



LAWS
OF THE
STATE OF DELAWARE

PASSED

AT A SESSION OF THE GENERAL ASSEMBLY

COMMENCED AND HELD AT DOVER,

ON TUESDAY, JANUARY 6, A. D. 1891,

AND

IN THE YEAR OF THE INDEPENDENCE OF THE UNITED
STATES THE ONE HUNDRED AND FIFTEENTH.

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LAWS OF DELAWARE.

CONSTITUTIONAL AMENDMENTS.

CHAPTER I.

AN ACT proposing An Amendment to the Constitution 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 each house deeming it necessary and concurring herein and by and with the approbation of the Governor):

SECTION 1. That the following amendment be and is hereby proposed to the first clause of the first section of the Fourth Article of the Constitution of this State, that is, by adding the following thereto immediately after the word "ballot."

Amendment to the 1st Clause of 1st Section of Article 4 of the Constitution proposed.

"But the Legislature may by law prescribe the means, methods and instruments of voting so as to best secure secrecy and the independence of the voter, preserve the freedom and purity of elections, and prevent fraud, corruption and intimidation thereat."

Means, methods and instruments of voting.

SECTION 2. The Secretary of State, after the Governor shall have approved of the above proposed amendment and this act, shall duly publish the above proposed amendment and this act in two or more newspapers of this State, for the consideration of the people of this State, at least three and not more than six months before the next general election for Senators and Representatives in this State.

Secretary of State to publish the proposed Amendment in two or more newspapers of this State.

Passed at Dover, April 28, 1891.

CONSTITUTIONAL AMENDMENTS.

CHAPTER 2.

AN ACT proposing An Amendment to the Constitution of this State.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each House deeming it necessary and by and with the approbation of the Governor):* That the following amendment be and the same is hereby proposed to Article Nine of the Constitution of this State, that is to say, strike out all of said article which reads thus:

Amendment
to Article 9
of the Con-
stitution
proposed.

"No convention shall be called but by the authority of the people: and an unexceptionable mode of making their sense known, will be for them at a special election on the third Tuesday of May in any year to vote by ballot for or against a convention as they shall severally choose to do; and if thereupon it shall appear that a majority of all the citizens in the State, having the* right to vote for representatives, have voted for a convention, the General Assembly shall accordingly at their next session, call a convention, to consist of at least as many members as there are in both houses of the legislature, to be chosen in the same manner, at the same places, and at the same time that representatives are by the citizens entitled to vote for representatives, on due notice given for one month, and to meet within three months after they shall be elected. The majority of all the citizens in the State, having right to vote for representatives, shall be ascertained by reference to the highest number of votes cast in the State at any one of the three general elections next preceding the day of voting for a convention, except when they may be less than the whole number of votes voted both for and against a convention, in which case the said majority shall be ascertained by reference to the number of votes given on the day of voting for or against a convention; and whenever the General Assembly shall deem a convention necessary, they shall provide by law for the holding of a special election for the purpose of ascertaining the sense of a majority of the citizens of the State entitled to vote for representatives."

At any Gen-
eral Election
voters may
vote for or
against a
Conven-
tion.

And in lieu thereof insert the following, that is to say:

"No convention shall be called but by the authority of the people: and the mode of making their sense known shall be, that at any general election held for representatives in the

*So enrolled.

CONSTITUTIONAL AMENDMENTS.

General Assembly, and which shall have been prescribed by the General Assembly at its regular session next preceding the said election as the proper occasion for ascertaining such sense, the citizens of this State entitled to vote for representatives at such election may vote by ballot for or against a convention as they shall severally choose to do, and in so voting the ballot shall be separate from those cast for any person voted for at such election and shall be kept distinct and apart from any other ballot so cast; and if at any such election the number of votes for a convention shall be equal to a majority of all the citizens in the State, having right to vote for representatives, as ascertained by reference to the highest number of votes cast in the State at any one of the three general elections next preceding the day of voting for a convention, except when they may be less than the whole number of votes voted both for and against a convention, in which case the said majority shall be ascertained by reference to the number of votes given on the day of voting for or against a convention, the General Assembly shall, at its next session, call a convention, to consist of at least as many members as there are in both houses of the legislature, to be chosen in the same manner, at the same places, and at the same time that representatives are by the citizens entitled to vote for representatives, on due notice given for one month, and to meet within three months after they shall be elected. The Legislature shall provide by law for receiving, tallying, and counting the said votes for and against a convention and for returning to the General Assembly at its next session the state of the said vote, and also for ascertaining and returning to the said General Assembly the number of ballots cast at said election on or by which representatives were voted for, so as to enable it to determine whether a majority of those who voted for representatives voted for a convention; and shall also by law enact all provisions necessary for giving full effect to this article."

Ballots for or against a Convention shall be separate from those cast for any person.

Mode of ascertaining the majority

SECTION 2. *And be it further enacted*, 'That the Secretary of State be and he is hereby directed, after the Governor shall have approved of the above proposed amendment, duly to publish the said proposed amendment in print in the several newspapers published in this State, at least three and not more than six months before the next general election of representatives, for the consideration of the people.

Secretary of State to publish the proposed Amendment in the several newspapers in this State.

Passed at Dover, May 16, 1891.

CONSTITUTIONAL CONVENTION.

CHAPTER 3.

AN ACT to provide for the holding of a Special Election for the purpose of ascertaining the sense of the people in respect to calling a Constitutional Convention.

Preamble.

WHEREAS there appears to be a general desire that the General Assembly, at its present session, shall provide by law for the holding of a special election for the purpose of ascertaining the sense of the majority of the citizens of the State entitled to vote for representatives in respect to the calling of a convention to change, alter and amend the Constitution, therefore,

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Time of
holding
Special
Election

SECTION 1. That on the third Tuesday of May, in the year of our Lord one thousand eight hundred and ninety-one, a special election shall be held for the purpose of ascertaining, by ballot, the sense of the people of this State in respect to calling a convention to change, alter and amend the Constitution of the State.

Ballots.

At the said election the citizens of the State entitled to vote for representatives may have written or printed on their ballots the words "For a Convention" or "Against a Convention." Said ballots may be of any size and form, not exceeding the size now provided by law.

Election offi-
cers to hold
election.

SECTION 2. That at said special election, to be held as prescribed in Section 1 of this act, the inspectors and judges chosen in the several hundreds throughout the State to hold the last general election shall hold said special election. Every vacancy in the said offices shall be filled in the same manner as now prescribed by law.

Duties of
the Sheriff
and other
officers.

SECTION 3. The Sheriff of each county shall, on or before the twelfth day of May in the said year of holding said special election, deliver to the inspector of each hundred or election district of his county two suitable ballot boxes, with tape and sealing wax therefor, together with alphabetical lists of voters and of delinquents, and written or printed forms

CONSTITUTIONAL CONVENTION.

of tally-lists, of certificates of election, of official oaths or affirmations of the election officers and the certificates and directions relating thereto, and also a proper election stamp, all prepared (subject however to such alterations thereof as may be necessary to adapt them to the requirements of said special election) as now prescribed by law for the general election. The said alphabetical lists of voters and of delinquents shall be delivered by the Clerk of the Peace of each county to the Sheriff of his county on or before the fifth day of May in the said year of holding said special election. The said special elections shall be held at the same places, during the same hours, in the same manner, according to the same regulations and subject to the same penalties, so far as the same may be applicable to the purposes of this act, as now prescribed concerning the general election; and the votes cast at said special election shall be counted, tallied and certified by the inspector, judges and clerks of each poll, and the state of the said election shall be ascertained and certified by the board of canvass of each county, on the Thursday next succeeding the day of holding the said special election, at the same times, in the same manner, at the same places and by the same persons as prescribed in Chapter Eighteen of the Revised Statutes and any amendments and supplements thereto for the counting, tallying and certifying the votes cast at, and for the ascertaining and certifying the state and result of the last general election throughout each county. The certificates, respectively, of said special election shall contain and show accurately the number, in words at length, of votes cast "For a Convention" and "Against a Convention."

SECTION 4. That the returns of said special election, so certified by the board of canvass of each county as aforesaid, and duplicates thereof, shall be delivered in the same manner, by the same persons, in the same way, and to the same officers as the returns of the election for Governor and duplicates thereof are required to be delivered by direction of the Constitution of the State.

SECTION 5. That the General Assembly shall, at the next session thereof after said special election, and on the second Wednesday after its organization, meet in joint session, in the Hall of the House of Representatives, to be present at the opening and publishing of the said returns of such election, and to ascertain therefrom the result of said election through-

Returns of
the elec-
tion.

Duties of
the General
Assembly in
ascertaining
the results
of the elec-
tion.

CONSTITUTIONAL CONVENTION.

out the State, by calculating the aggregate amount of all the votes that shall have been given respectively "For a Convention" and "Against a Convention" in all the counties of the State.

Calling a
Convention.

Mode of as-
certaining
the ma-
jority.

SECTION 6. That if thereupon it shall appear that a majority of all the citizens in the State having a right to vote for representatives have voted at said special election "For a Convention," the General Assembly shall, accordingly, at its said next session after said election, make provision by appropriate legislation for the calling and election of a convention, to consist of at least as many members as there are in both houses of the legislature, to be chosen in the same manner, at the same places, and at the same time that representatives are by the citizens entitled to vote for representatives, on due notice given for one month, and to meet within three months after they shall be elected. The majority of all the citizens in the State, having right to vote for representatives, shall be ascertained by reference to the highest number of votes cast in the State at any one of the three general elections next preceding the day of voting for a convention, except when they may be less than the whole number of votes voted both for and against a convention, in which case the said majority shall be ascertained by reference to the number of votes given on the day of voting for or against a convention.

Duty of
Sheriff and
other offi-
cers

SECTION 7. That it shall be the duty of the Sheriffs, or other officers to whom the ballot boxes used at said special election shall be delivered for the purposes of this act, to keep the said boxes, and the ballots and the certificates and tally-lists of said election deposited therein, safely, until the meeting of the General Assembly at its said next session after the said election, and to hold the same subject to the order of the General Assembly during the said session.

Passed at Dover, March 31, 1891.

CONSTITUTIONAL CONVENTION.

CHAPTER 4.

AN ACT to provide Tickets for the Electors at the Election to be held May 18, 1891, to decide for or against a Constitutional Convention.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That the Clerks of the Peace of the several counties be and they are hereby authorized and directed to have printed on regular ballot paper, of a proper uniform and convenient size, tickets for and against a Constitutional Convention, on or before the fourteenth day of May, A. D. 1891, and distribute them at the voting place of each hundred or election district.

Tickets for
Special
Election.
Duty of
Clerk of the
Peace in
printing and
distributing
tickets.

SECTION 2. That the Clerks aforesaid are hereby authorized to draw a draft on the State Treasurer to pay all necessary expense for paper and printing the said tickets and the State Treasurer is hereby authorized to pay the same.

Clerks to
draw draft
on State
Treasurer
for tickets.

Passed at Dover, May 8, 1891.

TITLE FIRST.

Of the Jurisdiction and Property of the State; its Legislation and Laws.

CHAPTER 5.

OF SOVEREIGNTY AND JURISDICTION.

AN ACT to amend Chapter 448, Volume 18 of the Laws of Delaware entitled "An Act in relation to the Boundary Line between the State of Delaware and the Commonwealth of Pennsylvania," passed at Dover, April 25, 1889.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, as follows:

Additional appropriation of \$2,500 to be expended under the direction of the commissioners.

SECTION 1. That the additional sum of two thousand five hundred dollars, or as much thereof as may be found to be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated, to be expended, for the purposes in the said act mentioned, under the direction of the Commissioners appointed under the said act to which this is an amendment and subject to the provisions of Section 3 of said act.

Passed at Dover, April 27, 1891.

CHAPTER 6.

OF LIMITS.

AN ACT dividing the Brandywine Hundred West Election District into two Election Districts.

Brandywine hundred west election district divided into two election districts.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That for the purpose of holding elections for State and County officers in* Brandywine Hundred West

*So enrolled.

OF SOVEREIGNTY, JURISDICTION AND LIMITS.

Election District shall be divided into two election districts, Northern and Southern.

The Brandywine Hundred Northern Election District shall be composed of that portion of said hundred heretofore embraced in Brandywine Hundred West Election District lying north and west of a line beginning on the Carr road at its intersection with Quarryville creek and running thence in a westerly direction by the course of said road to a point where said road intersects the Shipley road; thence southerly by the course of said Shipley road to Dixon's corner, where said Shipley road is intersected by the Weldin road; thence westerly by the course of said Weldin road until it intersects the Foulk road; thence southerly by the course of said Foulk road until it intersects the Wilmington and Great Valley turnpike, commonly called "Concord pike;" thence southerly by the course of the said turnpike until it intersects "The Baltimore and Philadelphia Railroad;" thence westerly by the course of said railroad to Brandywine creek.

Boundaries
of northern
election dis-
trict.

The Brandywine Hundred Southern Election District shall be composed of all that portion of the said hundred heretofore embraced in Brandywine Hundred West Election District lying south and east of said Northern Election District and south and west of Quarryville creek until it intersects the Carr road aforesaid.

Boundaries
of southern
election dis-
trict.

SECTION 2. The elections for the said Southern Election District shall be held at the store now occupied by Samuel Moore, at a place now called "Maplewood," on the Philadelphia and Wilmington turnpike; and the elections for the Northern Election District shall be held at Sharpley's School-house, as heretofore.

Elections.
Where held
in southern
district.

Where held
in northern
district.

SECTION 3. At said places shall be held the general elections, all special elections for the members of the General Assembly and Representative in Congress, elections for the Electors for President and Vice-President of the United States, and elections for Road Commissioners and Assessors for said hundred and for Inspectors of said election districts. The electors residing in said hundred shall vote in the election district in which they shall at the time reside.

To what
elections ap-
plicable.

SECTION 4. All the laws of the State touching elections held in the several hundreds of the State shall apply to elections for the same officers of the said election districts, ex-

Laws appli-
cable.

Exceptions.

OF SOVEREIGNTY, JURISDICTION AND LIMITS.

Laws applicable to election of assessor and inspectors. cepting only so far as the general law for the elections of assessors and inspectors and road commissioners is qualified by the provisions hereinafter contained.

SECTION 5. There shall be elected, in accordance with the provisions of Chapter 17 of the Revised Statutes and the amendments thereto, one Assessor for Brandywine hundred and one Inspector for each of the said election districts of said hundred. The Levy Court of New Castle county shall, in the month of March next previous to the next election, appoint some qualified voter of the said Southern Election District to be the presiding officer of said next election, and the person thus appointed shall be the presiding officer of Brandywine Hundred Southern Election District for the said next election, and shall have all the powers and perform all the duties of the presiding officer of such election according to law. The presiding officer appointed as aforesaid shall choose from among the qualified voters of said district two persons, of opposite political faith, to act as judges at said election. At all elections subsequent to the next election, the inspectors and judges shall be chosen for this district under the same provisions of law as now prevail for the choosing of election officers of other election districts. If at any election in said Brandywine Hundred Southern Election District the presiding officer thereof shall not be present at the time and place of opening the election, the electors present shall choose a presiding officer for said election, according to the provisions of Section 10 of Chapter 18 of the Revised Statutes. The Levy Court of New Castle county shall, at the time of the appointment of a presiding officer as hereinbefore provided, make provision for the furnishing by the Clerk of the Peace of a list of the voters of said Southern Election District to the person appointed as presiding officer as aforesaid.

Levy Court to appoint presiding officer of the next election in southern district.

Judges of election. How appointed for the next election. How chosen for subsequent elections.

Presiding officer, how chosen in case of a vacancy.

Levy Court to make provision for furnishing list of voters in southern district.

What officers shall hold next election in northern election district.

The next election in Brandywine Hundred Northern Election District shall be held by the same officers who would, but for the passage of this act, have held the election in Brandywine Hundred West Election District, and all said elections in said Northern Election District shall be governed by and be in accordance with the laws touching elections held in the several hundreds and election districts of this State.

SECTION 6. Immediately upon closing the election in the respective election districts in Brandywine hundred and ascertaining the state of the vote, the presiding officer and judges of the election in each of the districts of said

OF SOVEREIGNTY, JURISDICTION AND LIMITS.

hundred, shall make and sign a certificate according to law of the election of the various persons voted for, varying however from the form prescribed for that purpose by omitting the assessor, and in lieu of including the election of assessor in such certificate shall make and sign a certificate of the number of votes given for each candidate voted for as assessor, and also of the number of votes given for each candidate voted for for road commissioner.

Form of certificate to be made by the election officers.

SECTION 7. The presiding officer and judges of all of said election districts shall assemble on the day next succeeding the election, at twelve o'clock noon, at the voting place in Brandywine Hundred Northern Election District aforesaid, and ascertain the aggregate number of votes given in each of said election districts for each person voted for for road commissioner and for assessor. The candidate having the highest number of votes shall be declared duly elected assessor, and the candidate or candidates, accordingly as there may be one or more to be elected, having the highest number of votes for road commissioner or commissioners shall be duly declared elected road commissioner or road commissioners, and the presiding officer and judges shall make, sign and deliver certificates of said election according to law. If two candidates for said office shall have the highest and an equal number of votes, the presiding officer of said Brandywine Hundred Northern Election District shall give a casting vote which shall elect the candidate in whose favor it is given.

Election officers to assemble the day next succeeding the election at 12 o'clock at voting place in northern election district and ascertain aggregate number of votes for assessor and road commissioners.

To make certificates.

Presiding officer of northern district to give casting vote in case of tie.

Passed at Dover, May 14, 1891.

CHAPTER 7.

OF LIMITS.

AN ACT to divide Mill Creek Hundred into Three Election Districts.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That for the purpose of holding all elections for Electors of President and Vice-President of the United States, Representatives in Congress, State and County officers and for the elections for Road Commissioners, for Assessors of the said hundred and for Inspectors of the elec-

Mill Creek hundred divided into three election districts.

OF SOVEREIGNTY, JURISDICTION AND LIMITS.

Limits of
western
election dis-
trict.

Limits of
northern
election dis-
trict.

Limits of
eastern elec-
tion district.

tion districts, and all other elections legally called, the Hundred of Mill Creek shall be divided into three election districts, viz: Western, Northern and Eastern. The Mill Creek Western Election District shall be composed of all that portion of said hundred west of the following line, to wit: Beginning at the intersection of Pike creek with White Clay creek; thence with the several meanderings of the main branch of the said Pike creek to its source and from thence directly north to the boundary line between the States of Delaware and Pennsylvania. The Mill Creek Northern Election District shall be composed of all that portion of said hundred east of said line and north of the following line, to wit: Beginning at the intersection of the said Pike creek with the public road at the mill now owned by William M. Logan; thence with said public road until it strikes the Limestone road at Harmony schoolhouse; thence with said Limestone road to Mermaid; thence with the public road, passing by Red Clay Creek Church, until it strikes Red Clay creek at Barker's bridge. All that portion of said hundred east of the first-mentioned line and south of the second-mentioned line shall be called Mill Creek Eastern Election District.

Election.
Where held
in western
district.

Where held
in northern
district.

Where held
in eastern
district.
Proviso.

SECTION 2. The elections for the said Mill Creek Western Election District shall be held at the district school house, Number 37, at Milford Cross-roads, the elections for Mill Creek Northern Election District shall be held at the district school house, Number 29, Hockessin, and the elections for Mill Creek Eastern Election District shall be at the village of Marshallton, in the stone house now occupied by David Ecoff, provided that if at any time it shall be impracticable to hold the election at any of the places designated in this act the inspector of such district shall have power to appoint some other place in said district as near as can be conveniently obtained to the place herein directed, and he shall give public notice of the place so appointed, by advertisements posted in at least five of the most public places of the district, if circumstances will admit of such notice being given, but if not, then he shall give such public and general notice as the circumstances will permit.

Where elec-
tors shall
vote.

Inspectors.
How
elected.

SECTION 3. All electors of said hundred shall vote in the election district in which they at that time reside. One inspector shall be elected by the electors of each district who shall preside over the election in the district in which he

OF SOVEREIGNTY, JURISDICTION AND LIMITS.

resides. In case of death, removal or failure of an inspector to be present at the place of election in due time his place shall be filled in manner as directed by existing law as if the hundred had not been divided. In all elections for assessors and road commissioners for the hundred the names of the candidates for the respective offices shall be placed on the tickets in all the districts and shall be voted for by all the electors voting, a plurality of votes in the whole hundred electing.

Vacancy.
How filled.

Assessors
and road
commission-
ers. How
elected.

SECTION 4. That the inspector elected at the last general election next preceding the passage of this act shall hold and preside with all the usual authority at the next election or elections to be held in the district in which he resides at the time of the passage of this act, and the Levy Court of New Castle county shall at any time before the next election appoint some duly qualified voter of each of the other districts to hold and preside with all the usual authority at the next election or elections to be held in said district until their successors are duly elected by the provisions herein provided by Section 3.

Inspector
elected at
last general
election.
Where he
shall pre-
side.

Levy Court
to appoint
presiding
officers for
other dis-
tricts.

SECTION 5. That the said presiding officers or inspectors and judges of all the election districts shall assemble on the day succeeding the election or elections at 12 o'clock M., or between the hours of 12 M. and 2 o'clock P. M., at the voting place of Mill Creek Eastern Election District, and shall ascertain the aggregate number of votes in all the election districts for each person voted for for assessor and for road commissioner; and shall make and deliver certificates according to law. If two candidates for said offices shall have received the same number of votes, which is the highest number of votes cast for said office, the presiding officer of the district in which they are met shall cast the deciding vote to determine which of the candidates receiving the same number of votes shall be elected.

Presiding
officers and
judges to
meet and as-
certain vote
for assessor
and road
commission-
ers.

In case of
tie—who
shall cast
deciding
vote.

SECTION 6. That the Levy Court of New Castle county shall, at the time of the appointing the presiding officers of the two districts not otherwise provided for, make provision for the furnishing them with a list of the voters of the said hundred and all necessary means to hold the election or elections in legal form and manner.

Levy Court
to provide
for the fur-
nishing of a
list of voters,
&c.

SECTION 7. All the laws of this State touching elections

OF SOVEREIGNTY, JURISDICTION AND LIMITS.

What laws
applicable.

held in the several hundreds of the State shall apply to elections for the same officers in the said election districts, excepting only so far as the general law for the election of assessors and inspectors and road commissioners is qualified by the provisions hereinbefore contained.

Exception.

Passed at Dover, May 15, 1891.

CHAPTER 8.

OF LIMITS.

AN ACT to divide New Castle Hundred into Two Election Districts.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

New Castle
hundred di-
vided into
two election
districts.

SECTION 1. That for the purpose of holding all elections for Electors of President and Vice-President of the United States, Representatives in Congress, State and County officers, and for the election for Assessors and Road Commissioners for the said hundred, for inspectors of the election districts and all other elections legally called, the Hundred of New Castle shall be divided into two election districts by the following lines, viz: Beginning at the Delaware river in the centre line of Delaware street in the City of New Castle, thence by the centre line of Delaware street until it intersects the centre line of the New Castle and Frenchtown road or turnpike, thence by the centre line of said road or turnpike until it intersects the centre line of the road leading from Hare's corner to the village of Christiana, thence by the centre line of said road to the boundary line of the hundred at the Christiana creek. All that part of said hundred lying northerly of said dividing line shall be called the Northern Election District of New Castle hundred, and the elections in said district shall be held in the old Court House as heretofore. All that part lying southerly of the said dividing line shall be called the Southern Election District of New Castle hundred and the election in said district shall be held in the building

How di-
vided.

Northern
election dis-
trict—limits
—place of
holding
election.

Southern
election dis-
trict—limits.

OF SOVEREIGNTY, JURISDICTION AND LIMITS.

known as Red Men's Hall, situate at the corner of South and Union streets in the city of New Castle.

Place of holding election.

SECTION 2. That all electors of said hundred shall vote in the election district in which they at the time reside. One inspector shall be elected by the electors of each district who shall preside over the election in the district in which he is elected. The inspector elected for New Castle hundred at the last general election shall preside over the elections held in the Northern District until his term shall have expired, and the member of the Levy Court from New Castle hundred shall appoint an inspector to preside over the elections held in the Southern District as is provided in the case of a vacancy happening in the office of inspector, and such inspector shall preside over all elections in the Southern District until his successor shall have been elected at the next general election.

Where electors shall vote.

Inspectors. How elected.

The inspector-elect to preside in northern district at next election. The Levy Court Commissioner of New Castle hundred to appoint inspector for southern district for next election.

SECTION 3. That the said presiding officers and judges of both the said election districts shall assemble on the day next succeeding said election, at twelve o'clock M., or between the hours of twelve o'clock M. and two o'clock P. M., at the place of voting in the Northern Election District, and ascertain the aggregate number of votes given in both the said districts for each person voted for for road commissioner or commissioners and for assessor. The candidate having the highest number of votes for assessor shall be declared duly elected assessor and the candidate or candidates, according as they may be one or more to be elected, having the highest number of votes for road commissioner or commissioners shall be declared duly elected road commissioner or commissioners, and the presiding officers and judges shall make, sign and deliver certificates of said election according to law. If two candidates for any of said offices shall have the highest and an equal number of votes the presiding officer in the Northern Election District shall give a casting vote which shall elect the candidate in whose person* it is given.

Presiding officers and judges to meet and ascertain votes given for assessor and road commissioners.

To make and deliver certificates.

Presiding officer in northern district to give casting vote when tied.

SECTION 4. That the Levy Court of New Castle county shall make provision for furnishing the inspector of each* with a list of the voters of his district, and all necessary means to hold the election or elections in legal form and manner.

SECTION 5. That all the laws of the State touching elec-

* to be elected.

OF SOVEREIGNTY, JURISDICTION AND LIMITS.

tions held in the several hundreds of the State shall apply to elections for the same officers of the said election districts excepting only so far as the general law for the election of the assessor and inspector and road commissioners is qualified by the provisions herein contained.

SECTION 6. That this act shall go into effect from and after the first day of July, A. D. 1891.

Passed at Dover, May 15, 1891.

CHAPTER 9.

OF LIMITS.

AN ACT to amend an act entitled "An act to Divide East Dover Hundred into Two Election Districts," passed at Dover, April 10, 1885.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Lines dividing East Dover hundred into two election districts changed.

SECTION 1. Strike out all of Section 1 of the act entitled "An act to divide East Dover hundred into two election districts," after the figure 1 in the first line of said section and insert the following, to wit: That for the purpose of holding elections for State and County officers in East Dover Hundred the said hundred shall be divided into two election districts by the following lines, viz: Beginning at a point in the public road leading from Dover to Hazletville where the dividing line between East Dover hundred and West Dover hundred intersects said public road at or near John Slaughter's gate, thence running with said public road to the limits of the town of Dover and continue with North street of the town of Dover to State street in said town of Dover, thence running in a northerly direction with State street in the town of Dover to the millpond formerly known as Shakespeare's millpond, thence up the westerly side of said pond and up Fork Branch to the Delaware Railroad, thence in a northerly direction up said railroad to the dividing line between Little

OF SOVEREIGNTY, JURISDICTION AND LIMITS.

Creek hundred and East Dover hundred. All that part of said hundred east of said dividing line which runs from the corner of State street and North street to the dividing line of East Dover hundred and Little Creek hundred, and all that part of said East Dover hundred which lies south of said North street in the town of Dover and south of said public road from Dover to Hazlettville, shall be called Election District No. 1 East Dover Hundred, and all that part of East Dover hundred which lies west of said line which runs from the corner of North street to the line dividing East Dover hundred and Little Creek hundred and all that part of said East Dover hundred which lies north of said North street and north of said public road from Dover to Hazlettville shall be called Election District No. 2 East Dover hundred. The election for District No. 1 shall be held at the State House in the town of Dover, and the election for District No. 2 shall be held in the town of Dover at the brick schoolhouse on Governor's avenue, unless otherwise ordered by the Levy Court of Kent county.

Limits of election district No. 1, East Dover hundred.

Limits of election district No. 2, East Dover hundred.

Election. Where held in district No. 1. Where held in district No. 2.

SECTION 2. This act shall not apply to the election to be held on the nineteenth day of May, A. D. 1891, in relation to the calling of a Constitutional Convention.

Passed at Dover, May 15, 1891.

CHAPTER 10.

OF LIMITS.

AN ACT providing for Two Collectors for South Murderkill Hundred.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That South Murderkill hundred shall be divided, for the purpose of a more convenient collection of taxes, into two collection districts, having for their boundaries the same lines and being of the same dimensions as the

South Murderkill divided into two collection districts. Dimensions.

OF PUBLIC LANDS.

election districts of said hundred, designated as No. 1 and No. 2 in Section 1, Chapter 450, Vol. 18 Laws of Delaware.

Collectors
appointed
by Levy
Court.

SECTION 2. That one collector shall be appointed by the Levy Court for each of the collection districts aforesaid according to the provisions of Section 19, Chapter 8, Revised Statutes of this State, and all other laws applicable to the collectors of the several hundreds appointed under the provisions of the said section shall be applicable to the collectors of the collection districts hereby established.

Section 6,
Chapter 450,
Vol. 18, re-
pealed.

SECTION 3. That Section 6, Chapter 450, Vol. 18 Laws of Delaware, and all other laws inconsistent with this act be and the same are hereby repealed.

Passed at Dover, February 19, 1891.

CHAPTER II.

OF PUBLIC LANDS.

AN ACT to enable Charles T. Purnell and Peter R. Lynch to locate certain Vacant Lands consisting of an island of marsh lands, sometimes called Lower Bush Island and situated in Rehoboth Bay and in Lewes and Rehoboth Hundred and Sussex County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

To locate
certain lands
in Rehoboth
Bay.

Survey and
plot to be
made and
returned to
office of Re-
corder's of
Deeds.

SECTION 1. That some skillful surveyor be and he is hereby authorized and empowered to go upon, survey and locate certain lands, consisting of an island of marsh lands, sometimes called Lower Bush Island, and situated in Rehoboth bay and in Lewes and Rehoboth hundred and Sussex county, and to make out a plot of same setting forth the courses and distances thereof, and the number of acres therein contained, and to return said plot into the office of the recorder of deeds in and for Sussex county aforesaid. *Provided, nevertheless,* that it shall be the duty of the said

OF PUBLIC LANDS.

Charles T. Purnell and Peter R. Lynch, and they are hereby required, as soon as practicable, after the return of the said plot into the office of the Recorder of Deeds as aforesaid, to give notice in one or more newspapers printed in this State for the space of one month that the aforesaid lands have been surveyed and a plot thereof made out and delivered into the said office for the information of all persons concerned.

Charles T.
Purnell and
Peter R.
Lynch to
give notice.

SECTION 2. If any person or persons shall claim the whole or any part thereof included within the said plot or survey, it shall and may be lawful for the person or persons so claiming said land or any part thereof to enter a caveat before the said Recorder of Deeds in and for Sussex county aforesaid, at any time within three months after the return of said plot, and thereupon all matters at variance between the parties shall be heard and determined by the Superior Court in and for Sussex county aforesaid, in a summary way and according to the very right of the matter, at the next or any subsequent term of the said court.

When ca-
veat may be
entered.

SECTION 3. If the said Charles T. Purnell and Peter R. Lynch shall pay or caused to be paid to the State Treasurer within one year from the return of said plot into said Recorder's office on the final determination of the said Superior Court, as aforesaid, at the rate of fifty cents for each and every acre of land contained in said survey or found to be vacant at the time of the passage of this act by the determination of the said Superior Court upon the hearing of a caveat, if any caveat shall be entered as aforesaid, and shall produce a certificate of the said State Treasurer of such payment to the Secretary of State of this State, it shall be the duty of the said Secretary of State, and he is hereby directed to make out or cause to be made out in favor of the said Charles T. Purnell and Peter R. Lynch a patent for the land contained in said survey, or, if a caveat shall be entered as aforesaid, for such part of said land included in said survey or plot as shall have been determined by the said Superior Court to have been vacant, as aforesaid, in the same manner and form as is and has been usual in such cases, which patent shall be entered on record in the office for the recording of deeds in and for Sussex county aforesaid.

Fifty cents
to be paid
State Treas-
urer for each
acre con-
tained in
survey.

Secretary of
State to
make out a
patent in
favor of
Charles T.
Purnell and
Peter R.
Lynch.

Patent to be
recorded.

SECTION 4. The said patent shall convey and transfer to the said Charles T. Purnell and Peter R. Lynch, their heirs and assigns, all the right, title, claim and interest of

What con-
veyed by
patent.

OF PUBLIC LANDS.

the State of Delaware of, in and to the said lands embraced within the said patent.

Passed at Dover, March 26, 1891.

CHAPTER 12.

OF PUBLIC LANDS.

AN ACT granting to William A. Atkinson the title of this State to a certain tract of Salt Marsh herein mentioned.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That William A. Atkinson be and he is hereby authorized to employ some skillful surveyor to go upon, survey and locate a certain piece or parcel of vacant salt marsh in Little Creek hundred, Kent county and State of Delaware, supposed to contain about fifteen acres, but be the same more or less, adjoining a tract or parcel of salt marsh now held and owned by Joseph P. Comegeys, lying on the north side of the Mahon Landing road, and to make a map or plot of the same, setting forth the courses and distances thereof, and the number of acres therein contained, and return the said plot into the Recorder's office of Kent county aforesaid, and it shall be the duty of the said William A. Atkinson, within one month after the return of said plot into the Recorder's office aforesaid, to give notice of the same in one or more of the newspapers published in this State, for the period of one month, that the aforesaid salt marsh has been surveyed, that a plot thereof has been returned into the office aforesaid for the information of all persons concerned.

Wm. A. Atkinson authorized to locate a certain piece of salt marsh.

Plot.

Return.

Notice of survey, &c.

SECTION 2. *And be it further enacted as aforesaid,* That it shall or may be lawful for any person or persons claiming any part of the salt marsh so as aforesaid surveyed to enter a caveat before the said Recorder of Deeds, at any time within three months after the return of said plot and notice given as aforesaid, and thereupon all matters in controversy shall

Who may enter caveat.

OF PUBLIC LANDS.

be heard and determined by the Superior Court of Kent county aforesaid, in a summary way, and according to the right of the matter, at the next or any subsequent term thereof.

SECTION 3. *And be it further enacted as aforesaid,* That if the said William A. Atkinson, his heirs or assigns, shall pay or caused to be paid at the rate of 50 cents per acre for each and every acre of salt marsh contained in said survey to the State Treasurer, within one year from the date of the return of said survey or plot, or the determination of said Superior Court as aforesaid, and shall produce a certificate of the said State Treasurer of such payment to the Secretary of State, it shall be the duty of said Secretary of State, and he is hereby directed to make out, or cause to be made out, in favor of the said William A. Atkinson, his heirs and assigns, a patent for the lands and salt marsh contained in said survey and plot, or for such part thereof as shall have finally been determined to be vacant by said Superior Court upon having* any objections to the confirmation of the title thereto, if any objections shall be filed, which patent shall convey and transfer to the said William A. Atkinson, his heirs and assigns, all the right, title, property, claim and demand of this State of, in and to the said tract, piece and parcel of salt marsh and every part and parcel thereof, which said patent shall be entered of record in the Recorder's office of Kent county aforesaid.

Ownership,
how deter-
mined.

Rate of
payment.

To whom
patent may
be issued.

Where re-
corded.

Passed at Dover, April 9, 1891.

*So enrolled.

OF PUBLIC LANDS.

CHAPTER 13.

OF PUBLIC LANDS.

AN ACT to enable Hetty L. Sommers to survey and locate certain Vacant Lands in Baltimore Hundred, Sussex County, and complete title thereto.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Hetty L. Sommers authorized to employ surveyor to locate certain vacant lands.

SECTION 1. That Hetty L. Sommers be and she is hereby authorized to employ some skillful surveyor to go upon, survey and locate certain vacant lands in Baltimore hundred, Sussex county, situated in front of the residence of the said Hettie L. Sommers and bounded by lands of William S. H. Williams and heirs of Joseph E. Hall, deceased, and others, and a body of water known as the Fresh Pond, or so much thereof as the said Hettie L. Sommers may see proper, setting forth the courses and distances thereof, with the number of acres therein contained, and make and return a plot thereof to the Recorder of Deeds of Sussex county, who shall record the same within sixty days after the return of said plot to the office aforesaid. The said Hettie L. Sommers shall give notice, for the period of one month, in one or more newspapers published in Sussex county, that the above described lands thus surveyed and the plot thereof returned into the office aforesaid for the information of all persons concerned. *

Plot to be made and returned to Recorder of Deeds. Same to be recorded. Hetty L. Sommers to give notice, &c.

Caveat may be entered.

SECTION 2. That if any person shall claim the whole or any part of the land included in said survey or plot it shall be lawful for any such claimant to enter caveat before the said Recorder at any time within three months after the return of said plot and notice given as aforesaid, and thereupon all matters at variance respecting the claim so made shall be heard and determined in a summary manner by the Superior Court in and for Sussex county, and according to the very right of the matter, at the next or any subsequent term thereof.

SECTION 3. That if the said Hettie L. Sommers, her heirs or assigns, shall pay or cause to be paid to the State Treasurer, at or before the expiration of one year from the return of said plot or the determination of said court if

OF PUBLIC LANDS.

caveat should be entered, at the rate of fifty cents for each and every acre of land included in said survey and return, and shall produce to the said* Secretary of State a certificate of such payment, it shall be the duty of said Secretary, and he is hereby directed to make out and deliver to the said Hetty L. Sommers, her heirs and assigns, a patent for the land included in such survey and return, or for such part thereof as may have been determined by said court to have been vacant at the time of the passage of this act, which patent shall be entered of record in the office for recording of deeds in and for Sussex county, and shall convey and transfer to the said Hettie L. Sommers, her heirs and assigns, all the right, title, interest and claim of the State of Delaware, into and out of the lands therein mentioned.

Fifty cents per acre to be paid to State Treasurer.

Secretary to make out patent—when.

Patent to be recorded.

Passed at Dover, April 14, 1891.

CHAPTER 14.

OF PUBLIC LANDS.

AN ACT to enable George W. Jones to take up certain Vacant Lands in Gumboro Hundred, Sussex County, Delaware.

