

# L A W S

OF THE

## S T A T E O F D E L A W A R E ,

FROM THE SIXTEENTH DAY OF JANUARY, ONE THOUSAND EIGHT HUNDRED AND  
THIRTY, TO THE THIRTEENTH DAY OF FEBRUARY, ONE THOU-  
SAND EIGHT HUNDRED AND THIRTY-FIVE.

TO WHICH IS PREFIXED

## T H E A M E N D E D C O N S T I T U T I O N

O F S A I D S T A T E .

VOLUME VIII

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# L A W S

OF THE

## STATE OF DELAWARE.

### CHAPTER I.

#### AN ACT concerning the entering of judgment bonds.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That it shall be the duty of the clerks of the Supreme Court, and the prothonotaries of the Court of Common Pleas within this State, on the application of any person being the original holder (or assignee of such holder) of a bond, in which judgment is confessed, or containing a warrant for an attorney at law, or other person to confess judgment; to enter judgment against the person or persons who executed the same, for the amount which from the face of the instrument may appear to be due, without the agency of any attorney, or declaration filed, with such stay of execution as may be therein mentioned, for the fee of one dollar, to be paid by the defendant; particularly entering on his docket, the date and tenor of the instrument of writing on which the judgment may be founded, which shall have the same force and effect as if a declaration had been filed, and judgment confessed by an attorney, or judgment obtained in open court and in term time, and the defendant shall not be compelled to pay any costs, or fee to the plaintiff's attorney when judgment is entered. All acts of assembly now in force, so far as they are inconsistent with this act, and no farther, are hereby repealed.

*Passed at Dover, January 16, 1830.*

### CHAPTER II.

AN ACT supplementary to the act entitled "*An act to incorporate a company to erect a drawbridge over the Christiana creek, at the village of Newport, and for other purposes therein mentioned.*" 4 vol. 650.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That the Newport Company authorized to

Repeal of sec. 6, chap. Dig. p. 312. 4th. July time this act goes into operation.

SEC. 6. *And be it enacted*, That the sixth section of the act to which this is a supplement, be and the same is hereby repealed from and after the fourth day of July next, at which time this act shall take effect and be in operation.

*Passed at Dover, Feb. 10, 1832.*



## CHAPTER CLXXV.

A SUPPLEMENT to an act entitled "*An act to prevent the exportation of flour not merchantable, passed at Dover, February 6, 1796.*"

Inspectors are not prohibited from dealing in flour. Dig. p. 271.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met*, That nothing contained in the thirteenth section of the act to which this is a supplement, shall be taken or construed so as to prevent the inspectors of flour or his or their deputies, directed to be appointed by the laws of this State from vending, selling, exchanging or trading in superfine flour.

*Passed at Dover, Feb. 10, 1832.*



## CHAPTER CLXXVI.

AN ACT to prevent the use of fire arms by free negroes and free mulattoes, and for other purposes.

The use of fire arms &c. prohibited to the free blacks, &c. unless by permission. How obtained.

Certificate of five respectable citizens.

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 first day of June next, it shall not be lawful for free negroes and free mulattoes to have, own, keep or possess any gun, pistol, sword or any warlike instrument whatsoever: *Provided however*, that if upon application of any such free negro or free mulatto to one of the justices of the peace of the county in which such free negro or free mulatto resides, it shall satisfactorily appear upon the written certificate of five or more respectable and judicious citizens of the neighborhood, that such free negro or free mulatto is a person of fair character, and that the circumstances of his case justify his keeping and using a gun, then and in every such case it shall and may be lawful for such justice to issue a license or permit under his hand and authorising such free negro or free mulatto to have use and keep in his possession a gun or fowling piece; but nothing herein contained shall authorise the issuing of a license or permit to any free negro or free mulatto to keep and use any sword, pistol or other warlike instrument.

SEC. 2. *And be it further enacted by the authority aforesaid,* That from and after the said first day of June next, it shall be the duty of any justice of the peace, whenever information shall be given him, or it shall otherwise come to his knowledge, that any free negro or free mulatto is in possession of any gun, without a license or permit as aforesaid, or any pistol, sword, or other warlike instrument, to issue his warrant or precept to any constable of the county, commanding him forthwith to bring before such justice, such free negro or free mulatto, to answer the charge of offending against the provisions of the first section of this act; and if, upon a full hearing, it shall appear by the testimony of one or more competent witnesses, that such free negro or free mulatto is an offender against the provisions of the first section of this act, according to the true intent and meaning thereof, he shall be adjudged to pay a fine of five dollars to the State, for the use of the poor of the county, where such proceedings are had; which fine, with the costs as specified in the last section of this act, shall be levied and made by execution process, in the same manner as is directed by the act entitled "An act providing for the recovery of small debts."

