th instant; and said depositions are taken in relation to certain charges now pending before the said House against William Johnson Esquire one of the Justices of the Peace of the State aforesaid, in and for Newcastle County — on the part and behalf of the said William Johnson.

William Hustill a witness produced, sworn and examined, aged thirty-seven years and upwards, deposeth and saith, That at different times he has heard John Finnemore of Newcastle county, express himself very favourably of the aforesaid William John-son as a justice of the peace; that the said William Johnson was a very suitable man for the office of a justice of the peace and that he the said John Finnemore thought a great deal of him, as such officer; that this deponent never heard the said John Finnemore say any thing but what was favourable of

the

the said William Johnson, until since the last
Session of the General Assembly of this state, since
which time he has heard the said John Tinnemow
say and allege much against the said William
Johnson, as a Justice of the peace, grounded as this
deponent believes, on the following circumstances,— The
said John Tinnemow had in the hands of a late
Constable of New-castle county of the name of William White
an execution against a certain Jesse Adams; that
during the time of said execution being in said White's
hands the defendant therein said Adams ran away;
that about three months before said Adams ran away,
he had sold a cow to a certain Simon Taffery; that
after said Adams was gone off the aforesaid John
Tinnemow urged the said White to go with him to
said Simon Taffery's for the purpose of taking the
said cow— they went to said Taffery's, broke open his
barn (it being locked) and took away the said cow;
that said White drove the cow to where the residue of
said Adam's property was to be sold by this deponent,
as a Constable, where she was sold by said White to
and purchased by the said John Tinnemow— Thereupon
the said Simon Taffery instituted certain proceedings
before the said William Johnson against the said
William White and John Tinnemow— that since the said
proceedings, this deponent hearing the said John Tinnemow
speak ill of Mr. Johnson as a Justice of the peace, this
deponent reminded the said Tinnemow of his former
favourable

opinion of Mr. Johnson, said Pinnemore replied that he had a favorable opinion of Mr. Johnson as a Justice, until it was altered by his proceedings against himself and the said White — that said Pinnemore also said that he would do every thing in his power, to have the said William Johnson removed from his office of Justice of the peace — And this deponent further saith, that a dispute originated between a certain Edward Gross (negro) and the said William White respecting costs ~~which had become due~~ in a certain case, which said White had collected from said Gross, while constable; that said Gross alleged that he had paid White six dollars as costs on said suit, White admitted he had paid such sum, but alleged there was more still due, but on reference to said William Johnson, before whom the said case was, it appeared that the whole of said costs was but two dollars and sixty-three cents; White then alleged that Mr. Johnson had made a mistake — Mr. Johnson then went over the bill again and could make it out no more — Said White then discovered a good deal of irritation, that the said William Johnson would make the bill of costs amount to no more — that this happened while White was a Constable. That this deponent has known the practice of the said William Johnson ever since he was a Justice, and particularly since this deponent was a Constable, which will be two years in May next, that his practice is, in cases of Summons, if the defendant does not

appear

appear, to swear the constable to the service of the writ, for which he charges twenty cents—; that this deponent has never known the twenty cents charged where the defendant had appeared in pursuance of the summons; that this deponent has known the twenty cents taken off after the affidavit had been administered, or the appearance of the defendant taking place; that the affidavit is always a written one drawn up by the said William Johnson as Justice, and signed by the constable— that the said William White had been out of office upwards of eleven months, when he sold the cow of Simon Tuffery and further this deponent saith not.

Wm. B. White

Taken, sworn to and
Subscribed this 25. January 1816.

before me

John Tusher

Cornelius Mandain aged thirty years and upwards, a witness produced, sworn and examined deposeth and saith, That he lives about one mile and a quarter from the residence of the aforesaid William Johnson; that he has been frequently at the office of the said William Johnson and has heard causes there tried before referees; that he has never seen or known the said William Johnson attempt to influence or ~~attempt~~

appear

appear to wish to influence the refferees in any decision; and further this deponent saith not.

Cornelius Van Dusen

Taken, sworn to and
subscribed this 25. Jan. 1816.
before me
John Fisher.