Whereas George W. Jones, of Gumboro hundred, Sussex county, Delaware, has in connection with his farm a certain piece of land, adjoining lands of Ezekiel Timmons, the quantity of which is unknown, of which [he] and those under whom he claims have had continued, uninterrupted and peaceable possession for a period exceeding twenty years, and which is fast and arable land, which possession, according to the statute in such case made and provided, precludes the State from setting up any claim or title to the said land;

George W. Jones to take up vacant lands in Gumboro hundred, Sussex county.

And whereas in order to have record evidence of title to the said land the said George W. Jones wishes to have his said title confirmed by legislative enactment; now therefore

* So enrolled.

OF THE PASSING AND PUBLICATION OF THE LAWS.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

State's interest in said lands granted, &c., to said George W. Jones.

SECTION I. That the title, interest, estate, claim and demand of the State of Delaware of, in and to the aforesaid land described in the preamble of this act be and the same is hereby granted, conveyed and confirmed unto the said George W. Jones, his heirs and assigns, to have and to hold the said lands and premises to and for the only proper use, benefit and behoof of him, the said George W. Jones, his heirs and assigns forever.

Passed at Dover, May 6, 1891.

CHAPTER 15.

OF THE PASSING AND PUBLICATION OF THE LAWS.

AN ACT to Revive Private Acts and extend the time of Recording the same.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch concurring therein):

Unpublished acts renewed and re-enacted.

SECTION I. That all unpublished acts heretofore passed which have not by special acts been repealed or become void by lapse of the time for which they were limited, be and the same are hereby severally renewed and re-enacted and together with the provisions therein contained are respectively declared to be in full force henceforth for a like period as that provided for in the original act, and all acts and transactions done and to be done and performed, under the provisions of said acts respectively, shall have the same force and effect and be as valid to all intents and purposes as if the said acts had been severally renewed and re-enacted and recorded according to law. *Provided*, that this enactment shall not take effect in the case of any act until a certified copy thereof, procured of the Secretary of State, after notice duly filed in his office of intention to take advantage of the provisions of this act, shall be duly recorded in the Recorder's

Certified copy secured from Secretary of State after notice filed to be recorded.

OF THE PASSING AND PUBLICATION OF THE LAWS.

office of one of the counties of this State, and *provided* that no such copy shall be received for record after the expiration of one year from the passage of this act.

SECTION 2. This act shall be deemed and taken to be a Public act. public act and be published as such.

Passed at Dover, February 5, 1891.

CHAPTER 16.

OF THE PASSING AND PUBLICATION OF THE LAWS.

AN ACT entitled an act to Extend the Time for Recording Private Statutes.

Whereas, certain private acts of incorporation and acts to amend or renew private acts of incorporation, and other acts of a private nature heretofore passed by the General Assembly of this State, have not been recorded in the Recorder's office in one of the counties of this State within twelve months after the passage of the same, as provided in Section 3, of Chapter 4, of Revised Code Laws of Delaware; therefore

Be it enacted by the Senate and House of Representatives [of the State of Delaware] in General Assembly met:

SECTION 1. That all private acts of incorporation, and acts to amend or renew private acts of incorporation, and other acts of a private nature, heretofore passed by the General Assembly of this State, may be recorded in the Recorder's office in one of the counties of this State within twelve months after the passage of this act, and that none of said private acts of incorporation or acts to amend or renew private acts of incorporation or other acts of a private nature, by reason of not being recorded prior to the time herein allowed for the recording of the same, shall be deemed or taken to be void, and that the records thereof, or any office copy of such records, shall be evidence.

Passed at Dover, April 28, 1891.

TITLE SECOND.

Of the Public Revenue; and the Assessment, Collection
and Appropriation of Taxes.

CHAPTER 17.

OF THE REVENUE OF THE STATE.

AN ACT to Legalize the Issue of Certain State Bonds.

Loan of
\$75,000 au-
thorized to
be issued

Whereas by an act of the General Assembly of the State of Delaware, entitled "An act to carry into effect the provisions of an act creating a State Board of Trustees for the care of the Insane," passed at Dover, April 26, 1889, a certain loan of the State of Delaware of seventy-five thousand dollars was authorized to be issued, and under the terms and provisions of said act the said loan was issued;

Law origi-
nated in
Senate.

And whereas after the enactment of the said law it was ascertained that the said law originated in the Senate of the State of Delaware, instead of having originated as it was deemed it properly should have done in the House of Representatives of the State of Delaware, and thereupon grave doubts have arisen as to the legality of the said loan;

And whereas it is the desire of this General Assembly to set at rest all question affecting the legality of any loan for which the credit of the State is pledged; now therefore

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

State Treas-
urer author-
ized to is-
sue \$75,000
in bonds of
the value of
\$1,000 each.

SECTION 1. That the State Treasurer be and he is hereby authorized to issue bonds of the State of Delaware to the amount of seventy-five thousand dollars, each bond to be of the value of one thousand dollars, with coupons or interest

OF THE REVENUE OF THE STATE.

warrants thereto attached for each half year's interest thereon. The said bonds shall be numbered from 1 to 75 inclusive, shall be dated July first, 1891, and shall bear interest from and after that date at a rate not exceeding four per centum per annum, payable semi-annually on the first days of July and January in each and every year while they remain unpaid, payable at the Farmers' Bank in the city of Wilmington on presentation of the coupon representing such semi-annual installments of interest. The principal of said bonds shall be payable at the Farmers' Bank of the State of Delaware at Wilmington, on the first day of July, A. D. 1901, on presentation and surrender of said bonds, but the same or any part thereof may be redeemed at the option of this State on any first day of July or January in or after the year A. D. 1893, upon thirty days notice published in one newspaper published in the city of Philadelphia and one newspaper published in the State of Delaware, indicating by their numbers the bonds thereby called and elected to be redeemed. The said bonds shall each be signed by the Governor, Secretary of State and State Treasurer on behalf of this State, and shall have the Great Seal impressed thereon or affixed thereto. The signature of the State Treasurer shall be engraved or printed on each coupon and the coupons attached to each bond shall be numbered consecutively from 1 to 19 respectively.

Bonds numbered 1 to 75 and dated July 1, 1891, at a rate not exceeding four per cent.

Principal of bonds payable July 1, 1901.

May be redeemed on any first day of July or January in or after 1893, upon 30 days notice.

Bonds signed by Governor, Secretary of State and Treasurer, with the Great Seal.

SECTION 2. The said bonds authorized to be issued by this act shall be in the following form to wit :

"UNITED STATES OF AMERICA,
STATE OF DELAWARE.

Form of bonds.

No. ——— LOAN OF ———.

These presents certify and make known that the State of Delaware is held and firmly bound unto the bearer in the sum of one thousand dollars lawful money of the United States of America, which the said State promises and binds itself to pay to the bearer at the Farmers' Bank in the city of Wilmington on the first day of July, A. D. 1901, with interest at a rate not exceeding four per centum per annum, likewise payable at the Farmers' Bank in the city of Wilmington on the first days of July and January in each and every year whilst the same principal sum remains unpaid on the presentation of the coupons thereto annexed representing such semi-annual installments of interest.

OF THE REVENUE OF THE STATE.

Dated at Dover the first day of July, A. D. 1891.

Witness the Great Seal of the State of Delaware, and the hands of the Governor, Secretary of State, and State Treasurer in the day and year aforesaid.

____ Governor,
 ____ Secretary of State.
 ____ State Treasurer."

And the coupon shall be in the following form to wit :

Form of
coupons.

" NO. ____

The State of Delaware will pay to the bearer at the Farmers' Bank of the State of Delaware, at Wilmington, on the first day of ____ A. D. ____ the sum of ____ dollars for six months' interest on Bond No. ____, Loan of 1891, dated July 1, 1891.

____, State Treasurer."

State Treas-
urer to pro-
vide a re-
cord for
keeping ac-
count of
bonds.

SECTION 3. It shall be the duty of the State Treasurer to provide a record of the proper size and proportions to be retained in his office, so ruled as to afford a separate space for each coupon and a space at the top of each page of said record for each bond when paid or redeemed, and each space at the top of said record shall bear the same number as the bond, a record whereof is hereby* to be preserved.

Duty of
State Treas-
urer.

As the said coupons are paid it shall be the duty of the State Treasurer to mark the same in red ink across the face "Paid," cut each of them in two lengthwise, and paste the pieces in the aforesaid space for such coupon in the record aforesaid, and as the said bonds shall be paid or redeemed, the State Treasurer shall cause the same to be canceled by making lines with red ink through the signatures of the Governor, Secretary of State and State Treasurer ; and also, by writing across the face thereof in red ink the following words :

Form of en-
try on face of
paid bonds.

" This Bond paid (or redeemed, as the case may be) this ____ day of ____ A. D. ____, by the payment of the sum of one thousand dollars principal, and ____ dollars interest, represented by coupon No. ____ by ____
 ____, State Treasurer."

And all coupons unmatured and surrendered with each bond redeemed shall likewise be endorsed :

So enrolled.

OF THE REVENUE OF THE STATE.

"Canceled by the redemption of Bond No. —" in red ink. When paid or redeemed the said bonds shall be pasted in the appropriate spaces in the record aforesaid, and all coupons paid or surrendered shall likewise be pasted in their appropriate space in said record. Entry on coupons.

SECTION 4. The public faith is hereby expressly pledged for the full and complete payment of the loan, principal and interest by this act invited and authorized and the bond hereby authorized to be issued or* to secure the same, and that the said bond shall be exempt from taxation by this State for any purpose, and the State Treasurer is hereby authorized and directed to cause all blanks in the form of the said bonds and coupons hereinbefore prescribed to be appropriately filled. Bonds exempt from all taxation.

SECTION 5. The proceeds of the sale of the bonds authorized by this act to be issued shall be paid by the State Treasurer to the Trustees of the Poor of New Castle county in redemption of the bonds and attached coupons of interest authorized to be issued under the provisions of an act entitled, "An act to carry into effect the provisions of an act creating a State Board of Trustees for the Care of the Insane," passed at Dover, April 26, 1889. Proceeds of the sale of the bonds to be paid to Trustees of the Poor of New Castle County.

And the Trustees of the Poor of New Castle county are hereby authorized and directed, upon receipt of the said proceeds, to cause to be delivered up to the State Treasurer the bonds and coupons aforesaid issued under the said act of April 26, 1889, together with a receipt to the State Treasurer for such proceeds. Upon the receipt by the State Treasurer of the bonds and coupons issued under the act of April 26, 1889, he shall proceed immediately to have them canceled according to the provisions of said act. Trustees to deliver up bonds issued under act of April 26, 1889.

SECTION 6. The board of Trustees of the Poor of New Castle county, upon the receipt of the proceeds of the bonds authorized to be issued by this act, shall immediately pay the same over to the County Treasurer of said county, and his receipt to them shall be their sufficient voucher. Such proceeds so paid over shall be devoted to the extinguishment of the floating indebtedness of New Castle county, now held by the several banks of the said county. Board of Trustees of the Poor to pay over the said proceeds to the County Treasurer.

SECTION 7. That portion of the floating indebtedness of New Castle county now held by the several banks of New Floating indebtedness of New Castle county held by banks to be paid out of the proceeds.

*So enrolled.

OF THE REVENUE OF THE STATE.

Castle county is hereby rendered valid and legal and extinguishable under the provisions of this act, as far as the proceeds of the sale of these bonds can effect the same, and any balance remaining may be by the Levy Court extinguished by current taxation.

Cost of preparing bonds to be allowed State Treasurer and Secretary of State.

SECTION 8. That all expenses of preparing, issuing and delivering the bonds by this act authorized shall be allowed to the State Treasurer and paid out by any unappropriated funds in the State Treasury, he producing and exhibiting the necessary vouchers therefor, as by law required with reference to other disbursements of public funds, and, further, that the Secretary of State and the State Treasurer shall respectively be allowed such compensation for the services to be rendered and performed by them under this act as shall be allowed by the Legislative Committee at the session in January, and such Committee is hereby expressly authorized to make such allowances and to draw drafts on the State Treasurer accordingly.

Legislative Committee to make allowance.

Passed at Dover, May 5, 1891.

CHAPTER 18.

OF THE REVENUE OF THE STATE.

AN ACT to amend an act entitled "An act to Legalize the Issue of certain State Bonds."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Act to legalize the issue of State Bonds amended

SECTION 1. That the act entitled "An act to legalize the issue of certain State Bonds," passed at Dover, May 5, 1891, be and the same is hereby amended by striking out the words "a rate not exceeding four" in the twelfth line of Section 2 of the enrolled copy of said act.

SECTION 2. That the Secretary of State is hereby authorized and directed to print the act entitled, "An act

OF THE REVENUE OF THE STATE.

to legalize the issue of certain State Bonds," passed at Dover, May 5, 1891, in the next volume of Delaware Laws, and shall certify the same as by this act amended.

Secretary of
State to cer-
tify and
print the act
as herein
amended.

Passed at Dover, May 15, 1891.

CHAPTER 19.

OF THE REVENUE OF THE STATE.

AN ACT to Legalize the Issue of Certain State Bonds—Amended.

Whereas by an act of the General Assembly of the State of Delaware, entitled "An act to carry into effect the provisions of an act creating a State Board of Trustees for the care of the Insane," passed at Dover, April 26, 1889, a certain loan of the State of Delaware of seventy-five thousand dollars was authorized to be issued, and under the terms and provisions of said act the said loan was issued;

Loan of
\$75,000 au-
thorized to
be issued.

And whereas after the enactment of the said law it was ascertained that the said law originated in the Senate of the State of Delaware instead of having originated as it was deemed it properly should have done in the House of Representatives of the State of Delaware, and thereupon grave doubts have arisen as to the legality of the said loan;

Law origi-
nated in
Senate.

And whereas it is the desire of this General Assembly to set at rest all question affecting the legality of any loan for which the credit of the State is pledged; now therefore

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That the State Treasurer be and he is hereby authorized to issue bonds of the State of Delaware to the amount of seventy-five thousand dollars, each bond to be of the value of one thousand dollars, with coupons or interest

State Treas-
urer author-
ized to is-
sue \$75,000
in bonds of
the value of
\$1000 each.

OF THE REVENUE OF THE STATE.

warrants thereto attached for each half year's interest thereon. The said bonds shall be numbered from 1 to 75 inclusive, shall be dated July first, 1891, and shall bear interest from and after that date at a rate not exceeding four per centum per annum, payable semi-annually on the first days of July and January in each and every year while they remain unpaid, payable at the Farmers' Bank in the city of Wilmington on presentation of the coupon representing such semi-annual installments of interest. The principal of said bonds shall be payable at the Farmers' Bank of the State of Delaware at Wilmington, on the first day of July, A. D. 1901, on presentation and surrender of said bonds, but the same or any part thereof may be redeemed at the option of this State on any first day of July or January in or after the year A. D. 1893, upon thirty days notice published in one newspaper published in the city of Philadelphia and one newspaper published in the State of Delaware, indicating by their numbers the bonds thereby called and elected to be redeemed. The said bonds shall each be signed by the Governor, Secretary of State and State Treasurer on behalf of this State, and shall have the Great Seal impressed thereon or affixed thereto. The signature of the State Treasurer shall be engraved or printed on each coupon and the coupons attached to each bond shall be numbered consecutively from 1 to 19 respectively.

Bonds numbered 1 to 75 and dated July 1, 1891, at a rate not exceeding four per cent.

Principal of bonds payable July 1, 1901.

May be redeemed on any first day of July or January in or after 1893, upon 30 days notice.

Bonds signed by Governor, Secretary of State and Treasurer, with the Great Seal.

SECTION 2. The said bonds authorized to be issued by this act shall be in the following form to wit :

Form of bonds.

“UNITED STATES OF AMERICA,
STATE OF DELAWARE.

No. —

LOAN OF —.

These presents certify and make known that the State of Delaware is held and firmly bound unto the bearer in the sum of one thousand dollars lawful money of the United States of America, which the said State promises and binds itself to pay to the bearer at the Farmers' Bank in the city of Wilmington on the first day of July, A. D. 1901, with interest at — — — — — per centum per annum, likewise payable at the Farmers' Bank in the city of Wilmington on the first days of July and January in each and every year whilst the same principal sum remains unpaid on the presentation of the coupons thereto annexed representing such semi-annual installments of interest.

OF THE REVENUE OF THE STATE.

Dated at Dover the first day of July, A. D. 1891.

Witness the Great Seal of the State of Delaware, and the hands of the Governor, Secretary of State, and State Treasurer in the day and year aforesaid.

_____ Governor,
 _____ Secretary of State.
 _____ State Treasurer."

And the coupon shall be in the following form to wit :

"No. _____

The State of Delaware will pay to the bearer at the Farmers' Bank of the State of Delaware, at Wilmington, on the first day of _____ A. D. _____ the sum of _____ dollars for six months' interest on Bond No. _____, Loan of 1891, dated July 1, 1891.

Form of coupons.

_____, State Treasurer."

SECTION 3. It shall be the duty of the State Treasurer to provide a record of the proper size and proportions to be retained in his office, so ruled as to afford a separate space for each coupon and a space at the top of each page of said record for each bond when paid or redeemed, and each space at the top of said record shall bear the same number as the bond, a record whereof is hereby to be preserved.

State Treasurer to provide a record for keeping account of bonds.

As the said coupons are paid it shall be the duty of the State Treasurer to mark the same in red ink across the face "Paid," cut each of them in two lengthwise, and paste the pieces in the aforesaid space for such coupon in the record aforesaid, and as the said bonds shall be paid or redeemed, the State Treasurer shall cause the same to be canceled by making lines with red ink through the signatures of the Governor, Secretary of State and State Treasurer; and also, by writing across the face thereof in red ink the following words :

Duty of State Treasurer.

"This Bond paid (or redeemed, as the case may be) this _____ day of, _____ A. D. _____, by the payment of the sum of one thousand dollars principal, and _____ dollars interest, represented by coupon No. _____ by _____, State Treasurer."

Form of entry on face of paid bonds.

And all coupons unmatured and surrendered with each bond redeemed shall likewise be endorsed :

OF THE REVENUE OF THE STATE.

Entry on
coupons.

"Canceled by the redemption of Bond No. ——" in red ink. When paid or redeemed the said bonds shall be pasted in the appropriate spaces in the record aforesaid, and all coupons paid or surrendered shall likewise be pasted in their appropriate space in said record.

Bonds ex-
empt from
all taxation.

SECTION 4. The public faith is hereby expressly pledged for the full and complete payment of the loan, principal and interest by this act invited and authorized and the bond hereby authorized to be issued or to secure the same, and that the said bonds shall be exempt from taxation by this State for any purpose, and the State Treasurer is hereby authorized and directed to cause all blanks in the form of the said bonds and coupons hereinbefore prescribed to be appropriately filled.

Proceeds of
the sale of
the bonds to
be paid to
Trustees of
the Poor of
New Castle
County.

SECTION 5. The proceeds of the sale of the bonds authorized by this act to be issued shall be paid by the State Treasurer to the Trustees of the Poor of New Castle county in redemption of the bonds and attached coupons of interest authorized to be issued under the provisions of an act entitled, "An act to carry into effect the provisions of an act creating a State Board of Trustees for the Care of the Insane," passed at Dover, April 26, 1889.

Trustees to
deliver up
bonds issued
under act of
April 26,
1889.

And the Trustees of the Poor of New Castle county are hereby authorized and directed, upon receipt of the said proceeds, to cause to be delivered up to the State Treasurer the bonds and coupons aforesaid issued under the said act of April 26, 1889, together with a receipt to the State Treasurer for such proceeds. Upon the receipt by the State Treasurer of the bonds and coupons issued under the act of April 26, 1889, he shall proceed immediately to have them canceled according to the provisions of said act.

Board of
Trustees of
the Poor to
pay over the
said pro-
ceeds to the
County
Treasurer.

SECTION 6. The board of Trustees of the Poor of New Castle county, upon the receipt of the proceeds of the bonds authorized to be issued by this act, shall immediately pay the same over to the County Treasurer of said county, and his receipt to them shall be their sufficient voucher. Such proceeds so paid over shall be devoted to the extinguishment of the floating indebtedness of New Castle county, now held by the several banks of the said county.

Floating in-
debtedness
of New Cas-
tle county
held by
banks to be
paid out of
the pro-
ceeds.

SECTION 7. That portion of the floating indebtedness of New Castle county now held by the several banks of New

OF THE REVENUE OF THE STATE.

Castle county is hereby rendered valid and legal and extinguishable under the provisions of this act, as far as the proceeds of the sale of these bonds can effect the same, and any balance remaining may be by the Levy Court extinguished by current taxation.

SECTION 8. That all expenses of preparing, issuing and delivering the bonds by this act authorized shall be allowed to the State Treasurer and paid out of any unappropriated funds in the State Treasury, he producing and exhibiting the necessary vouchers therefor, as by law required with reference to other disbursements of public funds, and, further, that the Secretary of State and the State Treasurer shall respectively be allowed such compensation for the services to be rendered and performed by them under this act as shall be allowed by the Legislative Committee at the session in January, and such Committee is hereby expressly authorized to make such allowances and to draw drafts on the State Treasurer accordingly.

Cost of preparing bonds to be allowed State Treasurer and Secretary of State.

Legislative Committee to make allowance.

CHAPTER 20.

OF THE REVENUE OF THE STATE

AN ACT concerning the Mortgages held by the State against the Junction and Breakwater Railroad Company and the Breakwater and Frankford Railroad Company respectively.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring) as follows:

SECTION 1. That if the Philadelphia, Wilmington and Baltimore Railroad Company shall (as and by way of a loan and advance by it to the Delaware, Maryland and Virginia Railroad Company) pay to the State Treasurer, for the use of the State, on the first day of July, A. D. 1891, the sum of

Mortgages against Junction and Breakwater and Breakwater and Frankford Railroad Companies.

OF THE REVENUE OF THE STATE.

P. W. & D. R. R. Co. to pay to State Treasurer sums of money secured by mortgages against the Junction and Breakwater and the Breakwater and Frankford Railroad Companies.

fifty thousand dollars (\$50,000), and on the first day of November, A. D. 1891, shall also pay to the State Treasurer for the use of the State the further sum of one hundred and sixty-five thousand dollars (\$165,000) towards and on account of the principal sum of four hundred thousand dollars secured by the mortgage against the Junction and Breakwater Railroad Company; and shall likewise pay to the said State Treasurer on the said first day of July, A. D. 1891, the sum of twelve thousand dollars (\$12,000), being the six months' interest which will then have accrued on the said mortgage and the mortgage for two hundred thousand dollars (\$200,000) held by the State against the Breakwater and Frankford Railroad Company, and shall also, on the said first day of November, A. D. 1891, pay unto said State Treasurer the further sum of seven thousand three hundred and thirty-three dollars and thirty-four cents (\$7,333.34), being the four months' interest at the rate of four per centum which will then have accrued on both said mortgages, that then and in that event the payment of the residue, viz: One hundred and eighty-five thousand dollars (\$185,000) of the principal moneys secured by the said mortgage against the Junction and Breakwater Railroad Company and the whole of the principal moneys secured by the mortgage against the Breakwater and Frankford Railroad Company, shall be postponed, deferred and extended until the first day of January, A. D. 1932, and the same shall from and after the said first day of November, A. D. 1891, bear interest at the rate of three (3) per centum per annum, which said interest shall be payable as follows: the sum of nineteen hundred and twenty-five dollars (\$1,925) on the first day of January, A. D. 1892, and thereafter by equal semi-annual payments on the first days of July and January in each year until the stay and postponement of payment herein stipulated and provided for shall expire; *provided* however, that in case default shall be made for the space of ninety days in the payment of any such semi-annual installment of interest at the rate of three per centum per annum that then and in that case the stay and postponement of payment herein provided for shall cease and terminate, and payment of the principal moneys secured by said mortgages, together with all interest which shall have accrued thereon after the said first day of November, A. D. 1891, and shall be then unpaid, may thereupon be immediately enforced by process of law or by proceedings in equity, and *provided further* that nothing herein contained shall in anywise affect, alter or impair the

Principal moneys to be paid January 1, 1932. Interest at 3 per cent.

Foreclosure

OF THE REVENUE OF THE STATE.

security of the said mortgages, or the priority of the lien thereof respectively; and *provided further*, that upon payment to the State Treasurer of the sum of three hundred and eighty-five thousand dollars (the unpaid balance of principal remaining on said two mortgages) together with all interest thereon accruing after the first day of November, A. D. 1891, at the rate of three per centum per annum, on any first day of January or July after the first day of January, A. D. 1895, the State Treasurer shall forthwith satisfy and discharge both said mortgages of record.

State Treasurer to satisfy mortgages.

SECTION 2. That it shall and may be lawful for the Delaware, Maryland and Virginia Railroad Company to issue its bonds for the purpose of discharging and refunding all its indebtedness (save and except the debts owing to the State and secured by the mortgages mentioned in Section 1 of this act, which mortgages are in nowise to be affected, impaired or disturbed), and secure the same by a general mortgage of its railroads, property and franchises.

D. M. & V. R. R. Co. allowed to issue bonds.

SECTION 3. That it shall and may be lawful for the said The Philadelphia, Wilmington and Baltimore Railroad Company, and it is hereby authorized and empowered, to own and hold so much of the capital stock and so many of the bonds of the said Delaware, Maryland and Virginia Railroad Company or either of the several companies constituent thereof as it may from time to time purchase; and also to guarantee the whole or any part of the bonds which may be issued by the said Delaware, Maryland and Virginia Railroad Company; and also to mortgage its property and franchises to secure any indebtedness which either by reason of such guaranty or otherwise it may lawfully incur or create.

P. W. & B. R. R. Co. allowed to own and hold capital stock and bonds, also mortgage.

SECTION 4. That the State Treasurer shall apply so much of the moneys to be paid on the first day of July, 1891, as may be necessary to the payment of the fifty outstanding bonds of this State of Series "B," issued under the act of 1881; and shall also apply so much of the moneys to be paid on the first day of November, 1891, as may be necessary to the redemption on the first day of January, 1892, of the one hundred and sixty-five bonds of this State of Series "C," issued under the act of 1881, which will be then redeemable according to their tenor; and the State Treasurer shall on the receipt of said last-mentioned sum give notice as provided by the statute in that behalf that the State will on the

Application of moneys paid in by State Treasurer.

Notice of redemption.

OF THE REVENUE OF THE STATE.

said first day of January, 1892, redeem all the said bonds of Series "C."

The respective railroad companies to adopt appropriate resolutions. SECTION 5. That the boards of Directors of the Delaware, Maryland and Virginia Railroad Company and the Philadelphia, Wilmington and Baltimore Railroad Company respectively shall, within five days from and after the passage of this act, by appropriate resolutions duly adopted, accept its provisions and assume the obligations it imposes, or, on failure so to do, this act shall cease, terminate and become and be void and of no effect.

Passed at Dover, May 8, 1891.

CHAPTER 21.

OF THE REVENUE OF THE STATE.

AN ACT to Repeal and Supply Chapter 117, Volume 13, Laws of Delaware, as amended by Chapter 423, Volume 17, Laws of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

License to carry on insurance within this State

SECTION 1. That no person, or persons, firm, company or corporation, without having first obtained a proper license therefor, as hereinafter provided, shall, within the limits of this State, be engaged in, prosecute, follow, or carry on any trade, business, pursuit or occupation in this section hereinafter mentioned, that is to say: foreign life insurance agency, foreign fire insurance agency, foreign insurance agency other than life or fire.

Application to Insurance Commissioner for license

SECTION 2. That any person, or persons, firm, company or corporation desiring to be engaged in, prosecute, follow or carry on any trade, business, pursuit or occupation named in the foregoing section of this act, shall apply to the "Insurance Commissioner of Delaware" for a proper license authorizing or empowering him, her or them to engage in,

OF THE REVENUE OF THE STATE.

prosecute, follow or carry on such trade, business, pursuit or occupation which he, she or they may desire to engage in, prosecute, follow or carry on, and upon his, her or their paying for the use of the State to the said Insurance Commissioner of Delaware the fee hereinafter mentioned for such license, and also the fee to the Insurance Commissioner of Delaware for issuing the same, it shall be the duty of the Insurance Commissioner of Delaware to issue to him, her or them a proper license therefor.

Fees, &c.

SECTION 3. That the following fee shall be paid to the Insurance Commissioner of Delaware, for the use of the State, for any license to be issued by him under the provisions of this act, that is to say: for each license as foreign life insurance agent the sum of twenty-five dollars; and such company, firm or corporation shall also pay to the Insurance Commissioner of Delaware for the use of the State at the time of obtaining such license in each and every year one and one-half per centum on the gross amount of premiums received and assessments collected by such company, firm or corporation during the year immediately next preceding the date of obtaining such license in each year; and every such company, firm or corporation shall, at the said time, furnish to the Insurance Commissioner of Delaware a statement showing the gross amount of premiums received and assessments collected and shall verify the same by his oath or affirmation taken before some person who is by the laws of this State duly authorized to administer the same; for each license as a foreign fire insurance agent the sum of twenty-five dollars, and the company such agent represents shall also pay to the Insurance Commissioner of Delaware one and one-half per centum on the gross amount of premiums received and the assessments collected by such agent or company during the year immediately next preceding the date of obtaining such license in each year, and such agent, firm or corporation shall, at the same time, furnish to the said "Insurance Commissioner of Delaware" a statement showing the gross amount of premiums received and assessments collected, and shall verify such statements by his oath or affirmation duly administered by some person authorized by the laws of this State to administer oaths; for each license as a foreign insurance agent other than fire or life, the sum of twenty-five dollars, and such agent, firm or corporation shall also pay to the "Insurance Commissioner of Delaware" for the use of the State at the time of obtaining such license in each

OF THE REVENUE OF THE STATE.

year one and one-half per centum on the gross amount of premiums received and assessments collected by such company, firm or corporation during the year immediately next preceding the date of obtaining such license in each year, and such company, firm or corporation shall, by its proper officer or agent, at the time of obtaining such license, furnish the "Insurance Commissioner of Delaware" a statement showing the gross amount of premiums received and assessments collected, who shall verify such statement by his oath or affirmation duly administered by some person authorized by the laws of this State to administer oaths. *Provided however*, that if a license as life insurance agent or as fire insurance agent shall have been obtained, no additional license shall be required for insurance other than life or fire.

Penalty for neglect to obtain license under the 1st, 2d and 3d sections of this act.

SECTION 4. That if any person or persons, firm, company or corporation shall be engaged in, prosecute, follow or carry on, within the limits of this State, any trade, business, pursuit or occupation named in the first section of this act, without having first obtained a proper license therefor, he, she or they, and the individuals composing such firm, company or corporation, and each of them, and the president and directors and each of them of such company or corporation, for every such offense shall be deemed guilty of a misdemeanor and upon conviction thereof by indictment, besides being liable for the payment of the tax, be subject to imprisonment for a term not exceeding two years or a fine not exceeding five hundred dollars, or both, at the discretion of the court; one moiety to the use of the person who shall first give information of the fact whereby said forfeiture was incurred.

Any person procuring or soliciting any person to take out policy in an insurance company not incorporated in this State deemed a foreign life insurance agent.

SECTION 5. That every person (other than the clerk or assistant of any life insurance agent, company, firm or corporation, who shall have become qualified to conduct and carry on the business of life insurance agent as provided for in Section 2 of said Chapter 117, Volume 13, Laws of Delaware, at the one place designated in the license) who shall procure or solicit any citizen or resident of this State to take out a policy on his or her life or lives of any other person in any company or companies not incorporated by the laws of this State, shall be deemed a foreign life insurance agent within the meaning of this act. Every person (other than the clerk or assistant of any fire insurance* who shall have become

*So enrolled

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qualified to conduct and carry on the business of fire insurance agents as provided for in Section 2 of said Chapter 117, Volume 13, Laws of Delaware, at the one place designated in his license) who shall procure or solicit any citizen or resident of this State to take out a policy of insurance in any fire insurance company or companies not incorporated by the laws of this State, shall be deemed a foreign fire insurance agent within the meaning of this act.

SECTION 6. That in every license to be taken out under or by authority of this act shall be contained or set forth the trade, business, pursuit or occupation for which such license is granted, the name and place of abode of the person or persons taking the same, and that the fee due the State therefor has been paid. Where one or more persons are associated together as a firm or co-partnership and doing or carrying on any trade, business, pursuit or occupation mentioned in the first section of this act at the same time and place, it shall not be necessary for each of the individuals composing such firm or co-partnership to take out a separate license therefor, but one license may be granted in the name of the firm or co-partnership. In every case where more than one of the trade, business, pursuit or occupation mentioned in the first section of this act shall be pursued or carried on by the same person or persons, firm, company or corporation at the same time, a license must be taken out for each according to the rates prescribed by the third section of this act. Every license issued in pursuance of the provisions of this act shall bear date on the day on which it was issued and shall continue in force one year from the date thereof and no longer. Such license shall be signed by the Governor of this State and countersigned by the Secretary of State and sealed with the seal of his office. Every person, or persons, firm, company or corporation who shall procure a license under this act as foreign life insurance agent, foreign fire insurance agent, shall be authorized and empowered, during the year for which such license was granted, to exercise and carry on the trade, business, pursuit or occupation for which the license was granted in any county of this State; *provided*, that no such person or persons, firm, company or corporation shall be engaged in, prosecute, follow or carry on such trade, business, pursuit or occupation at more than one place at the same time. *And provided further*, that if any person or persons shall be duly licensed under this act as foreign life insurance agent, foreign fire insurance agent, and shall

Form of license.

Licenses for firm or co-partnership.

A license required for each trade &c.

Date and term of license.

Form of signatures.

Powers and privileges under such license.

OF THE REVENUE OF THE STATE.

Licensee dying, heirs, &c., to act.

Commissioner's fee for issuing licenses.

die before the expiration of the year for which such license was granted, it shall be lawful for his or her or their executors [or] administrators to exercise and carry on the trade, business, pursuit or occupation for which such license was granted until the expiration of the time for which such license was granted. Every person applying to the Insurance Commissioner of Delaware for a license under the provisions of this act shall, in addition to the fee for the use of the State mentioned in the third section of this act, pay to the Insurance Commissioner of Delaware a fee of fifty cents for issuing the same.

State tax.

The Delaware State Grange Mutual Fire Insurance Company exempt from State tax.

SECTION 7. That every person or persons, association, firm, company or corporation, who shall within the limits of this State be engaged in, pursue or follow the business of or occupation of insuring property against loss by fire shall, on the first Tuesday in the month of July next after the passage of this act and on the same day annually thereafter while they shall continue in such business, pay to the Insurance Commissioner of Delaware, for the use of the State, a tax of one hundred dollars; *provided*, that where two or more persons are associated together and carrying on the business or occupation of insuring property against loss by fire, it shall not be necessary for each of the persons composing such firm or association to pay the said tax, but the payment thereof by such association collectively shall be sufficient; *provided*, however, that this section shall only apply to organizations established within or incorporated by the laws of this State; *and provided further*, that the Delaware State Grange Mutual Fire Insurance Company is exempt from the payment of the tax imposed by this section.

Penalty for neglect or refusal to pay State tax within five days after coming due.

SECTION 8. That if any person or persons, firm, company or corporation or association of individuals who shall be engaged in, pursue or follow the business or occupation of insuring property against loss by fire shall refuse, fail or neglect to pay to the Insurance Commissioner of Delaware, for the use of the State, the tax imposed by Section 7 of this act within five days after the same shall become due and payable such person or persons or individuals composing such firm, company, corporation or association so refusing, failing or neglecting, besides being liable to pay the tax imposed by said Section 7, shall be deemed guilty of a misdemeanor and upon conviction thereof by indictment shall forfeit and pay a fine of not less than five hundred dollars

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nor more than two thousand dollars, besides costs of prosecution. And if any corporation, liable to the tax imposed by the preceding section of [this] act, shall refuse, fail or neglect for the space of five days after the same shall be due and payable to pay to the Insurance Commissioner of Delaware the tax imposed by said section of this act, such refusal, failure or neglect shall work a revocation of the charter of such corporation so refusing, failing or neglecting, and the president and directors of such corporation so refusing, failing or neglecting as aforesaid shall be deemed guilty of a misdemeanor and upon conviction thereof by indictment, shall forfeit and pay a fine of not less than five hundred dollars nor more than two thousand dollars, besides costs of prosecution, and the individual property of such president and directors shall also be liable for the payment of the tax imposed by Section 7 of this act. *And further*, in case of any person or persons, company or association of individuals as aforesaid so refusing, failing or neglecting to pay the tax for which he, she or they are liable under the seventh section of this act within the time appointed for the payment thereof, it shall be unlawful for him, her or them thereafter to be engaged in, pursue, follow or carry on the business or occupation of insuring property against loss by fire within this State, and upon conviction thereof by indictment shall forfeit and pay a fine of not less than five hundred dollars nor more than two thousand dollars, besides costs of prosecution.

Refusal or neglect to pay State tax a revocation of charter.

Penalty of president and directors refusing to pay tax.

Unlawful to pursue the business of insuring after refusal to pay State tax.

Penalty.

SECTION 9. The Court of Chancery shall have jurisdiction and power, and upon application of the Insurance Commissioner of Delaware, on behalf of the State, it shall be the duty of the Chancellor to restrain by injunction process any breach of the provisions of this act attempted to be committed by any person or persons, company or association of individuals by engaging in, pursuing or carrying on the business or occupation of insuring property against loss by fire after a refusal, failure or neglect to make payment to the Insurance Commissioner of Delaware for the use of the State of the tax imposed by Section 7 of this act within the time limited for the payment thereof. *And further*, in case of any refusal, failure or neglect by any corporation liable to the payment of the tax imposed by Section seven of this act to make payment to the Insurance Commissioner of Delaware of the tax imposed by said Section seven, within the time appointed for the payment thereof, the Insurance Commissioner of Delaware shall report the fact to the General

Powers of the Court of Chancery in such cases.

Insurance Commissioner to report such failure or refusal to pay tax to the General Assembly and to the Attorney General.

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Assembly, if in session, or at their next meeting, either regular or adjourned, and also to the Attorney General whose duty it shall be to proceed without delay against the said corporation in the proper tribunal to carry the aforesaid revocation into effect.

Powers of Insurance Commissioner in collecting tax.

