

LAWS

OF THE

STATE OF DELAWARE,

PASSED AT

A SESSION OF THE GENERAL ASSEMBLY,

COMMENCED AND HELD AT DOVER,

ON TUESDAY THE SEVENTH DAY OF JANUARY,

IN THE YEAR OF OUR LORD,

ONE THOUSAND EIGHT HUNDRED AND FORTY-FIVE,

AND OF THE

INDEPENDENCE OF THE UNITED STATES

THE SIXTY-NINTH.

BY AUTHORITY.

DOVER, DELAWARE,

S. KIMMEY, PRINTER.

1845.



the said act entitled "An act to revive and renew the act entitled 'An act to incorporate the Brandywine and Christiana Manufacturing Company, and to extend the provisions of the same to the corporation in and by this act created,'" passed at Dover, on the fifth day of February, in the year of our Lord one thousand eight hundred and thirty-five, shall be held and taken to be in full force, operation and virtue, and that the corporation and body politic created and made by the said act shall be and the same is hereby renewed, continued and extended by and under the same name of "The Brandywine and Christiana Manufacturing Company," for and during the period of twenty years, from the first day of January, A. D., eighteen hundred and forty-five; and that all the powers, privileges, rights and immunities heretofore granted to the said corporation by law, are hereby confirmed, continued and extended to the same corporation and body politic, under the name aforesaid, for and during the said period of twenty years and no longer.

The act herein mentioned revived and extended for 20 years.

Sec. 2. *And be it further enacted*, That the act entitled "A supplement to an act entitled 'An act to revive and renew the act entitled 'An act to incorporate the Brandywine and Christiana Manufacturing Company, and to extend the provisions of the same to the corporation in and by this act created,'" passed at Dover on the eighteenth day of June, in the year of our Lord one thousand eight hundred and thirty-six, and the supplement thereto, passed at Dover on the thirteenth day of January, in the year of our Lord one thousand eight hundred and thirty-seven, be and the same are hereby repealed.

Supplement to said act repealed.

Sec. 3. *And be it further enacted*, That this act shall be held and taken to be a public act in all courts of law and equity in this State.

Public act.

Sec. 4. *And be it further enacted*, That the Legislature hereby reserve the power to revoke this act, and the charter of the said corporation.

Power to revoke.

Passed at Dover, January 29, 1845.



CHAPTER XII.

A SUPPLEMENT to the act entitled "An act to survey, lay out and regulate the streets of Smyrna and for other purposes."

Duty of commissioners of the town of Smyrna, and of the justice of the peace and constable of Kent county to suppress riotous assemblages in

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 the duty of the commissioners of the town of Smyrna and of the justice of the peace and constable for Kent county, residing in said town, to suppress all riotous, turbulent, disorderly or noisy assemblages, or gatherings of negroes, mulattoes, or other persons

said town of negroes, mulattoes or other persons.

Offenders to be carried before a justice of the peace.

A justice of the peace authorized to impose a fine, and in case of failure of payment to commit party to the jail of Kent county.

Upon complaint of riotous or noisy assemblages, justice to issue his warrant requiring offenders to be brought before him for trial.

Duty of commissioners, justice and constable to extinguish and prevent bon-fires—to prevent firing of guns, pistols, crackers and making fire balls.

Fees of justice and constable.

Neglect of constable a misdemeanor.

Duty of commissioners to present neglect or refusal of constable to the grand jury.

Comm'rs. to make regulations in relation to travelling on the streets, the stands of carts and car-

riages in the streets, lanes or alleys of the said town, after night or on the Sabbath day, or at any other time or season whatever: and for this purpose it shall be the duty of the said constable, upon the requirement of any one of the said commissioners and without further warrant, forthwith to seize and arrest any such negroes, mulattoes, or other persons so assembled or gathered together and offending as aforesaid, and to carry such negroes, mulattoes, or other persons so offending, before any justice of the peace residing in the said town, and upon conviction of any such negro, mulatto, or other person so offending as aforesaid, before the said justice (whose duty it shall be to hear and determine the case,) the said justice is hereby authorized to sentence any such negro, mulatto, or other person so convicted, to pay a fine not exceeding five dollars, and commit the party to the common jail of Kent county until the said fine and cost be paid. It shall be the duty of the said justice of the peace upon complaint made before him of any such riotous, turbulent or noisy assemblages of negroes, mulattoes, or other persons as aforesaid, to issue his warrant to the said constable, commanding said constable to bring any such negroes, mulattoes, or other persons so offending as aforesaid before him for trial.