Peter Staats aged forty-seven years and upwards, a witness produced, sworn and examined deposeth and saith, That he lives about a half of a mile from the residence of the aforesaid William Johnson; that he has been several times a referree in matters to be decided before the said William Johnson, as a justice of the peace and has often been treats before other referrees, on which this deponent has not been a referree, and that he has never seen or known the said William Johnson to influence or attempt to do so, or to shew a wish to influence any set of referrees in any treat before him; and further this deponent saith not.

Taken, sworn to and
subscribed this 25. Jan. 1816
before me,

his
Peter + Staats
mark.

John Fisher.

William Huskill being further examined as to the hand-writing of Thomas Weldon appearing on the docket of Mr. Justice Johnson, at Nos 525 and 528 deposes and says, that he has often seen the said Thomas Weldon write, well knows his handwriting and that the said signatures respectively are of the proper handwriting of the said Thomas Weldon; and further saith not.

Taken, sworn to and subscribed this 25. Jany 1816. } Wm Huskill

before me

John Fisher.

The Answer of Dr Johnson.

0999

In the proceedings before the honourable the House of Representatives of the State of Delaware against William Johnson one of the Justices of the peace for Newcastle county.

The charges against the accused arrange themselves in ~~three~~ four classes.

1. The issuing of process and rendering of Judgment in cases not properly cognizable by the laws of the State before Justices of the peace.
2. The entering of Judgment and issuing of Execution, although the original process had not been served.
3. The antedating of Judgments and awards to prevent appeals.
4. The taking of unlawful fees.

The report of the honourable Committee, to whom the depositions taken against the accused were referred, states relative to the first charge,

1. That the accused has issued process and rendered judgment in cases not properly cognizable according to the laws of this State before the accused as a justice of the peace, submitting whether he proceeded therein contrary to his better knowledge

relative to the second charge,

2. That it appears by the deposition of one witness, that the accused entered judgment and awarded execution, the original process had not been served.

relative to third charge

3. The committee are not prepared to say, that this charge has been fully supported by the testimony touching the same.

and relative to the fourth charge,

4. The opinion of the committee is, that the accused has in several instances taken fees, which he was not authorized to take by Law.

The accused is fully aware of the difficulties, which any man in an official station must meet in encountering charges alleged

against him. Freedom from error is not within the hopes of humanity. The errors of an official station are necessarily seen, excite little sympathy, receive little indulgence and frequently are eagerly seized on and aggravated by those, not affected by them, to gratify feelings, which other causes have created. Of two litigating parties, one must be wrong; while both will think themselves in the right. The loser generally considers himself injured, and ~~not unfrequently~~ in some cases considers so with a temper excited to exasperation by the litigation, in which he has been engaged. For the most unjust are not the most patient under proceedings intended to promote justice. The station of a justice of the peace is necessarily exposed to some enmities, his conduct presents an extensive field for accusation; and accusations, which in some instances are difficult to be defended against. For while the various duties of a ~~d~~ Justice of the peace will drive from his mind the particular circumstances of particular cases and the grounds on which he acted, other circumstances, which explained by the nature of the case are of no moment, may singly be caught at, cherished in remembrance and receive a higher colouring from time, which has caused the explanation to be forgotten.

The accused renders deference to the opinions of the committee, who have reported the charges against him. He knows that their judgment is entitled to every consideration and respect. He trusts, that he shall not be considered as failing in this respect and consideration in this his answer. He solemnly asserts, that it has been his object to administer the office of justice of the peace according to the laws of this State. If he have deviated from these laws, this deviation has been contrary to his wishes and his convictions.

Upon the first charge, the accused begs leave to answer, that he never did issue process or give judgment in a case, which he did not believe was properly cognizable before him.

Upon the second, That he does verily believe, that he did never enter a Judgment, in ~~which~~ a case when the original process had not been returned

upon the third, that he did never antedate a report or Judgment in any case or for any purpose

and upon the fourth charge, that he never took any fee, to which he did not believe himself to be entitled.

The fee, which he has taken, in Judgments by default, of twenty cents for taking the affidavits of the constable to the truth of his return, is that which has been most talked of and most objected to.