SECTION 10. That it shall be the duty of the Insurance Commissioner of Delaware to enforce the payment of the tax imposed by the provisions of this act, and for this purpose all the provisions of Chapter twenty-nine of the Revised Code of this State, conferring powers and duties upon the State Treasurer, shall apply to the Insurance Commissioner of Delaware for the purpose of carrying into force and effect the provisions of this act.

Foreign insurance companies, guarantee or casualty companies to pay a tax of 1½ per centum on premiums, &c.

To transmit to the Insurance Commissioner a statement of the amount of collections, &c.

Penalty for neglect or refusal to perform duties under this section.

SECTION 11. That every person or persons, association of individuals or corporation who, not being incorporated by this State, shall be engaged in, pursue or follow the business or occupation of an insurance or guarantee or casualty company, and who shall collect from any citizen or resident of this State any premium, interest or assessment upon any insurance or guarantee policy or certificate or other instrument of like character issued upon person or property located within this State, shall pay annually for the use of this State a tax of one and one-half per centum upon the total amount of all such collections which have been made within the year, whether upon policies issued during the year or issued previously thereto by any such person, association or corporation, and upon which a tax of one and one-half per centum has not been previously paid to the Insurance Commissioner of Delaware by an agent or agents of such person, association or corporation under Section third of this act; and every such person, association or corporation shall annually transmit to the Insurance Commissioner of this State a statement, verified by the oath or affirmation of the president, vice-president, and secretary or manager, setting forth the total amount of all such collections made since the thirty-first day of December in the year eighteen hundred and ninety and in each year thereafter. If any person, association or corporation shall neglect or refuse to comply with the requirements of this section, such offending person, association or corporation shall not be granted by the said Insurance Commissioner a certificate of authority to transact business within this State, and the fact that such person, association or corporation is without legal authority to transact business within

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this State and the reason thereof shall be published by the said Insurance Commissioner in at least three public newspapers of this State.

SECTION 12. The Insurance Commissioner of Delaware shall semi-annually, on the first Tuesday of April and October, or within five days thereafter, plainly state under his hand a full and true account of all money by him received or for which he is accountable for fees or taxes to the State under the provisions of this act; and shall at the same time deposit to the credit of the State Treasurer, in the Farmers' Bank of the county in which he (the Insurance Commissioner) resides, the full amount due on such account and send such account to the State Treasurer with a certificate of such deposit.

Insurance Commissioner to make semi-annual statement of moneys, taxes, fees, &c., received.
Semi-annual deposits in Farmers' Bank.
Certificate of deposits.

SECTION 13. That all charitable beneficial orders organized for mutual benefit, other than regularly chartered mutual insurance companies, shall be exempt from all and every the provisions of this act.

Charitable and beneficial orders exempt from the provisions of this act.

Passed at Dover, January 30th, 1891.

CHAPTER 22.

AN ACT to amend Section 3 of the act entitled "An act to Repeal and Supply Chapter 117, Volume 13, Laws of Delaware, as amended by Chapter 423, Volume 17, Laws of Delaware."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That the act entitled "An act to repeal and supply Chapter 117, Vol. 13, Laws of Delaware, as amended by Chapter 423, Vol. 17, Laws of Delaware, passed at Dover January 30th, 1891, be and the same is hereby amended by striking out all of Section 3 of said act and inserting in lieu thereof the following, to wit:

OF THE REVENUE OF THE STATE.

Fees to the
State for li-
cense to rep-
resent insur-
ance com-
panies as
agents.

"SECTION 3. That the following shall be paid to the Insurance Commissioner of Delaware for the use of the State for any license to be issued by him under the provisions of this act, that is to say: The sum of twenty-five dollars for each license as a foreign life insurance agent, which shall authorize said agent to represent one or more foreign life insurance companies, and the like sum of twenty-five dollars for each license as a foreign fire insurance agent, which shall authorize said agent to represent one or more foreign fire insurance companies, and the like sum of twenty-five dollars for each license as a foreign insurance agent other than life or fire, which shall authorize said agent to represent one or more insurance companies other than life or fire; *provided, however,* that any such foreign life insurance agent or foreign fire insurance agent, or both, desiring to engage in insurance other than life or fire, shall not be required to obtain an additional license therefor, and each and every insurance company, firm or corporation doing the business of insurance within the State, shall, on the first day of February next after the passage of this act and annually thereafter on the first day of February, pay to the Insurance Commissioner, for the use of the State, one and one-half per centum on the gross amount of premiums received and assessments collected by any such insurance company, firm or corporation, or authorized agent for the year immediately next preceding the date herein provided for such payment, and each and every such company, firm or corporation shall at the same time deliver to the Insurance Commissioner a full detailed statement showing the gross amount of premiums received and assessments collected by such company, firm, or corporation or authorized agent for the previous year, and such statement shall be verified by the oath or affirmation of the president or secretary duly administered by some person authorized by the laws of this State to administer oaths."

To pay to
the State
one and one-
half per cen-
tum on
premiums.

To deliver to
the Insur-
ance Com-
missioner a
statement of
premiums
collected.

SECTION 2. That the act hereby amended shall be published entire as amended and supplied with the acts of the present session.

Passed at Dover, May 13, 1891.

OF THE REVENUE OF THE STATE.

CHAPTER 23.

OF THE REVENUE OF THE STATE.

AN ACT to Repeal and Supply Chapter 117, Volume 13, Laws of Delaware, as amended by Chapter 423, Volume 17, Laws of Delaware.
Amended.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That no person, or persons, firm, company or corporation, without having first obtained a proper license therefor, as hereinafter provided, shall, within the limits of this State, be engaged in, prosecute, follow, or carry on any trade, business, pursuit or occupation in this section hereinafter mentioned, that is to say: foreign life insurance agency, foreign fire insurance agency, foreign insurance agency other than life or fire. License to carry on insurance within this State.

SECTION 2. That any person, or persons, firm, company or corporation desiring to be engaged in, prosecute, follow or carry on any trade, business, pursuit or occupation named in the foregoing section of this act, shall apply to the "Insurance Commissioner of Delaware" for a proper license authorizing or empowering him, her or them to engage in, prosecute, follow or carry on such trade, business, pursuit or occupation which he, she or they may desire to engage in, prosecute, follow or carry on, and upon his, her or their paying for the use of the State to the said Insurance Commissioner of Delaware the fee hereinafter mentioned for such license, and also the fee to the Insurance Commissioner of Delaware for issuing the same, it shall be the duty of the Insurance Commissioner of Delaware to issue to him, her or them a proper license therefor. Application to Insurance Commis- sioner for license. Fees, &c.

SECTION 3. That the following shall be paid to the Insurance Commissioner of Delaware for the use of the State for any license to be issued by him under the provisions of this act, that is to say: The sum of twenty-five dollars for each license as a foreign life insurance agent, which shall authorize said agent to represent one or more foreign life insurance companies, and the like sum of twenty-five dollars Fees to the State for license to represent insurance companies as agents.

OF THE REVENUE OF THE STATE.

To pay to the State one and one-half per centum on premiums.

To deliver to the Insurance Commissioner a statement of premiums collected.

Penalty for neglect to obtain license under the 1st, 2d and 3d sections of this act.

for each license as a foreign fire insurance agent, which shall authorize said agent to represent one or more foreign fire insurance companies, and the like sum of twenty-five dollars for each license as a foreign insurance agent other than life or fire, which shall authorize said agent to represent one or more insurance companies other than life or fire; *provided, however*, that any such foreign life insurance agent or foreign fire insurance agent, or both, desiring to engage in insurance other than life or fire, shall not be required to obtain an additional license therefor, and each and every insurance company, firm or corporation doing the business of insurance within the State, shall, on the first day of February next after the passage of this act and annually thereafter on the first day of February, pay to the Insurance Commissioner, for the use of the State, one and one-half per centum on the gross amount of premiums received and assessments collected by any such insurance company, firm or corporation, or authorized agent for the year immediately next preceding the date herein provided for such payment, and each and every such company, firm or corporation shall at the same time deliver to the Insurance Commissioner a full detailed statement showing the gross amount of premiums received and assessments collected by such company, firm, or corporation or authorized agent for the previous year, and such statement shall be verified by the oath or affirmation of the president or secretary duly administered by some person authorized by the laws of this State to administer oaths.

SECTION 4. That if any person or persons, firm, company or corporation shall be engaged in, prosecute, follow or carry on, within the limits of this State, any trade, business, pursuit or occupation named in the first section of this act, without having first obtained a proper license therefor, he, she or they, and the individuals composing such firm, company or corporation, and each of them, and the president and directors and each of them of such company or corporation, for every such offense shall be deemed guilty of a misdemeanor and upon conviction thereof by indictment, besides being liable for the payment of the tax, be subject to imprisonment for a term not exceeding two years or a fine not exceeding five hundred dollars, or both, at the discretion of the court; one moiety to the use of the person who shall first give information of the fact whereby said forfeiture was incurred.

OF THE REVENUE OF THE STATE.

SECTION 5. That every person (other than the clerk or assistant of any life insurance agent, company, firm or corporation, who shall have become qualified to conduct and carry on the business of life insurance agent as provided for in Section 2 of said Chapter 117, Volume 13, Laws of Delaware, at the one place designated in the license) who shall procure or solicit any citizen or resident of this State to take out a policy on his or her life or lives of any other person in any company or companies not incorporated by the laws of this State, shall be deemed a foreign life insurance agent within the meaning of this act. Every person (other than the clerk or assistant of any fire insurance* who shall have become qualified to conduct and carry on the business of fire insurance agents as provided for in Section 2 of said Chapter 117, Volume 13, Laws of Delaware, at the one place designated in his license) who shall procure or solicit any citizen or resident of this State to take out a policy of insurance in any fire insurance company or companies not incorporated by the laws of this State, shall be deemed a foreign fire insurance agent within the meaning of this act.

Any person procuring or soliciting any person to take out policy in an insurance company not incorporated in this State deemed a foreign life insurance agent.

SECTION 6. That in every license to be taken out under or by authority of this act shall be contained or set forth the trade, business, pursuit or occupation for which such license is granted, the name and place of abode of the person or persons taking the same, and that the fee due the State therefor has been paid. Where one or more persons are associated together as a firm or co-partnership and doing or carrying on any trade, business, pursuit or occupation mentioned in the first section of this act at the same time and place, it shall not be necessary for each of the individuals composing such firm or co-partnership to take out a separate license therefor, but one license may be granted in the name of the firm or co-partnership. In every case where more than one of the trade, business, pursuit or occupation mentioned in the first section of this act shall be pursued or carried on by the same person or persons, firm, company or corporation at the same time, a license must be taken out for each according to the rates prescribed by the third section of this act. Every license issued in pursuance of the provisions of this act shall bear date on the day on which it was issued and shall continue in force one year from the date thereof and no longer. Such license shall be signed by the Governor of this State and countersigned by the Secretary of State

Form of license.

Licenses for firm or co-partnership.

A license required for each trade &c.

Date and term of license.

Form of signatures.

*So enrolled.

OF THE REVENUE OF THE STATE.

Powers and
privileges
under such
license.

Licensee dy-
ing, heirs,
&c., to act.

Commis-
sioner's fee
for issuing
licenses.

and sealed with the seal of his office. Every person, or persons, firm, company or corporation who shall procure a license under this act as foreign life insurance agent, foreign fire insurance agent, shall be authorized and empowered, during the year for which such license was granted, to exercise and carry on the trade, business, pursuit or occupation for which the license was granted in any county of this State; *provided*, that no such person or persons, firm, company or corporation shall be engaged in, prosecute, follow or carry on such trade, business, pursuit or occupation at more than one place at the same time. *And provided further*, that if any person or persons shall be duly licensed under this act as foreign life insurance agent, foreign fire insurance agent, and shall die before the expiration of the year for which such license was granted, it shall be lawful for his or her or their executors [or] administrators to exercise and carry on the trade, business, pursuit or occupation for which such license was granted until the expiration of the time for which such license was granted. Every person applying to the Insurance Commissioner of Delaware for a license under the provisions of this act shall, in addition to the fee for the use of the State mentioned in the third section of this act, pay to the Insurance Commissioner of Delaware a fee of fifty cents for issuing the same.

State tax.

The Dela-
ware State
Grange Mut-
ual Fire In-
surance
Company
exempt from
State tax.

SECTION 7. That every person or persons, association, firm, company or corporation, who shall within the limits of this State be engaged in, pursue or follow the business of or occupation of insuring property against loss by fire shall, on the first Tuesday in the month of July next after the passage of this act and on the same day annually thereafter while they shall continue in such business, pay to the Insurance Commissioner of Delaware, for the use of the State, a tax of one hundred dollars; *provided*, that where two or more persons are associated together and carrying on the business or occupation of insuring property against loss by fire, it shall not be necessary for each of the persons composing such firm or association to pay the said tax, but the payment thereof by such association collectively shall be sufficient; *provided*, however, that this section shall only apply to organizations established within or incorporated by the laws of this State; *and provided further*, that the Delaware State Grange Mutual Fire Insurance Company is exempt from the payment of the tax imposed by this section.

OF THE REVENUE OF THE STATE.

SECTION 8. That if any person or persons, firm, company or corporation or association of individuals who shall be engaged in, pursue or follow the business or occupation of insuring property against loss by fire shall refuse, fail or neglect to pay to the Insurance Commissioner of Delaware, for the use of the State, the tax imposed by Section 7 of this act within five days after the same shall become due and payable such person or persons or individuals composing such firm, company, corporation or association so refusing, failing or neglecting, besides being liable to pay the tax imposed by said Section 7, shall be deemed guilty of a misdemeanor and upon conviction thereof by indictment shall forfeit and pay a fine of not less than five hundred dollars nor more than two thousand dollars, besides costs of prosecution. And if any corporation, liable to the tax imposed by the preceding section of [this] act, shall refuse, fail or neglect for the space of five days after the same shall be due and payable to pay to the Insurance Commissioner of Delaware the tax imposed by said section of this act, such refusal, failure or neglect shall work a revocation of the charter of such corporation so refusing, failing or neglecting, and the president and directors of such corporation so refusing, failing or neglecting as aforesaid shall be deemed guilty of a misdemeanor and upon conviction thereof by indictment, shall forfeit and pay a fine of not less than five hundred dollars nor more than two thousand dollars, besides costs of prosecution, and the individual property of such president and directors shall also be liable for the payment of the tax imposed by Section 7 of this act. *And further*, in case of any person or persons, company or association of individuals as aforesaid so refusing, failing or neglecting to pay the tax for which he, she or they are liable under the seventh section of this act within the time appointed for the payment thereof, it shall be unlawful for him, her or them thereafter to be engaged in, pursue, follow or carry on the business or occupation of insuring property against loss by fire within this State, and upon conviction thereof by indictment shall forfeit and pay a fine of not less than five hundred dollars nor more than two thousand dollars, besides costs of prosecution.

Penalty for neglect or refusal to pay State tax within five days after coming due.

Refusal or neglect to pay State tax a revocation of charter.

Penalty of president and directors refusing to pay tax.

Unlawful to pursue the business of insuring after refusal to pay State tax.

Penalty.

SECTION 9. The Court of Chancery shall have jurisdiction and power, and upon application of the Insurance Commissioner of Delaware, on behalf of the State, it shall be the duty of the Chancellor to restrain by injunction process any breach of the provisions of this act attempted to be

Powers of the Court of Chancery in such cases.

OF THE REVENUE OF THE STATE.

committed by any person or persons, company or association of individuals by engaging in, pursuing or carrying on the business or occupation of insuring property against loss by fire after a refusal, failure or neglect to make payment to the Insurance Commissioner of Delaware for the use of the State of the tax imposed by Section 7 of this act within the time limited for the payment thereof. *And further*, in case of any refusal, failure or neglect by any corporation liable to the payment of the tax imposed by Section seven of this act to make payment to the Insurance Commissioner of Delaware of the tax imposed by said Section seven, within the time appointed for the payment thereof, the Insurance Commissioner of Delaware shall report the fact to the General Assembly, if in session, or at their next meeting, either regular or adjourned, and also to the Attorney General whose duty it shall be to proceed without delay against the said corporation in the proper tribunal to carry the aforesaid revocation into effect.

Insurance Commissioner to report such failure or refusal to pay tax to the General Assembly and to the Attorney General.

SECTION 10. That it shall be the duty of the Insurance Commissioner of Delaware to enforce the payment of the tax imposed by the provisions of this act, and for this purpose all the provisions of Chapter twenty-nine of the Revised Code of this State, conferring powers and duties upon the State Treasurer, shall apply to the Insurance Commissioner of Delaware for the purpose of carrying into force and effect the provisions of this act.

Powers of Insurance Commissioner in collecting tax.

SECTION 11. That every person or persons, association of individuals or corporation who, not being incorporated by this State, shall be engaged in, pursue or follow the business or occupation of an insurance or guarantee or casualty company, and who shall collect from any citizen or resident of this State any premium, interest or assessment upon any insurance or guarantee policy or certificate or other instrument of like character issued upon person or property located within this State, shall pay annually for the use of this State a tax of one and one-half per centum upon the total amount of all such collections which have been made within the year, whether upon policies issued during the year or issued previously thereto by any such person, association or corporation, and upon which a tax of one and one-half per centum has not been previously paid to the Insurance Commissioner of Delaware by an agent or agents of such person, association or corporation under Section third of this act; and every

Foreign insurance companies, guarantee or casualty companies to pay a tax of 1½ per centum on premiums, &c.

OF THE REVENUE OF THE STATE.

such person, association or corporation shall annually transmit to the Insurance Commissioner of this State a statement, verified by the oath or affirmation of the president, vice-president, and secretary or manager, setting forth the total amount of all such collections made since the thirty-first day of December in the year eighteen hundred and ninety and in each year thereafter. If any person, association or corporation shall neglect or refuse to comply with the requirements of this section, such offending person, association or corporation shall not be granted by the said Insurance Commissioner a certificate of authority to transact business within this State, and the fact that such person, association or corporation is without legal authority to transact business within this State and the reason thereof shall be published by the said Insurance Commissioner in at least three public newspapers of this State.

To transmit to the Insurance Commissioner a statement of the amount of collections, &c.

Penalty for neglect or refusal to perform duties under this section.

SECTION 12. The Insurance Commissioner of Delaware shall semi-annually, on the first Tuesday of April and October, or within five days thereafter, plainly state under his hand a full and true account of all money by him received or for which he is accountable for fees or taxes to the State under the provisions of this act; and shall at the same time deposit to the credit of the State Treasurer, in the Farmers' Bank of the county in which he (the Insurance Commissioner) resides, the full amount due on such account and send such account to the State Treasurer with a certificate of such deposit.

Insurance Commissioner to make semi-annual statement of moneys, taxes, fees, &c., received.

Semi-annual deposits in Farmers' Bank.

Certificate of deposit.

SECTION 13. That all charitable beneficial orders organized for mutual benefit, other than regularly chartered mutual insurance companies, shall be exempt from all and every the provisions of this act.

Charitable and beneficial orders exempt from the provisions of this act.

OF THE REVENUE OF THE STATE. .

CHAPTER 24.

OF THE REVENUE OF THE STATE.

AN ACT to provide for Distributing the Moneys Appropriated to the State of Delaware by the Act of Congress, approved March the Second, A. D. 1891.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Claims for
direct tax
levied by act
of Congress.

SECTION 1. That all persons claiming any part of the money appropriated to the State of Delaware by the act of Congress, entitled "An act to credit and pay to the several States and Territories and the District of Columbia all moneys collected under the direct tax levied by the act of Congress, approved August the fifth, one thousand eight hundred and sixty-one," approved March 2d, A. D. 1891, shall file his claim with the Governor of this State within six years from the second day of March, A. D. 1891.

When filed,

Governor
may appoint
suitable per-
sons to ex-
amine and
pass upon
claims.

SECTION 2. That the Governor may appoint some suitable person whose duty it shall be to keep a record of all claims filed with the Governor as provided in Section 1, of this act, to examine into and pass upon said claims, and to certify to the Governor the claims approved by him, setting forth the amounts and the name or names of the parties entitled thereto. Such person, so appointed, shall have power to administer oaths and to require such proof as he may deem proper in the case; and shall receive as compensation for his services the sum of five per cent. on all moneys actually distributed under and by the provisions of this act, during his term of service. The Governor may remove said officer for cause at any time, and shall have power to appoint his successor.

Powers of
persons so
appointed.

Compensa-
tion.

Governor
may re-
move, etc.

Manner of
paying.

SECTION 3. That the Governor may upon the receipt of such certificate as provided in Section 2 of this act, if he approves of the same, pay to the person named in such certificate, the amount set forth therein. He shall make a report to the General Assembly at its next session, on or before the first day of February, of said session, and at each succeeding session for a period of six years, setting forth the

Report to
the General
Assembly.

OF THE REVENUE OF THE STATE.

number of claims passed upon, the amount disbursed and to whom paid, the expenses incurred, and the amount of said fund remaining undistributed.

SECTION 4. That the Governor may from time to time draw warrants upon the Treasurer of the State of Delaware for the amount due the officer appointed under this act; and may also draw warrants upon said Treasurer for the necessary expenses incurred in carrying this act into effect, including suitable books, forms, blanks, stationery, postage, advertising and other necessary expenses, the same to be paid out of any moneys in the State Treasury not otherwise appropriated.

Governor to draw warrants to pay the officer appointed and to pay necessary expenses.

Passed at Dover, May 8, 1891.

CHAPTER 25.

OF THE REVENUE OF THE STATE.

AN ACT to Appoint Tax Commissioners.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, as follows:

SECTION 1. That William M. Canby and Nathaniel Williams of New Castle County, and E. H. Bancroft and John B. Penington of Kent County, and Edward L. Martin and Daniel J. Layton of Sussex County be and they are hereby appointed commissioners whose duty it shall be carefully to investigate and consider the whole question of taxation and submit a full report of their investigation to the General Assembly at its next session.

Tax Commissioners appointed.

Duties.

Report.

SECTION 2. That the commissioners herein named shall receive such compensation for their services as the General Assembly at its next session shall consider just and proper to be allowed therefor. That in case of a vacancy in the commission, from whatever cause, the remaining members shall fill the vacancy.

Compensation.

Vacancies how filled.

Passed at Dover, May 16, 1891.

OF THE LEVY COURT.

CHAPTER 26.

OF THE LEVY COURT.

AN ACT in relation to the Levy Court of New Castle County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Terms,
powers and
office of the
Levy Court
Commissioners of
New Castle
County terminated.

Trustees of
the Poor,
Constables
and other
officers to
hold office
until first
Tuesday in
January,
1893.

Terms and
powers of
office of the
County
Treasurer
and Collectors terminated.

New Castle
County divided into
five districts.

Boundary
and divisions of
districts.

SECTION 1. That from and after the first Tuesday in January, A. D. 1893, the terms and powers of office of the Levy Court Commissioners, now composing the Levy Court of New Castle county, shall be and the same are hereby declared to be terminated and ended, and all trustees of the poor, constables, and all other officers and agents, except the county treasurer, and collectors of taxes, heretofore appointed or elected by the said Levy Court, whose terms of office have not yet expired, and those who may hereafter be appointed or elected prior to the said first Tuesday in January, A. D. 1893, shall continue to hold, exercise and enjoy their said offices until their terms shall respectively expire, as now provided by law.

SECTION 2. That the terms and powers of office of the county treasurer and collectors of taxes, who have been appointed or elected by the Levy Court of New Castle County since the first day of February, 1891, be and the same are hereby terminated and ended, and the said offices as now fixed by law, are hereby abolished. And from and after the passage of this act the said offices of county treasurer and collectors of taxes of New Castle county as now fixed by law, are hereby declared to be abolished.

SECTION 3. That the county of New Castle shall, for the purposes of this act, be and the same is hereby divided into five districts, to wit: One shall be composed of the hundreds of Brandywine, Christiana and Mill Creek, and shall be known as the First District; another shall be composed of all that portion of the city of Wilmington lying north of Sixth street, and shall be known as the Second District; another shall be composed of all that part of the city of Wilmington lying south of Sixth street, and shall be known as the Third District; another shall be composed of the

OF THE LEVY COURT.

hundreds of Red Lion, New Castle, Pencader and White Clay Creek, and shall be known as the Fourth District; the remaining district shall be composed of the hundreds of St. Georges, Appoquinimink and Blackbird, and shall be known as the Fifth District.

SECTION 4. That at the general election to be held in the year 1892, and at the general election to be held in every fourth year thereafter, there shall be elected from among the resident freeholders of each of said districts, by the qualified voters thereof, one person to be a Levy Court Commissioner of New Castle county, to hold office for the term of four years, commencing on the first Tuesday in the month of January next following such election.

Election of
Levy Court
Commissioners.

The said Levy Court Commissioners, so to be elected, shall thereafter constitute the Levy Court of New Castle county, and shall meet for organization on the first Tuesday in January after their election, after taking the oath now provided by law for Levy Court Commissioners to take, shall proceed to elect one of their number to be the presiding officer. Three of said Levy Court Commissioners shall be sufficient for the purpose of organization and shall constitute a quorum for the transaction of business. The said Levy Court Commissioners shall have the power to make rules for their government not inconsistent with the constitution and laws of the State of Delaware, and after their said first meeting they shall meet at the times now prescribed by law for the meetings of the Levy Court of New Castle county.

Organization.

What shall
constitute a
quorum.

Rules and
regulations.

Time of
meeting.

In the case of death, resignation or removal from the district of any commissioner elected under this act, it shall be the duty of the Governor to appoint some suitable person to fill such unexpired term, having the qualifications hereinbefore required in that behalf. The Levy Court Commissioners to be elected under this act, shall have as full and complete jurisdiction over all and every the matters and things now vested by law in the Levy Court of New Castle county as at present constituted, and in the several members thereof, and shall exercise every power, privilege, right and duty which now belongs to the said Levy Court of New Castle county as fully and completely as the said Levy Court now by law is authorized to do, except as the same are or may be modified by the provisions of this act.

Governor to
fill vacancies.

Powers and
jurisdiction
of Levy
Court Commissioners.

Should any two or more persons voted for as Levy Court

OF THE LEVY COURT.

Contested elections.

Commissioners of any district receive an equal and the highest number of votes cast at such election, the board of canvass shall certify the fact to the Governor, who shall forthwith select one of said persons to be the Levy Court Commissioner from said district. The Levy Court Commissioners to be elected under this act, shall be paid as compensation for their services the yearly sum of eight hundred dollars, in quarterly installments of two hundred dollars each, by warrants duly drawn upon the County Treasurer.

Compensation of Commissioners \$800 yearly.

Duty of the present Levy Court.

SECTION 5. That it shall be the duty of the present Levy Court of New Castle county and of every commissioner thereof, and of every other person having possession or control of any records, books, papers or other property relating to the business of the Levy Court of the said county, on or before the first Tuesday in January, 1893, to surrender and deposit the same with the Clerk of the Peace of the said county, who shall keep the same subject to the control of the Levy Court Commissioners to be elected under this act. And in case the said Levy Court or any commissioner thereof, or any other person having possession as aforesaid, shall neglect or refuse on demand of the said Levy Court Commissioners, to be elected under this act to deliver up and surrender any of such records, books, papers, or other property, each and every person so neglecting or refusing as aforesaid, shall be guilty of a misdemeanor and upon conviction thereof shall forfeit and pay a fine of five hundred dollars and be imprisoned for the term of one year or until the said records, books, papers and other property shall be delivered into the custody of the said Levy Court Commissioners, to be elected under this act.

Duty of the Clerk of the Peace under this act.

Penalty for refusal to deliver up and surrender records, books, etc.

The Governor to appoint a Receiver of Taxes and County Treasurer.

SECTION 6. That the Governor shall, within ten days after the passage of this act, appoint a competent person who shall be a resident freeholder in New Castle county to be Receiver of Taxes and County Treasurer, which said office is hereby created. The person so appointed shall hold office from the date of his appointment until and including the Monday next preceding the first Tuesday in the month of January, A. D. 1893, or until his successor is duly qualified. That at the general election in the year A. D. 1892, and at the general election in each and every fourth year thereafter, there shall be voted for and elected by the voters of New Castle county qualified to vote for members of the General Assembly, a person, being a resident free-

Term of office.

Election and qualification of Receiver of Taxes and County Treasurer.

OF THE LEVY COURT.

holder as aforesaid, to fill the said office of Receiver of Taxes and County Treasurer. The person so elected, as aforesaid, shall hold office for the term of four years, commencing on the first Tuesday in January next succeeding his election, or until his successor shall be duly qualified. Any Receiver of Taxes and County Treasurer appointed or elected under the provisions of this act shall, before entering upon the duties of his office, give bond to the State of Delaware with one or more sureties to be approved by the Associate Judge of the Superior Court of the State of Delaware, resident in New Castle county, in the sum of fifty thousand dollars, conditioned for the faithful performance of the duties of the said office, and said bond shall have attached thereto a warrant for the confession of judgment thereon. Said bond and warrant shall be forthwith transmitted by the said judge to the Clerk of the Peace of New Castle county, to be by him recorded and safely kept. It shall be the duty of the Clerk of the Peace, whenever in his judgment the public interest demands, or whenever the Comptroller or the Levy Court Commissioners, or a majority of them, shall so request, to cause judgment to be entered on said bond in the Superior Court in and for New Castle county. In case of the death, resignation, or refusal to act, or inability to give bond as aforesaid, of any person so appointed Receiver of Taxes and County Treasurer as aforesaid, or whenever a vacancy shall occur in said office through any cause, the Governor shall appoint a competent person to act as Receiver of Taxes and County Treasurer during the residue of the term in which said vacancy shall happen, and such person so appointed shall be subject to all the provisions of law respecting said office. Every person who shall be appointed or elected to said office of Receiver of Taxes and County Treasurer shall, before entering upon the duties of his office, take and subscribe before the said Associate Judge an oath or affirmation that he will support the Constitution of the United States, the Constitution of the State of Delaware, and that he will perform the duties of the office of Receiver of Taxes and County Treasurer with fidelity.

Term of office.

Bond of Receiver of Taxes and County Treasurer.

Duty of Clerk of the Peace in respect to bond.

Vacancies how filled, etc.

Oath of Office.

SECTION 7. That it shall be the duty of the Levy Court Commissioners to have prepared from the assessment lists for the year 1891, and as shall be settled thereafter in succeeding years, duplicates of the taxes of each hundred, for the use of the said Receiver of Taxes, on or before the first day of July in every year, and shall fix the rate of county and poor taxes,

Duty of Levy Court Commissioners in preparing duplicates, etc.

OF THE LEVY COURT.

Receiver of Taxes to have prepared a book of blank receipts, etc., for each hundred.

Form of blank books, etc.

and issue their warrant to the said Receiver for the same. The said Receiver of Taxes shall have prepared for each hundred a book of blank receipts, numbered serially, which receipts when delivered upon payment of taxes shall show the amount of the assessment, distinguishing real, personal, and poll assessments, and showing the rates of county, poor and road taxes, and the discount, or additional percentage, as the case may be, on the payments; each receipt shall have a corresponding stub, which shall be retained in said book.

To have his office in Wilmington.

Notice.

To attend for receiving taxes at voting place in each hundred.

Divided hundred.

Notice in two newspapers of Wilmington.

Duty to attend for receiving taxes.

Office hours.

The said Receiver of Taxes shall have his office in Wilmington, and shall also in pursuance of public notice thereof attend not less than twice, either in person or by deputy, in each of the months of August, September and October, at the voting place in each hundred exclusive of Wilmington, for the receipt of taxes due in such hundred, or any adjoining hundred; in case a hundred has been, or may be divided into two or more election districts, the receiver shall attend at the original voting place of the hundred. At his office in Wilmington, he shall receive taxes assessed in any hundred of the county. He shall give notice in two newspapers published in the city of Wilmington of the times and places, when and where he will receive taxes in the hundreds exclusive of Wilmington. It shall be his duty to attend, either in person or by deputy, at his office in Wilmington, every day, except Sundays and legal holidays, and except the days he may be attending in other hundreds in New Castle county, for the receipt of taxes as hereinbefore provided. His office hours in Wilmington shall be from two till five, and from seven till eight P. M., and in the hundreds exclusive of Wilmington, he shall attend at least five hours on every day so appointed.

Penalty for failure to attend at times and places herein appointed.

In case the Receiver of Taxes shall fail to attend either in person or by deputy, at his office in Wilmington, at the times herein appointed for his attendance in Wilmington, or in the hundreds in New Castle county, exclusive of Wilmington, at the times to be appointed by him, for his attendance in such hundreds, he shall, unless such failure to attend be shown to be unavoidable and not owing to negligence, forfeit and pay to any person who may have called at such time, for the purpose of paying his tax, and did not find the said Receiver or his deputy in attendance to receive the same, the sum of ten dollars, to be recovered before any justice of the peace in New Castle county.

OF THE LEVY COURT.

SECTION 8. That on all taxes paid before the first day of September there shall be an abatement of five per cent.; on all paid before the first day of November there shall be an abatement of three per cent. On all taxes unpaid on the first day of December, five per cent. thereof shall be added thereto, and if unpaid on the first day of January next ensuing, the said duplicates with the taxes that have been paid, distinctly marked thereon, shall then be placed in the hands of Collectors of Delinquent Taxes, who shall be appointed by the Receiver of Taxes and County Treasurer hereinbefore provided for, and who shall have all the powers now conferred by law upon the collectors of county taxes.

Abatement on taxes paid before first day of September.
On taxes paid before the first of November.
Five per cent. added to all taxes unpaid on the first day of December.
Delinquent Tax Collectors.

Such Collectors shall give bond in double the amount of taxes placed in their hands for collection: such bonds shall be in form and with such sureties as the said Receiver of Taxes and County Treasurer shall prescribe and approve. Each collector shall be furnished with such a receipt book as is required by Section 7 of this act. The delinquent taxes of more than one hundred may, in the discretion of said Receiver of Taxes and County Treasurer, be placed in the hands of one collector. Every such collector shall, between the first and second Tuesdays of March in every year, give and publish in a newspaper printed in a hundred of which he is collector, or in an adjoining hundred, or in case there be none such, then in a newspaper published in the city of Wilmington, ten days' notice that he will attend at convenient times and places stating the same, to receive such taxes; and he shall also give the same notice by handbills posted in at least ten of the most public places in each hundred of which he is collector; such notice, and the notices hereinbefore required to be given by the said Receiver of Taxes, shall be deemed and taken to be a sufficient demand under existing law in relation to the collection of taxes in this State. All taxes remaining unpaid on the first day of May shall be extinguished, except taxes on real estate or other property, and against persons assessed therewith, and as to such the authority of the collector shall continue until the first day of September, or until such further time as the said Receiver of Taxes shall determine. Such collectors shall make payments twice in every month to the County Treasurer and take duplicate receipts for the same, one of which receipts shall be filed with the Levy Court Commissioners. Collectors shall be allowed ten per cent. commission on every tax so collected by him against a taxable, where such

Bond of Collectors.

Form, etc.

Each Collector to be furnished with receipt book.

Collector to give ten days' notice in a newspaper of his hundred, or adjoining hundred or city of Wilmington, of the times and places of attendance to receive taxes. Also, by handbills.

Such notice deemed a sufficient demand.

Taxes, except taxes on real estate, remaining unpaid on May 1, extinguished.

Collectors to make payments twice a month.

Collector's commission.

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tax exceeds five dollars, and twenty per cent. on every tax so collected by him against a taxable where the same is five dollars or less.

County Constable appointed Collector.

Whenever a person holding the office of county constable shall be appointed collector of delinquent taxes, he shall be obliged to qualify as such collector, and perform the duties of said office of collector of delinquent taxes, under the penalty of forfeiting his office of constable.

Receiver of Taxes to deliver receipt books, etc., to Comptroller.

SECTION 9. That on the first day of January in every year the said Receiver of Taxes shall deliver to the Comptroller hereinafter mentioned, the receipt books mentioned in Section 7 aforesaid, with the blank receipts and all the stubs; and on the first day of May, 1892, and yearly thereafter, the collectors aforesaid shall deliver to the said Comptroller the receipt books heretofore issued to them with the remaining blank receipts and all stubs. The said Comptroller shall examine and preserve all the said books. For the taxes not extinguished, as aforesaid, on the first day of May other similar receipt books shall be furnished the collectors.

Comptroller to examine and preserve receipt books.

New receipt books furnished for taxes not extinguished on May 1.

Duplicate receipts, how and when given, how stamped.

SECTION 10. That upon the personal application of any taxable whose tax has been paid, a duplicate receipt shall be given for his or her taxes upon its being shown that the receipt for such taxes has been lost, mislaid or destroyed, or in the possession of some person unknown to the applicant, or if known, who refuses to deliver the same; such receipt and its corresponding stub shall be plainly stamped with the word "duplicate."

Penalty for Receiver of Taxes giving fraudulent receipts.

SECTION 11. That if any receiver of taxes or collector, as aforesaid, shall give a receipt for an extinguished tax, or fraudulently antedate or postdate any tax receipt, or use any other fraud in giving the same, he shall be deemed guilty of a misdemeanor, and shall be fined one hundred dollars, and further shall forfeit and pay one hundred dollars to any person who will sue therefor.

Duties of the Trustees of the Poor.

SECTION 12. That the Trustees of the Poor shall on or before the first day of June, A. D. 1891, and on or before the first Tuesday of March, in every year thereafter, certify to the Levy Court Commissioners the sum necessary for the maintenance of the almshouse; which sum, if approved by the said commissioners, shall be obtained by a rate laid

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for that purpose, otherwise said commissioners shall themselves fix a rate.

The Comptroller hereinafter mentioned shall audit the accounts of said Trustees of the Poor at least once in every three months.

Comptroller to audit accounts of the Trustees of the Poor.

SECTION 13. That the Road Commissioners of the several hundreds shall, on or before the first day of June, 1891, and yearly thereafter, certify to the said Receiver of Taxes the rate per centum on the assessment lists of their respective hundreds necessary for the maintenance of the roads, and issue their warrants to the said Receiver of Taxes to collect the same. Any orders issued by road commissioners for the payment of labor on, or for the material furnished for the roads shall be accepted by the Receiver of Taxes in payment of road taxes. He shall keep an account with the road commissioners of each hundred, and his official bond shall apply to all his transactions with them. The provisions of Section 8, aforesaid, relating to delinquent taxes, shall apply to road taxes. The accounts between the said Receiver of Taxes and said Road Commissioners shall be audited by the Comptroller hereinafter mentioned at such times and places designated by him, not less than three times each year.

