

L A W S
OF THE
STATE OF DELAWARE,

PASSED AT
A SESSION OF THE GENERAL ASSEMBLY,

COMMENCED AND HELD AT DOVER,
ON TUESDAY THE FIFTH DAY OF JANUARY,

IN THE YEAR OF OUR LORD,
ONE THOUSAND EIGHT HUNDRED AND FORTY-ONE

AND OF THE
THE INDEPENDENCE OF THE UNITED STATES
THE SIXTY-FIFTH.

BY AUTHORITY.

DOVER, DELAWARE:
S. KIMMEY, PRINTER.

1841.

Trustees appointed to take charge of the church	That John M. Clayton, William W. Morris and Elias Naudain be, and they are hereby appointed trustees to preserve, repair and keep up the said meeting-house and grave-yard in the town of Dover; and that the entire custody of said meeting-house and grave-yard, shall be for this purpose vested in them and their successors, to be appointed as hereinafter mentioned. The said trustees shall be a corporation, in-law and in fact, with full power to sue and be sued, plead and be impleaded in any court of law or equity, under the name of "The Trustees of the Presbyterian Meeting-house and Grave-yard in the town of Dover." It shall be the duty of the said trustees, to apply all such funds as shall come to their hands, for the use of the said house and grave-yard, towards the repairing of the said house and keeping up the fences and gates around said yard, and to the building of a sexton's house on the said property. They shall have power to make all contracts which to them shall seem proper, for the protection, preservation and repairing of the said house and yard with the appurtenances; to bring actions of trespass in the name of the said corporation, and all other actions or suits for injuries done to the said property or any part thereof; and in every case when any person shall wilfully trespass upon the said property, or the graves of the dead in said yard, they shall recover double damages for such trespass. The vote or act of a majority of the trustees shall govern; and in case of the death or resignation or refusal to serve of any of the said trustees, the remaining trustee or trustees may appoint successors to supply their places. The power to revoke or alter this act at pleasure, is hereby reserved to the Legislature.
Trustees incorporated, &c.	
Name.	
Duties.	
Powers.	
Wilful trespass, penalty.	
Voting.	
Vacancies. Power of revocation reserved.	

Passed at Dover, February 22, 1841.



CHAPTER CCCLXVIII.

AN ACT concerning Fees.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the following shall hereafter be the rate of fees, for the services hereinafter prescribed, that is to say:*

Fees to Justices of the Peace.	<i>Justices of the Peace shall receive</i>
	For opening judgment for new trial, ten cents:
	For issuing notice for new trial, thirteen cents:
	For entry of stay on account of freehold, ten cents:
	For postponement of a case, on the application of either party, to be paid by the party so applying, ten cents:
	For transferring indentures, thirty cents:
	For licenses to negroes to keep a gun, twenty-five cents.

Fees to Constables.	<i>Constables shall receive</i>
	For serving and making due return of a capias, fifty cents:

For serving and making due return of a summons, or scire facias, thirty-three cents; and two cents a mile, where the defendant lives more than two miles from the place where said summons or scire facias is returnable:

For summoning referees, thirty cents:

For serving an attachment for bringing the body, one dollar:

For conveying a person to gaol under execution, or other commitment, one dollar:

For giving notice of new trial, twenty cents:

For posting up advertisements of attachment, twenty-five cents:

For serving warrant in a case of a criminal nature, sixty cents, and mileage at the rate of two cents a mile.

SECTION 2. *And be it further enacted*, That each constable attending the Superior Court, Court of Oyer and Terminer and General Gaol Delivery, and Court of General Sessions of the Peace and Gaol Delivery, shall be paid by the county, for one day's attendance on either of said courts, at the rate of one dollar, and six cents per mile: *Provided*, Such constables shall be in attendance on the said courts the first day of the session thereof.

Fees to Constables attending court.

Passed at Dover, February 22, 1841.



CHAPTER CCCLXIX.

AN ACT for the preservation of Oysters that may hereafter be planted in the waters of Indian River and Rehoboth Bay.

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 May next, in the year of our Lord one thousand eight hundred and forty-one, it shall and may be lawful for any person or persons along the shores of Indian River and Rehoboth Bay to mark out, by placing stakes across or around the same, at the distance of two rods from each other, and of such length as to be at least two feet above the top of the tide at ordinary high-water, and plant oysters within the same: *Provided always*, That the said stakes shall not injure any navigation publicly used.

Persons authorized to plant oysters.

SECTION 2. *And be it further enacted*, That if any person or persons shall gather or take away any oysters within the line of stakes aforesaid, without permission first had and obtained from the owner or owners, occupant or occupants of the flats, coves, creeks, or ditches so staked in, he, she, or they so offending, shall forfeit and pay for each offence, the sum of twenty dollars; to be recovered by action of debt with cost, in any court having cognizance thereof, by any person who shall prosecute for the same; one-half to the

Taking oysters without permission.

Penalty.