~~When~~ Soon after the accused was appointed to the Office of Justice of the Peace, he was called upon to administer the necessary oath to Freeholders appointed to ~~divide Land~~ appraise property. Two gentlemen, who had been Justices of the peace, were present. The accused, on being asked what fee was to be paid, inquired of these gentlemen. They differed upon the subject. This induced the accused to examine the law respecting the fees of a Justice of the peace and he has always intended to be guided by it. He found by the fee bill, that for taking a deposition or affidavit drawn in form, the fee of twenty cents was allowed.

By the seventh section of the Act for the more easy and speedy recovery of small debts - 2 vol Del. L. 1044., when the process is by summons, Judgment cannot be given in the defendant's absence without oath or affirmation of the constable, that the process has been duly served in the manner appointed by the Act. The accused therefore considered, that no Judgment by default could be good, unless it appeared by the record, that the oath or affirmation had been duly administered. The accused is informed by his counsel, that the Supreme Court of this State have so determined. This can appear only by a regular affidavit of the service in manner by law appointed, and the accused considered that for this Affidavit the above fee was regularly chargeable. He is advised by his counsel, that this is the law. But the accused submits to the Judgment of this honourable House. The practice of the accused has been to take the affidavit, if the defendant summoned did not appear by three o'clock of the return day, and to take off the fee of twenty cents if the defendant showed afterward appear on that day. He refers to the deposition of William Hukill taken by Judge Fisher.

Among the number of cases, which have come before the accused as a justice of the peace, which will be seen by his docket, it was perhaps not to be expected that there would be

some of obstinate litigation. His wish has always been, that in cases before him, the parties should have a fair trial. He has granted continuances in cases, where it appeared, both parties were not prepared for trial, and in some cases many witnesses have been summoned. In a few cases costs have been incurred, which he extremely regretted. But of these costs, very trifling appertained to him, or were ever taken by him. They were taxed by him, as he believed, according to law and principally belonged to, and if taken, were taken by others, not by the accused. There may be occasional errors in the taxing; if so, these were unintentional; and, as the accused is informed ~~that~~ by his counsel, that it is understood, that even in the courts of this State, there is some difference as to the practice upon the subjects of costs in the different counties, he humbly hopes that an error of this nature, if such exists, will not necessarily be imputed to him as a fault. The accused begs leave to observe, that the course of proceeding for taking unlawful fees is clearly prescribed law; the penalty is fixed and limited by law; and he respectfully submits, whether this course is not sufficiently obvious, and this penalty amply adequate, to reach and redress this evil, ~~if~~ if any exist.

In relation to a part of the testimony relative to the case of Glasgow Taught, that the accused charged this negro man five dollars for costs in a criminal proceeding against the negro, he begs leave to observe, that, although William White says, he collected three dollars of this five dollars, in pa 8. of his first deposition; he admits the costs remain in his hands, when his deposition was taken, 19 June 1815 - and in page 18 19 of his second deposition, that he had no written direction to collect, but states it to be verbal - also that he does not recollect, that he was told what sum to collect, and by Henry Walker's deposition, who says he became surety for payment in two or three weeks, that his suretyship was merely verbal and that he knows not whether they were ever paid; that no bill of costs was made out & that the accused said he would double the costs the next time. This black man and his wife had lived in quarrel with each other and he was before the accused on her complaint of assault and battery. It was the wish of the accused, that the black man might through apprehension of the consequences be induced to live peaceably with his family.