Road Commissioners to certify rate and issue warrants to Receiver of Taxes.

Orders; how paid.

Account with Road Commissioners.

Comptroller to audit accounts between Receiver of Taxes and Road Commissioners.

SECTION 14. That all funds in the hands of the present County Treasurer and Treasurer of the Poor shall be transferred to the County Treasurer appointed under this act, within five days after he shall have been appointed and shall have qualified, and all balances of taxes as settled and determined by the present Levy Court, as due from the County Collectors shall be paid to the said last mentioned County Treasurer within twenty days after his appointment. Upon default in such transfers or payments the said Levy Court shall have full power and authority to proceed on the official bonds of such treasurers and collectors; and in case of full payment aforesaid as certified by the Comptroller, the said Levy Court or their attorney, shall have authority to and shall satisfy the said official bonds.

County and Poor funds transferred.

Balances of taxes; to whom and when paid.

Default to pay over.

SECTION 15. That all moneys received as aforesaid and all moneys received from other sources, and all taxes received, shall be deposited by the County Treasurer in the Farmers' Bank either at Wilmington, or New Castle, to his credit as County Treasurer; the deposits of taxes and all

County Treasurer to deposit all moneys, where and when.

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other moneys that may come into his hands, as County Treasurer, shall be made within three days after his receiving the same.

SECTION 16. That the Governor shall, within ten days after the passage of this act, appoint a competent person, who shall be a resident freeholder in New Castle County, to the office of County Comptroller, which said office is hereby created. The person so appointed shall hold office from the date of his appointment until and including the Monday next preceding the first Tuesday in the month of January, A. D. 1893, or until his successor be duly qualified. That at the general election in the year A. D. 1892, and at the general election in each and every fourth year thereafter, there shall be voted for and elected by the voters of New Castle county, qualified to vote for members of the General Assembly, a person, being a resident freeholder as aforesaid, to fill the office of County Comptroller. The person so elected as aforesaid, shall hold office for the term of four years, commencing on the first Tuesday in January next succeeding his election, or until his successor shall be duly qualified. Any Comptroller appointed or elected under the provisions of this act shall, before entering upon the duties of his office, give bond to the State of Delaware with one or more sureties, to be approved by the Associate Judge of the Superior Court of the State of Delaware resident in New Castle county, in the sum of ten thousand dollars, conditioned for the faithful performance of the duties of the said office, and such bond shall have attached thereto a warrant for the confession of judgment thereon. Such bond and warrant shall be forthwith transmitted by the said Judge to the Clerk of the Peace of New Castle county, to be by him recorded and safely kept. It shall be the duty of said Clerk of the Peace whenever, in his judgment the public interest demands, or whenever the County Treasurer or the Levy Court Commissioners, or a majority of them shall so request, to cause judgment to be entered on said bond in the Superior Court in and for New Castle county. In case of the death, resignation, or refusal to act, or inability to give bond, as aforesaid, of any person appointed Comptroller as aforesaid, or whenever a vacancy shall occur in said office from any cause, the Governor shall appoint a competent person to act as County Comptroller during the residue of the term in which such vacancy shall happen, and such person so appointed shall be subject to all

Governor to
appoint
within ten
days a
Comptroller
Qualifica-
tions.
Term of
office.

Election of
Comptroller

Term of
office.

Bond of
Comptroller
\$10,000.

Condition.

Warrant.
To be re-
corded by
Clerk of the
Peace.

Duties of
Clerk of the
Peace in en-
tering judg-
ment, etc.

Governor to
fill vacancy.

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the provisions of law respecting said office. Every person who shall be appointed or elected to the office of County Comptroller shall, before entering upon the duties of his office, take and subscribe an oath or affirmation that he will support the Constitution of the United States, the Constitution of the State of Delaware, and that he will perform the duties of his office with fidelity.

Oath of
Comptroller

SECTION 17. That it shall be the duty of the County Comptroller to audit all the accounts of the said Levy Court Commissioners and countersign all warrants drawn by order of said Commissioners for the payment of money. No money shall be paid out of the Treasury for county purposes except on warrants drawn by order of the Levy Court Commissioners signed by the President of the Levy Court and countersigned by the Comptroller, as provided hereafter in this section; *provided*, however, that interest coupons on the bonded debt of the county, and orders drawn by the Clerk of the Peace and the Prothonotary for fees of witnesses and jurors, shall be paid on presentation; and *provided further*, that orders drawn by the Clerk of the Peace concerning the laying out of roads shall be countersigned by the Comptroller before payment. After the adjournment of the Court of General Sessions of the Peace and the Superior Court, the Comptroller shall verify the accounts of the Clerk of the Peace and Prothonotary touching witness and juror fees. All orders for the use of the Trustees of the Poor shall be drawn by their chairman and countersigned by the Comptroller. He shall also, at least once in every month inspect the books and accounts of the Receiver of Taxes and County Treasurer and audit the same and report the result of such audit to the Levy Court Commissioners. Such audits shall be made at the office of said Receiver of Taxes and County Treasurer. He shall also at least once in every month, inspect all books and accounts of the Collectors of Delinquent Taxes and audit the same and report the result thereof to the said Levy Court Commissioners. It shall be the duty of said collectors to present themselves to the Comptroller, at his office, with all their books and accounts for his inspection, at such time in each month as said Comptroller may designate. He shall also keep a book or books of accounts, in which shall be entered all items of expenditure; all warrants drawn; to whom made payable, and for what particular work or other cause; all written contracts made by said Levy Court Commissioners shall be

Duties and
powers of
Comptroller

Orders for
payment of
money by
Treasurer.

Comptroller
to verify ac-
counts of
Clerk of the
Peace and
Prothono-
tary in cer-
tain cases.

Orders for
use of Trus-
tees of the
Poor coun-
tersigned by
Comptroller

To audit ac-
counts of
County
Treasurer
and Re-
ceiver of
Taxes.

To inspect
and audit ac-
counts of
Collectors.

Duty of
Collectors.

To keep
books of ac-
counts, etc.

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Written contracts by Levy Court Commissioners deposited with Comptroller Duty of Comptroller in respect to warrants. deposited in his custody, and he shall enter all such contracts upon his books. And it shall be the duty of said Comptroller before countersigning any warrant, to inquire into and carefully investigate the transaction in relation to which any such warrant shall have been drawn; and to this end he shall have power to issue summons and compel the attendance of witnesses; and the production of books and papers pertinent to the said transaction; to administer oaths and affirmations; and ascertain the truth of the transaction so to be inquired into.

All bills to be marked "correct" by Comptroller.

In case of refusal to countersign warrant reason to be transmitted to Levy Court.

Majority may overrule.

Duty of Comptroller when overruled.

Form of warrants paid by Receiver of Taxes and County Treasurer.

Contracts for all labor merchandise, tools, etc., to be furnished, when cost exceeds \$500 to be given out by sealed proposals to the lowest bidder.

May require security for faithful performance

All bills shall, before allowance by said Levy Court Commissioners, be audited and marked "correct" by the said Comptroller, and no bill shall be passed by the said Levy Court Commissioners without such endorsement. In case the Comptroller shall refuse to allow any item of expenditure, or to countersign any warrant, or to endorse any bill, as aforesaid, he shall forthwith transmit to the Levy Court Commissioners his reasons therefor in writing, which shall thereupon be duly considered, and if this action shall be overruled by a vote of a majority of the Levy Court Commissioners, it shall be the duty of the said Comptroller to allow the expenditure or countersign the warrant or endorse the bill, in conformity with the judgment of the said Commissioners expressed as aforesaid, in which case he shall be exonerated from any responsibility in the premises. The Receiver of Taxes and County Treasurer shall not disburse any moneys upon warrants drawn by order of said Levy Court Commissioners except such warrants shall have been duly signed by the President of the Levy Court, and countersigned by the Comptroller.

SECTION 18. That for all work and labor hereafter required to be done, and all merchandise, tools, implements and machinery to be furnished or had and used by or for account of the county, where the cost in any particular case will probably exceed the sum of five hundred dollars, the Levy Court Commissioners shall publicly invite sealed proposals for the doing of such work, and the furnishing of such merchandise, tools, implements, and machinery, and give the contract to the lowest bidder or bidders; *provided* that the said commissioners may require of such bidder or bidders security for the faithful performance of such contract.

SECTION 19. That the rooms in the County Courthouse now occupied by the Levy Court, shall, on and after the first

OF THE LEVY COURT.

Tuesday in January, A. D. 1893, be for the use of the Levy Court Commissioners to be elected under this act, and the rooms now occupied by the present County Treasurer shall be for the use of the County Comptroller and Receiver of Taxes and County Treasurer, provided for by this act, from and after the date of their appointment. The Levy Court Commissioners shall provide for the County Comptroller, Receiver of Taxes and County Treasurer the necessary records, books, cases, stationery and seals for the use of their respective offices. And it shall also be the duty of the said Levy Court Commissioners to furnish the said Receiver of Taxes and the Collectors of Delinquent Taxes, with new seals of a design to be adopted by the said Levy Court Commissioners, and such seals shall be delivered unto the said Receiver of Taxes on or before the twenty-fifth day of June, A. D. 1891.

Place of sitting of Levy Court Commissioners.

Office of County Comptroller and Receiver of Taxes and County Treasurer.

Levy Court Commissioners to provide necessary records, books, etc. Seals.

SECTION 20. Any County Comptroller appointed or elected under the provisions of this act may be removed from office by the Superior Court of the State of Delaware, in and for New Castle county, after trial and conviction upon charges of willful neglect or malfeasance in office.

County Comptroller may be removed, how.

Any vacancy occasioned by removal from office of any County Comptroller under the provisions of this section shall be filled by appointment of the Governor for the residue of the unexpired term.

How vacancies in office of Comptroller may be filled.

The annual salary of the Receiver of Taxes and County Treasurer shall be four thousand dollars, and the annual salary of the County Comptroller shall be two thousand dollars, and the said salaries shall be paid quarterly.

Salaries.

SECTION 21. That the said Levy Court Commissioners shall have authority to employ legal counsel. Whenever the County Comptroller shall need clerical assistance in the performance of the duties of his office, he shall apply to the Levy Court Commissioners, and if they deem it necessary they may authorize such employment.

Legal counsel.

Clerical assistance.

SECTION 22. That in the month of December in each year it shall be the duty of the Associate Judge of the Superior Court, resident in the County of New Castle, to appoint a committee of three freeholders of New Castle county, who shall inspect the books and accounts of the County Comptroller and Receiver of Taxes and County Treasurer and make report under oath, to the said Judge, who shall

Associate Judge to appoint committee to inspect accounts and report.

OF THE LEVY COURT.

Publication of report. cause the same to be published once each week for three weeks in two of the daily newspapers of the city of Wilmington at the expense of the county, and the said committee shall receive as compensation for their services the sum of five dollars for each day in which they shall be actually engaged in such duty.

Compensation of committee. The County Comptroller and the Receiver of Taxes and County Treasurer shall, during the said month, make a general statement, showing the receipts, disbursements and appropriations, together with the bonded indebtedness of New Castle county, which statement shall be verified by their respective affidavits, and shall be published in two of the daily newspapers of the city of Wilmington.

Comptroller, Receiver of Taxes and County Treasurer to make statement. SECTION 23. That from and after the passage of this act, it shall be the duty of the several constables in the county of New Castle, to do and perform the several matters and things required by Chapter 18, Vol. 15, Delaware Laws, to be done and performed by the collectors of taxes, in relation to licenses.

Duties of Constables in relation to licenses. SECTION 24. That nothing in this act shall be construed so as to vacate, annul or invalidate any official bond heretofore given by any officer whose term of office is herein vacated and ended, either as to the principal or any surety therein, but the same shall have full force and effect and may be proceeded upon by the Levy Court Commissioners for any violations of the conditions thereof until all the accounts of said officer, and all the business of his said office shall be finally and satisfactorily settled with the proper officers as is designated under the provisions of this act.

Official bonds extended until accounts are settled. SECTION 25. That all laws or parts of laws inconsistent with or supplied by this act are hereby repealed.

Inconsistent laws repealed. *Passed at Dover, April 28, 1891.*

OF THE LEVY COURT.

CHAPTER 27.

OF THE LEVY COURT.

AN ACT in relation to the Levy Court of Kent County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. For all work and labor hereafter to be done and for all materials to be furnished in the erection or repair of any building belonging to Kent county, and of any public bridge or causeway in said county, when the cost in any particular case will probably exceed the sum of one hundred dollars, sealed proposals shall be invited for the doing of such work, and the furnishing of such materials, and the contract shall be let out to the lowest bidder, or bidders for the same; *provided however*, that bond with sufficient security may be required to be given for the faithful performance of the contract.

Contract for labor and material furnished county let out to lowest bidder.

Bond for faithful performance of contract.

SECTION 2. Upon complaint made in writing by five residents of any hundred in Kent county to the levy court commissioner for said hundred, that any road or part of a road in said hundred is not properly worked or attended to by the overseer of said road, or that the money appropriated therefor is being wasted or improperly expended, it shall be the duty of the said levy court commissioner immediately to visit the road or part of a road so complained of, and if in his judgment, such complaint be well founded, it shall be his duty at once to forward said complaint to the president of the Levy Court, and the said president, shall at once appoint three of the levy court commissioners to view said road, and if upon such view, and such further investigation of the matters and things complained of, as to them may seem just and proper, the said commissioners shall decide the charge to be well founded, they may either remove the said overseer from his office and appoint an overseer in his place, or may make such other order in the premises as may be required to put such road in proper order and condition, and to stop the waste or improper expenditure complained of.

Complaint of five residents of hundred.

Duty of Levy Court Commissioner to visit the road complained of.

Duty of president of Levy Court to appoint committee to view road and investigate complaints, etc.

Upon the removal of any overseer for the causes aforesaid, it shall be the duty of the overseer so removed, to deliver

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Upon removal of overseer, his duty. forthwith to his successor in office, the warrant issued to him, and also to pay over to said successor all money in his hands as road overseer. And a failure to do so within ten days after his successor shall be appointed shall be deemed a misdemeanor, and upon conviction thereof by indictment he shall forfeit and pay a fine of not less than twenty nor more than three hundred dollars, together with the costs of prosecution. And, if in the judgment of said commissioners, any overseer shall have willfully wasted or misused any of the money appropriated for said road, they shall notify the county treasurer thereof, and the said county treasurer shall thereupon demand of such overseer the amount of money so willfully wasted or misused, and upon the failure of the said overseer to pay the same for twenty days after such demand, it shall be the duty of the county treasurer to bring suit in his name as county treasurer, to recover the same, for the use of the county before any justice of the peace in Kent county, or if the amount should exceed the jurisdiction of justices of the peace then in the Superior Court.

County Treasurer to demand money wasted or misused. Suit.

Fraudulent receipts. SECTION 3. If any collector of taxes for Kent county shall give a receipt for an extinguished tax, or shall fraudulently antedate or postdate any tax receipt given by him, or shall give a receipt for any tax which has not in fact been paid, or practice any fraud whatsoever in giving any tax receipt, or shall refuse to give a receipt to any taxable who may offer or tender to said collector the amount of the county, road and poor tax assessed against him, he shall be deemed guilty of a misdemeanor, and upon conviction thereof by indictment, shall forfeit and pay a fine of one hundred dollars, together with the costs of the prosecution, and shall also be liable to pay one hundred dollars to any person who may sue therefor before any justice of the peace in Kent county.

Refusal to give tax receipts. Penalty.

Removal of Collectors from office. SECTION 4. The Levy Court of Kent county shall have power at any time to remove from office any collector of taxes, who shall from any cause whatsoever, fail or neglect faithfully and diligently to perform the duties of his office. And the conviction of a collector of any of the offenses mentioned in the next preceding section shall be a sufficient cause for the Levy Court to remove such collector from office. Upon the removal from office of any collector of taxes for Kent county, for any cause whatsoever, his official

Upon removal of Collectors.

OF THE LEVY COURT.

bond and liability, and the liability of his sureties thereunder, shall remain and continue in full force and effect for the breach of any condition thereof. Official bond continued.

SECTION 5. At the general election to be held in Kent county in November, A. D. 1892, and at every general election to be held thereafter in said county, the citizens thereof, having a right to vote for representatives, shall elect by ballot some person resident in said county, to be County Treasurer, who shall hold his office for the term of two years commencing on the Thursday next following the first Tuesday in February, next succeeding said general election. Election of County Treasurer. He shall before entering upon the duties of his office, give bond to the State of Delaware, with at least two sureties, to be approved by the Levy Court of said county in the penalty of thirty thousand dollars, with the condition prescribed in Chapter 13 of the Revised Code. In the said bond there shall be subjoined a warrant of attorney to confess judgment thereon; and the said bond and warrant shall be joint and several. Term of office. If a person elected County Treasurer, shall omit to give bond within six days from the commencing of his term of office, the President of the Levy Court shall immediately certify the fact to the Governor, who shall thereupon appoint another person in his place, who shall give bond as hereinbefore required. Official bond. The County Treasurer shall have and exercise all the powers and do and perform all the duties now required of him by law, except in so far as the same may be modified or changed by the provisions of this act, and his compensation shall be five hundred dollars per annum, payable quarterly. Warrant. Failure to give bond. Powers and duties. Compensation.

Upon the happening of a vacancy in the office of County Treasurer for Kent county from any cause whatsoever, the Governor shall appoint some suitable person, resident in said county to fill the vacancy for the residue of the term. Vacancy; how filled.

And in case of a non-election by a tie vote, or if the person elected should die before his term of office should commence, then the Governor shall appoint another suitable person to serve for the whole term. And such appointee shall be required to give bond as other County Treasurers. Vacancy by tie vote or death, how filled. The Levy Court Commissioners, provided for by this act shall, at their February session in 1892, elect a County Treasurer whose term of office shall continue until the Thursday next after the first Tuesday in February, 1893. Bond. Election of County Treasurer. Term of office.

OF THE LEVY COURT.

Inconsistent laws repealed. SECTION 6. All laws or parts of laws inconsistent with the provisions of this act shall be and the same are hereby repealed.

Passed at Dover, May 14, 1891.

CHAPTER 28.

OF THE LEVY COURT.

AN ACT in relation to the Levy Court of Sussex County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Contracts for labor and material furnished county let out to lowest bidder.

SECTION 1. For all work and labor hereafter to be done, and for all materials to be furnished in the erection or repair of any building belonging to Sussex county, and of any public bridge or causeway in said county, when the cost in any particular case will probably exceed the sum of one hundred dollars, sealed proposals shall be invited for the doing of such work, and the furnishing of such materials, and the contract shall be let out to the lowest bidder, or bidders, for the same; *provided*, however, that bond, with sufficient security, may be required to be given for the faithful performance of the contract.

Bond for faithful performance of contract.

Complaint of five residents of hundred.

SECTION 2. Upon complaint made in writing by five residents of any hundred in Sussex county to the levy court commissioner for said hundred, that any road or part of a road in said hundred is not properly worked or attended to by the overseer of said road, or that the money appropriated therefor is being wasted or improperly expended, it shall be the duty of the said levy court commissioner immediately to visit the road or part of a road so complained of, and if in his judgment, such complaint be well founded, it shall be his duty at once to forward said complaint to the president of the Levy Court and the said president, shall at once appoint three of the levy court commissioners to view said road, and if upon such view, and such further investigation of the matters and things complained of, as to them may seem just and proper, the said commissioners shall

Duty of Levy Court Commissioner to visit the road.

Duty of President of Levy Court to appoint committee to view road and investigate complaints.

OF THE LEVY COURT.

decide the charge to be well founded, they may either remove the said overseer from his office, and appoint an overseer in his place, or make such other order in the premises as may be required to put such road in proper order and condition, and to stop the waste or improper expenditure complained of. Upon the removal of any overseer for the causes aforesaid, it shall be the duty of the overseer so removed, to deliver forthwith to his successor in office, the warrant issued to him, and also to pay over to said successor all money in his hands as road overseer, and a failure to do so within ten days after his successor shall be appointed shall be deemed a misdemeanor, and upon conviction thereof by indictment he shall forfeit and pay a fine of not less than twenty nor more than three hundred dollars, together with the costs of prosecution, and if in the judgment of the said commissioners, any overseer shall have willfully wasted or misused any of the money appropriated for said road, they shall notify the county treasurer thereof, and the said county treasurer shall thereupon demand of such overseer the amount of money so willfully wasted or misused, and upon the failure of the said overseer to pay the same for twenty days after such demand, it shall be the duty of the county treasurer to bring suit, in his name as county treasurer, to recover the same, for the use of the county before any justice of the peace in Sussex county, or if the amount should exceed the jurisdiction of justices of the peace, then in the Superior Court.

Upon removal of overseer; his duty.

Penalty for failure to deliver warrant and pay over money.

County Treasurer to demand money wasted or misused.

Suit.

SECTION 3. If any collector of taxes for Sussex county shall give a receipt for an extinguished tax, or shall fraudulently antedate or postdate any tax receipt given by him, or shall give a receipt for any tax which has not in fact been paid, or practice any fraud whatsoever in giving any tax receipt, or shall refuse to give a receipt to any taxable who may offer or tender to said collector the amount of the county, road and poor tax assessed against him, he shall be deemed guilty of a misdemeanor, and upon conviction thereof by indictment, shall forfeit and pay a fine of one hundred dollars, together with the costs of the prosecution, and shall also be liable to pay one hundred dollars to any person who may sue therefor before any justice of the peace in Sussex County.

Fraudulent receipts.

Refusal to give tax receipt.

Penalty.

SECTION 4. The Levy Court of Sussex county shall have power at any time to remove from office any collector of

Removal of Collectors from office.

OF THE LEVY COURT.

Upon removal of Collector.	taxes, who shall from any cause whatsoever, fail or neglect faithfully and diligently to perform the duties of his office, and the conviction of a collector of any of the offenses mentioned in the next preceding section shall be a sufficient cause for the Levy Court to remove such collector from office. Upon the removal from office of any collector of taxes for Sussex county, for any cause whatsoever, his official bond and his liability, and the liability of his sureties there-
Official bond continued.	under, shall remain and continue in full force and effect for the breach of any condition thereof.
Election of County Treasurer.	SECTION 5 At the general election to be held in Sussex county in November, A. D. 1892, and at every general election to be held thereafter in said county, the citizens thereof having a right to vote for representatives shall elect by ballot some person resident in said county, to be County Treasurer, who shall hold his office for the term of two
Term of office.	years, commencing on the Thursday next following the first Tuesday in February, next succeeding said general election.
Official bond.	He shall before entering upon the duties of his office, give bond to the State of Delaware, with at least two sureties, to be approved by the Levy Court of said county in the penalty of thirty thousand dollars, with the condition prescribed in Chapter 13 of the Revised Code. In the said bond there
Warrant.	shall be subjoined a warrant of attorney to confess judgment thereon; and the said bond and warrant shall be joint and several. If a person elected County Treasurer, shall
Failure to give bond.	omit to give bond within six days from the commencing of his term of office, the President of the Levy Court shall immediately certify the fact to the Governor, who shall thereupon appoint another person in his place, who shall give bond as hereinbefore required. The County Treasurer
Powers and duties.	shall have and exercise all the powers and do and perform all the duties now required of him by law, except in so far as the same may be modified or changed by the provisions of this act, and his compensation shall be five hundred dollars per annum, payable quarterly. Upon the
Compensation.	happening of a vacancy in the office of County Treasurer for Sussex county from any cause whatsoever, the Governor shall appoint some suitable person, resident in said county to fill the vacancy for the residue of the term, and
Vacancy; how filled.	in case of a non-election by a tie vote, or if the person elected should die before his term of office should commence, then the Governor shall appoint another suitable person to serve for the whole term, and such appointee shall be re-
Vacancy by tie vote or death; how filled.	

OF THE LEVY COURT.

quired to give bond as other County Treasurers. The Levy Bond.
 Court Commissioners, provided for by this act shall, at their Election of
 February Session in 1892, elect a County Treasurer, whose County
 term of office shall continue until the Thursday next after the Treasurer.
 first Tuesday in February, 1893. Term of
 office.

SECTION 6. All laws or parts of laws inconsistent with Inconsistent
 the provisions of this act shall be and the same are hereby laws re-
 repealed. pealed.

Passed at Dover, May 14, 1891.

CHAPTER 29.

OF THE LEVY COURT.

AN ACT requiring the Levy Court of Sussex County to appropriate a certain annual sum to Cape Henlopen City for the purpose of maintaining its streets.

Whereas the act incorporating the Rehoboth Beach Association as a private corporation has been repealed by the present General Assembly, and in its stead an act has been passed incorporating Cape Henlopen City as one of the towns of Sussex county, and making it a public municipal corporation with all the privileges and duties of other towns in Sussex county, therefore Preamble.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch thereof concurring):

SECTION 1. That the Levy Court of Sussex county be and it is hereby required to appropriate annually to the commissioners of Cape Henlopen City the sum of three hundred dollars for the purpose of maintaining and repairing the public streets, ditches and bridges within its corporate limits. \$300 appropriated for streets, ditches and bridges in Cape Henlopen City.

SECTION 2. The appropriation of the sum of three hundred dollars shall be made by the Levy Court of Sussex

OF ASSESSORS AND COLLECTORS.

Appropriation to be made at first session of the Levy Court of Sussex county.

county to Cape Henlopen City for the present and current year of eighteen hundred and ninety-one, at the first session held by them after the passage of this act whether said session shall be a regular or special one.

Passed at Dover, May 6, 1891.

CHAPTER 30.

OF ASSESSORS.

AN ACT in relation to Assessors.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Sections 9 and 10 of Chapter 371 of Vol. 14, Laws of Delaware, repealed.

SECTION 1. That Section 9 and Section 10 of an act entitled "An act in relation to the duties of Assessors and the Levy Courts in the several counties of this State," passed April 9, 1873, and being Chapter 371 of Volume 14 Laws of Delaware be and the same are hereby repealed and made null and void.

Passed at Dover, May 13, 1891.

CHAPTER 31.

OF COLLECTORS.

AN ACT in relation to Collectors.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Chapter 372 of Vol. 14 Laws of Delaware amended.

SECTION 1. That an act entitled, "An act in relation to the collection of taxes in this State," passed April 10th, 1873, and being Chapter 372 of Volume 14, Laws of Delaware, be and the same is hereby amended by striking out all

OF COLLECTORS.

of Section 1, of said act, and inserting in lieu thereof the following, viz: "SECTION 1. That hereafter it shall be the duty of the collector of taxes in each hundred or collection district in Kent and Sussex counties in this State, within thirty days after he shall have received his duplicate list, to give public notice by advertisement posted in ten or more of the most public places in such hundred or collection district, stating in such notices the place of residence, or of business of such collector, and his readiness to receive taxes, and it shall also be the duty of each collector as aforesaid, to sit at least three days, and at least five hours in each day, at some convenient and suitable place or places in his hundred or collection district, in the month of January or February in each year, for the purpose of receiving taxes, and he shall give not less than ten days public notice posted in ten or more of the most public places in his hundred or collection district, of the times and places where he will sit for the purpose aforesaid.

Collectors of Kent and Sussex counties to give notice of readiness to receive taxes, and place and time of sitting, &c.

It shall be the further duty of the said collector of taxes to sit for the purpose of receiving taxes, with the registrar and board of registration in his collection district, in all cases where there is but one registrar or board of registration in his collection district, and in case where his collection district embraces more than one election district, then and in such case, said collector shall sit for the purpose of receiving taxes during the sittings of the registrars and boards of registration in his collection district, at such suitable and convenient place or places in his collection district as he shall designate by public notice posted in ten or more of the most public places in his collection district, at least five days before the first sitting of said registrars."

Collectors to sit with registrar and board of registration in his hundred to receive taxes.

Notice of time and place of sitting.

SECTION 2. That in the publication of the laws of this session of the Legislature, the said act shall be printed as hereby amended.

How printed in laws.

Passed at Dover, May 15, 1891.

OF COLLECTORS.

CHAPTER 32.

OF COLLECTORS.

Chap. 372,
Vol. 14,
amended.

AN ACT in relation to the Collection of Taxes in this State.—Amended.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Collectors of Kent and Sussex counties to give notice of readiness to receive taxes, and place and time of sitting, &c.

SECTION 1. That hereafter it shall be the duty of the collector of taxes in each hundred or collection district in Kent and Sussex counties in this State, within thirty days after he shall have received his duplicate list, to give public notice by advertisement posted in ten or more of the most public places in such hundred or collection district, stating in such notices the place of residence, or of business of such collector, and his readiness to receive taxes, and it shall also be the duty of each collector as aforesaid, to sit at least three days, and at least five hours in each day at some convenient and suitable place or places in his hundred or collection district, in the month of January or February in each year, for the purpose of receiving taxes, and he shall give not less than ten days public notice posted in ten or more of the most public places in his hundred or collection district, of the times and places where he will sit for the purpose aforesaid.

Collectors to sit with registrar and board of registration in his hundred to receive taxes.

It shall be the further duty of the said collector of taxes to sit for the purpose of receiving taxes, with the registrar, and board of registration in his collection district, in all cases where there is but one registrar or board of registration in his collection district, and in case where his collection district embraces more than one election district, then and in such case, said collector shall sit for the purpose of receiving taxes during the sittings of the registrars and boards of registration in his collection district, at such suitable and convenient place or places in his collection district as he shall designate by public notice posted in ten or more of the most public places in his collection district, at least five days before the first sitting of said registrars.

Notice of time and place of sitting.

Notice deemed a sufficient demand for payment of taxes

SECTION 2. That the notices required to be given in Section 1 of this act by the collector aforesaid, shall be deemed and taken to be sufficient demand upon taxables for the payment of taxes standing against them on the collector's dupli-

OF COLLECTORS.

cate of the several hundreds and collection districts of this State. Such notices given as aforesaid shall be considered a performance and full discharge of the duty of the collectors aforesaid to make demand for taxes; and they shall not be required thereafter to make further demand on any taxable for said taxes as a condition precedent to the employment of legal process, as now provided by law for the collection of taxes.

SECTION 3. That the Levy Court of each county shall cause to be procured a seal for each hundred or collection district in their respective counties, for the use of the collectors in the county, at least one inch in diameter, with the name of the hundred, collection district, and county engraved thereon. It shall be the duty of the collector of county taxes to give receipt for taxes received, and in addition to his signature, to make the impression of the seal of the hundred or collection district for which he is collector upon all receipts given by him for county rates. The Levy Court of the respective counties shall deliver to the collectors of the hundreds or collection districts the seal of the hundred or collection district for which they are respectively appointed at the same time the duplicate is delivered to him. He shall have the custody of the seal during the term he shall remain in office, and upon going out of office he shall deliver the seal to the Levy Court; and if the collector shall violate any of the provisions of this section he shall be guilty of a misdemeanor, and, upon conviction thereof by indictment, he shall forfeit and pay a fine of not less than ten nor more than twenty dollars in each case, besides the cost of prosecution; and in default of payment he shall be imprisoned not less than thirty nor more than sixty days in each case.

Seal.
Impression of seal upon receipts.
Seal, when delivered.
Collector to have custody of seal, and shall deliver the same to the Levy Court upon going out of office.
Violation of this section a misdemeanor.
Penalty.
Fine.
Imprisonment.

SECTION 4. That if any collector shall use or permit said seal to be used for the purpose of making the impression upon any receipt, or other instrument, which may be illegally used by the holder, or any other person, for the purpose of showing or evidencing his right to vote, such collector shall be guilty of a misdemeanor, and, upon conviction thereof by indictment, he shall forfeit and pay a fine of not less than one hundred dollars nor more than two hundred dollars for every impression so made, beside cost of prosecution; and in default of payment thereof he shall be imprisoned not less than three months nor more than six months in each case.

Misdemeanor for collector to illegally use the seal.
Fine.
Imprisonment.

OF THE TREASURER OF THE POOR.

Fraudulent
use of seal.Counter-
feiting.

Felony.

Fine.

Imprison-
ment.

SECTION 5. That if any person other than a collector shall procure said seal and use the same upon any paper or instrument, used or intended to be as the acknowledging the receipt of any tax, (the possession of any such receipt or instrument shall be evidence) or shall knowingly use any paper so fraudulently made after the same was made, or if any person shall counterfeit any such seal, or shall procure the counterfeiting of any such seal, or shall use any such seal so counterfeited after the same was made, or use, or circulate, or have in possession knowingly any paper, or other instrument impressed with any such counterfeit seal, he shall be deemed guilty of felony, and, upon conviction thereof by indictment, shall forfeit and pay a fine of not less than one hundred dollars nor more than three hundred dollars for every such offense, beside cost of prosecution; and in default of payment thereof shall be imprisoned not less than three months nor more than one year in each case.

CHAPTER 33.

OF THE TREASURER OF THE POOR.

AN ACT in relation to the Treasurer of the Poor of New Castle County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Office of
Treasurer of
the Poor of
New Castle
County abol-
ished.His bond
continued
until all
moneys in
hand are
paid over.

SECTION 1. That the office of Treasurer of the Poor in New Castle county be and the same is hereby abolished; *provided however*, that the official bond of the present Treasurer shall continue in full force and effect for any breach thereof, and until he shall have paid over all moneys in his hands, as Treasurer of the Poor, to the County Treasurer and Receiver of Taxes of New Castle county, as required by Section 14 of an act passed at the present session of the Legislature, entitled "An act in relation to the Levy Court of New Castle county," and a neglect to pay over such moneys, as aforesaid, shall be a breach of his official bond.

Passed at Dover, May 14, 1891.

TITLE THIRD.

Of the Public Arms and Defenses.

CHAPTER 34.

OF THE PUBLIC ARMS AND DEFENSES.

AN ACT to repeal Sections 29 and 30 of Chapter 15 Revised Code, as printed in Chapter 429, Volume 17, and as amended in Chapter 18, Volume 18, Laws of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That Sections 29 and 30 of Chapter 15 of the Revised Code, as printed in Chapter 429, Volume 17, and as amended in Chapter 18, Volume 18, Laws of Delaware, be and the same are hereby repealed and amended*.

Sections 29 and 30, of Chapter 15, Chapter 429, Vol. 17, and Chapter 18, Vol. 18, repealed.

Passed at Dover, April 23, 1891.

CHAPTER 35.

OF THE PUBLIC ARMS AND DEFENSES.

AN ACT providing maintenance for the Adjutant General's office, and making further provision for certain Militia Companies.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That in addition to the salary now received by the Adjutant General of Delaware there shall be appropriated annually the sum of five hundred dollars for the use of his department, which shall be used for clerk hire, freight, insurance and other incidental expenses.

\$500 per annum appropriated for the use of the Adjutant General's Department.

SECTION 2. That in addition to any sums now appropriated the sum of two hundred dollars shall be, and is hereby, appropriated to each of the following militia companies, namely: Company "A," Company "C," Company "F," and Troop "B," all of the city of Wilmington; and \$100 to Troop "A," of Laurel.

\$200 to certain militia companies and \$100 to Troop B, of Laurel.

SECTION 3. The State Treasurer is hereby authorized to pay the appropriations herein made to the Adjutant General,

State Treasurer authorized to pay above appropriations.

*So enrolled.

OF THE PUBLIC ARMS AND DEFENSES.

who shall pay the sums accruing to the companies named in Section 2d, to the captains thereof.

Public act. SECTION 4. This act shall be and be taken to be a public act.

Passed at Dover, May 15, 1891.

CHAPTER 36.

OF THE PUBLIC ARMS AND DEFENSES.

AN ACT for the relief of "The Trustees of Troop B Association," of Wilmington, Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

State to loan
trustees of
Troop B As-
sociation, of
Wilmington,
\$10,000 upon
order of
Governor,
upon first
mortgage at
3 per cent.
interest.

SECTION 1. That upon the 2d Monday in May, 1891, or as soon thereafter as can be done, the Treasurer of the State of Delaware, upon the order of the Governor of Delaware, shall loan the trustees of Troop B Association, of Wilmington, Del., the sum of ten thousand dollars (\$10,000.00) for a term of — years, and he shall take as security a first mortgage and bond to the State of Delaware upon the real property of the said association, together with a paid up policy of fire insurance to cover amount of loan. The money so loaned shall draw 3 per cent. interest yearly, and shall be paid semi-annually to the State Treasurer by the said association. In default of the payment of interest by the said association for six months or more on any one installment thereof, the treasurer may cause the loan and all debts due to be called in and canceled, and the mortgage and bond foreclosed and collected.

Foreclosure.

Troop B As-
sociation to
store all
State Militia
property
that the Ad-
jutant Gen-
eral may de-
sire.

SECTION 2. That for and in consideration of the loan being made by the State of Delaware to the trustees of Troop B Association they, the said association, shall receive and store in their building any and all State militia property that the Adjutant General of the State may desire to have stored, and the said property shall remain in storage free of all manner and kinds of charges against the State so long as the said loan of ten thousand dollars (\$10,000.00) be and is in force.

Public act. SECTION 3. This shall be taken and deemed to be a public act.

Passed at Dover, May 14, 1891.

TITLE FOURTH.

Of Elections*.

CHAPTER 37.

OF ELECTIONS.

AN ACT to provide for the Secrecy and Purity of the Ballot.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That hereafter it shall be the duty of each inspector of elections in this State, outside of the city of Wilmington, to provide a room for the holding of any general or special election in his hundred or election district which shall be adapted to the requirements of this act. Said room shall be at the place now or which may hereafter be established by law in each hundred or election district for the holding of elections, or in as close proximity thereto as practicable, having due regard to the convenience of the voters. *Provided*, however, that if any inspector shall select a place for the holding of any general or special election in his hundred or election district, other than the one established by law, he shall do it in time to give the notice of holding such election required by law. Said room shall have a door or entrance of easy or convenient access, and if practicable, a separate means of exit. It shall be provided on the outside with a passage at least four feet wide and with a railing, rope or wire on each side commencing at least thirty feet away from and leading to the entrance to such place of election and passing the place assigned for the challengers and thence to the entrance of the room in which the election is held.

Duty of Inspector to provide a room for holding elections.

Place of holding elections.

Notice of change of place of holding election.

Plan of room and entrance.

* See Chapters 26, 27 and 28 of this volume, for provisions concerning the election of certain county officers.