SEC. 2. *And be it enacted,* That it shall be the duty of the said commissioners, justice of the peace and constable to suppress, extinguish and prevent all bonfires from being lighted or kept up in any of the streets, lanes or alleys of the said town, and to suppress and prevent the firing of guns, pistols, crackers or squibs, or the making or throwing of fire-balls by boys or others within the limits of the said town.

SEC. 3. *And be it enacted,* That upon every conviction of a riotous, turbulent or disorderly person under the provisions of this act, the justice and constable shall each be entitled to a fee of sixty cents, to be paid by the defendant or person convicted; and if any constable shall neglect or refuse to perform the duties enjoined upon him by this act, he shall be deemed guilty of a misdemeanor in office, and upon conviction thereof, shall forfeit his office: and it shall be the duty of the commissioners aforesaid to present any such neglect or refusal to the grand jury, that the same may be inquired into.

SEC. 4. *And be it enacted,* That the said commissioners shall have charge of the streets, lanes and alleys (including the footwalks) of the said town of Smyrna, and shall have authority to make such regulations relative to the travelling over and upon the said streets and to the use thereof, the standing of carts, carriages or other vehicles, or the placing of other obstructions thereon as they may deem proper; and if any person shall wilfully violate the regulations of the said commissioners in this behalf, every such person shall for every such offence, forfeit and pay to the said commissioners, for the use of the said town, a sum not exceeding five dollars, to be recovered with costs of suit, at the suit of the said

commissioners before any justice of the peace, in the same manner as other debts under fifty dollars are by law recoverable.

SEC. 5. *And be it enacted,* That five commissioners shall be elected annually instead of three as provided for in the fifth section of the act to which this is a supplement, and that said commissioners shall have full power to appoint one or more town constables, who shall be invested with as full power to execute this act as the constable for Kent county, resident in Duck Creek hundred, may or can have under and by virtue hereof.

riages, or removing obstructions. Penalty for violating regulations. Five com'rs. to be elected, with power to appoint constable.

Passed at Dover, January 29, 1845.



CHAPTER XIII.

A FURTHER SUPPLEMENT to the act entitled "*An act to incorporate a company for the purpose of cutting and making a canal between the Chesapeake bay and bay or river Delaware or the waters thereof.*"

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That the general meetings of the proprietors of the said Chesapeake and Delaware Canal Company shall in future be held on the first Monday of January, instead of the first Monday of June in every year, as is provided in the seventh section of the original act of incorporation of said company: and at the said meetings on the first Monday of January, the proceedings and business of the said proprietors and of the said president and directors, shall be conducted as already provided for in the said seventh section.

Annual meetings of the company to be on first Monday of January.

SEC. 2. *And be it further enacted,* That the shares of stock of said company may be transferable in whole or in part by the said proprietors thereof, in person or by attorney duly constituted upon the books of the said company in the presence of its president or secretary; and upon the surrender of the old certificates, new ones in lieu thereof to the proper amount shall be issued in the same manner as is now by law authorized and provided in cases of the loans of the said company.

Transfers of shares in whole or part may be made.

SEC. 3. *And be it further enacted,* That when and as soon as the said company shall signify to the Secretary of State in writing under their corporate seal their acceptance of this supplemental act, the same shall become a part of their charter: but otherwise they shall not be entitled to the privileges it confers, and that a resolution of the board of president and directors of the said company made by authority of said company, at a meeting to be called

The acceptance of this act to be signified to the Secretary of State.