And the accused might have told him, that the costs then would be five dollars and the next time doubled. But no bill was, when he told this, taxed, and the accused did not speak with a view or intention, that any such costs would be taxed or demanded. The accused exhibits his docket ~~entr~~ in No. 23 of which is that case with the costs duly taxed. The accused avers, that these costs were taxed and entered on this docket immediately after the office day, in which the business took place, according to his custom of making out the bills of fees as soon after the business is settled as he conveniently can, and he also avers, that no other fees were ever taxed or intended to be taxed by him. That he never demanded the fees and had lost all recollection of the case, when the thing was brought to his mind by the deposition of Henry Walker, upon which he turned to his docket and which he at that time exhibited to his counsel shewing the fees regularly taxed and entered on it - & amounting to $1.73 - The accused might be permitted to observe, that had he intended to demand and receive the sum of five dollars, it is surprising the surety, for its payment in three weeks, should never have heard about it; and also that the circumstance of William White, ~~(who was constable only for the part of a year and was not continued)~~ (who was never regularly appointed constable, but acted as such about nine months as deputy of a constable, on the expiration of whose time the said William White was not appointed) having received from this negro three dollars, ought not to operate against the accused because, it was without his knowledge and it appears by the deposition of William Hukill taken before Judge Fisher, that the said William White had taken from another negro man about six dollars as costs & still claimed more, altho the costs on the accused's docket was about $2.63. and felt irritation, that the accused would not enlarge the Bill

The accused has been in the practice of medicine about five and twenty years in the neighbourhood, in which he

now lives. This profession affords a field in which a rapacious disposition, if existing, would discover itself. Some of the members of the honourable house well know the accused and his neighborhood. He can appeal to them, whether these twenty five years of his life have discovered a disposition, that will permit the belief, that he has designedly taken exorbitant or unlawful fees. Nor can the accused suppose, that if such had been his course, the obvious legal proceedings would not have been resorted to against him.

Upon the third charge, which the committee consider to be not fully supported by ~~oath~~, ~~true~~ proof, to wit, that the accused did antedate an award and Judgment, he will submit but a few observations. The testimony of Mr. Finnemore in page 16 of the depositions, certainly indicates, that the accused did date a Judgment rendered in July of the 24th day of the preceding June, and that this was done to prevent an appeal. Mr. Finnemore certainly intended to prove this and to be so understood. But when he is questioned by the accused, whether he claimed an appeal before the Justice, he says he did not, and that he did not see the date of the award or judgment. Mr. Finnemore therefore intends to make this serious impression against the accused without sufficient grounds, as the accused respectfully submits. It is well known to the house, that according to law the appeal was to be entered with the justice & security there given. Why did not Mr. Finnemore pursue this course? Had he done so, it would have been at once seen, whether it were or were not too late. But without making a promise to the Accused on the subject, he takes a transcript, a mere skelcton of the record, and carries it to Newcastle, and in his deposition states the Judgment was dated the 24 June - & his difficulty in consequence. The accused exhibited his record of this case before the Commissioners to take depositions. They have certified the copy here with exhibited. The accused exhibits the record itself to the house. And he asks, is it or not fairly kept? Is not the award dated the first July 1814? Is not the Judgment entered regularly on

this Award and does it not take date of the 1st July? and is not this the ~~regularly~~ regular mode of entry adopted even in ~~Courts~~ the higher Courts? The accused therefore respectfully submits, that the allegation, that the Judgment was dated the 24 June is fully disproved.

The cases referred to under the second charge of Judgment entered and execution awarded without service of original process depend upon the testimony of William White Mr. White has certainly been mistaken in some things and the accused believes that he has in this. The accused was very particular on this subject, of never giving a Judgment by default without oath of the service of the summons. He never did give a Judgment without such oath. ~~He~~ The cases spoken of, are those of Weldon vs Blizzard - and the accused finds, that the plaintiff Thomas Weldon did enter satisfaction on his docket.

The cases mentioned in the depositions of Ann Rothwell and Ezekiel Roe, and Jupiter Jones and James White appear not to come within the charges specified, as by the depositions the complaint appears to be that the accused instituted a second suit to rehear a former one already decided. In neither of these cases was this the fact: and the accused would deem it a measure at least involving him in great difficulty, if he were to be tried as to the grounds of his proceeding either by the manner, in which a suitor liable to misunderstand and mistake, understood him or by the case, which such suitor should happen to make out in evidence, before referees. Both cases were tried before referees. The referees were substantial freeholders - the referees, who tried the case of Jupiter Jones & White: being Robert Saudain, William Frazer and Thomas Bostick probably known to many of the members of the honourable house, and altho' it appears to be the aim of the depositions of Mr. Finnemore & Mr. White, to prove it to be the usual practice of the accused to try to influence referees, he believes, that