OF ELECTIONS.

Interior ap-
pliances of
room.

The inspector shall provide for the room a railing therein separating the part of the room to be occupied by the election officers from the remainder of the room. He shall also provide a suitable table and chairs for the use of the election officers. The table shall occupy such a position in said room as to enable the election officers and the challengers hereinafter provided for to easily communicate with each other.

Booths.

He shall cause to be constructed in the room at least one booth for every one hundred and fifty voters or fractional part thereof in each hundred or election district; *provided* that there shall not be less than three booths at any one hundred or election district.

Size and ar-
rangement
of booths.

The booths shall be at least three feet square and six feet high if the ceiling will admit it. They shall each contain a shelf properly constructed and provided with pen and ink and they shall be so constructed and arranged that all the election officers in the room can see whether more than one voter enters any one of them at any one time. In the city of Wilmington it shall be the duty of the Department of Elections to select the voting place in each election district within the city and to provide the room in which the election is to be held and to protect the same with the required railing or rope and to construct therein the necessary number of booths and to do all other things required to be done by the inspectors of election outside of the city of Wilmington in and about the furnishing and fitting up of said room.

Duty of the
department
of elections
in the city of
Wilmington,
in providing
conveni-
ences for
elections.

Challengers.

SECTION 2. Each of the political parties may select and accredit some suitable person as a challenger to stand without the door or entrance of the room in which the election is to be held, and by the side of the passage hereinbefore provided for; and in case of failure of any or all of the political parties to select such person or persons as challenger or challengers it shall be the duty of the inspector and judges to make such selection or selections, *provided* that the challengers may be changed and their places filled in like manner during the day.

What shall
constitute a
political
party under
this act.

SECTION 3. A political party within the meaning of this act shall be an organization of bonafide citizens and voters of any county in this State, which shall by means of a convention, primary election or otherwise, nominate candidates for public offices to be filled by the people at any general or special election within the State. No organization shall be regarded as a political party that does not represent at least

OF ELECTIONS.

one hundred bonafide citizens and voters of the county in which it exists. If the Clerk of the Peace should have any doubt as to the sufficiency of the number of bonafide voters represented by any organization in any county, he may demand a certificate of twenty-five voters belonging to such an organization as to that fact.

Clerk of the Peace may demand certificate of organization

SECTION 4. The Clerks of the Peace for the several counties shall cause to be printed on the ballots, herein provided for, the names of the candidates nominated by the parties recognized by them as political parties within the meaning of this act. The nomination of the candidates for the office of Governor, Representatives in Congress and Presidential Electors shall be certified to the several Clerks of the Peace by the presiding officer and secretary of the several State party conventions or committees, and the nominations of the candidates for the county, hundred and district offices shall be certified to the respective Clerks of the Peace of the county in and for which such nominations have been made by the presiding officer and secretary of the proper party convention or committee. The certificate shall be in writing and shall contain the name of each person nominated, his residence and the office for which he is nominated. The persons making such certificate shall add to their signatures their respective places of residence and shall acknowledge said certificate before an officer duly authorized to take acknowledgments of deeds, and a certificate of such acknowledgment shall be affixed to the instrument.

Clerks of Peace to print ballots.

Nomination to be certified to Clerk of the Peace.

Form of certificate.

The certificate shall also designate a title for the party which such convention or committee represents together with any simple figure or device by which its list of candidates may be designated on the ballot. *Provided* that the figure or title or device selected and designated by the State convention or committee of any party shall be used by that party throughout the State; only one figure or device shall be used by a party at any election. The same title, figure or device shall not be used by more than one party, and the party first certifying a name, title, figure or device to the Clerks of the Peace shall have the prior right to use the same. Such figure or device may be the figure of a star, an eagle, a plow, or some such appropriate symbol, but the coat of arms or seal of the State, or of the United States, or the flag of the United States, shall not be used as such figure or device.

Certificate to designate figure or device of party

Figures or devices of parties.

What figures or devices may be used.

What shall not be used.

OF ELECTIONS.

Death, re-
signation or
removal of
candidates.

In case of
division and
factions in
parties, who
shall use
party figure
or device.

How de-
cided.

In case of death, resignation or removal of any candidate subsequent to nomination a supplemental certificate of nomination may be filed by the proper officers of the State, county, district or hundred committees. In case of a division in any party and claim by two or more factions to the same party name or title, figure or device, if the division occurs at a State convention, or extends throughout the State, the Clerks of the Peace of the several counties shall, within ten days after any one of them has received the certificates of the contending factions, assemble in the office of the Clerk of the Peace at Dover and determine which faction the name, title or figure properly belongs to, giving the preference to the convention held at the time and place designated in the call of the regularly constituted party authorities; and if within five days thereafter the other faction shall present no other party name or title, figure or device and certify the same to the Clerks of the Peace the latter shall again immediately assemble and select some suitable title figure or device for said faction and the same shall be placed above the list of their candidates on the ballots. If the certificate of the contending factions shall not be received by the Clerks of the Peace in time for them to assemble at Dover before publishing the device and list of candidates in the newspapers, then and in that case each Clerk of the Peace shall determine for himself which faction shall be entitled to the name, title, figure or device and shall select a name, title, figure or device for the other faction. *Provided* that in case of division in any party extending only throughout a county, district or hundred, the Clerk of the Peace of the County in which such division occurs upon the receipt of certificates from the contending factions shall determine which faction is entitled to the party name, figure or device and to have their nominations printed in the proper party column, and should the other faction fail to do so the Clerk of the Peace shall select for them a name or title, figure or device.

Clerk of the
Peace to pre-
serve all cer-
tificates of
nominations

SECTION 5. The Clerks of the Peace of the several counties shall cause to be preserved in their respective offices all certificates of nominations filed under the provisions of this act for six months after the date of the filing thereof.

Time of
filing certi-
ficates of
nominations

SECTION 6. Certificates of nominations herein directed to be filed with the Clerks of the Peace shall be filed not less than twenty days before the day fixed by law for the election of the persons in nomination.

OF ELECTIONS.

SECTION 7. At least ten days before an election to fill any public office the Clerk of the Peace of each county shall cause to be published in at least two newspapers within his county the nominations to office certified to him as directed in Section 4. He shall make no less than two publications in each of such newspapers before election. Such publications shall be made in two newspapers representing the two principal political parties. *Provided*, that in all cities where a daily newspaper is published such notice shall also be published in two daily papers representing such political parties, if such there be. The lists of nominations published by the Clerk of the Peace shall be arranged as far as practicable in the order and form in which they will be printed upon the ballots and shall designate the devices under which the lists of candidates of each party will be printed. The Clerk of the Peace shall not include in the publication to be made according to this section the name of any candidate whose certificate of nomination shall have been filed in his office who shall have notified him in writing duly signed and acknowledged that he will not accept the nomination. The names of such candidates shall not be included in the names of the candidates to be printed on the ballot as hereinafter provided.

Publication
of nomina-
tions.

In what
newspapers
published.

Arrange-
ment of nom-
inations for
publication.

What nomi-
nations shall
be excluded
from publi-
cation and
from the
ballots.

SECTION 8. The Clerk of the Peace in each county shall cause the names of all candidates to be voted for in his county and the several hundreds or districts in the same to be printed in parallel columns on one ballot, all nominations of any party being placed under the title and device of such party as designated by its authorized agent or agents in the certificate or certificates; or if none be designated under some suitable title and device to be selected by the Clerk of the Peace. The ballots shall be of uniform size and of the same quality and color of paper and sufficiently thick that the printing cannot be distinguished from the back. The arrangement of the ballot shall in general conform as nearly as possible to the plan hereinafter given and the device named and chosen and the list of candidates of the Democratic party shall be placed in the first column on the left hand side of said ballot; of the Republican party in the second column and of any other party in such order as the Clerk of the Peace shall decide.

Clerks of the
Peace to
print ballots.

Size, form,
style and
color of bal-
lots.

OF ELECTIONS.

Arrange-
ment of bal-
lots.



Device.
Democratic
Ticket.



Device.
Republican
Ticket.



For Governor:
A. B.



For Governor:
E. F.



For Representative
in Congress:
C. D.



For Representative
in Congress:
G. H.

Death, re-
moval or re-
signation of
candidates
after print-
ing of ballots

SECTION 9. In case of the death, removal or resignation of any candidate after the printing of such ballots and before such election, it shall be lawful for the chairman of the State, county, hundred or district political organization by which such candidate was nominated to make a nomination to fill such vacancy and to provide the election officers of each election district in which such candidate is to be voted for with a number of pasters containing only the name of such candidate at least equal to the number of ballots provided for each election district, but no pasters shall be given to or received by any one except such election officers and such chairman, and it shall be the duty of the clerks of election to put one of such pasters in a careful and proper manner and in the proper place in each ballot before they shall sign their initials thereon.

New nomina-
tion, pas-
ters, etc.

Duty of
clerks of
election in
using such
pasters.

Printer of
ballots to al-
low no bal-
lots to be
taken out,
nor to print
in any other
form.

SECTION 10. If the printer of such ballots or any person employed in printing the same shall give or deliver or knowingly permit to be taken any of said ballots by any person other than the Clerk of the Peace for whom such ballots are being printed or shall print, or cause or permit to be printed any ballot in any other form than the one prescribed by this act or with any other names thereon than those authorized by the Clerk of the Peace or with the names spelled or the names or devices thereon arranged in any other way than that authorized and directed by the said Clerk of the Peace, he shall be guilty of a misdemeanor and on conviction thereof shall be fined not less than one hundred dollars nor more than five hundred dollars, or be imprisoned in the county jail not less than one nor more than five years or both at the discretion of the Court.

Penalty.

Number of
ballots to be
printed.

SECTION 11. The Clerk of the Peace in each county shall cause to be printed within the State of Delaware in the

OF ELECTIONS.

form hereinbefore provided four ballots for every voter in each hundred or election district in his county, and the number of voters shall be ascertained in each hundred or election district by reference to the highest number of votes polled therein at any preceeding election with due allowance for any estimated increase thereof. If a new election district has been established in his county the number shall be estimated by said Clerk of the Peace according to the best information he can obtain.

Number of
voters; how
ascertained.

The Clerk of the Peace shall cause the ballots for each hundred or election district to be carefully wrapped and tied in two packages each containing the same number of ballots, which packages shall be plainly marked and securely sealed with wax.

Packages of
ballots.

The Clerk of the Peace in each county shall also provide and enclose in each of said sealed packages one stamp for every three hundred ballots contained in the package, bearing a (*) or such other device as he may select together with ink pads or other necessary apparatus ready for use.

Stamp.

SECTION 12. It shall be the duty of each inspector of election outside of the city of Wilmington to appear at the office of the Clerk of the Peace of his county on the day preceding the election before the hour of three o'clock in the afternoon and the Clerk of the Peace shall deliver to him one of the sealed packages of ballots and stamps for his hundred or election district and the said inspector shall safely keep the said package and produce the same at the place of election and at the time of the opening of the election, *provided*, however, that in case there shall be a vacancy in the office of any inspector on the day preceding the election or any inspector for any cause shall not apply to the proper Clerk of the Peace for the package of tickets printed for his hundred or election district by the hour of three o'clock in the afternoon of the day preceding the election the said Clerk of the Peace shall deliver said package to some trusty person who shall deliver it on the day of the election to the inspector of election of such hundred or election district at the place of election and immediately upon the qualification of the election officers.

Duty of In-
spectors of
election to
appear at the
office of
Clerk of the
Peace to re-
ceive ballots
on day be-
fore election
To kee safe

Failure of
the inspector
to call for
tickets,
Clerk of the
Peace to de-
liver to
whom.

In the city of Wilmington it shall be the duty of the President of the Department of Elections or in case he cannot attend some other member of the Department of Elec-

To whom
tickets de-
livered in
the city of
Wilmington.

OF ELECTIONS.

tions authorized in writing by the President of the Department of Elections to appear at the office of the Clerk of the Peace of New Castle county on the day preceding each election on or before the hour of three o'clock in the afternoon and the said Clerk of the Peace shall deliver to him one of the sealed packages and stamps for each election district in the city of Wilmington. And the said department of elections shall safely keep the same and deliver to each board of election officers at the polling place on the day of the election at the time provided by law for the delivery of the ballot boxes the ballots intended for their several and respective districts.

Penalty of election officer or other person breaking package containing ballots, etc., before opening of election.

SECTION 13. Any inspector or any other election officer or any other person whatever who shall break any package containing ballots and stamps or take any ballot therefrom, or suffer the same to be done by another, before the opening of the election shall be deemed guilty of a misdemeanor and upon conviction thereof by indictment shall be fined not less than three hundred dollars nor more than five hundred dollars and may at the discretion of the court be imprisoned for a term not less than one year nor more than two years.

Loss or destruction of ballots.

SECTION 14. If by any accident or casualty the ballots delivered to any inspector or other person by any Clerk of the Peace shall be lost or destroyed it shall be the duty of such person having such packages in his custody to report the loss at once to the Clerk of the Peace from whom the same were obtained and make affidavit of the circumstances of the loss whereupon such Clerk of the Peace shall at once re-supply such person. In case such person having in custody said package fails or refuses to report and make proof of the loss, any qualified elector may do so, and thereupon such Clerk of the Peace shall at once send a new supply by

New supply of ballots.

In case election officers find no ballots or means of voting at election.

some trusty person as provided in other cases. In case, for any reason, there should be found no ballots or other necessary means or contrivances for voting, at the opening of the election it shall be the duty of the election officers at such election place to secure the same as speedily as possible, and, if necessary, such election officers shall have ballots printed or written; *provided, however*, that such ballots shall conform as nearly as possible to the official ballots and the printing and the preparation and the care of the same shall be under the same provisions and penalties as the printing and the care of the other ballots prescribed in this act.

Proviso.

OF ELECTIONS.

SECTION 15. At the opening of the election, after the qualification of the several officers and in the presence of the others the inspector or the chairman of the board of inspectors shall open the package of ballots in such a manner as to preserve the seals intact. He shall then deliver to the clerk of the election of the opposite political party from his own, twenty-five of the ballots and to the other clerk of the election the stamps for marking the ballots. The clerks of the election shall at once proceed to write their initials, in ink, on the lower left hand corner of the back of each of the said ballots, in their ordinary handwriting, and without any distinguishing mark of any kind. As each successive elector calls for a ballot the clerk of the election having the custody of the ballots shall deliver to him the first signed of the twenty-five ballots, and the inspector shall immediately deliver to the said clerk of the election another ballot which the clerks of the election shall at once countersign, as before, and add to the ballots already countersigned, so that it shall be delivered for voting after all of those theretofore countersigned.

Opening of
package of
ballots.

Duty of
clerk of
election.

Delivery of
ballots.

SECTION 16. The Clerk of the Peace of each county shall cause to be printed in large type on cards, in English and such other language as he may deem necessary, instructions for the guidance of electors in preparing their ballots. He shall furnish twelve of such cards in each of the languages determined upon by him to each of the election inspectors at the same time he delivers to him the ballots for his hundred or election district. Each inspector shall cause to be posted one of each of said cards in each place or compartment provided for the preparation of ballots, and one of each kind of such cards at or near to the outer end of the enclosure leading to the polling place, and not nearer than thirty feet of the polling place, and not less than three of each of such cards, and three samples of each of the ballots in and about the polling place at the opening of the polls on the day of election, which sample ballots shall be printed on different colored paper than the genuine ballots. Said cards shall contain full instructions to the voters as to what must be done: First, to obtain ballots for voting; second, to prepare the ballots for voting; third, to obtain a new ballot in place of one accidentally defaced, mutilated or spoiled, also copies of Sections 24, 32, 33, 34 and 35 of this act.

Instructions
for voting.

Inspectors to
have cards
posted.

Form of
cards of in-
struction.

OF ELECTIONS.

Challengers, where to stand. **SECTION 17.** One challenger appointed and designated by each political party as hereinbefore provided shall be entitled to stand at the side of the passage and near the entrance to the room. No other person shall remain within thirty feet of said entrance except for the purpose of offering his vote, and voters shall approach and enter the passage in the order in which they appear for the purpose of voting. If any person offering to vote shall be challenged by one of such challengers or by any one of the election officers his right to vote shall be at once determined by the proper officers and if his vote is refused he shall immediately stand aside and give place to the person next in line and retire without delay from within the thirty feet space around the entrance to the room.

No other persons, except to vote, to be within 30 feet of entrance.

Challengers.

Voters' assistants. **SECTION 18.** Before opening the election the inspector and judges of each hundred or election district shall select an honest and capable man from each of the two principal political parties who shall occupy a place within the room where the election is being held assigned to them by the inspector and judges. It shall be their duty when called upon to assist any voter in the preparation of his ballot when from any cause he is unable to do so and to assist any other voter in changing or altering his ballot who cannot read and write or cannot do either in the manner hereinafter prescribed. The persons so chosen shall be called the voters' assistants, and shall be deemed to be election officers, and such persons before entering upon their duties shall take the oath hereinafter prescribed, the said oath to be administered by the inspector.

Duty of voters' assistants.

Oath.

Admission of voter to election room. **SECTION 19.** When a voter shall have been passed by the challengers he shall be admitted to the election room. *Provided, however,* that there shall not be in the room at any one time more than one voter for each booth therein. On entering the room the voter shall announce his name to the clerks of election who shall register it. The clerk holding the ballots shall deliver to him one ballot and the other clerk shall deliver to him a stamp and both the voters' assistants, on request, shall give explanation of the manner of voting; if deemed necessary, by unanimous consent of the election officers an interpreter may be called. The voter shall then, and without leaving the room, go alone into any of the booths which may be unoccupied and indicate the candidates for whom he desires to vote by stamping the square immediately

Number of voters admitted to election room.

Ballot and stamp, by whom delivered.

Duties of voter.

Preparing ballot.

OF ELECTIONS.

preceding their names: *Provided, however,* that if he shall desire to vote for all candidates of one party and none other, he may place the stamp on the square preceding the title under which the candidates of such party are printed, and the vote shall then be counted for all the candidates under that title, unless the names of one or more candidates under another title shall also be stamped, in which case the names of the candidates so stamped shall be counted. Any voter while in the booth may erase the name of any candidate and substitute the name of any person in any column of the ballot which shall stand in lieu of the original name. Such alterations and changes in the printed ballot shall be made by pen and ink only. Before leaving the booth or compartment the voter shall fold his ballot so that no part of the face thereof shall be exposed and so that the initials of the clerks of the election shall be exposed, and on leaving the booth or compartment shall return the stamp to the clerk of the election and deliver the ballot to the inspector or to the judge who may temporarily be authorized to act for the inspector who shall forthwith in the presence of the voter and of the other election officers deposit the same in the ballot box; and the clerks of the election shall write the word "voted" after the name of the voter on the poll list: *Provided, however,* that if any elector shall show his ballot, or any part thereof to any other person after the same shall have been marked, so as to disclose any of the candidates voted for, such ballot shall not be deposited in the ballot box. A minute of such occurrence shall be made on the poll list and such person shall not be allowed to vote thereafter. The voter shall immediately after voting leave the room and upon his refusal to do so may be ejected therefrom, but no voter to whom a ballot and stamp, or either, have been delivered shall be permitted to leave the room without voting the ballot or returning it to the clerk of the election or without returning the stamp to the clerk of the election from whom he received it. Any voter who shall attempt to leave the room with the ballot or stamp in his possession shall be at once arrested on demand of an election officer.

Proviso.

Erasures.

Alterations
and changes
How made.Ballots; how
folded.How de-
posited.Duty of
clerks.

Proviso.

What ballots
shall not be
deposited.No voter to
leave the
room with
ballot and
stamp.To be
arrested.Number of
persons in
room at one
time.

SECTION 20. Not more than one person shall be permitted to occupy any booth at one time; and no person shall remain in or occupy a booth longer than may be necessary to prepare his ballot, and in no event longer than three minutes. No more than one person for each booth in the room other than the election officers shall be permitted to enter or be in the

OF ELECTIONS.

Time for
voting.

Conversa-
tion.

election room at any one time, and no voter or person offering to vote shall hold any conversation or communicate with any other person than an election officer while in the election room.

Defaced or
mutilated
ballots.

SECTION 21. Any person who shall by accident or mistake, spoil, deface, or mutilate his ballot may, on returning the same to the clerks of the election and satisfying them that such spoiling defacing or mutilation was not intentional, receive another in place thereof, and such clerk shall make a minute of the facts on the poll lists at the time, and the mutilated ballot shall then be destroyed by the elector in the presence of the election officers.

Voters' as-
sistants to
prepare bal-
lots, etc.
When.

SECTION 22. Any elector who declares that by reason of physical disability or inability either to read or write, or both, he is unable to mark or alter his ballot, may call to his assistance the voters' assistants who, in the presence of the elector and in the presence of each other, shall prepare the ballot for voting in the manner hereinbefore provided, and on request shall read over to such elector the names of the candidates as marked or written. Any one making a false declaration under the provisions of this section shall upon conviction be fined in any sum not exceeding one hundred dollars, and any voters' assistant who shall deceive any elector in selecting and marking any ballot, or mark the same in any other way than is requested by said elector shall be guilty of a misdemeanor and, on conviction, shall be fined not less than two hundred dollars nor more than five hundred dollars and may at the discretion of the court be imprisoned for a term not exceeding five years.

Penalty for
false declar-
ation.

Penalty for
assistant de-
ceiving voter

What bal-
lots not de-
posited.

SECTION 23. No inspector of election, or judge acting for the inspector, shall deposit any ballot upon which the initials of the clerks of the election as hereinbefore provided for does not appear or any ballot on which appears externally any distinguishing mark, defacement or mutilation.

Penalty for
removing or
attempting
to remove
ballots or
stamps from
room, or
having any
ballot or
stamp out-
side election
room.

SECTION 24. Any person who shall remove or attempt to remove a ballot or stamp from the election room, or have in his possession outside of the election room any ballot or stamp, either genuine or counterfeit, during the election, shall be guilty of a misdemeanor, and, on conviction thereof by indictment, shall be fined not less than two hundred

OF ELECTIONS.

dollars and not more than five hundred dollars or may be imprisoned for a term not exceeding two years and not less than one.

SECTION 25. That the election officers, including the voters' assistants, before entering upon the duties of their office shall each take an oath that he will not disclose the name of any voter who may change or alter his ballot or for whom he voted or how he marked his ballot; that he will not in any manner attempt to influence, intimidate, persuade, bribe or coerce any voter in the marking of his ballot or in the making of the choice of the person or persons for whom he votes, and any election officer or voters' assistant who shall violate his oath in any of these particulars shall be guilty of willful and deliberate perjury and upon conviction thereof by indictment he shall in addition to the penalties and disabilities annexed to such crime be fined not more than five hundred dollars and may at the discretion of the court be imprisoned not exceeding two years.

Oaths of
election
officers.

Violation of
oath,
penalty.

SECTION 26. That the Governor be and he is hereby authorized and empowered to appoint three commissioners for each of the counties of this State, one of whom in each county shall be a member of a political party opposite to the one of which the other two are members. It shall be the duty of said commissioners within a reasonable time after their appointment to ascertain as nearly as possible the number of legal voters in each of the hundreds and election districts in their respective counties, outside of the city of Wilmington, and if they shall be satisfied that the voters of any one hundred or election district will not be able to conveniently vote therein at the next succeeding election then the commissioners of the county in which such hundred or election district is located shall divide it into two or more election districts and shall establish the boundaries thereof. They shall also designate the place of holding the election in each of the said newly established election districts and secure the room for the holding of the same. They shall also designate each of said districts by appropriate titles or distinctions. The inspector of such hundred or election district shall be the inspector of the district established by the division aforesaid in which he may reside at the time of the said division and the said commissioners shall appoint for the other newly established district or districts an inspector or inspectors from the party to which the other in-

Governor to
appoint 3
Commis-
sioners for
each county.

Duties of
Commis-
sioners.

Place of vot-
ing in new
election dis-
tricts.

Inspectors.

OF ELECTIONS.

Performance of duties, within what time. spector belongs. The duties herein imposed upon the commissioners aforesaid shall be performed by the first day of March, A. D. 1892, and a report of their proceedings certified to the Clerk of the Peace of the proper county. The election districts so established and certified by the commissioners shall be election districts of the respective counties and shall remain such until altered or changed by law and all the laws applicable to the election districts shall be applicable to them.

What ballots not counted.

Proviso.

Disputed ballots to be preserved.

Memoranda

Remaining ballots destroyed, how

Clerks of the Peace to destroy ballots left over.

Penalty for neglect or refusal of Clerk of the Peace to perform the duties under this act.

SECTION 27. In the counting of the votes any ballot which is not endorsed with the initials of the clerks of the election as provided in this act, and any ballot which shall bear any distinguishing mark shall be void and shall not be counted, and any ballot or part of a ballot from which it is impossible to determine the elector's choice of candidates shall not be counted as to the candidate or candidates affected thereby; *provided*, however, that such ballots and all disputed ballots shall be preserved by the inspector and at the close of the count placed with the seals of the ballot packages in the box into which the ballots shall have been put when read. The election officers shall also record on the tally list memoranda of such ballots and the condition of the seal of the ballot packages; and in any contest of election such ballot and seals may be submitted in evidence. Immediately on closing the polls all the ballots remaining unvoted or unused shall be counted and destroyed by the election officers of the several hundreds or election districts by totally consuming by fire, and the election officers shall certify the number of ballots so destroyed by them on the respective tally lists.

The several Clerks of the Peace shall preserve the ballots left over in their hands after supplying the hundreds and election districts, as hereinbefore provided, until six o'clock P. M. of the day of election, and shall then count and destroy, by totally consuming by fire, all of such ballots but one, which he shall preserve in his office as a record together with his certificate of the number of ballots counted and destroyed by him.

SECTION 28. If any Clerk of the Peace or his clerk or any one acting for him shall neglect or refuse to have the ballots and stamps printed and prepared according to the provisions of this act, or shall neglect or refuse to deliver them in time to the parties properly entitled to receive

OF ELECTIONS.

them, or shall neglect or refuse to do or perform any other duty in and about the preparation and distribution of the ballots and stamps required to be done and performed by him by the provisions of this act, he shall be deemed guilty of a misdemeanor and shall be fined not less than one nor more than five thousand dollars and he may in the discretion of the Court be imprisoned for not less than one nor more than five years.

SECTION 29. If any person being an election officer or a voters' assistant shall reveal to any person how any elector has voted or what person or persons were voted for by him on any ballot or give any information concerning the appearance of any ballot voted, such person or persons so offending shall be guilty of a misdemeanor and on conviction thereof by indictment shall be fined not more than five hundred dollars and shall be imprisoned not less than two years and not more than five years.

Penalty for election officers or voters' assistants revealing certain knowledge.

SECTION 30. Any person who shall falsely make or fraudulently deface or fraudulently destroy any certificate of nomination, or any part thereof; or file any certificate of nomination knowing the same or any part thereof to be falsely made; or suppress any certificate of nomination which has been duly filed or any part thereof; or forge or falsely make the official indorsement of any ballot; or print or cause to be printed any imitation ballot or circulate the same; or conspire with others to do any of said acts, or induce or attempt to induce any other person to do any of said acts whether or not said acts or any of them be committed or attempted to be committed, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than one hundred nor more than five hundred dollars or imprisoned in the discretion of the court not more than five years.

Penalty for falsely or fraudulently destroying, etc., any certificate of nominations

SECTION 31. If any Clerk of the Peace, inspector of election, clerk of election or judge of elections or trusty person or voters' assistant shall willfully violate any of the provisions of this act in the performance of any duty herein imposed upon him for the violation of which no other punishment is herein provided he shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than three nor more than five hundred dollars and may in the discretion of the court be imprisoned for a term not exceeding three years.

Penalty for violation of any provisions of this act.

OF ELECTIONS.

Duty of
Sheriff.

SECTION 32. The Sheriff shall make the ballot boxes and the tally lists and all other papers to be delivered to the several inspectors conform to the requirements of this act. The inspector or the trusty person for his services in receiving and delivering at the place of holding the election as aforesaid the packages containing the ballots and stamps shall receive two dollars.

Compensation of inspector or trusty person.

Penalty for entering or attempting to enter election room or railing contrary to this act.

SECTION 33. If any person not herein authorized so to do shall enter or attempt to enter the election room, or enter or attempt to enter within the railing leading to the entrance of the election room, or shall remain within thirty feet of the polling place contrary to the provisions hereinbefore made, he shall be guilty of a misdemeanor and on conviction thereof be fined not more than two hundred dollars.

Distinguishing marks on ballot.
Penalty for making.

SECTION 34. If any person shall induce or attempt to induce any elector to write, paste or otherwise place on his ballot the name of any person or any sign or device of any kind as a distinguishing mark by which to indicate to any other person how such elector has voted, or shall enter into or attempt to form any agreement or conspiracy with any other person to induce or attempt to induce electors or any electors to so place any distinguishing mark or name on his ballot whether or not said act be committed or attempted to be committed, such person so offending shall be guilty of a misdemeanor and on conviction be imprisoned for not exceeding two years.

Inducing election officers to violate the provisions of this act.

SECTION 35. If any person shall induce or attempt to induce any election officer to violate any of the provisions of this act whether or not such election officer shall violate or attempt to violate any of the provisions of this act, such person so offending shall be guilty of a misdemeanor and on conviction shall be imprisoned for a term not exceeding five years. It shall be the duty of each inspector to distinctly read this and the preceding section to the election officers at the opening of the polls and each member thereof shall thereupon take an oath that he has not violated and will not violate the provisions of said sections.

Duty of inspector.

Oath of election officers.

Penalty for tearing down or destroying conveniences at voting place.

SECTION 36. Any person who shall during the election remove or destroy any of the supplies or other conveniences placed in the booths as aforesaid or delivered to the voter for the purpose of enabling the voter to prepare his ballot, or shall during an election remove, tear down or deface the

OF ELECTIONS.

cards printed for the instruction of the voters, or shall, during an election destroy or remove any booth, railing or other convenience provided for such election, or shall induce or attempt to induce any person to commit any of such acts whether or not any such acts are committed or attempted to be committed, shall be guilty of a misdemeanor, and on conviction shall be punished by imprisonment for not less than six months nor more than one year.

SECTION 37. The commissioners for dividing the hundreds or election districts shall receive two dollars per day for actual services rendered by them; *provided* that no commissioner shall receive more than the sum of twenty-five dollars. The fees of the commissioners and all necessary costs and expenses incurred by the inspector and Clerks of the Peace in carrying into effect the provisions of this act shall be paid as other county expenses are paid.

Compensation of Commissioners.
Proviso.
Expenses how paid.

SECTION 38. This act shall apply to all municipal elections held in the city of Wilmington except the election to be held on the sixth day of June, A. D. 1891, but it shall not apply to the special election to be held on the third Tuesday in May, A. D. 1891, nor to the election for members of the Board of Education in the city of Wilmington.

To what elections the provisions of this act apply.

SECTION 39. All acts or parts of acts inconsistent with this act are hereby repealed.

Inconsistent acts repealed

Passed at Dover, May 15, 1891.

OF ELECTIONS.

CHAPTER 38.

OF ELECTIONS.

AN ACT providing for the Registration of Voters.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Qualifica-
tions of
voters at
general elec-
tions.

Proviso.

SECTION 1. In all elections for Governor, Senators, Representatives, Sheriffs, Coroners, or any other county or State officers, of Representatives in Congress, or of Electors of President and Vice President, every male citizen of the age of twenty-two years and upwards, having resided in the State one year next before the election, and the last month thereof in the county where he offers to vote, and having within two years next before the election paid a county tax which shall have been assessed at least six months before the election, shall enjoy the right of an elector; and every male citizen of the age of twenty-one years, and under the age of twenty-two years, having resided as aforesaid, shall be entitled to vote without payment of any tax; *provided*, that no person in the military, naval or marine service of the United States shall be considered as acquiring a residence in this State by being stationed in any garrison, barrack, or military or naval station within this State; and no idiot or insane person; pauper, or person convicted of a crime deemed by law felony, shall enjoy the right of an elector.

Governor to
appoint a
Registrar for
each hun-
dred or elec-
tion district.

Term of
office.

SECTION 2. That for the purpose of preventing fraud at such elections and facilitating the ascertainment of those who are duly qualified electors, according to the constitution and laws of the State, the Governor shall, at least six months before every general election, appoint in each hundred, or election district where a hundred is divided into two or more election districts, in this State (outside the city of Wilmington) one capable person, who shall be a voter and resident in the district for which he shall be appointed, to be Registrar for the said hundred or election district. The terms of office of such Registrars shall begin on the third Tuesday of May next after their appointment and shall continue for two years thereafter, or until their successors shall be duly chosen and qualified.

OF ELECTIONS.

It shall also be the duty of the Governor, when appointing Registrars for the several hundreds or election districts of this State (outside the city of Wilmington), at the same time to appoint in each hundred or election district in the State (outside the city of Wilmington) one capable person, who shall be a voter and resident in the hundred or election district for which he shall be appointed, to be Alternate Registrar for the said hundred or election district.

Alternate Registrars.

The term of office of said Alternate Registrar shall be the same as that of the Registrar, and whenever any Registrar provided for by this act shall be incapable from any cause whatsoever of performing the duties required of him by this act, the Alternate Registrar in the same hundred or election district shall act in his stead, and while acting shall possess all the powers and do and perform all the duties of a Registrar, and make all the appointments hereinafter required to be made by the Registrar in certain contingencies. But nothing herein contained shall authorize or empower the Alternate Registrar to act at any time when there is a Registrar of the hundred or election district able and willing and present to act.

Term of office of Alternate Registrar.

Powers and duties.

When Alternate Registrar cannot act.

If any such Registrar or Alternate Registrar shall remove from the hundred or election district for which he shall be appointed, or shall cease to be a voter therein, his office shall thereupon become vacant; and the Governor shall have power at any time to remove from office any Registrar or Alternate Registrar for incompetency, or misconduct, or because disqualified by sickness from performing the duties of his office.

Vacancy by removal or disqualification.

If any vacancy or vacancies should occur in the office of Registrar or Alternate Registrar before the expiration of such term, from any cause whatsoever, the Governor shall appoint a suitable person to fill such vacancy or vacancies, who shall serve for the residue of such unexpired term, and shall be qualified in the same manner, possess the same powers and perform the same duties as the original appointee.

Governor to fill vacancy.

Each Registrar and Alternate Registrar, before entering upon the duties of his office, shall take and subscribe, before the Clerk of the Peace of the county in which he shall reside, the following oath:

Oath of Registrar and Alternate.

OF ELECTIONS.

Form of oath "I, _____, residing in _____ hundred, (or in _____ election district of _____ hundred), in _____ county, do solemnly swear (or affirm) that I will support the Constitution of the United States of America, that I will support the Constitution of the State of Delaware, and that I will perform the duties of the office of Registrar (or Alternate Registrar) for _____ hundred (or _____ election district in _____ hundred), faithfully, honestly, fairly and impartially; that I am a citizen of the United States of America and of the State of Delaware, and am not and will not be a candidate for any office to be voted for by the electors of the hundred (or election district) for which I am appointed Registrar (or Alternate Registrar); and that I am a qualified voter in said hundred (or election district)."

Time within
which oath
is to be taken

Penalty for
refusal to
qualify or
failure to
perform the
duties of
office.

SECTION 3. Each and every person appointed as aforesaid to act as Registrar or Alternate Registrar shall qualify as such Registrar or Alternate Registrar by taking and subscribing the oath prescribed in the preceding section within ten days after being notified of said appointment, and shall perform the duties of the office for the time for which he was appointed, unless he shall become disqualified by sickness or otherwise, or be removed from office as hereinbefore provided. But any Registrar or Alternate Registrar, who shall be appointed to fill a vacancy, shall qualify forthwith. And if any Registrar or Alternate Registrar, who being duly appointed, either for a full term or to fill a vacancy, shall refuse to qualify as aforesaid, or having qualified, shall fail or refuse to perform any of the duties of said office, he shall forfeit and pay to the State a fine of one hundred dollars, upon conviction thereof by indictment in the Court of General Sessions of the Peace and Jail Delivery in the county where such offense is committed.

Additional
powers of
Registrars.

SECTION 4. Each of the said Registrars shall in addition to the other powers hereinafter conferred upon him, have, during the respective times of his appointed sittings, the powers of a justice of the peace to preserve order and enforce obedience to his lawful commands at or around his place of registration; to keep access to such place open and unobstructed; to prevent and suppress riots, tumult, violence and disorder at, around or near to his place of registration, tending to intimidation, or to the obstruction of the work of registration, or of the revision of the registration, and to

OF ELECTIONS.

protect and keep safe the registers or books for the registration of voters hereinafter referred to while in his custody and possession. He may compel the presence of witnesses before him, while sitting as Registrar, for all purposes connected with the performance of the duties of his office, by summons and attachment; and shall have power to administer oaths and affirmations. He may, while sitting as such officer of registration, commit for trial any person committing, at or around his place of registration, a breach of the peace, or any offense forbidden by this act. He shall have the power to issue any of said summons, attachments or commitments, when sitting in any hundred or election district in this State (outside the city of Wilmington) to the Sheriff of said county or to any constable thereof. All such process shall be served by said officers in the same manner as if they were issued by a justice of the peace within such county.

The sheriff, or constable, in any county of this State, who shall serve any such process shall receive the same fees and in like manner as it is or may be by law provided that he shall receive fees in other State cases. But no Registrar shall charge or receive any compensation for any service rendered in accordance with the provisions of this section in addition to the compensation or salary provided for in Section 18 of this act.

Sheriff and
Constable,
fees of.

Registrars to
receive no
compensa-
tion under
this section.

SECTION 5. That it shall be the duty of the Governor to cause the following books to be prepared, at the expense of the State, for the use of the said Registrars, for the registration of names and facts required by this act, to wit:

Books of
Registration

First. Two books for each of said Registrars, to be known by the general name of Registers, and to be so arranged as to admit of the convenient entry of the following particulars:

Entries, how
arranged.

First—The name of the person applying to be registered, written in full (or his first Christian name, and also any other name by which he is generally known, written in full, with the initial or initials of any other name or names which he may have in addition thereto);

Second—His color;

Third—His age;

Fourth—The place of his birth;

Fifth—The place of his residence, of street and number if any, and his post-office address;

OF ELECTIONS.