Proceedings against persons violating this law.

Justice of the peace to issue his warrant.

Penalty.

How levied.

SEC. 3. *And be it further enacted by the authority aforesaid,* That from and after the first day of June next, no congregation or meeting of free negroes or free mulattoes, consisting of more than twelve persons, assembled for the purpose of religious worship, or for any other purpose or pretence whatever, shall be held or continued longer than the hour of ten o'clock in the night season, unless said meeting is held or continued under the direction of three respectable white men, who shall be present during the whole duration of such assemblage or meeting, after the said hour of ten o'clock in the night season. Every free negro or free mulatto, offending against the provisions of this section, shall be deemed guilty of a misdemeanor, and shall forfeit and pay a fine of ten dollars for every such offence; to be recovered by indictment, with costs of prosecution; and upon failure to pay such fine and costs, every such free negro or free mulatto shall be disposed of to the highest and best bidder within the county where such recovery is had, for any term not exceeding three years, after ten days' notice shall be given of such sale; but if such free negro or free mulatto shall, before the expiration of ten days, pay to the sheriff of said county where he shall be convicted, the whole of the fine and costs, he shall be discharged.

Meetings of more than 12 free negroes prohibited after 10 o'clock P. M.

Unless under the direction of 3 respectable white men.

Penalty for infractions of this section.

Upon the fine and costs being paid negro discharged.

SEC. 4. *And be it further enacted by the authority aforesaid,* That it shall not hereafter be lawful for any free negro or free mulatto (who is not a resident of this State,) to attempt or presume to hold any meeting for the purpose of religious worship, or for the purpose of, or under the pretence of preaching or exhortation, without the license of some judge or justice of the peace in this State, granted upon the written recommendation of five respectable and judicious citizens of this State; and every such person so offending against the provisions of this section shall be deemed guilty of a misde-

Non-resident blacks not to preach within this State, without license—how obtained.

Penalty for offence against this section.

meanor, and may be provided against by indictment, and upon conviction thereof, shall forfeit and pay to the State a fine of fifty dollars, with costs of prosecution; and upon failure to pay such fine and costs, he shall be disposed of as a servant to the highest and best bidder, for a term not exceeding seven years.

Duty of justice of the peace against offenders against the 3d and 4th sections.

SEC. 5. *And be it further enacted by the authority aforesaid*, That it shall be the duty of any justice of the peace in this State, whenever he shall receive information that any free negro or free mulatto has offended against the provisions of the third or fourth section of this act, to issue his warrant or precept, directed to any constable of his county, commanding such constable to arrest and bring before him such offender, that he may be dealt with according to the true intent and meaning of this act.

Fees to the justice of the peace under the act in Dig. p. 410.

SEC. 6. *And be it further enacted by the authority aforesaid*, That there shall be allowed to every justice of the peace who may issue any warrant, precept or other process, under the act entitled "An act to prohibit the emigration of free negroes and free mulattoes into this State and for other purposes," the sum of twenty-five cents, for every such warrant, precept, or other process; and there shall be allowed to every constable who may execute any such warrant, precept, or other process, the sum of thirty-three cents, for serving and making due return in every such case, together with mileage, at the rate of two cents per mile, going and returning.

Constable's fees.

Fees of the justice peace under this act.

SEC. 7. *And be it further enacted by the authority aforesaid*, That every justice of the peace for issuing every warrant, precept, or other process under this act, shall receive the sum of twelve and a half cents, to be paid by the county; and for every license or permit granted as aforesaid, the sum of twelve and a half cents, to be paid by the person applying for the same; and every constable for executing any warrant, precept, or other process under this act, and making due return thereof, the sum of thirty-three cents, and mileage at the rate of two cents per mile, going and returning.

Constable's.

*Passed at Dover, Feb. 10, 1832.*



## CHAPTER CLXXVII.

AN ACT to authorise process upon, and declare the effect of certain judgments.

Judgments entered prior to 18th January—effect of. Dig. p. 225, 392-3, 337, 485.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met*, That all judgments, whether final or interlocutory, rendered or obtained in the Supreme Court, or in the Court of Common Pleas, in the several counties of this State, on or prior to the third Tuesday of January,