the depositions of all the other Witnesses on this subject, will counterveil any impression on this subject. Opportunity was certainly given for a fair trial. In the first case of Ann Rothwell, her son William Rothwell, who was her agent being dissatisfied with the determination of the first trial importuned the accused for a new trial. This the accused refused, on the ground the subject had been once tried and decided. This was a case of debt against her. He alleged to the accused that there had been a trespass committed by Ezekiel Roe, which could be proved by a witness then absent, on the ground of which his mother was entitled to damages and had received no allowance, by the referees as the in justice ought to have done. The accused did then express the opinion, that he considered that in the case of debt no question of damages for trespass could be considered by the referees and that an action might be brought to recover those damages, notwithstanding the report and Judgment. Reflection confirmed the accused in this opinion and on another application of the said William Rothwell he did institute the action of trespass, which was tried by the referees and the said ~~the~~ Ann Rothwell failed. The case of Jupiter Jones was under ~~under~~ the like circumstances. The first case was debt, and the second was for an alleged trespass. The plaintiff alleged a trespass and the accused did never consider it his duty or within his power to try a case when a warrant was applied for; but that it was his duty when a warrant was applied for, for an alleged wrong to issue the warrant that the case might be tried according to the laws of the State. The case was so tried, and the accused repeats that the freeholders, who tried it are known to many members of this honourable house, who will say whether such men will do injustice wilfully.

The accused is advised by his counsel, that the conclusion of the accused, that the ~~jus~~ damages for trespass could not have been considered in the case of debt ~~for rent~~ and that a suit of trespass might be instituted notwithstanding the determination of the case of debt, ~~might be brought~~, was, in the opinion of his counsel correct. He submits to the Judgment of the honourable house.

This explanation the accused has given of these cases, because he knew the grounds on which he proceeded had been misunderstood by the witness, although the cases do not appear to come within the charges specified.

Upon the first charge, that the accused has taken cognizance of cases not cognizable by law before him, the accused begs leave to observe, that he has never intentionally taken cognizance of such a case. He knows, that under the laws of this State, there may be a difficulty upon this subject in some cases, which the accused would be incompetent to solve.

The accused is informed by his counsel, that a difficulty does exist on this subject. That in one case which came by way of appeal to the Court of Common Pleas for Kent county from a Justice of the peace considered very correct, he was concerned for the defendant who was the appellant; that he plead in abatement of the appeal on the ground that the Justice had no jurisdiction in the case, that the plea was heard by the Court, who held the subject under consideration and have not decided, the plaintiff below having died; that at the same court, there was a case of appeal from another very respectable

justice of the peace under the same circumstances in point of principle, but for a different description of injury, and which it was agreed should abide the determination of the first case; and ~~that~~ he has since been concerned for a respondent plaintiff below on appeal from another Justice of the peace of respectability, for a still different description of injury, in which he permitted the plaintiff to be nonsuited, to prevent costs of trial, because he was convinced, that the cause of action was not cognizable by the Justice. The accused is further advised by his counsel, that the action of trespass and of trespass on the case in some cases run so nearly together, that the best lawyers have mistaken the action, and different courts have held different opinions; and that he also conceives, that the word "tort," used in the 25th section of the twelve pound act. pa 1057 2 vol. Del. L. taken in connection with the first section and the other expressions of the 25th section would not be easy of construction.

The cases referred to by Mr. White and Finnemore as not cognizable before a Justice and of which the accused has held cognizance are -

1st. The case Alexander Harris vs White was a case of debt as the accused's docket shews - altho Mr. Finnemore says it was trespass. The facts stated by White are these. White acting as constable had sold Harris's goods on execution. After satisfying the execution there remained a balance of about twenty dollars in White's hands. White paid this to Finnemore for rent. Harris warranted, White on the ground that Finnemore could not claim it as rent. Now what are the facts, which Finnemore states as to this rent - In page 10 of his deposition he

says, that he never leased the Land to Harris and that Harris never agreed to pay rent to him or any person under whom he claimed. To the question to these points his answer is No. The accused requests the attention of the house to Sec. 4. pa 1149, 2 Vol. Del. L. and asks could Mr. Finnemore demand or White as constable pay the rent to Finnemore, when there had been no lease or agreement to pay rent? and by White deposition