And Third. Two books for each of said Registrars, to be known by the name of "Voting Books of Partially Qualified Voters," or alphabetical lists of every person whose name may be entered on said Registers as one who "may become qualified by the payment of tax, or by being naturalized." Said last mentioned books to be ruled in parallel columns and so arranged as to admit of the convenient entry, in alphabetical order, of the name of every person who may be entered on the Registers aforesaid as one who "may become qualified by payment of tax, or by being naturalized," and in the parallel columns opposite the name of such person the following particulars:

First—His residence;

Second—His color.

SECTION 6. The Sheriff of each county shall, some time in the month of August in the year of holding the general election, deliver to the Registrar of each hundred or election district of his county (outside of the city of Wilmington), the alphabetical list of the names of all the male citizens of the age of twenty-one years and upwards residing and assessed in his hundred or election district, which the said sheriffs are now required by Section 3, Chapter 18 of the Revised Code to deliver to the inspectors of elections, and shall at the same time deliver to each of the said Registrars two of the books known as Registers, two of the books known as "Voting Books of Qualified Voters," and two of the books known as "Voting Books of Partially Qualified Voters," hereinbefore provided for; which said books, addressed to the Registrar of each hundred or election district of the county, the Governor shall cause to be delivered to the sheriffs in each of the counties of this State on or before the first Tuesday in August in the year of holding the general election. And the said sheriffs, when delivering said list and books, shall also deliver to the Registrar of each hundred or election district in his county (outside the city of Wilmington) a stamp of not less than one inch in diameter, so arranged that when applied to a tax receipt it will produce the word "registered," the name of the hundred or election district, and also the day, month and year in letters and figures, and also shall deliver ink of a suitable kind to be used with such stamps. The said stamps shall be so arranged that the date may be changed. And the said sheriff shall procure said stamps and ink at the expense of the county

"Voting
Books of
Partially
Qualified
Voters."

Duty of
Sheriff to de-
liver alpha-
betical list
and books.

Duty of
Governor.

Stamp for
use of Regis-
trar.

OF ELECTIONS.

And Third. Two books for each of said Registrars, to be known by the name of "Voting Books of Partially Qualified Voters," or alphabetical lists of every person whose name may be entered on said Registers as one who "may become qualified by the payment of tax, or by being naturalized." Said last mentioned books to be ruled in parallel columns and so arranged as to admit of the convenient entry, in alphabetical order, of the name of every person who may be entered on the Registers aforesaid as one who "may become qualified by payment of tax, or by being naturalized," and in the parallel columns opposite the name of such person the following particulars:

First—His residence;

Second—His color.

SECTION 6. The Sheriff of each county shall, some time in the month of August in the year of holding the general election, deliver to the Registrar of each hundred or election district of his county (outside of the city of Wilmington), the alphabetical list of the names of all the male citizens of the age of twenty-one years and upwards residing and assessed in his hundred or election district, which the said sheriffs are now required by Section 3, Chapter 18 of the Revised Code to deliver to the inspectors of elections, and shall at the same time deliver to each of the said Registrars two of the books known as Registers, two of the books known as "Voting Books of Qualified Voters," and two of the books known as "Voting Books of Partially Qualified Voters," hereinbefore provided for; which said books, addressed to the Registrar of each hundred or election district of the county, the Governor shall cause to be delivered to the sheriffs in each of the counties of this State on or before the first Tuesday in August in the year of holding the general election. And the said sheriffs, when delivering said list and books, shall also deliver to the Registrar of each hundred or election district in his county (outside the city of Wilmington) a stamp of not less than one inch in diameter, so arranged that when applied to a tax receipt it will produce the word "registered," the name of the hundred or election district, and also the day, month and year in letters and figures, and also shall deliver ink of a suitable kind to be used with such stamps. The said stamps shall be so arranged that the date may be changed. And the said sheriff shall procure said stamps and ink at the expense of the county

"Voting
Books of
Partially
Qualified
Voters."

Duty of
Sheriff to de-
liver alpha-
betical list
and books.

Duty of
Governor.

Stamp for
use of Regis-
trar.

OF ELECTIONS.

in which he may be sheriff, to be paid for as hereinafter provided.

Registrars
to mark
books.

SECTION 7. Each of the said Registrars, immediately upon receiving said Registers and "Voting Books of Qualified Voters" and "Voting Books of Partially Qualified Voters," shall endorse upon the back and write at the head of each Register and "Voting Book of Qualified Voters" and "Voting Book of Partially Qualified Voters," delivered to him as aforesaid, the name of the county and the name of the hundred or election district of such county of which he is Registrar, and of which such books shall respectively be the Registers and voting books as aforesaid.

Sittings of
Registrars.

Said Registrars shall sit alone for the purpose of ascertaining and registering the persons who are or may become qualified to enjoy the right of an elector at the next general election, at such public and suitable places in their respective hundreds or election districts as will, in their judgment, be most convenient for the voters of their several hundreds or election district, from eight o'clock A. M. until six o'clock P. M., with an intermission from twelve till one o'clock, on four successive Saturdays, beginning with the first Saturday in the September next preceding the general election. Each of said Registrars, at least ten days prior to his first sitting, as aforesaid, shall give public notice, by advertisement, posted in ten or more of the most public places in his hundred or election district, of the places where he will sit alone for the registration of voters as aforesaid, and the day or days when he will sit at each of said places. His proceedings shall be public and open to free inspection without any obstruction, but he may exclude or eject from the room any person behaving in a disorderly manner, and he may employ a clerk or clerks.

Hours of
sitting.

Times of
sitting.

Notice.

Proceedings

Duty of Reg-
istrars when
sitting.

SECTION 8. It shall be the duty of the said Registrars, when sitting at the times hereinbefore specified for the purpose of ascertaining and registering the persons who are or may become qualified to enjoy the right of an elector at the next general election, to do and perform the several matters and things following, to wit:

What facts
to record.

First. Each of them severally shall record in his Registers in the column headed "name" the name of every male person who shall personally appear before him and apply to be registered (writing his surname and first Christian name in full, and also any other name by which he is generally

OF ELECTIONS.

known, with the initial or initials of any other name or names which he may have in addition thereto, the surname being written first). And the names of said applicants for registration shall be numbered consecutively in the order of their application, the number being entered on the Register in figures immediately before each name.

Second. In the column headed "color" he shall enter his color; and after making proper inquiries and examination he shall enter

Third. In the column headed "age" the age of the applicant.

Fourth. In the column headed "nativity" he shall enter the state, territory or country in which the applicant states he was born.

Fifth. In the column headed "residence" he shall enter his place of residence and post-office address.

Sixth. In the proper subdivision of the column headed "term of residence," how long he has resided in the State, how long in the county, and how long in the hundred or election district in which he applies to be registered.

Seventh. In the column headed "naturalized" the words "yes" or "no," or "native," as the fact shall appear.

Eighth. In the column headed "qualified voter," if the Registrar shall be satisfied, upon examination or otherwise, that the applicant for registration is at that time a qualified voter, or by arriving at the age of twenty-one years, or by acquiring the residence required by the Constitution in this State and county by the next following general election will become a qualified voter at said election in the hundred or election district in which he applies to be registered, he shall write his name in full as written in the first column.

Ninth. In the column headed "date of payment of tax" he shall enter the day, month and year on which he has paid a county tax within two years next before the next following general election.

Tenth. In the column headed "may become qualified by payment of tax, or by being naturalized," if the Registrar shall be satisfied, upon examination or otherwise, that the applicant for registration possesses all the constitutional qualifications of an elector, except that of the payment of a county tax as prescribed by the Constitution, he shall write

OF ELECTIONS.

his name in full, as written in the first column, and a line shall be heavily drawn in ink opposite his said name in the column headed "qualified voters."

And if the applicant shall not at the time he applies to be registered have paid the county tax prescribed by the Constitution as one of the qualifications of an elector, and shall not have then resided within the State or county in which he applies to be registered the time required by the Constitution as one of the qualifications of an elector, but will have acquired such residence by the day of the next general election, the said Registrar shall write his name in full in the column headed "may become qualified by payment of tax, or by being naturalized," and a line shall be heavily drawn in ink opposite to his said name in the column headed "qualified voters."

And if the applicant, not being a native born citizen of the United States, shall not at the time he applies to be registered have been naturalized, but will be entitled to be naturalized by the day of the next general election, and possesses all the other qualifications of an elector, the Registrar shall write his name in full in the column headed "may become qualified by payment of tax, or by being naturalized," and a line shall be heavily drawn in ink opposite to his said name in the column headed "qualified voters."

And if the applicant, not being a native born citizen of the United States, shall not at the time he applies to be registered have been naturalized and shall not at that time have paid the county tax prescribed by the Constitution as one of the qualifications of an elector, but will be entitled to be naturalized by the day of the next general election, and possesses all the other qualifications of an elector, or will possess them by the day of the next general election, the said Registrar shall write his name in full in the column headed "may become qualified by payment of tax, or by being naturalized," and a line shall be heavily drawn in ink opposite his said name in the column headed "qualified voters."

Disqualifi-
cation.

Eleventh. In the column headed "disqualified," if the Registrar is satisfied, upon examination or otherwise, that the applicant for registration is disqualified as an elector in the election district in which he shall apply to be registered, a line shall be heavily drawn in ink opposite his said name in the column headed "qualified voter," and the cause of

OF ELECTIONS.

his disqualification shall be briefly stated in the column headed "disqualified" opposite his name as first recorded, and a line shall be drawn across his name as first entered, but in such manner that said name shall remain legible.

Twelfth. In the column headed "date of application" he shall enter the day of the month and year on which application for registration is made.

Thirteenth. In the column headed "remarks" he may enter such facts or statements as he may deem pertinent to the qualification or disqualification of the applicant as an elector.

In making the entries hereinbefore specified, the Registrar shall in every case make such entries in the columns above specified opposite the name of the applicant to whom such entries are intended to apply. How entries shall be made.

If any Registrar should be in doubt, after the primary examination of the applicant for registration, and upon such evidence as may be immediately obtainable whether such applicant is a qualified elector, he may postpone his determination of the matter to his next sitting, or to a later sitting, at the request of the applicant; but such postponement shall not be in any case to a day later than the last day when the said Registrar sits alone for the purpose of registration as aforesaid. Postponement of registration.

SECTION 9. When any Registrar, at any of the sittings hereinbefore provided, shall enter in his Register the name of any applicant for registration as a qualified voter, he shall immediately thereafter enter, in the presence of such applicant if he remains in attendance, in its proper alphabetical place in the "Voting Book of Qualified Voters," hereinbefore provided for, the name of such applicant, and also his residence, and color, and his age, if he will be between the ages of twenty-one and twenty-two on the day of the next following general election. And when he shall enter in his Register the name of any applicant for registration as one who "may become qualified by payment of tax," as hereinbefore provided for, he shall immediately thereafter enter, in the presence of such applicant if he remains in attendance, in the proper alphabetical place in the "Voting Book of Partially Qualified Voters," hereinbefore provided for, the name of such applicant, and also his residence and color. Entry of registration

OF ELECTIONS.

And the Registrar shall also give to each person who is registered either as a qualified voter or one who may become qualified, and who may request it, a certificate to the following effect:

Certificate of " _____ Hundred (or _____ Election District in _____
Registration Hundred), _____ county, State of Delaware.

Dated, _____ day of _____, 18—.

I do hereby certify that _____ has this day been registered as a qualified voter (or one who may become qualified) in the hundred (or election district) above mentioned, and that his number on the Registers is number _____.

Signed _____

Registrar for _____ Hundred (or _____ Election District in _____ Hundred)."

Printed
copies of
registration;
how, when
and where to
be posted.

Each of said Registrars shall, within one week after his last sitting in September, as aforesaid, cause to be printed not less than fifty copies of the alphabetical list of qualified voters as contained in the "Voting Book of Qualified Voters," together with the entries opposite the names in said books; and not less than fifty copies of the alphabetical list of those who "may become qualified by payment of tax, or by being naturalized," as contained in the "Voting Books of Partially Qualified Voters," together with the entries opposite the names in said books; and shall, within the said week, cause one of said printed copies of each of said lists to be posted in at least ten of the most public places in his hundred or election district, and shall use the remaining copies in such manner as in his judgment will be most likely to secure publicity and general inspection.

Board of
Registration

SECTION 10. In addition to the Registrars hereinbefore provided for, there shall be in each hundred or election district a "Board of Registration," which board shall be composed of the Registrar for the hundred or election district, that one of the two persons who shall be chosen in the manner hereinafter provided to serve as judges of election in said district at the next following general election who shall not be of the same political party as the Registrar, and the inspector of said hundred or election district. The two persons associated with the Registrar shall be known as Associate Registrars. The said Registrar shall be the presiding officer of the Board, and as such presiding officer he shall have and possess all the powers conferred upon him by Section 4 of this act, and in his absence either of said asso-

Associate
Registrars.
Presiding
officer.

OF ELECTIONS.

ciates shall have and possess all the powers which said presiding officer would have and possess if present.

The said Board of Registration shall sit from eight o'clock ^{Hours of sitting.} A. M. until six o'clock P. M., with an intermission from twelve till one, on the three Saturdays immediately preceding ^{Time.} the Saturday next before the general election, at the place ^{Place.} where the following general election will be held, or at some convenient and suitable place in the town or village in which such election will be held.

The Registrar shall produce and have before said Board of ^{Duty of Registrar.} Registration, at all its sittings, the alphabetical list delivered to him by the Sheriff, as provided in Section 6 of this act, and also the Registers and the voting books containing the alphabetical lists of "qualified voters" and the voting books containing the alphabetical lists of "partially qualified voters," made by him as hereinbefore provided.

It shall be the duty of the said Board, at its sittings, to ^{Duties of Board of Registration} enter upon the said Registers the names of all persons applying to be registered who have omitted to make such application before the Registrar when sitting alone, and also the names of all persons who may have applied to the said Registrar, but whose names were not entered by him as required by this act.

It shall be the further duty of the said Board to correct on ^{Further duty.} the Registers any mistakes which may have been made by the Registrar in any entry therein, either as to the name, or as to any other statement of fact; *provided, however,* that no ^{Proviso.} correction shall be made upon the Registers except upon the personal or written application of the person in relation to whom such correction is made, or after written notice to him.

It shall also be the duty of said Board, upon the personal application of any person who shall have been entered on the Registers by the Registrar as "a disqualified voter," and who may consider himself aggrieved thereby, to inquire into the matter, and if the said Board, after a hearing and examination, shall determine that such person has been improperly entered as a disqualified voter, the said Board shall enter his name anew in the Register, and shall also make opposite the name in the several columns the entries required to be made in other cases of applicants for registration adjudged qualified; and in the column headed "remarks," opposite his name when written anew, the said Board shall enter the words "adjudged qualified on revision by the Board," or "may be-

OF ELECTIONS.

come qualified by payment of tax," or "by being naturalized," or both, as the case may be, and the date when his qualification was determined as aforesaid.

Illegal registration.

Upon the affidavit of a legal voter in an election district, made before any person authorized by the laws of this State to administer oaths, and presented to the Board of Registration, that in his opinion any person is illegally registered in such election district as a qualified voter, or as one who may become qualified by payment of tax, and setting forth the reasons therefor, it shall be the duty of the said Board to examine into the matter of the registration of such person, and if said Board deem it a proper case for a hearing, notice shall be given to such person, either in person or in writing, as is hereinafter provided, to appear before the Board at its next sitting to show cause why his name should not be stricken from the voting books of "qualified" or "partially qualified voters" (as the case may be) of such election district. And, if upon examination and inquiry said Board shall be satisfied, at its sitting at which such person had notice to appear, that he is not a qualified voter, or one who may become qualified by payment of tax, or by being naturalized, or both, a heavy line shall be drawn in ink through his name as written in the column headed "qualified voter," and a line shall be drawn through his name as first entered, but in such manner that said name shall remain legible, and the causes of his disqualification shall be briefly stated in the column headed "disqualified," and in the column headed "remarks," opposite his said name, shall be written the words "adjudged disqualified on revision by the Board," and the date when his disqualification was ascertained as aforesaid.

Board of Registration clothed with the powers of Registrar.

It shall be the duty of said Board, at the time of entering in the Registers the names of any persons not entered by the Registrar at his sittings alone, to do and perform the same matters and things and to make the same entries in the Registers which the Registrar is required by Section 8 of this act to do and perform and make when any person applies to him to be registered. And it shall also be the duty of the said Board, when they shall enter in the Registers as a "qualified voter," or as one who "may become qualified by payment of tax, or by being naturalized" the name of any applicant to said Board for registration, immediately thereafter to enter, in the presence of such applicant if he remain in attendance, in its proper alphabetical place in the "Voting

OF ELECTIONS.

Books of Qualified Voters," or in the "Voting Books of Partially Qualified Voters," (as the case may be) the name of such applicant, and also his residence, and color, and his age, if he will be between the ages of twenty-one and twenty-two years on the day of the next following election.

It shall also be the duty of said Board to enter in the proper voting books in its proper place any corrections which the said Board may have made in the Registers as to the name, residence or color of any person whose name may be in said voting books. Whenever the said Board shall enter in the Registers the name of any person as a "qualified voter," or as one who "may become qualified by payment of tax, or by being naturalized," who has been entered by the Registrar as a "disqualified voter," it shall be the duty of the said Board immediately to enter, in the presence of such voter if he shall remain in attendance, in its proper alphabetical place in the "Voting Books of Qualified Voters," or "Voting Books of Partially Qualified Voters," (as the case may be) the name of such voter, and also his residence, and color, and his age, if he will be between the ages of twenty-one and twenty-two years on the day of the next following general election.

Duties of Board in making entries.

Whenever the said Board shall have adjudged any person to be disqualified as a voter, whose name had been upon the Registers as a "qualified voter," or one who "may become qualified by payment of tax, or by being naturalized," and shall have made the necessary corrections on the Registers, as aforesaid, it shall be the duty of said Board immediately thereafter to strike his name from the alphabetical list where his name may appear in said voting book by drawing a heavy line in ink through his said name and all entries opposite his name. And the said Board may employ a clerk or clerks.

Names stricken from list.

SECTION II. If any person registered as a qualified voter, or one who may become qualified by payment of tax in any hundred or election district in this State, shall, after he is so registered, remove from the county in which he is so registered to any other county in this State, he may apply in person to the Registrar or Board of Registration of the hundred or election district in which he is registered and have his name stricken from the Registers and from the Voting Books in which his name shall appear, and may obtain from said Register or Board of Registration a certified copy of the

Concerning the removal of qualified voters.

OF ELECTIONS.

Name to be
stricken
from Regis-
ter and Vot-
ing Books.

entries in the Registers relating to him, together with a certificate that his name has been stricken from the Registers and Voting Books, as aforesaid; and it shall be lawful for him, after his name shall be so stricken from said Registers and Voting Books, to cause himself to be registered in the hundred or election district of the county to which he may have removed upon producing the aforesaid certificate and copy of entries in said Registers, provided that by the next following general election he will have acquired in the county to which he has removed the residence required by the Constitution. And the Registrar or Board of Registration to whom such person may apply to have his name stricken from the Registers and Voting Books shall draw a line in ink through his name and all the entries opposite to his name in said Registers and Voting Books, and in the column in the Registers headed "remarks" shall enter "removed from this county into _____ county," and shall prepare and deliver to him the certified copy of entries and the certificate aforesaid.

Stamping of
tax receipt.

SECTION 12. The said Registrars when sitting alone, or any member of the said Board of Registration, when sitting for the purpose of registration as aforesaid, may require any person applying to be registered as a qualified voter to produce his tax receipt, and if such person be registered as a qualified voter, the said receipt shall be immediately stamped with the word "registered," the name of the hundred or election district, and also the day, month and year of registering, in letters and figures, by means of the stamps provided for in Section sixth of this act.

Quorum of
Board of
Registration

Proceedings
public.

SECTION 13. At every sitting of said Board two shall constitute a quorum, and the acts of a majority of said Board shall be as valid as the acts of all of them. Their proceedings shall be public and open to free inspection without any obstruction, but they may exclude or eject from the room any person behaving in a disorderly manner.

Oaths of As-
sociate Reg-
istrars.

Each of said Associate Registrars, before entering upon the duties of his office, shall take and subscribe the oath prescribed in Section two of this act for the Registrar, except that the words "Associate Registrar" shall be substituted for the word "Registrar." Which oath may be administered to the Associate Registrars by the Registrar, or by any Justice of the Peace or Notary Public in the county where such Associate Registrar may reside.

OF ELECTIONS.

In all cases where written notice is required by this act to be given to any person, such notice shall be deemed sufficient if addressed to the person to be notified at the post-office named by him at the time of his application for registration and deposited in the mail not later than the Wednesday next preceding the sitting of the Board at which he may be notified to appear.

Notice,
what suffi-
cient.

SECTION 14. In order to fix and ascertain the persons who are to be the associate officers of registration, it shall be the duty of the inspector of each hundred or election district in this State (outside the city of Wilmington), and also of the person who at the election for inspector next previous received the next highest number of votes for said office, on some day in the month of September next preceding the general election, to choose respectively the two judges of the said election, as is required to be chosen by them respectively by Section 11 of Chapter 18 of the Revised Code; and shall respectively, during the said month of September, notify the said persons at their appointment in writing, and shall also, in the said month of September, give notice, in writing, to the Registrar of the hundred or election district of the persons so chosen.

Selection of
associate
officers of
registration

Notice of
selection.

If either the said inspector, or the person who at the election for inspector next previous received the next highest number of votes for said office be dead or removed from the county, or shall fail or neglect, from any cause whatsoever, to choose a judge of election in the said month of September, as hereinbefore required of them, or shall fail or neglect to give the notices hereinbefore required to be given by them to the persons so chosen by them respectively to the Registrar, or if either of the persons designated in Section 10 of this act as those who shall be associated with the Registrar as associate officers of registration shall fail or neglect to take the oath required of them by Section 11 of this act, or from any cause whatsoever shall fail to appear and act at any of the sittings of the said Board of Registration, then and in that event it shall be the duty of the said Registrar immediately to appoint another person to act as Associate Registrar, who shall be of the same political party as the person in whose place he is appointed shall be or would have been.

Vacancies
in office of
Associate
Registrars.

The person or persons appointed by the Registrar, as aforesaid, shall take and subscribe the oath hereinbefore prescribed for the Associate Registrars, shall possess and have

Oath,
powers and
duties of As-
sociate Reg-
istrars.

OF ELECTIONS.

the same powers as, and perform the same duties hereinbefore required of Associate Registrars until the person who may have been originally chosen shall have qualified and shall appear and enter upon the duties of the office to which he was originally chosen or appointed.

Board of
Registration
to compare
Register, etc

SECTION 15. It shall be the duty of the said "Board of Registration," immediately after the close of their last sitting, carefully to compare the two Registers and see that they agree with each other in every particular, and also to compare the two alphabetical lists of "qualified voters" and the two alphabetical lists of those who "may become qualified by payment of tax, or by being naturalized," or both, as contained in the voting books aforesaid, with the said Registers, and to see that the name of every person entered on the Registers as a "qualified voter" is entered in its proper alphabetical place on each of the two lists of qualified voters, together with the residence, and color, and also the age, if to be between the ages of twenty-one and twenty-two years on the day of the next general election, as entered on the Register; and also to see that the name of every person entered on the Registers as one who "may become qualified by payment of tax," or "by being naturalized," is entered in its proper alphabetical place on each of the two lists of those who "may become qualified by payment of tax," or "by being naturalized," or both, in the voting books of "partially qualified voters," together with the residence and color, as entered on the Registers. And if any name in the Registers which ought to have been entered on either of said alphabetical lists shall have been omitted therefrom, it shall be the duty of said board to enter such name in its proper alphabetical place on the proper alphabetical list, together with the proper entries as they appear on the said Registers.

Shall enter
names im-
properly
omitted.

Corrections
on list.

And it shall be the further duty, in such comparison of the alphabetical lists with the Registers, to make such corrections on the alphabetical lists as will make the names and entries appearing on the alphabetical lists agree with the same names and entries as entered on the Registers.

Certificate of
the Board of
Registration

It shall also be the duty of the said Board of Registration, within three days after their last sitting, to append to each of said alphabetical lists of "qualified voters" contained in said "Voting Books of Qualified Voters" a certificate, verified by the oath or affirmation of the members of said

OF ELECTIONS.

board, or at least two of them, that the said "Voting Book of Qualified Voters" contains a complete list of the qualified voters of said hundred or election district, as the same are entered in the Registers of voters of such hundred or election district.

And shall also, within the three days aforesaid, append to each of said alphabetical lists of those who "may become qualified by payment of tax, or by being naturalized," contained in the "Voting Book of Partially Qualified Voters," a certificate, verified by oath or affirmation, as aforesaid, that the said "Voting Book of Partially Qualified Voters" contains a complete list of those persons "who may become qualified by payment of tax, or by being naturalized," as the same are entered in the registers of voters of such hundred or election district. Certificate.

And the members of said Board shall, within the three days aforesaid, also append to the Registers of their respective hundred or election district a certificate that each of said Registers is the official Register of such hundred or election district, and, so far as is within their knowledge, no false or improper entries have been made therein. Which certificate shall be made and verified by at least two members of said Board. Certificate of correctness of entries.

And it shall be the duty of the Registrar, within one day thereafter, to deliver to the Sheriff of the county in which he is an officer of registration one of said Registers, certified to as aforesaid, and one of said "Voting Books of Qualified Voters," certified to as aforesaid, and one of said "Voting Books of Partially Qualified Voters," certified to as aforesaid, together with the alphabetical list which shall have been delivered to him by the said Sheriff, as hereinbefore provided. Registrar to deliver Registers, etc., to Sheriff.

And the other of said Registers, together with the other of said "Voting Books of Qualified Voters" and the other of said "Voting Books of Partially Qualified Voters," together with any other papers or documents relating to the registration of voters, and the stamps provided for by this act, he shall retain in his possession and safely keep, but the same shall at all proper times be open to the inspection of any one desiring to examine the same without fee or reward, and also any one desiring to do so may be permitted to make copies or partial copies of any of said lists, books, documents or papers. Registrars to keep one of the Registers, etc.

OF ELECTIONS.

In event of
loss of Reg-
isters, etc.,
by Sheriff.

And if the Registers or Voting Books delivered to the sheriff, as aforesaid, should be lost or destroyed, the duplicates in the possession of the Registrars may be called for and used, in the place of those lost or destroyed, at the general election.

To deliver
to Clerk of
the Peace.

And within one week after the following general election he shall deliver the same to the Clerk of the Peace of the county in which he resides, who shall safely keep the same in his office, and the same shall be open to public inspection at all convenient times as other public records in the office of said Clerk of the Peace.

Sheriff to de-
liver Regis-
ters, etc., to
Inspector.

SECTION 16. It shall be the duty of the sheriff of each county, within three days after the said Registers, Voting Books and lists shall have been delivered to him, as provided in the next preceding section of this act, to deliver the same to the inspector of the hundred or election district of the county to which such Register, Voting Books and list shall apply. And it shall be the duty of the inspector to have the same at the place of election before the opening of the polls on election day.

Duty of
Inspector.

Who shall
not be al-
lowed to
vote.

SECTION 17. The inspector shall not at any election receive or deposit in the ballot-box the ballot of any person offering to vote until his name shall have been found in the list of "qualified voters," as contained in the "Voting Book of Qualified Voters," or in the list of those who "may become qualified by payment of tax, or by being naturalized," or both, as contained in the "Voting Book of Partially Qualified Voters," delivered to him for the purposes of said election, and the judges, or a majority of them, shall be satisfied that the person so offering to vote is the person named in said list; and if his name shall have been found in the "Voting Book of Partially Qualified Voters" they shall be further satisfied that the person offering to vote has paid the tax required by the Constitution, and, if not a native born citizen of the United States, has been legally naturalized. And he shall receive and deposit in the ballot-box the ballot of every person offering to vote whose name appears in the "Voting Book of Qualified Voters," or whose name appears in the "Voting Book of Partially Qualified Voters," and who at the time he offers to vote shall have paid the tax required by the Constitution, and, if not a native born citizen of the United States, has been legally naturalized, unless such vote shall be objected to; but no objection to the vote of any per-

Who shall be
eligible to
vote.

OF ELECTIONS.

son whose name shall have been found on either of said voting books shall be entertained or considered by the judges of the election except for the following reasons, to wit:

First. That he is not the person whose name appears in said voting books. Exceptions.

Second. If his name appears in the "Voting Book of Partially Qualified Voters" that he has not paid the tax required by the Constitution of this State, or, if not a native born citizen of the United States, that he has not been legally naturalized since he was registered.

Third. That he has become disqualified as a voter since he was registered; and

Fourth. That he was improperly registered at the last sitting of the Board of Registration as a "qualified voter," or as one who "might become qualified by payment of tax, or by being naturalized."

If a vote be objected to for any of the reasons above mentioned, its admission or rejection shall be determined according to the opinion of a majority of the judges. Objection to votes.
How determined.

It shall be the duty of one of the judges of the election to write the word "voted" against the name of any person voting on the alphabetical list in the voting book in which his name appears, which was certified to by the Board of Registration and delivered by the sheriff to the inspector as aforesaid, instead of upon the alphabetical list certified to by the Clerk of the Peace, as is now provided by Section 18, Chapter 18 of the Revised Code. Duty of judges of election.

SECTION 18. Each inspector shall, on the Thursday next succeeding the day of the general election, deliver into the office of the Clerk of the Peace of his county the oaths or affirmations that shall have been signed by the inspector and judges of the election in his hundred, or election district where a hundred is divided into two or more election districts, and the certificates of said oaths or affirmations having been administered, to be made and signed as directed in Section 13, Chapter 18 of the Revised Code; and the two lists of the polls kept at the election, as directed in Section 18, Chapter 18 of the Revised Code; the alphabetical list certified to by the Clerk of the Peace; the Register aforementioned, and the "Voting Book of Qualified Voters," and the "Voting Book of Partially Qualified Voters," certified to by the Board of What Inspector shall deliver to Clerk of the Peace.

OF ELECTIONS.

Registration as aforesaid, with the notes of "voted," as the same shall have been made on each of said last mentioned books on the day of the election; all of which shall be filed in the office of the said clerk, and shall be public records, and as such admissible as evidence.

Compensation of Registrar.

SECTION 19. Each Registrar shall receive five dollars per day for each day of actual sitting, either alone or as one of the Board of Registration, and fifteen dollars additional for all other services to be performed by him under this act.

Compensation of Alternate Registrar.

And each Alternate Registrar shall receive five dollars per day for each day of actual sitting in the place of the Registrar, either alone or as one of the Board of Registration, and also such additional compensation as may be determined by the Levy Court of the county in which he shall reside for any other service that may be performed by him under this act; *provided* that such additional compensation shall in no event exceed the sum of fifteen dollars; *and provided further*, that the amount of such additional compensation shall be deducted from the amount of the Registrar's additional compensation.

Proviso.

Compensation of Associate Registrars.

And each Associate Registrar shall receive five dollars per day for each day of actual sitting on the Board of Registration.

How paid.

It shall be the duty of the Levy Court in each of the counties of this State, at its November session, to ascertain the amount of compensation under this act due the Registrars, Alternate Registrars, and Associate Registrars in their respective counties, and when so ascertained, the president of the said Levy Court shall certify the same to the State Treasurer, who shall thereupon pay to the persons entitled the sums severally due them out of any money belonging to the State not otherwise appropriated.

All necessary expenses; how paid.

The cost of printing and posting the alphabetical lists contained in the voting books aforesaid, and of printing and mailing the notices required by this act, and the rent of the room or rooms used by the said Registrars and Boards of Registration in performance of the duties required by this act, the cost of printing any forms or blanks that may be required, and the cost of the necessary stationery used by them, and also the stamps and the ink to be used with the same, provided for by this act, shall be paid by the Levy Courts of the respective counties upon proper vouchers.

OF ELECTIONS.

The cost of the books provided for in Section 5 of this act shall be paid by the State Treasurer on warrants drawn on him by the Governor.

SECTION 20. If any Registrar, Alternate Registrar, or Associate Registrar, shall fraudulently enter, or fraudulently permit to be entered, in any Register, or in any list of "qualified voters," or in any list of those who "may become qualified by payment of tax, or by being naturalized," the name of any person as a qualified voter, or one who "may become qualified by payment of tax, or by being naturalized," who is not entitled to be entered therein as a "qualified voter," or as one who "may become qualified by payment of tax, or by being naturalized," or both, or if any other person not authorized by the proper officer of registration shall enter in any Register, or in any "Voting Book of Qualified Voters," or in any "Voting Book of Partially Qualified Voters," the name of any person as a "qualified voter," or as one who "may become qualified by the payment of tax, or by being naturalized," or both; or if any Registrar, Alternate Registrar, or Associate Registrar, shall fraudulently refuse or omit to register, or shall fraudulently misspell in any Register, or in any "Voting Book of Qualified Voters," or in any "Voting Book of Partially Qualified Voters," in his charge, the name of any person entitled under the provisions of this act to have his name entered in such Register or "Voting Book of Qualified Voters" or "Voting Book of Partially Qualified Voters;" or if any Registrar, Alternate Registrar, or Associate Registrar, shall fraudulently strike from any Register or from either of said voting books in his charge the name of any person entered therein; or if any other person not authorized by the proper officer of registration shall strike from any Register or from any voting book the name of any person entered thereon; or if any Registrar, Alternate Registrar, or Associate Registrar, shall make any entry or entries in the said Registers, or said "Voting Books of Qualified Voters" or "Voting Books of Partially Qualified Voters," except at the times and in the manner hereinbefore provided; or if any Registrar, Alternate Registrar, or Associate Registrar, shall do anything which is by this act forbidden to be by him done, or shall omit to do anything which is by this act required to be by him done, he shall be deemed guilty of a misdemeanor, and upon conviction thereof by indictment, shall be fined not exceeding five hundred dollars, or be im-

Registration officers making fraudulent entries, or failing to perform duties under this act.

Penalty.

OF ELECTIONS.

prisoned not exceeding three years, or may be both fined and imprisoned at the discretion of the Court.

Disqualified voters causing or attempting to cause themselves to be registered.

SECTION 21. If any person shall cause or attempt to cause himself to be registered in the name of any other person, living or dead, or under any fictitious name, or shall cause or attempt to cause himself to be registered in any hundred or election district in this State, knowing that he has not the right to be registered; or if any person, knowing himself to be registered in any hundred or election district in this State shall cause or attempt to cause himself to be registered in any other hundred or election district in this State without having first caused his name to be stricken from the Registers and voting books in which he may have been previously entered; or if any person, knowing himself to be disqualified as a voter at the next following general election, shall cause or attempt to cause himself to be entered on the Registers in any hundred or election district in this State as a "qualified voter" therein, or as one who "may become qualified by payment of tax, or by being naturalized," knowing that he is not at that time a qualified voter and will not become so by the next following general election; or if any person shall by force, threat, menace, intimidation, or other unlawful means, prevent or hinder any person having a lawful right to have his name entered on the Registers in any hundred or election district in this State, from duly exercising such right, or shall compel or attempt to compel, by any such means, any Registrar, Alternate Registrar, or Associate Registrar, to enter on his Registers the name of any person not legally entitled to be entered therein, or shall unlawfully interfere with any Registrar, Alternate Registrar, or Associate Registrar, in the discharge of his duties under this act; or if any person shall make any assault or commit any assault and battery, or incite or create any riot or any breach of the peace at or near to any place of registration in this State, during the sitting of any Registrar, Alternate Registrar, or Board of Registration; he shall be deemed guilty of a misdemeanor, and upon conviction thereof by indictment shall be fined not exceeding five hundred dollars, or be imprisoned not exceeding three years, or may be both fined and imprisoned at the discretion of the Court.

Intimidation threats, etc.

Assaults, riots, etc.

Penalty.

SECTION 22. If any Clerk of the Peace, Sheriff, Registrar, Alternate Registrar, Associate Registrar, inspector, or

OF ELECTIONS.

judge of election, shall loose any Register or Voting Book which may be in his charge or custody, or if any of such officers or any other person shall willfully destroy, mutilate, deface, falsify, or fraudulently remove or secrete any Register, or Voting Book, or shall knowingly make any false entry in, or false copy of any Register or part or any Register, or shall fraudulently make any entry, erasure or alteration in any alphabetical list of qualified voters, as contained in any "Voting Book of Qualified Voters," or in any alphabetical list of those who "may become qualified by payment of tax, or by being naturalized," contained in any "Voting Book of Partially Qualified Voters," he shall be deemed guilty of a misdemeanor, and upon conviction thereof by indictment shall be fined not exceeding five hundred dollars, or be imprisoned not exceeding three years, or may be both fined and imprisoned at the discretion of the Court.

Destruction,
mutilation,
erasure or
alteration of
Registers or
Voting
Books.

Penalty.

SECTION 23. If any person shall mutilate, deface, pull down or destroy, at any time before the last sitting of the Board of Registration, any printed copy of the "alphabetical list of qualified voters," or any printed copy of the alphabetical list of those who "may become qualified by payment of tax, or by being naturalized," when the said lists are posted and hung up as provided in Section 9 of this act, he shall be deemed guilty of a misdemeanor, and upon conviction thereof by indictment shall be fined not exceeding one hundred dollars, or imprisoned not exceeding one year, or may be both fined and imprisoned at the discretion of the Court.

Mutilation,
destruction
or pulling
down alpha-
betical list of
qualified
voters.

Penalty.

SECTION 24. In any case of a special election held in this State, it shall be the duty of the several Boards of Registration, hereinbefore provided for, to sit on the two Saturdays immediately preceding the Saturday next before the day of such special election, from eight o'clock A. M., until six o'clock, P. M., with an intermission from twelve till one, at the place where the following special election will be held, or at some convenient and suitable place in the town or village in which such election will be held; and at such sittings to add to the Registers or Voting Books aforesaid of their respective hundreds or election districts the names of all persons applying to them who may have become qualified to vote since the day of the last gen-

Special
election.

Time of
sitting.

Place.

OF ELECTIONS.

eral election, or who may become qualified to vote by the day of such special election.

Duty of Board of Registration. And it shall be the duty of such Boards of Registration, in adding any new name, to make the same entries in the Registers and Voting Books aforesaid as they are hereinbefore required to make when sitting as a Board of Registration before any general election. And said Boards of Registration shall have the same powers and do and perform the same matters and things as when sitting as a Board of Registration before any general election. And any vacancy or vacancies in any of said Boards of Registration shall be filled as hereinbefore provided.

Powers.

Vacancy.

Board of Registration to procure Registers, etc. The said Boards of Registration, within one week before their first sitting as provided for in this section, shall procure from the Clerks of the Peace of their respective counties the two Registers and the two "Voting Books of Qualified Voters" and the two "Voting Books of Partially Qualified Voters," which shall have been delivered to the Clerks of the Peace as hereinbefore provided.

Duty of Clerks of the Peace. It shall be the duty of the Clerks of the Peace in the several counties to deliver said books to the said Boards of Registration when the same shall be applied for as aforesaid.

Delivery of books. In delivering one of the Registers and one of the "Voting Books of Qualified Voters" and one of the "Voting Books of Partially Qualified Voters" to the Sheriff, to be by him delivered to the inspectors as hereinbefore provided, it shall be the duty of said Boards of Registration to deliver the Register and the "Voting Book of Qualified Voters" and the "Voting Book of Partially Qualified Voters" which were not used at the previous general election. And the other of said Registers, and the other of said "Voting Books of Qualified Voters," and the other of said "Voting Books of Partially Qualified Voters," shall be delivered by the several Registrars to the Clerks of the Peace of their respective counties within one week after such special election.

Special elections. At every special election the same provisions of law in this act contained as to voting and challenging and entering the word "voted" after the names of those who may vote, shall apply, as at a general election.

OF ELECTIONS.

SECTION 25. All acts and parts of acts inconsistent with or superseded by the provisions of this act are hereby repealed. And this act shall not apply to the City of Wilmington.

Inconsistent
acts repealed

Not applica-
ble to Wil-
mington.

SECTION 26. It shall be the duty of the Secretary of State to cause to be printed and prepared in pamphlet form five hundred copies of this act; and when the Registrars provided for in this act shall have been appointed by the Governor, it shall be the duty of the Secretary of State to send to each Registrar three of said pamphlets, one for his own use and the other two for the use of his Associate Registrars. And the Secretary of State shall also send one pamphlet to each Alternate Registrar appointed by the Governor.

Secretary of
State to
print in
pamphlet
form 500
copies; to
whom sent.

The cost of printing and preparing the pamphlet copies of this act shall be paid in the same manner as is now provided by law for the payment of the printing of the laws passed at each session of the Legislature.

Printing,
how paid for

Passed at Dover, May 13, 1891.

OF ELECTIONS.

CHAPTER 39.

OF ELECTIONS.

AN ACT to provide for the Registration of Voters in the City of Wilmington.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

General registration of qualified voters in the City of Wilmington.

SECTION 1. That for the purpose of preventing fraud at all elections held on the Tuesday next after the first Monday in the month of November, as provided by Section 1 of Article 4 of the Constitution of this State, and facilitating the ascertainment of those who are duly qualified electors according to the constitution and laws of this State, there shall hereafter in the city of Wilmington be a general registration of all the qualified voters resident in each election district in said city at the times hereinbelow provided and then only on Saturday of the fourth week, on Saturday of the third week and on Friday and Saturday of the second week next preceding the day of each and every such election. That for each and every election, other than such as above designated, except municipal elections and elections for members of the Board of Education, held in said city there shall be a revision of the general registration had as provided in this act, which revision shall be made on the second Saturday next preceding the day of each and every such election.

Governor to appoint 3 persons to constitute a Department of Elections.

SECTION 2. That, in the month of August in the year 1891, on or before the tenth day thereof, the Governor of the State of Delaware shall appoint three persons of said city, who shall constitute a Department of Elections for said city, with full power to act as such for the terms of two, four and six years from the date of their appointment, or until their successors shall be duly appointed. At the first meeting of the said board said members of said Department of Election shall determine their terms by lot, and shall certify the result to the Clerk of the Peace for New Castle County, who shall carefully preserve the same; and the said result, or a copy duly certified by the said Clerk of the Peace under his hand and seal of office, shall be evidence in all the

Term, how determined.

OF ELECTIONS.

courts of this State or elsewhere. At the expiration of the term of the said member who shall draw the shortest term, and biennially thereafter, the place of the retiring member shall be filled by appointment by the Governor of the State of Delaware, for the term of six years. No person shall be eligible to appointment as a member of said department who shall not be a citizen of the United States of America, and be a qualified voter of and resident in said city for the term of five years next preceding his appointment. No member of said Department of Elections shall hold or be a candidate for any other State or county office during his membership in said department, nor until the expiration of six months after he shall have ceased to be a member of said Department of Elections. When any vacancy occurs in said department, by or from any cause whatsoever, the Governor aforesaid shall fill the unexpired term by appointment, but at no time shall all the members of said department be of the same political faith and opinion. Each of said members shall, before entering upon his duties, and within one month from the time of his appointment, take and subscribe and file in the office of the Clerk of the Peace aforesaid an oath or affirmation that he will perform the duties of his office with fidelity and impartiality. The persons so named shall meet and organize said Department of Elections by this act constituted by selecting one of their number to be president, whose term of office shall continue for two years from the date of his appointment, when and biennially thereafter the said Department of Elections shall select one of their number to be president. Each member of the Department of Elections shall receive as a compensation for his services the annual salary of five hundred dollars: *Provided*, that no salary or compensation shall be paid in any year in which no general or special election is held.

Term of office.

Qualifications.

Members cannot be candidates for office.

Vacancies, how filled.

Oath of office.

Organization.

Compensation.

Proviso.

SECTION 3. The duties of the members of the Department of Elections shall be as follows:

Duties of Department of Elections.

1. They shall, on or before the first day of September next preceding the time of the first registration held under the provisions of this act, and in every sixth year thereafter, on or before the first day of September, divide the city into as many election districts as they shall deem necessary. *Provided* that each election district shall contain as near as may be no more than three hundred, nor less than one hundred, qualified voters. *And provided further*, that each of

Election Districts.

Proviso.

OF ELECTIONS.

Division of districts. said districts shall be entirely within the boundaries of one ward. And on or before the first day of September, A. D. eighteen hundred and ninety-four, and biennially thereafter, said Department of Elections may divide such of the districts, and such only as by the registration of voters last preceding such division shall be found to have had a registration of more than three hundred voters, but in any such division of any such district one portion of the district shall retain the original numerical designation and the other portion shall take the number following the highest numbered district in the ward in which such new districts are situated.

Place of Registry. 2. They shall designate and appoint a place of registry and polling place in each election district in the city, and shall, not less than two weeks prior to the first day of any registration or revision of registration, provided for in this act, advertise, by posters or handbills, posted in five of the most public places in each district, the number and boundaries of the districts in which they are posted, the time and place of holding the next registration and election in such district, the officers to be voted for at such election, and at the places so designated all elections shall be held and the work of registration performed; and the said Department of Elections shall hire all such places and cause the same to be fitted up, warmed, lighted and cleaned, but in such election district such place shall be in the most public, orderly and convenient portion of the district, and no building or part of a building shall be designated or used as a place of registry or polling place in which, or in any part of which, spirituous or intoxicating liquor is or has been sold within sixty days next preceding the time of using the same.

Notice.

Furnishing of rooms for registration.

Intoxicating liquors.

Books for registration. 3. They shall cause to be prepared books for the registration of names and facts required by this act; said books to be known by the general name of Registers, and to be so arranged as to admit of the entry of the names of each street or avenue in each election district, and the number of each dwelling in any such street or avenue, if there be a number thereto, and if there be no number, under such definite description of the location of the dwelling place as shall enable it to be readily ascertained, found and located; of the names of all male persons, resident in each dwelling in each of said districts, who shall apply for registration. Such registers shall be ruled in parallel columns, in which, opposite to and against the name of every applicant, shall be entered the words and figures hereinafter provided in this

Contents.

Form of Registers.

aft, and shall be of such size as to contain not less than four hundred names, and so prepared that they may be used at each election in the said city until such time as in this act provided for the succeeding registration, and shall on the inside be in appearance and form as follows, to wit:

[illegible]

4. They shall prepare and furnish all necessary registers, books, maps, forms, oaths, certificates, blanks and instructions for the use of the inspectors of election, provide for the furnishing of such officers therewith and with all necessary supplies, and also a copy of this law for their guidance. They shall have and retain the custody of all registers, tally lists, books, maps, forms, oaths of office and of removal, blanks, instructions, and all other records and supplies of every other kind or description pertaining to the Department of Elections provided for in this act.

5. They shall have power to dismiss any election officer at any time and supply his place with another person. They may also employ a clerk and such other assistants as in the judgment of the members of said department shall be necessary and proper for the faithful performance by the department of the duties by this act imposed; *provided* the expense thereof shall not exceed fifteen hundred dollars in any one year, which said sum shall not include the compensation of members of the Department of Elections, inspectors, and poll clerks, to be paid as provided in this act.

6. They shall from time to time and at all times, and at least once in each and every year in which an election is held, have full power and authority to make or cause to be made such full, complete and accurate copies, as they shall deem necessary, of the records of the names, residences, age

OF ELECTIONS.

To deliver
such list to
inspectors.

Inspector to
strike off
such names
from his list.

and cause of death of each male person who shall die in the city, as the facts in respect to such death shall be furnished to the Register of Births, Deaths and Marriages for the city, and shall keep, preserve and file all such copies of such records; and it shall be the duty of the Department of Elections, in each year in which an election is held, to cause to be delivered to each inspector of election in each election district in the city, on or before the first day of registration, an alphabetical record of all male persons twenty-one years of age and upwards who, in the district in which the said inspector is to serve, have died since the last election. Such records shall be known and designated as the record of death; and it shall be the duty of each inspector of election in each election district, upon the receipt of such record, to securely attach the same to the inside of the register in his custody to the end that it may be preserved, and upon the receipt of the same each inspector shall examine the register in his custody as to the name of every person upon said register, who, by said record of deaths, shall by a coincidence in respect to said names and facts appear to have deceased, and opposite to and against every such name to enter in the column headed "why disqualified" the word "dead," in the column "date of erasing name" the month, day and year of such erasing, and in the column headed "remarks" the words "stricken from the register," adding against each such entry made in the column of remarks the initial letters of the name of the inspector making such entry, and through the name of every such person stricken from the register, and then only, shall draw a line indicative that such name is erased from the register of that election district.

Election machinery to be furnished as follows.

7. They shall furnish the inspectors of election in each election district with the hereinafter named election machinery:

(a.) Two boxes of a size sufficient in their judgment to receive the ballots in the respective districts, and of such character and workmanship as will insure safety and fairness in elections; in the lid of one of the boxes shall be a hole sufficient only to admit with convenience one ballot; and it shall be furnished with a lock and key for securing the lid; the lid of the other box shall be without a hole and shall also be furnished with a lock and key and so constructed as to be secured with tape and sealing wax.

(b.) Stamps which, when applied to tax receipts on

OF ELECTIONS.

registration days, will produce the word "Registered," the number of the district, and also the day and year of registration in letters and figures, and when applied to tax receipts, on election day, will produce the word "Voted," the number of the district, and also the day and year of voting in letters and figures.

8. They shall, hereafter, appoint all inspectors of elections and poll clerks for elections in said city, and shall also make all necessary removals and transfers of election officers and fill all vacancies which from any cause may occur.

To appoint inspectors and poll clerks and fill vacancies.

9. They shall, in the month of August, in each year in which a general election is held, select for each election district, to serve as inspectors of election, three persons, who shall be citizens of the United States of America and of the State of Delaware, of good character, able to read, write and speak the English language understandingly, qualified voters in the city, and not candidates for any office to be voted for by the electors of the district for which they shall be selected, two of whom shall be of different political faith and opinion from their associates; *provided*, that the total number of inspectors in each ward shall be divided as equally as possible between the different political parties; and those appointed to represent the party in political minority to be named solely by such member or members of the Department of Elections as is or are the representative or representatives of such political minority; and no person who shall have served as inspector at any registration shall be a candidate at the election for which such registration was held. Every person so selected to be an election inspector shall, on receipt of notice thereof, appear within ten days thereafter, before said department, for the purpose of examination, and if found qualified shall, unless excused by the department by reason of ill-health or other good and sufficient cause, be bound to serve as such officer at every registration and election for the term for which he is appointed, and shall take the following oath of office, which oath may be administered by any member of the Department of Elections:

Appointment of inspectors.

Qualifications.

Proviso.

Examination and qualification.

I, _____ residing at No. _____ in the city of Wilmington, do solemnly swear (or affirm) that I will support the Constitution of the United States and of the State of Delaware, and that I will faithfully discharge the

Oath of office.

OF ELECTIONS.

duties of the office of inspector of election for the _____ election district of the _____ ward of the city of Wilmington, according to the best of my ability, and that I am a citizen of the United States and of the State of Delaware, a qualified voter in the city of Wilmington and not a candidate for any office to be voted for by the electors of the district for which I am appointed.

Penalty for neglect or refusal to comply with requirements.

What shall constitute refusal under this act.

Certificate of appointment.

Term of office.

Removal.

Vacancy.

What constitutes a vacancy.

In case of refusal or neglect on the part of any person so selected to be an election inspector to comply with the above requirements, or to serve, or to act, he shall be liable to a penalty of two hundred dollars, recoverable by said department by civil action in any court of record in the name of the "President of the Department of Elections of the City of Wilmington," and for the use and benefit of New Castle county; and the failure on the part of any such person to present himself for examination within the time prescribed, or to comply with any of the requirements of this act preliminary to receiving his certificate of appointment or to attend on the day of any registration or the day of any election during his term, unless prevented by sickness or other sufficient cause, the burden of proof of which shall be upon the delinquent, shall be deemed a refusal within the meaning of this act. The Department of Elections shall deliver a certificate of appointment to whomsoever shall be nominated, approved and sworn into office by it as an inspector of elections, said certificate to be in such form as shall be prescribed by such Department of Elections, specifying the election district in and for which the person to whom the same is issued is appointed to serve, and the date of the expiration of his term of office. The inspectors of election appointed under the provisions of this act shall respectively hold office for the term of two years unless sooner removed for want of requisite qualifications, or for cause; in either of which cases such removal, unless made while the inspectors are actually on duty on a day of registration or election and for improper conduct as an election officer, shall only be made after notice in writing to the officer sought to be removed, which notice shall set forth clearly and distinctly the reasons for his removal. Any person appointed to fill any vacancy shall serve for the unexpired term of the person whose office he is appointed to fill. The neglect or refusal of any person so appointed as inspector as aforesaid to appear and qualify as an inspector within the time herein prescribed shall be deemed to create a vacancy in said office.

OF ELECTIONS.

10. They shall appoint as poll clerks two persons of different political faith and opinion and possessing the other qualifications of inspectors of elections required by this act, who shall be in all respects similarly named, selected, notified, examined, appointed, commissioned and sworn as in this act required for the appointment of inspectors in and for such election districts. Said poll clerks shall hold office for the same period of time and upon the same conditions as are above prescribed for inspectors of election, and shall receive a like certificate of appointment. In case of refusal or neglect on the part of any person so selected to be a poll clerk to comply with the above requirements, or to serve, or to act, he shall be liable to a penalty of two hundred dollars, recoverable in the same manner and for the same use as the penalty above provided in case of refusal or neglect on the part of an inspector of election.

Poll clerks.
Qualifica-
tion.

Term of
office.

Penalty for
refusal or
neglect to
comply.

Whenever, from any cause, there shall exist a vacancy in the office of inspector of election or poll clerk, a person appointed to fill such vacancy shall be named by such member, or such of the members of the department or his successor or their successors as named the inspector or poll clerk in whose place any such person is designated. Inspectors of election and poll clerks appointed in pursuance of the provisions of this act shall be entitled to receive three dollars for each day's service at any registration or election, such compensation not to exceed in the aggregate the sum of fifteen dollars; *provided*, that the inspector whose duty it shall be to attend the meeting of the board of canvass shall receive the additional sum of three dollars as a compensation for said attendance. The said compensation shall be paid on the certificate of the president of the Department of Elections, as to the period of service, but no payment shall be made to any person as inspector of election or poll clerk who shall not have taken, subscribed and filed the oath or affirmation required therein, and who shall not, during the period of his service have fully complied with all the requirements of law in anywise relating to his duties; and the acting of any such person in either of said capacities, without having taken, subscribed and filed the said oath or affirmation, shall be deemed to be a misdemeanor and punished as such. Inspectors of election and poll clerks, during the time they hold such office, shall be exempt from the performance of military and jury duty, and no person who, by the law of this State, is exempt from

Vacancies
how filled.

Compensa-
tion.

Proviso.

How paid.

Oath, failure
to take or
comply with

Exemption
from certain
duties.

OF ELECTIONS.

jury duty, shall be required to serve as an inspector or poll clerk under this act.

Inspectors
to meet and
perform the
following
acts.

SECTION 4. The inspectors of election appointed pursuant to the provisions of this act shall, at the times in this act designated for registration, meet in their respective election districts at the places which, as provided in this act, shall be designated therein for such meeting, and at such times in each election district the said inspectors of election shall openly and publicly do and perform the following acts, viz:

Organiza-
tion.

1. They shall organize as a board by selecting one of their number to act as chairman, but in case of failure to so organize within fifteen minutes after the time fixed for meeting, the chairman shall be selected by lot.

Application.

2. They shall receive and enter upon their several registers the application for registration of all male persons who shall personally present themselves.

Session.

3. They shall remain in session on each of said days and on each of the days for revision of registration from between the hours of eleven and twelve o'clock in the forenoon and seven o'clock in the afternoon.

Examina-
tion of all
persons ap-
plying for
registration.

4. They shall examine all persons who personally apply as to their qualifications as electors, and shall each, in a separate book, immediately and in the presence of the applicant enter in the Register, to be made and furnished as provided in this act, the statements and facts below set forth and in the manner following, viz:

Residence.

First—Under the column "residence" the name and number of the street, avenue, or other location of the dwelling, if there be a number, and if there shall not be a number, such clear and definite description of the place of said dwelling as shall enable it to be readily ascertained, fixed and determined; and if there shall be more than one house at the number given by the applicant as his place of residence, in which house he resides; and if there be more than one family residing in said house, either the floor on which he resides (every floor below the level of the ground being designated as the basement, the first floor on or above such level as the first floor, and each floor above that as the second or such other floor, as it may be), or the number or location of the room or rooms occupied by the applicant and whether front or rear.

OF ELECTIONS.

Second—Under the column “name” the name of the ap- Name.
 plicant, giving the surname and Christian name or names
 in full, and also any other name by which he is generally
 known, with the initial or initials of any other name or
 names which he may have in addition thereto, the surname
 being written first; but the names of all persons residing in
 the same dwelling to follow each other and to be under the
 street and house number or other description, as provided of
 the dwelling.

Third—Under the column “sworn” the word “yes” or Sworn.
 “no,” as the fact shall be.

Fourth—Under the column “nativity” the state, county, Nativity.
 kingdom, empire, or dominion, as the fact shall be stated by
 the applicant.

Fifth—Under the column “color” the word “white” or Color.
 “colored,” as the fact may be.

Sixth—Under the subdivision of the general column “term Term of
 of residence” the period by months or years stated by the residence.
 applicant in response to the inquiries made for the purpose
 of ascertaining his qualifications and filling such column.

Seventh—Under the column “naturalized” the word Naturaliza-
 “yes” or “no,” or “native,” as the facts shall appear. tion.

Eighth—Under one of the columns “qualified,” “may be- Qualified or
 come qualified,” or “disqualified,” as the fact shall appear disqualified.
 and be determined by at least two of the board of inspectors
 of election, the name in full of the applicant, and through
 the remaining two of said three columns and opposite to his
 name a heavy line in ink; it being however required to
 designate as qualified voters all persons who at the time of
 application appear in all respects to be duly qualified under
 the constitution and laws of the State of Delaware to vote at
 the next ensuing election; and any male citizen of the age
 of twenty-one years and under the age of twenty-two years,
 having resided within the State one year next before the
 election and the last month thereof in the county where he
 may offer to vote; and to designate as persons who may be-
 come qualified all such as are not at the time of application
 but may, under the constitution and laws aforesaid, be en-
 titled to vote before the closing of the polls on the day of
 said next ensuing election; and as persons disqualified all
 such who under the constitution and laws aforesaid are not
 at the time of application and cannot, before the closing of

OF ELECTIONS.

Proviso.

said polls on the day of the next ensuing election as aforesaid, be entitled to vote, and under the column "why disqualified" briefly the ground or reason of such disqualification. *Provided* that any applicant marked upon any day of registration or revision of registration as "disqualified" shall, upon any succeeding day of registration, or upon the day of election next succeeding such day of registration or revision of registration, be entitled to be heard; and if he shall produce evidence satisfactory to the board of inspectors that he was, on the day of his first application, improperly adjudged disqualified, they shall enter his name as one of an original applicant, writing his name in the column "qualified," or "may become qualified," as the case may be; and shall strike out the previous entry of his name from the registers by drawing a heavy black line in ink through the same, and opposite thereto, in the column headed "remarks," enter the word "reconsidered," together with the date thereof and initials of the name of the inspector making the same.

Date of application.

Ninth—Under the column "date of application" the month, day and year when the applicant presented himself.

Inspectors to meet in their respective election districts to perform certain duties.

SECTION 5. On the days and at the times in this act designated for any revision of any general registration, the duly qualified inspectors of election shall meet in their respective election districts, at the places which, in accordance with the requirements of this act, shall have been provided for such meetings, and shall openly and publicly do and perform the following acts, namely: each and every of the duties and requirements set forth in sub-divisions one and three of Section 4 of this act. They shall in each election district receive the applications for registration of all such male persons whose names are not then borne upon the registers thereof as qualified voters therein as shall personally present themselves, and who, on the day of election next ensuing, would be entitled to vote therein; and as to all applications made to them shall proceed in the manner provided in sub-division 4 of Section 4 of this act; *provided*, that if, upon examination, as in this act provided for, of any applicant for registration it shall appear that he has, since the last day of any general registration of voters or revision thereof in the said city of Wilmington, moved into or become a resident of said election district, the said inspectors shall inquire from whence such applicant removed or came; and if it shall appear that such removal was from a place

Applications

PROVISO

OF ELECTIONS.

within the said city or State, they shall inquire if, in the election district in which he resided at the time of the last preceding general registration (naming such time), or in which he has resided at any time subsequent thereto, he has been registered, or has applied for registration; and if he state that he has not, then the said inspectors shall proceed with said application as with that of any other person who may apply to them, but if he shall state that he has been so registered, the said inspectors shall, before further proceeding, require him to present to them a certificate of removal, as provided for in this act, so that his name shall not be upon the registers of two election districts, and upon the presentation to any board of inspectors of any certificate of removal, the said board shall treat the person presenting the same in the manner provided in sub-division 4 of Section 4 of this act for applicants for registration.

SECTION 6. Any person who shall at any time, as provided in this act, have applied to the inspectors of election in any election district of said city of Wilmington for registration, and shall have, in the registers thereof, been entered as a qualified voter, and who shall, at any time prior to the close of any revision of registration, have removed from the dwelling place under which he shall as a resident be borne upon the registers, may, upon any day provided in this act for meetings of the inspectors of election, other than the day of any election, personally appear before the said inspectors in the election district in which he resided at the time his name was entered upon the said registers, during the hours in this act provided for their sessions for such revision; and, if challenged, shall publicly take and subscribe before one of said inspectors the following oath or affirmation, which shall be known as an oath of removal:

Removal of
voter from
registration
district.

"I, _____ residing in the _____ election district of the city of Wilmington, do solemnly swear (or affirm) that I, duly entered in the registers of said election district from said residence as a qualified voter, have removed my place of residence to number _____ in the _____ election district of the city of Wilmington, and I do hereby request that the proper entries be made as the same are provided for by law, and that a certificate of removal be furnished me at this time."

Oath of voter removing

Upon such oath or affirmation being made and subscribed as herein provided, it shall be the duty of the said inspec-

OF ELECTIONS.

Duty of
inspector in
case of
removal.

tors to carefully preserve the same. And upon such application, (or in case of challenge) upon any such person so taking and subscribing said oath of removal, the said inspectors of election, if satisfied of the identity of the person making the same with the person he claims to be as the description of said last mentioned person shall appear on the register, and if not satisfied therewith, shall at once, by any one whom said board shall specially authorize, make an examination and inquiry at the place of residence of such person, as the same shall be entered upon the registers, as to the fact of the removal of such person from said dwelling place, when, if his removal therefrom shall be found by the report of such person to be a fact, shall immediately proceed to strike from said registers the name of such person by entering in each of the registers, opposite to and against the name of any such person, and in the column headed "Why Disqualified," the word "Removed;" in the column headed "Date of Erasing Name," the month, day and year of such striking from said registers such name; and in the column headed "Remarks," the words "Transferred to," together with the number of the election district to which such person shall, in his oath of removal, state he has removed, and the initial letters of the name of the inspector who shall in each of said registers make such entries; and shall, through the name of any such person, as the same shall appear on said registers, and there only, draw a line as indicative that such name is erased from the registers of that election district, and the name of any such person so found stricken and erased from said registers shall, as to his name and residence at the place in said registers entered under the column of "Residence," be thereafter considered by the Department of Elections, all inspectors of election, and all other election officers, to be stricken from the registers of that election district, and shall be treated as if never entered thereon. If the dwelling place to which any such person shall have removed be within the boundaries of the same election district as was his former residence, as stated in the registers of said election district, the said inspector shall, in said registers, under the number or other description of the dwelling place to which such person has removed, enter his name, and in the several columns opposite and against the same, such words and figures as prior to the striking from or erasing the name of such person in the manner in this section above provided, where in the

OF ELECTIONS.

columns similarly headed and opposite to and against the name of each person as upon said registers it appeared under the dwelling place from which he shall have declared he has removed; and if the dwelling place to which any such person shall have removed shall be within the boundaries of any other election district than was the residence under which he was previously entered on said registers, the said inspectors of election shall fill up, sign and deliver to such person a certificate, which shall be known as a certificate of removal, and shall be in the words and figures following, to wit:

“CERTIFICATE OF REMOVAL.

“Polling place of the _____ election district in the city of Wilmington, _____ 189—.

Certificate
of removal.

“To the board of inspectors of election _____ election district: This is to certify that the name of _____ heretofore residing at _____ in this election district, has been by us, the inspectors of election in this district, stricken from the registers of this district and the proper erasures made upon the oath of removal, and at the request of said above-mentioned person, and that upon the registers of this election district were entered as to him the following statement:

Name	Color
Residence	Term of Residence
Sworn	State
Nativity	County
	Naturalized
	Date of Application

SECTION 7. The said inspectors shall immediately upon entering the name of an applicant upon the register require him to present his proper tax receipt, and shall stamp said receipt presented by him with the word “registered,” the number of the district, and also the day and year of registering in letters and figures.

Stamping
tax receipt.

SECTION 8. The said inspectors shall, in each election district, at the close of each day of registration or revision of registration, in a place to be provided therefor in each of

Certificate
of inspec-
tors.

OF ELECTIONS.

the Registers required in this act, fill up, date, and each sign a certificate, which shall be either printed or written, and shall be in the words and figures following, to wit:

Form of
certificate.

"We, the undersigned, inspectors of election in the _____ district of the _____ ward of the city of Wilmington, do jointly and severally certify that at the registration of voters held in the said election district on the _____ day of _____ in the year _____, there were registered by us as qualified voters in the said election district the names which are entered in this book as of said day, and that the number of such registered and qualified voters was and is _____ and that there were also registered by us as persons who may become qualified to vote before the time of the close of the polls in the said election district, on the day of the next ensuing election, the names which are entered in this book as of said day, and that the number of such was and is _____."

Duty of
inspectors.

SECTION 9. The said inspectors shall, in each election district on each day of registration and revision of registration, before adjourning, enter in a book prepared for that purpose, which shall be known as a public copy of the registers, all such names and residences, and all such data, information and statements as during the day have been entered by the inspectors of election in the registers provided in this act. And the whole four books shall, on each of said days after the completion of such copy of the registers, be carefully compared throughout, so that each of the registers and the copy thereof shall in every respect agree with each other, and contain the name and residence of each person who shall have applied for registration and the facts respecting him, as the same shall have been stated by him and entered in the registers, as provided in this act. The said inspectors shall, on the last days of any registration and revision of registration, certify the said copy in the same manner as if it were an original, and within forty-eight hours after their adjournment on said last day of such registration or revision of registration shall leave it suspended in the place where such registration was conducted, where it shall be and remain until the day of the next ensuing election, to the end that the same may be inspected and copied by any elector; but on the day of such election the said inspectors shall take possession of said public copy, and the chairman shall closely retain the same throughout the said day, re-

Comparing
of registers.

Certification
of copy of
registration.

Custody of
copy.

OF ELECTIONS.

turning it to the Department of Elections, as provided in this act for the return of the register kept by him; and shall within the same time deliver to the Department of Elections, to be filed in their office, one of the registers made by them, and the other two registers in each election district shall be retained and carefully preserved by the inspectors. *Provided* that the inspector who is of different political faith and opinion from his associates shall retain the possession and custody of the register made by him for the use of himself or his successor in office (if such there be) at the next election.

Provided.

SECTION 10. The Department of Elections shall have the right and it shall be their duty to carefully examine and compare with each other the several registers required by Section 9 of this act to be filed in their office, and when it shall appear by any data in their possession that any person has registered in more than one election district, they shall, upon due inquiry, strike his name from the register of any or all election districts in which he is not a qualified voter, and to and against his name under the column "why disqualified," in such register or registers, state the reason therefor, and shall, on the morning of the day of the next election, between the hour of seven o'clock a. m. and the time prescribed for opening the polls, deliver to the inspectors in each election district, at the polling place therein, the register made by the inspector of such district and so corrected by the Department of Elections; and it shall be the duty of the inspectors in each election district to be present at said polling places at or before the hour of seven o'clock a. m., and there remain until the polls are closed and their duties at such polling places are at an end. After receipt of the corrected register from the Department of Elections and before the hour of election they shall carefully compare it with the other registers and the public copy of the registers of the said election districts and make them agree in all respects with said corrected register, so that at the hour of the election all three of the registers at each election district and the public copy thereof shall in all respects agree.

Department of Elections to compare Registers, etc.

Time of delivery of Register to Inspectors.

Duty of Inspectors.

To compare Registers of election district.

SECTION 11. The inspectors of election in each election district shall, on the day of any election therein, have with them at the polling place in said district the registers provided for in this act. They shall each make use of one of said registers for guidance on said election day and no

Inspectors to have Registers at polling place.

OF ELECTIONS.

Voting. vote shall be received from any person whose name shall not be found, by at least two of them, to be upon two, at least, of the said registers, as a qualified voter, or as one who may become qualified, and who at the time of offering to vote has perfected his qualifications as an elector under the constitution and laws of this State. The chairman of said inspectors in each election district shall, if present, and if absent, then one of the other inspectors shall, upon any person offering to vote, announce in a loud, clear and distinct manner the name as given of such person; and no ballot shall be received by any of the inspectors or deposited in the ballot-box until at least two of said inspectors shall, as hereinabove provided, have examined and found the name and residence of such person and have declared the same, and that such person is entered as a qualified voter, or as one who may become qualified. When, if the vote of the said person is received, each of the inspectors shall, in the register made by him, in the appropriate sub-division of the column bearing the heading "Voted," and opposite to the name and residence of such person,* the word "Yes." And one of them shall immediately stamp his tax receipt with the word "Voted," and the number of the election district, also the day and year of voting in letters and figures. It shall be the duty of each of the inspectors to note on the said register in his possession, in a suitable and separate part thereof the name and residence of each and every person, if any, whose vote shall in his opinion be received in contravention of the provisions of this section or the constitution and laws of this State, and the name of the inspector or inspectors, if any, who shall so receive or deposit in the ballot-box any such vote; and it shall further be the duty of each of the inspectors, immediately on the close of the polls on the day of election, to compare the said registers as kept by them, as herein provided, and attach to them a certificate in writing that the same are correctly checked, and within twenty-four hours after the completion of the canvass of the votes cast in the election district in which they serve, each inspector shall leave his register at the office of the Department of Elections, where it shall be filed and preserved; and in no election district in this city shall any inspector who has custody or charge of any of the registers, in this chapter provided for, ever permit said register to leave his possession (except it be the one filed in the Department of Elections, as provided in

Chairman to
announce
name.

Who shall
vote.

Entries.

Entries of il-
legal votes
received.

Register to
be delivered
to Depart-
ment of
Elections.

* So enrolled.

OF ELECTIONS.

this act) from the time of receiving custody of the same until he shall file the same, as provided in this section, save in the event of his resignation or removal, and the appointment, as provided in this act, of his successor, when he shall promptly surrender and turn over the same to him.

SECTION 12. Any person applying to register, or offering to vote, or who is registered, may, on any day of registration or of election, be challenged by any qualified voter in the city, and any one of the inspectors of election in any election district in the city of Wilmington may at any such time or times, and one of them shall administer to any person so challenged the following oath or affirmation: Challenges.

"You do solemnly swear (or affirm) that you will fully and truly answer all such questions as shall be put to you touching your place of residence, name, place of birth, age, your qualifications as an elector, and your right as such to register (or to vote) under the laws of this State." Oath of voter challenged.

And may also administer to any person who may be offered as a witness to prove or disprove the qualification of any person claiming the right to be registered, or to vote, the following oath or affirmation: Witness.

"You do solemnly swear (or affirm) that you will fully and truly answer all questions as shall be put to you touching the place of residence and other qualifications as an elector of the person (name to be given) now claiming the right to be registered as a voter (or to vote as the case may be) in this district." Oath of witness.

SECTION 13. Any person who is a qualified voter in the city may, upon the day of registration, or of election, require the name of any registered person to be marked for challenge, and on such day or days shall be entitled to be heard by the inspectors of election in any election district in relation to the correctness of their registers. Challenges.

SECTION 14. At every election held under the provisions of this act each political party shall have the right to designate, place and keep a challenger at each place of registration and voting, who shall be assigned such position immediately adjoining the inspectors of election and upon the inside of the window as will enable him to see each person as he offers to register or to vote, and who shall be protected in the discharge of his duty by the inspectors of election. Each political party may remove any challenger appointed Party challengers.

OF ELECTIONS.

Removal or vacancies of challengers. by it, and all vacancies which, from any cause, shall arise shall be filled by the same party, power and authority as conferred the original appointment.

Duty of poll clerks.

SECTION 15. The poll clerks at each poll in any such city shall keep, in ink, a poll list in books, to be prepared and furnished for that purpose, which shall contain a column headed "name of voter," a column headed "residence," and a column headed "remarks."

Poll books.

SECTION 16. The poll books referred to in the preceding section shall be in the form as follows:

Form of poll books.

ELECTION DISTRICT.

RESIDENCE.

NAME OF VOTER.

REMARKS.

.
.
.
.

Entries in poll books.

The name of each elector voting shall be entered by each poll clerk in the column of his poll list headed "name of voter," and the residence of each such elector in the column headed "residence," and in the column of "remarks," opposite the name of each person challenged, shall be noted the oath or oaths offered and taken by any such person.

Entries by inspectors.

SECTION 17. In each election district in the city it shall be the duty of the inspectors of election, immediately after the close of the polls on the day of any such election, before proceeding with the canvass of the ballots in the box, and while the poll clerks are canvassing their books, to write, in ink, opposite to and against the name of each person entered in their registers who is not shown by said Register to have voted, and in the column headed "Voted," in the appropriate sub-division thereof, the word "no," so that the said column may be fully filled up, and the said inspectors shall then compare the said registers, make them agree, and ascertain the number of persons who by them are shown to have voted at that poll that day, and when they have made comparison and ascertained such fact, the chairman of the board of inspectors, or, in his absence, the inspector acting as such shall announce the same in a loud voice.

Announcement by chairman.

OF ELECTIONS.

SECTION 18. From and after the closing of the poll of an election and until the conclusion of the proceedings of the board of canvass, at the courthouse in the county, as provided by law, after the day of election, the canvass, tally, and certification of the result, shall proceed and be to all respects in accordance with the existing laws of this State; the chairman of each board of inspectors, as constituted by this act, performing the duties required by law of an inspector, and the other two inspectors the duties required of judges of election.

Duty of
inspectors after
the closing
of election.

SECTION 19. If at the time for opening any registration, revision of registration or any election, the inspectors or a majority of them be not present at the place of registration or election, the voters there may, without ballot, by plurality, choose a person to supply the place of every such absent inspector, but the inspector or inspectors so chosen shall be of the same political faith and opinion as the person or persons for whose place or places he or they may be chosen to fill; and if, at the time aforesaid, either or both of the poll clerks be not present at the place of election, the inspectors shall choose the person or persons to fill the place or places of such absent clerk or clerks; *provided*, that the person or persons so chosen shall be of the same political faith and opinion as the person or persons for whose place or places he or they may be chosen to fill. When any person shall be chosen to fill the place of an absent inspector or poll clerk, he shall, before entering upon his duties, take and subscribe the oath as provided in Section 3 of this act; and a blank form of said oath shall be printed or written in the back of the register provided to be furnished to the inspectors of election under this act. The failure of an election officer appointed by the Department of Elections to appear and enter upon the performance of his duties at the time or times prescribed in this act for any registration, revision of registration or election, shall constitute a vacancy, and the person or persons selected under the provisions of this section to fill any or all such vacancies shall hold office for the unexpired term or terms of his or their predecessors, under and subject to all the provisions of this act respecting the same.

Absence of
inspectors,
how remedied.

Absence of
clerks.

Proviso.

Persons appointed to
fill vacancies

What shall
constitute a
vacancy.

SECTION 20. Every ballot-box shall be so placed at a window or elsewhere that the voters depositing any ballot, and each challenger, may conveniently see every ballot received by the inspectors and deposited in the ballot-box. No

Placing of
ballot box.

OF ELECTIONS.

Screens. screen or other obstruction to such view of any ballot-box by the voter or challenger shall be allowed.

Office for Department of Election. SECTION 21. The said Department of Elections may rent some suitable and convenient place in the said city, and fit up the same for an office for the use of the said Department of Elections at a yearly rental not to exceed three hundred dollars.