The accused requests the attention of the House to page 29 - Isaac Mafford's deposition, & he is one of the persons, whom the accused is said to have injured, where it appears all the accused explained to the referees, was that they had nothing to do with the title to the Land. In this the accused was advised by his counsel he was correct; that the sole question was, was there a reserved rent - If so Mr. Finnemore was entitled, or otherwise not - and the accused is also advised by his counsel that of this case he had jurisdiction, although ~~the obstinacy~~ it is seen the case was never decided. The accused submits to the Judgment of this House.

The case of Chatten against Mafford is stated by the said Isaac Mafford in pa. 27-28. From that deposition, it is submitted, the right of Chatten appears clear, and that Mr. Mafford knew of the very assignment under which Chatten claimed altho he believed the assignment was of another Cow.

But the case, which Mr. Finnemore esteems most clearly without my jurisdiction is the case of Tuffery against him & William White. In this case it is obvious that Tuffery's barn was broken open, and the cow taken out, by White on Finnemore's execution and that she was sold by White & bought by Finnemore and taken away. It appears also, that she had been purchased by Tuffery and held by him three months at least without molestation. and further that this Act was done by Mr. White when he had been out of office for more than

eleven months.

The accused is advised by his counsel that in his opinion an action of trespass was in this case cognizable before a Justice of the peace - that even if Mr. White had originally been duly appointed constable, he could not eleven months after he had been out of office have taken property and sold it; and that the provision in the last Act of Assembly in favour of officers, will not so attach to officers, that a constable, shall always after the expiration of his office, claim the exemption provided, merely because he has once been constable, and that Mr. White was not entitled to the benefit of that provision, his office having expired eleven months before. The accused with deference submits to the Judgment of the House.

~~The time of the second day~~

Time does not permit the accused to notice all the cases mentioned. Much industry and care has been used in collecting them.

Upon Mr. White's deposition he must remark, that, in the case of Parson vs Mrs Creedy, ~~that~~ the accused issued a warrant for a debt of 42 $ as the balance turned out and induced the referees to reduce the sum below twelve pounds. Much is said of the accused's conduct of influencing referees by Messrs Finnemore & White. How does the fact appear in this case. The referee William Hubbell in pa. 29. says he has no recollection of this being done and does not believe it was - Samuel Hutcheson in his deposition page 26. says the same - and William Weldon Jr in pa. 27 says, that he was at the trial, & that when the balance appeared above £12 - it was he who suggested a reexamination of the Accounts - which being done the balance was reduced to ~~about $12.8~~ to less sum - about 28 $ as is said by Hutcheson.

There certainly appears no disposition in Mr. White to favour the Accused. He makes two depositions. Thomas Reed, one of the persons represented by him as injured is examined and knows

nothing. Isaac Mafford another person represented as injured is now examined, and the house see what he says, and he too was in the office, when the case of Harris vs ~~Fisher~~ White was tried and in which very improper behaviour is ascribed to the accused and the house see what he relates. There are several other cases in which the accused is represented as having injured persons residing within 6 miles of where the depositions were taken & who are not examined.

When the testimony of those, who have been examined is considered, what conclusion will be drawn of others, whom the accused is represented to have injured, not being examined?

Upon Mr. Finnemore's testimony, the accused may be permitted to observe, that it was the first case, in which he ever saw a witness, unwilling to trust to his memory as to accusations to be brought against his neighbour, read his testimony. The honourable House will observe that he was questioned whether the paper which he had held in his hand and looked at during his examination was contained all he had said, he answers - the principal part - but his heart not as devoid of feeling as his paper, suggests new thoughts. While reading he recollected something more - and among other things, that the accused had instituted an action for him and proceeded to Judgment in his favour, in a case ~~also~~ in which he says he ought to have had no claim, because it had already been decided against him. Had the accused been furnished by the defendant with evidence that there had been such decision, he should have ~~considered~~ himself bound by it, and would no more have given a Judgment for Mr. Finnemore and his partner in such case than he would have increased a Bill of costs to please Mr. White. But no legal evidence was furnished him on this subject and the Judgment went by default. And when he considers that case and compares it with the most atrocious charge brought against him, that he had antedated a Judgment and awarding and considers the testimony of Mr. Finnemore on that subject that the Judgment was dated the 24th of June in

connection with the record which the House can examine and that Mr. Finnemore never mentioned an appeal to him where no difficulty could have existed, but apparently on purpose (for it was contrary to the usual course of business to take the record to Newcastle to appeal from it,) to create some difficulty, took the transcript to Newcastle to appeal from it. The Accused is convinced and with deference he submits his conviction, that there has been a design to entrap him.

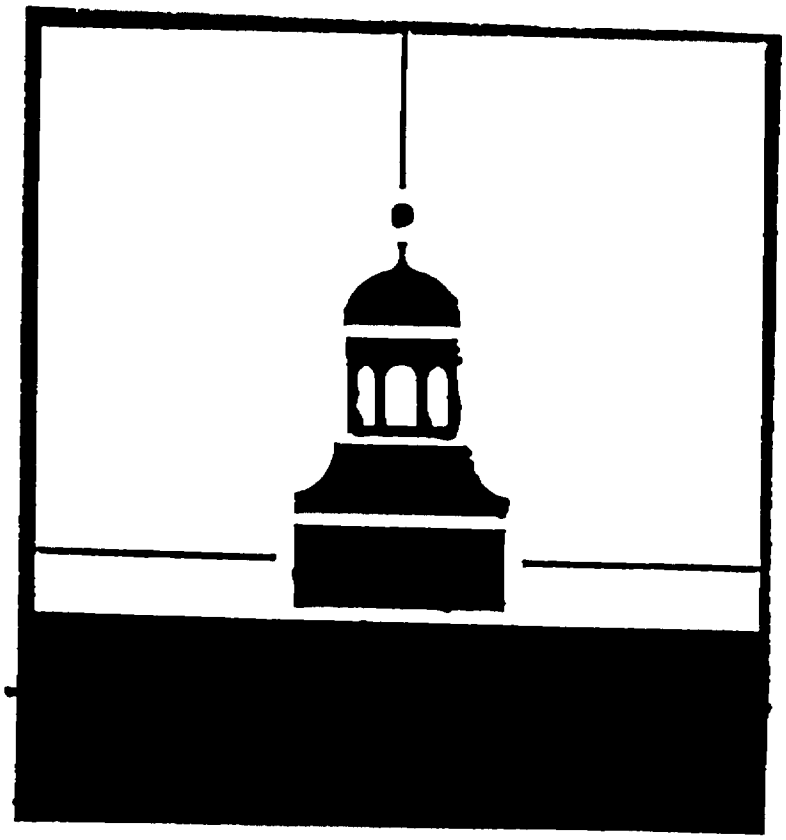
He knows that Mr. Finnemore & White consider themselves aggrieved even by the the bringing of the case against them. But he sees no reason why they should be the repository of all grievances. ~~He~~ The commissioners would not compel Mr. Finnemore, for he objected, to say how long since his paper from which he testified had been drawn up. Perhaps it was idle curiosity, but the accused wished to know how long Mr. Finnemore had kept his record of accusation, to note down faults, or supposed faults of the accused. Mr. Finnemore says, that it is the usual practice of the accused to attempt to influence witnesses. Has not Mr. Finnemore seen, what no other person (of several have been examined) Mr. White excepted, has seen? Is there not some contradiction to this testimony? and if a man have coloured one part of his testimony evidently too high, may it not be supposed that the rest has some colouring?

The accused has not been called on to produce his dockets. He submits them to the honourable House.

The accused has the most perfect ~~[illegible]~~ confidence in the Justice and Judgment of this honourable house. He shall submit to it without a murmur. He has lived long and he had hoped reputably. He has often sat as a member of this house; he was one of the body who formed the present constitution. He has arrived nearly to the verge of his life, and if the last scene of it must be clouded by an address to remove him from the office of a Justice of the peace, he must repeat the axiom of Solon

[illegible], "no man can be pronounced happy, till he is dead."

William Johnson



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