Registering more than once. SECTION 22. No person who is registered in one election district shall register or cause himself to be registered in another district.

Majority of inspectors must concur in all actions, etc. SECTION 23. For all power, authority, and duties in this act prescribed for or conferred upon and all actions required of inspectors of election, save where such authority or action is specifically allowed to any of said inspectors, the concurrence or assent of a majority of all the inspectors of election in any election district must in all cases be obtained.

Inspector required to serve but one term. SECTION 24. No person shall be required to serve as an inspector of election for two successive terms.

Election officers. SECTION 25. The several inspectors of election, and poll clerks, in this act named and created, are and shall be in all courts and proceedings deemed and held respectively to be election officers; and it shall be the duty of the said inspectors of election, and poll clerks, respectively, or a majority of said inspectors, to be in constant attendance during the hours and times fixed for the discharge of their several duties.

Duty of election officers to make canvass of election district. SECTION 26. Any inspector of election, poll clerk, or any challenger, appointed in compliance with the provisions of this act, shall at any time between the first day of registration or revision of registration, as required by this act, preceding any election and ten days after the official declaration and certificate of the result of any such election, have full power and authority to make a thorough and effective canvass of the election district in and for which he has been or was designated to serve and act upon any day of registration, or revision of registration, or election, and to make full inquiry respecting any and every resident of any dwelling, building, or other place of abode in any such election district, his age, term of residence, and qualifications as a voter; but the power and authority by this section conferred upon any inspector of election, poll clerk, or challenger, shall wholly

OF ELECTIONS.

cease upon his resignation or removal from the office or position to which he was appointed, or for which he was designated.

SECTION 27. The inspectors of election in each election district, while discharging any of the duties imposed upon them by this act, shall have full authority to preserve order and enforce obedience to their lawful commands at and around the place of registration or election during the time of any registration or revision of registration, election or canvass, estimate or return of votes, to keep the access to such places open and unobstructed; to prevent and suppress riots, tumult, violence, disorder and all improper practices tending to the intimidation or obstruction of voters, the disturbance or interruption of the work of registration or voting, or the canvass estimate or return of votes, and to protect the voters and challengers from intimidation and violence, and the registers, poll books, boxes and ballots from violence and fraud, and to deputize, if necessary, one or more electors to communicate their orders and directions and to assist in the enforcement thereof.

Powers and duties of inspector of election while holding election.

SECTION 28. The legal compensation of all members of the Department of Elections shall be paid quarterly on the last day of March, June, September and December by the State Treasurer out of any money belonging to the State not otherwise appropriated. The compensation of inspectors of election, poll clerks and other officers of election, as provided for by this act, the cost and expenses of all necessary election notices, posters, maps, advertisements, registers, books, blanks, stationery, the rent and cost of fitting-up, warming, lighting, cleaning and safe keeping of all places of registration and polling places; of furnishing, repairing and carting ballot-boxes, and the cost of all supplies of every kind and nature for elections in said city shall be paid as other general election expenses are, and upon proper warrants and vouchers made by the Department of Elections.

Compensation of members of Department of Elections, how paid.

Compensation of other election officers and necessary expenses, how paid.

SECTION 29. It shall be the duty of the city surveyor to furnish to the Department of Elections of said city, upon their request, a map or maps of the several wards of the city, or any and all portions thereof.

Duty of city surveyor.

SECTION 30. Hereafter it shall not be lawful for any of the authorities, officers or agents of the said city of Wilming-

OF ELECTIONS.

Change of
number or
name of
streets, etc.

ton to number or re-number, or change the name of any street, avenue, lane, road or way in the said city, or in anywise change or alter any such number or name, save between the first day of July and the last day of August, of any year.

Electioneer-
ing or en-
gaging in
political dis-
cussion.

SECTION 31. It shall be unlawful for any inspector of election, poll clerk or challenger, during the election or canvass of ballots, or any person or persons within the polling place, to electioneer or engage in any political discussion.

Penalty.

Any violation of this section shall be a misdemeanor, and shall be punished by imprisonment in the county jail for not more than ninety days or by fine not more than two hundred dollars, or both.

Intoxica-
ting and
spirituous
liquors.

SECTION 32. Whoever, during the sitting of any board of inspectors of election in any election district in the city, whether held for the purpose of registration, revision of registration, reception or canvass of votes, or of making return thereof, shall bring, take, order, or send into, or shall attempt to bring, take, or send into any place of registration, revision of registration, or of election, any distilled or spirituous liquors whatever, or shall, at any such time and place, drink or partake of any such liquor, shall be deemed and held to be guilty of a misdemeanor, and shall be punished by imprisonment in the county jail for not more than ninety days, or by a fine of not more than one hundred dollars, or both.

Penalty.

Personation

SECTION 33. If, at any registration, or revision of registration of voters, or at any meeting of inspectors of election held for such purpose, as provided in this act, any person shall falsely personate an elector, or other person, and register, or attempt or offer to register in the name of such elector, or other person, or if any person shall knowingly or fraudulently register, or offer, or attempt to make application to register in or under the name of any person, or in or under any false, assumed, or fictitious name, or in or under any name not his own, or shall knowingly or fraudulently register in two election districts, or, having registered in one district, shall fraudulently attempt to offer to register in another, or shall fraudulently register, or attempt or offer to register in any election district not having a lawful right to register therein, or shall knowingly or willfully do any unlawful act to secure registration for himself or any other person, or shall knowingly, willfully, or fraudulently, by false personation, or otherwise, or by any

Registry in
wrong dis-
trict or in
more than
one.

OF ELECTIONS.

unlawful means, procure, or attempt to cause or procure the name of any qualified voter in any election district to be erased or stricken from any register of the voters of such district, made in pursuance of this act or otherwise than in this act provided; or by force, threat, menace, intimidation, bribery, reward, or offer, or promise thereof, or other unlawful means, prevent, hinder, or delay any person having a lawful right to register or be registered, from duly exercising such right, or who shall knowingly, willfully, or fraudulently compel or induce, or attempt, or offer to compel, or induce by such means, or any unlawful means, any inspector of election or officer of registration in any election district, to register or admit to registration any person not lawfully entitled to registration in such district, or to register any false, assumed, or fictitious name, or any name of any person except as provided in this act, or shall knowingly, or willfully or fraudulently interfere with, hinder or delay any inspector of election, or other officer of registration in the discharge of his duties, or counsel, advise or induce, or attempt to induce any such inspector or other officer to refuse or neglect to comply with or to perform his duties, or to violate any law prescribing or regulating the same, or shall aid, counsel, procure, or advise any voter, person, inspector of election, or other officer of registration, to do any act by law forbidden or in this act constituted an offense, or to omit to do any act by law directed to be done; every such person shall, upon conviction thereof, be adjudged guilty of a misdemeanor, and shall be punished by imprisonment in the county jail not more than two years, or by fine not more than two hundred dollars, or both.

Intimidation

Intimidation
or interference
with
election
officer.

Penalty.

SECTION 34. If at any election hereafter held in the said city as provided in this act any person shall falsely personate any elector or other person, and vote or attempt or offer to vote in or upon the name of such elector or other person, or shall vote or attempt to vote in or upon the name of any person whether living or dead, or in or upon any false, assumed or fictitious name, or in or upon any name not his own, or shall knowingly, willfully or fraudulently vote more than once for any candidate for the same office, or shall vote or attempt or offer to vote in any election district without having a lawful right to vote therein, or to vote more than once or to vote in more than one election district, or having once voted shall vote or attempt or offer to vote again, or shall knowingly, willfully or fraudulently do any unlawful act to

Personation
of voters.Fraudulent
voting.

OF ELECTIONS.

Intimidation
and bribery.

secure an opportunity for himself or for any other person to vote, or shall by force, threat, menace, intimidation, bribery or reward or offer or promise thereof, or otherwise, unlawfully either directly or indirectly influence or attempt to influence any elector in giving his vote, or prevent or hinder or attempt to prevent or hinder any qualified voter from freely exercising the rights of suffrage or by any such means induce or attempt to induce any such voter to refuse to exercise any such right, or shall by any such means or otherwise compel or induce or attempt to compel or induce any inspector of election or other officer of election in any election district to receive the vote of any person not legally qualified or entitled to vote at the said election in such district, or shall knowingly, willfully or fraudulently interfere with, delay or hinder in any manner any inspector of election, poll clerk, or other officer of election in the discharge of his duty, or by any of such means or other unlawful means, knowingly, willfully or fraudulently counsel, advise, induce or attempt to induce any inspector of election, poll clerk, or other officer of election whose duty it is to ascertain, proclaim, announce or declare the result of any such election, or to give or make any certificate, document, report, return or other evidence in relation thereto, to refuse or neglect to comply with his duty, or to violate any law regulating the same, or to receive the vote of any person in any election district not entitled to vote therein, or to refuse to receive the vote of any person entitled to vote therein, or shall aid, counsel or advise, procure or assist any voter, person or inspector of election or other officer of election to do any act by law forbidden, or in this act constituted an offense, or to omit to do any act by law directed to be done, every such person shall upon conviction thereof be adjudged guilty of a misdemeanor and shall be punished for each and every offense by imprisonment in the county jail for not more than two years or by a fine of not more than two hundred dollars, or both.

Penalty.

Poll clerks
making false
entries.

SECTION 35. If any poll clerk or inspector of election performing the duty of poll clerk shall willfully keep a false poll list or shall knowingly insert in his poll list any false statement or any name or statement, or any check, letter or mark except as in this act provided, he shall, upon conviction thereof, be adjudged guilty of a misdemeanor and shall be punished by imprisonment in the county jail for not more than two years, or by a fine of not more than two hundred dollars, or both.

Penalty.

OF ELECTIONS.

SECTION 36. Every inspector of election who shall willfully exclude any vote duly tendered, knowing that the person offering the same is lawfully entitled to vote at such election, or shall willfully receive a vote from any person who has been duly challenged in relation to his right to vote at such election without exacting from such person such oath or other proof of qualification as may be required by law, or who shall willfully omit to challenge any person offering to vote whom he knows or suspects not to be entitled to vote, and who has not been challenged by any other person, shall upon conviction thereof be adjudged guilty of a misdemeanor and shall be punished by imprisonment in the county jail for not more than two years, or by a fine of not more than two hundred dollars, or both.

Failure of
inspector to
perform his
duty.

Penalty.

SECTION 37. Every inspector of election, member of the Department of Elections, poll clerk, or other officer authorized to take part in or perform any duty in relation to any canvass or official statement of the votes cast at any election, who shall willfully make any false canvass of such votes, or shall make, sign, publish or deliver any false returns of such election, or any false certificate or statement of the result of such election, knowing the same to be false, or who shall willfully deface, destroy or conceal any statement or certificate intrusted to his care or custody, shall, on conviction thereof, be adjudged guilty of a misdemeanor, and shall be punished by imprisonment in the county jail not more than two years, or by a fine of not more than two hundred dollars, or both.

Election
officers mak-
ing false can-
vass or en-
tries, &c.

Penalty.

SECTION 38. If any person, other than an inspector of election, shall at any election knowingly and willfully put or cause to be put any ballot or ballots or other paper having the semblance thereof into any box used at such election for the reception of votes, or if any such inspector shall knowingly and willfully cause or permit any ballot to be in said box at the opening of the polls and before voting shall have commenced, or shall knowingly or willfully or fraudulently put any ballot or other paper having the semblance thereof into any such box at any such election, unless the same shall be offered by an elector and his name shall have been found and checked upon the registers, as hereinbefore provided, or if any such inspector or other officer, or person shall fraudulently, before, during or after the canvass of ballots, in any manner change, substitute or alter any ballot,

Fraudulent
voting by in-
spectors, &c.

OF ELECTIONS.

or shall remove any ballot or semblance thereof from, or add any ballot or semblance thereof to the ballots found in any box upon the closing of the polls, every such person shall upon conviction thereof be adjudged guilty of a misdemeanor, and shall be punished by imprisonment in the county jail for not more than two years, or by a fine of not more than two hundred dollars, or both.

Penalty.

Willful neglect of duty by election officers.

SECTION 39. If any member of the Department of Elections, any inspector of election, poll clerk, or other officer of registration, election or canvass, of whom any duty is required in this act, or by the general election laws of this State (so far as the same are consistent with the provisions of this act), shall be guilty of any willful neglect of such duty, of any corrupt or fraudulent conduct or practice in the execution of the same, he shall, on conviction thereof, be adjudged guilty of a misdemeanor, and shall be punished by imprisonment in the county jail for not more than two years, or by a fine of not more than two hundred dollars, or both.

Penalty.

Stealing or secreting records, registers, &c.

SECTION 40. Every inspector of election, poll clerk, or other officer or person having the custody of any record, register of votes, or copy thereof, oath, return of votes, certificate, poll list, or any paper, document, or evidence of any description in this act directed to be made, filed or preserved, who is guilty of stealing, willfully destroying, mutilating, defacing, falsifying, or fraudulently removing or secreting the whole, or any part thereof, or who shall fraudulently make any entry, erasure, or alteration therein, except as allowed and directed by the provisions of this act, or who permits any other person to do so, shall, upon conviction thereof, be adjudged guilty of a misdemeanor, and shall be punished for each and every such offense by imprisonment in the county jail not exceeding two years, or by a fine of not more than two hundred dollars, or both.

Penalty.

Abetting offenses named in Sec. 40.

SECTION 41. Every person not an officer, such as is mentioned in the last preceding section, who is guilty of any of the acts specified in said section, or who advises, procures, or abets the commission of the same, or of any of them, shall, upon conviction thereof, be adjudged guilty of a misdemeanor, and for each and every such offense shall be punished by imprisonment in the county jail not exceeding two years, or by a fine of not more than two hundred dollars, or both.

Penalty.

OF ELECTIONS.

SECTION 42. Any person who shall be convicted of ^{Perjury.} willful false swearing or affirming in taking any oath or affirmation prescribed by or upon any examination provided for in this act shall be adjudged guilty of perjury.

SECTION 43. Every person who shall willfully or corruptly instigate, advise, induce, or procure any person to swear or affirm falsely, as aforesaid, or attempt or offer so to do, shall be adjudged guilty of subornation of perjury, and shall, upon conviction thereof, suffer the punishment directed by law in cases of perjury. ^{Subornation of perjury.}

SECTION 44. If any person shall fraudulently change or alter the ballot of any elector, or substitute one ballot for another, or fraudulently furnish any elector with a ballot containing more than the proper number of names, or shall intentionally practice any fraud upon any elector to induce him to deposit a ballot as his vote and to have the same thrown out and not counted, or to have the same counted for a person or candidate other than the person or candidate for whom such elector intended to vote, or otherwise defraud him of his vote, every such person shall, upon conviction thereof, be adjudged guilty of a misdemeanor, and shall be punished by imprisonment in the county jail for not more than two years, or by a fine of not more than two hundred dollars, or both. ^{Tampering with ballots and voters.}

SECTION 45. If any person shall willfully disobey any lawful command of any inspector of election, or of any board of inspectors of election, given in the execution of his or their duty as such at any election, he shall, upon conviction thereof, be adjudged guilty of a misdemeanor, and shall be punished by imprisonment in the county jail ^{Disobeying inspectors.} for not more than one year, or by a fine of not more than two hundred dollars, or both. ^{Penalty.}

SECTION 46. If at any registration or revision of registration of voters or on any day of election, or during the canvass of the votes cast thereat, any person shall cause any breach of the peace or use any violence or threats of violence, whereby any such registration, revision of registration, election or canvass shall be impeded or hindered, or whereby the lawful proceedings of any inspector of election, or board of inspectors of election, or poll clerk or other officer of such election, or challenger, as hereinbefore provided, are interfered with, every such person shall, upon ^{Breach of peace, violence, threats, &c.}

OF ELECTIONS.

Penalty. conviction thereof be adjudged guilty of a misdemeanor, and shall be punished by imprisonment in the county jail for not more than two years, or by a fine of not more than two hundred dollars, or both.

**Obstruction,
bribery and
assault.**

SECTION 47. If any person shall knowingly or willfully obstruct, hinder, assault, or by bribery, solicitation or otherwise interfere with any inspector of election, poll clerk or challenger in the performance of any duty required of him, or which he may by law be authorized or permitted to perform; or if any person by any other means before mentioned or otherwise unlawfully, shall on the day of registration, revision of registration, or of election, hinder, or prevent any inspector of election, poll clerk or challenger in his free attendance and presence at the place of registration or of election in the election district in and for which he is appointed to serve, or in his full and free access and egress to and from any such place of registration or election, or to and from any room where any such registration or election, or canvass of votes, or of making any returns or certificates thereof, may be had, or shall molest, interfere with, remove or eject from any such place of registration, or poll of election, or of canvassing ballots, cast thereat, or of making the returns or certificates thereof, any such inspector of election, poll clerk or challenger, or shall unlawfully threaten or attempt or offer so to do, every such person shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment in the county jail for not more than two years, or by a fine of not more than two hundred dollars, or both.

Penalty.

**Neglect or
refusal to
serve.**

SECTION 48. Any inspector of election who shall willfully neglect, or when called on shall willfully decline to exercise the powers conferred on him in this act for any of the purposes set forth in Section 27 of this act, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by imprisonment in the county jail for not more than one year or by a fine of not more than two hundred dollars, or both.

Penalty.

**Stealing or
destroying
ballot-box,
&c.**

SECTION 49. If any person shall steal, or willfully break or destroy any ballot box used or intended to be used at any election, or shall willfully or fraudulently conceal, secrete, or remove any such box from the custody of the inspectors of election, or shall alter, deface, injure, destroy or conceal any

OF ELECTIONS.

ballot which has been deposited in any ballot-box at such election, or any poll list used or intended to be used at such election, or any report, return, certificate, or other evidence in this act required or provided for, shall, on conviction thereof, be adjudged guilty of a misdemeanor, and shall for each and every such offense be punished by imprisonment in the county jail for not more than two years, or by a fine of not more than two hundred dollars, or both. Penalty.

SECTION 50. If, in any election district, in any registration, or revision of registration of voters, or at any election hereafter held in said city, any inspector of election, or poll clerk, shall knowingly or willfully admit any person to registration, or make any entry upon any register of voters or poll books, or receive any vote, or proceed with a canvass of ballots, or shall consent thereto, unless a majority of the inspectors of election in said election district are present and concur, he shall, upon conviction thereof, be adjudged guilty of a misdemeanor, and shall be punished by imprisonment in the county jail for not more than sixty days, or by a fine of not more than one hundred dollars, or both. Majority decision.
Penalty.

SECTION 51. Irregularities or defects in the mode of noticing, canvassing, polling or conducting any election authorized by this act shall constitute no defense to a prosecution for a violation of the provisions of this act. Irregularities and defects.

SECTION 52. Upon any prosecution for procuring, offering or casting an illegal vote, the accused may give in evidence any fact tending to show that he honestly believed upon good reason that the vote complained of was a lawful one. Prosecution.
Evidence.

SECTION 53. It is hereby made the special duty of the Attorney-General of the State of Delaware to immediately prosecute all complaints which may be made of a violation of any of the provisions of this act to final judgment; and it shall be the duty of the Department of Elections to notify the said Attorney-General of all violations under this act. Duty of Attorney-General.

SECTION 54. That all laws or parts of laws heretofore passed inconsistent with any of the provisions of this act be repealed, and the same are hereby repealed. Inconsistent acts repealed.

Passed at Dover, May 13, 1891.

OF ELECTIONS.

CHAPTER 40.

OF ELECTIONS.

AN ACT to amend Section 1, Chapter 29, Volume 17, Delaware Laws.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1,
Chapter 29,
Volume 17,
amended.

That Section 1 of Chapter 29 of Volume 17 of the Laws of Delaware be and the same is hereby amended by striking out all of said Section and inserting in lieu thereof the following:

Election of
Assessors.

That hereafter the election of assessors for the several hundreds in the respective counties of this State, and assessors for the assessment districts in Wilmington hundred, shall be held by ballot biennially in the hundreds aforesaid, (excepting Wilmington hundred, which election for assessor shall be held quadrennially) on the Tuesday next after the first Monday in November, at the same time and in the same places as are now appointed by law for holding the general election, and the said assessors shall be voted for upon the same ballots voted for other officers elected at the general election aforesaid.

Time and
place of
holding
election.

Ballots.

County As-
sessor in
Wilmington
hundred
continued in
office.

The persons now holding the office of County Assessor of the several districts of Wilmington hundred shall continue to hold office until the general election to be held in the year A. D. 1894, or until their successors are duly qualified.

Passed at Dover, May 14, 1891.

OF ELECTIONS.

CHAPTER 41.

OF ELECTIONS.

AN ACT in relation to furnishing the Lists of the Voters of the Election Districts of East Dover Hundred.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That hereafter at all elections held in East Dover hundred, Kent county, Delaware, in accordance with Chapter 415, Volume 17, Laws of Delaware, entitled, "An act to divide East Dover hundred into two election districts," passed at Dover, April 10, 1885, it shall be the duty and the Clerk of Peace in and for Kent county is hereby required to furnish to the election officers of Election District No. 1, East Dover hundred, a certified list of the qualified voters of said district. It shall likewise be the duty of said Clerk of the Peace to furnish to the election officers of Election District No. 2, East Dover hundred, a certified copy of the qualified voters of said district.

Elections in
East Dover
hundred.

Lists of qual-
ified voters,
how fur-
nished.

SECTION 2. All acts inconsistent herewith are hereby repealed.

Inconsis-
tent acts re-
pealed.

Passed at Dover, April 23, 1891.

TITLE FIFTH.

Of Certain Public Officers.

CHAPTER 42.

OF THE SECRETARY OF STATE.

AN ACT in Relation to the Office of Secretary of State.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1,
Chapter 36,
Vol. 14, as
amended in
Sec. 1, Chap.
149, Vol. 16,
Laws of Del-
aware
amended.

SECTION 1. That Section 1, Chapter 36, Volume 14, Laws of Delaware, as amended in Section 1 of Chapter 149, Volume 16, Laws of Delaware, be and the same is hereby amended by adding to said section the following, to wit: "And he shall receive five hundred dollars annually, in addition to the present salary of one thousand dollars, for the purpose of paying his Assistant, payable in quarterly installments of one hundred and twenty-five dollars each."

Passed at Dover, May 15, 1891.

CHAPTER 43.

OF THE AUDITOR.

AN ACT to Amend Chapter 25, Revised Code.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 5
of Chapter
25 Revised
Code
amended.

Increase of
salary of
Auditor in
lieu of per-
quisites.

SECTION 1. That Section five of Chapter twenty-five of the Revised Code be and the same is hereby amended by striking out the word "six" in the second line thereof and inserting in lieu thereof the word "twelve." This increase in salary shall be in lieu of all perquisites or emoluments that it has been customary heretofore to allow the Auditor for publishing his report, and like clerical work.

Passed at Dover, May 15, 1891.

OF CONSTABLES.

CHAPTER 44.

OF CONSTABLES.

AN ACT authorizing the Governor to appoint an Additional Constable for Georgetown Hundred, Sussex County, State of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That the Governor be and he is hereby authorized to appoint an additional constable for Georgetown Hundred, Sussex county, who shall reside in the town of Georgetown. Additional constable for Georgetown hundred.

SECTION 2. That this act shall repeal all laws or parts of laws so far as they may be inconsistent herewith, and be deemed a public act. Inconsistent laws repealed.

Passed at Dover, May 11, 1891.

CHAPTER 45.

OF CONSTABLES.

AN ACT Providing Additional Constables.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That whenever a "general election" is held in this State the Governor may, on the application in writing of at least fifty citizens residing in the city of Wilmington, appoint special constables within said city. No person shall be appointed a special constable under the provisions of this act who is not at the time of his appointment a qualified voter of said city. Special constables in city of Wilmington at general elections. Who may not be appointed.

SECTION 2. It shall be the duty of the special constables appointed under the provisions of Section one of this act to attend at all times for holding elections the polls in said city of Wilmington. Said special constables shall keep the peace, and support and protect the officers of election in the dis- Duty of special constables.

OF CONSTABLES.

Arrests.

When arrests may not be made.

charge of their duties, preserve order at such polls, prevent fraudulent voting thereat, and immediately, either at the place of voting, or elsewhere, and either before or after voting, to arrest and take into custody, with or without process, any person who commits or attempts or offers to commit any act or offense against the laws of this State; but no person shall be arrested without process for any offense not committed in the presence of the special constables or either of them, or of the election officers, or either of them.

Arrests and hearing before Justice of the Peace.

SECTION 3. Whenever any arrest is made under any provisions of this act, the person so arrested shall forthwith be brought before a justice of the peace for examination of the offense alleged against him; and such justice of the peace shall proceed in respect thereto as authorized by law in case of crimes against the State of Delaware.

When a posse comitatus may be summoned.

SECTION 4. That the special constables, whenever either or any of them is forcibly resisted in executing their duties under this act, or shall by violence, threats, or menaces, be prevented from executing such duties, or from arresting any person who has committed any offense for which the special constable or special constables are authorized to make such arrest, are, and each of them is empowered to summon and call to his aid the bystanders or *posse comitatus* of the city of Wilmington.

Compensation.

SECTION 5. That there shall be allowed and paid to each special constable who is appointed and performs his duty under the preceding provisions compensation at the rate of five dollars per day for each day he is actually on duty, not exceeding three days, and the same shall be paid as other election expenses are paid.

Passed at Dover, May 15, 1891.

OF DETECTIVES.

CHAPTER 46.

OF CONSTABLES.

AN ACT to authorize the Constable in Georgetown Hundred, Sussex County, residing in Georgetown, to appoint a Deputy.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That the constable of Sussex county in and for Georgetown hundred, residing in Georgetown, shall have the power, in writing under his hand, to authorize and depute a deputy to reside in the said town and to act in his stead in regard to all matters touching the performance of his duties under existing laws. And such deputy shall have the same powers and be subject to the same liabilities and duties as the said constable who shall depute him as aforesaid. And the said constable shall be responsible and liable for the acts of his said deputy.

Constable of Georgetown hundred to appoint a deputy.
Powers and duties.
Constable liable.

Passed at Dover, April 15, 1891.

CHAPTER 47.

OF DETECTIVES.

AN ACT for the more efficient Protection against Crime.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That the Governor, as soon as conveniently can be after the passage of this act, shall appoint two suitable persons, residents in the city of Wilmington, to be detectives for the county of New Castle. It shall be the business of the said persons to ferret out crime, and when not under orders from the Attorney General, or his deputies, shall be subject to the orders of the Chief of Police of the city of Wilmington. They shall make to the said Chief of Police weekly reports of their doings.

Governor to appoint two detectives for New Castle County.
Duty of detectives.
Reports.

OF NOTARIES PUBLIC.

Authority. SECTION 2. They shall have authority to make arrests and serve writs anywhere in the State.

To serve all requisitions. SECTION 3. They, or one of them, shall serve all requisitions made by the Governor, and for this shall not receive any compensation, except for their actual expenses; which expenses shall be paid by the State Treasurer upon the production of their vouchers, which shall first be approved by the Attorney General and the Secretary of State.

Expenses, how paid. SECTION 4. They shall receive for their services the sum of nine hundred dollars per annum each, payable in equal quarterly installments by the Treasurer of the City of Wilmington, and for this the City Council of said city is hereby required to make provision.

Compensation, how paid. SECTION 5. They shall be appointed for the term of four years, but may be removed at any time, and for this purpose it shall be sufficient for written notices by and from the Governor to be served upon them or either of them. Such notice so served shall be a revocation of the commission and the removal from office of them or either of them.

Term of office.

Removal from office.

Passed at Dover, May 14, 1891.

CHAPTER 48.

OF NOTARIES PUBLIC.

AN ACT authorizing the appointment of a Notary Public for certain corporations.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Governor to appoint a Notary Public for certain corporations. SECTION 1. That the Governor be and he is hereby authorized to appoint a notary public in and for New Castle county, to have his place of business in the office of the Central Exchange in the city of Wilmington, for the following corporations: Christiana River Improvement Company, The Herald Company, The Delaware Land and Improvement Company, The Wilmington Improvement Company, Miriam Land and Improvement Company, Brandywine Land Company, also for the general business in and about and of the

OF NOTARIES PUBLIC.

Central Exchange in the city of Wilmington, said Central Exchange being also the office and place of business of said corporations; and that the duties and privilege of the notary public so appointed for said corporations and for the general business in, about and of said Central Exchange shall be confined exclusively to the business of said corporations and of said Central Exchange.

Place of
office.
Duties and
privileges.

Passed at Dover, April 7, 1891.

CHAPTER 49.

OF NOTARIES PUBLIC.

AN ACT to amend an act entitled an act authorizing the appointment of a Notary Public for certain corporations.

Whereas by an act entitled "An act authorizing the ap- Preamble.
pointment of a Notary Public for certain corporations,"
passed at Dover, April 7th, 1891, and known as Senate Bill
No. 71, the General Assembly authorized the appointment
by the Governor of a notary public;

And whereas in the clause in Section 1 of the original
bill relating to the duties and privileges of the notary pub-
lic so appointed the word "not" is blotted, obscured or
erased and does not appear in the enrolled copy of said act;

And whereas the intent of the General Assembly is de-
feated by the omission of the said word "not" in said clause;
now therefore,

*Be it enacted by the Senate and House of Representatives
of the State of Delaware in General Assembly met:*

SECTION 1. That the act entitled "An act authorizing the appointment of a Notary Public for certain corporations," passed at Dover, April 7, 1891, and known as Senate Bill No. 71, be and the same is hereby amended as follows, to wit: in Section 1 of said act, in the clause relating to the duties and privileges of the notary public so appointed, between the words "shall" and "be" in the seventeenth line of the enrolled copy of said act, insert the word "not," making the clause read as follows: "and that the duties

Section 1,
Chapter 48,
current
volume,
amended.

OF NOTARIES PUBLIC.

Duties and
privileges of
Notary.

and privileges of the notary public so appointed for said corporation and for the general business in, about and of said Central Exchange shall not be confined exclusively to the business of said corporations and of said Central Exchange."

Other duties
and privi-
leges.

SECTION 2. The Notary Public appointed under said act shall have all the duties and privileges provided for by said act as herein and hereby amended.

Passed at Dover, April 21, 1891.

CHAPTER 50.

OF NOTARIES PUBLIC.

AN ACT authorizing the appointment of a Notary Public for ~~The Equitable-Guarantee and Trust-Company~~ ^{am. act - for my Co. resident in} at Wilmington, Delaware.

Governor to
appoint an
additional
Notary
Public.
Privileges
and duties.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch concurring):* That the Governor be and he is hereby authorized to appoint a ~~notary public for "The Equitable Guarantee and Trust Com-~~ ^{pany"} at Wilmington, Delaware, whose privileges and duties shall be confined exclusively to the business of the said company, and none other whatever.

Who may be
appointed.

SECTION 2. That the person so appointed notary public under and by authority of this act shall ~~be an officer or employee of the said company,~~ and if at any time afterwards and during the period whilst his commission as notary public would otherwise continue said officer or employee shall cease to hold ^{any} position with said company the commission of such person as notary public shall expire and be vacated, and the Governor shall appoint another person who shall be ~~an officer or employee~~ of said company in his stead as notary public.

Vacancies
how filled.

Inconsistent
acts repealed

SECTION 3. That this act shall repeal all laws or parts of laws so far as they may be inconsistent herewith, and be deemed a public act.

Passed at Dover, April 10, 1891.

OF NOTARIES PUBLIC.

CHAPTER 51.

OF NOTARIES PUBLIC.

AN ACT authorizing the Governor to appoint an additional Notary Public for Wilmington Hundred, New Castle County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch thereof concurring herein):

SECTION 1. That the Governor be and he is hereby authorized to appoint one additional notary public for Wilmington hundred, New Castle county.

Additional
Notary Pub-
lic for Wil-
mington
hundred.

Passed at Dover, April 16, 1891.

CHAPTER 52.

OF NOTARIES PUBLIC.

AN ACT creating an additional Notary Public in and for New Castle Hundred, New Castle County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That the Governor be and is hereby authorized to appoint an additional Notary Public for New Castle county, who shall reside in the city of New Castle in New Castle hundred.

Additional
Notary Pub-
lic for New
Castle hun-
dred.

SECTION 2. That this act shall repeal all laws or parts of laws so far as they may be inconsistent therewith, and be deemed a public act.

Inconsistent
acts repealed

Passed at Dover, April 27, 1891.

OF NOTARIES PUBLIC.

CHAPTER 53.

OF NOTARIES PUBLIC.

AN ACT to amend Chapter 472, Volume 18, Laws of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1,
Chapter 472,
Volume 18,
amended.

SECTION 1. That Section 1, Chapter 472, Volume 18, Laws of Delaware, be and the same is hereby amended by striking out in the third and fourth lines of said section the words "having an office" and inserting in lieu thereof the following: "and individuals conducting or transacting business." And said section is hereby further amended by inserting the word "not" in the fifth line, between the word "shall" and the word "be."

Acts and do-
ings of No-
tary Public
confirmed
and estab-
lished.

SECTION 2. That all the public acts and doings of the said notary public, and all acknowledgments and depositions taken and certified to by the said notary public appointed under and by virtue of said act, shall be and the same are hereby confirmed, established and declared to be valid and effectual.

Inconsistent
laws re-
pealed.

SECTION 3. That this act shall repeal all laws or parts of laws so far as they may be inconsistent herewith, and be deemed a public act.

Passed at Dover, May 7, 1891.

CHAPTER 54.

OF NOTARIES PUBLIC.

AN ACT to amend Chapter 29, Vol. 18, Laws of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1,
Chapter 29,
Volume 18,
amended.

SECTION 1. That Section 1, Chapter 29, Vol. 18, Laws of Delaware be and the same is hereby amended by striking

OF JUSTICES OF THE PEACE AND NOTARIES PUBLIC.

out all after the word "reside" in the third line thereof and inserting in lieu thereof the words "in Dagsboro hundred."

Passed at Dover, May 15, 1891.

CHAPTER 55.

OF JUSTICES OF THE PEACE.

AN ACT to provide for the appointment of an additional Justice of the Peace for New Castle County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That the Governor be and he is hereby authorized to appoint an additional justice of the peace in and for New Castle county to reside in the city of Wilmington.

Additional
Justice of
the Peace
for Wilming-
ton.

Passed at Dover, April 27, 1891.

CHAPTER 56.

OF JUSTICES OF THE PEACE AND NOTARIES PUBLIC.

AN ACT to allow a Justice of the Peace or Notary Public appointed in Nanticoke Hundred to reside in Broad Creek Hundred.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That a justice of the peace or notary public appointed in and for Nanticoke hundred, in Sussex county, may reside on either side of the street of Concord, which street or road is the dividing line between Broad Creek and Nanticoke hundreds, without forfeiting the commission for said office or offices.

Justice of the
Peace and
Notary Pub-
lic of Nanti-
coke hun-
dred, may
reside where

Passed at Dover, April 27, 1891.

OF STATE TREASURER AND PROTHONOTARIES.

CHAPTER 57.

OF STATE TREASURER AND PROTHONOTARIES.

AN ACT in relation to the Sale of Law Books.

Preamble. Whereas the sale of the Revised Codes of this State and the bound volumes of the Laws of Delaware are now authorized by law without any system whatever, and

Whereas it is alike advantageous to the people and to the officials charged with selling same that an accurate account should be kept; now therefore

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

**Duty of
State Treas-
urer.**

SECTION 1. That on or before the first day of July, A. D. 1891, it shall be the duty of the State Treasurer to obtain from the prothonotaries of the several counties of this State an accurate account of the number of Revised Codes and the number of bound volumes of the Laws of Delaware, giving the number of each of the respective volumes as numbered placed in their respective offices for sale, which they have then on hand or, having sold, have not accounted for, which said Revised Codes and said bound volumes of the Laws of Delaware thereby reported shall be charged by the State Treasurer against the respective prothonotaries reporting the same.

**Duty of Sec-
retary of
State.**

SECTION 2. That hereafter when any bound volumes of the Laws of Delaware are published and delivered by the Secretary of State to the prothonotaries of the several counties for sale as by law provided, it shall be the duty of the Secretary of State to transmit an account of the number so delivered to each of the said prothonotaries to the State Treasurer immediately, who shall charge the same to the account of the respective prothonotaries.

**Protho-
notary to ac-
count to
State Treas-
urer.**

**Charges for
volumes.**

SECTION 3. That the said prothonotaries shall account to the State Treasurer at least once in two years, or whenever demanded by the State Treasurer, for all of said books sold, the price to be charged for the same to be as follows: One dollar each for the Revised Codes and two dollars per volume for the bound volumes of the Laws of Delaware, and shall pay to the State Treasurer the amount due for said books at

OF THE RECORDER OF DEEDS.

the prices above mentioned, after deducting ten per cent. of said price as commissions for selling the same.

SECTION 4. Each prothonotary on retiring from office shall deliver to his successor in office all of the said Revised Codes and bound volumes of the Laws of Delaware then on hand, and shall take duplicate receipts for same, one of which he shall forward to the State Treasurer for credit to his account. If there appear to be books missing, for which the said prothonotary cannot satisfactorily account, the said prothonotary shall pay the State Treasurer for the said missing volumes at the prices mentioned in the preceding section with the percentage therein allowed for sale deducted, or upon failure to do so the State Treasurer shall proceed to collect same by due process of law.

Duty of Prothonotary.

Missing books.

SECTION 5. All acts or parts of acts inconsistent with this act be and the same are hereby repealed.

Inconsistent acts repealed

Passed at Dover, April 2, 1891.

CHAPTER 58.

OF THE RECORDER OF DEEDS.

AN ACT to amend Chapter 25, Volume 18, Laws of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

SECTION 1. That Section 3 of said act be amended by adding thereto the following: "*And provided that the Superior Court of the State of Delaware in term time, or the resident judge for New Castle county in vacation, may fill any vacancy caused by the death, refusal, failure, unwillingness or inability to act of said commissioners or any one or more of them.*"

Section 3 of Chapter 25, Volume 18, amended.
Superior Court or Resident Judge to fill vacancies in commission

Passed at Dover, April 27, 1891.

OF THE RECORDER OF DEEDS.

CHAPTER 59.

OF THE RECORDER OF DEEDS.

AN ACT to authorize the Recorder of Deeds in and for New Castle County to make certain Indices.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Recorder of
Deeds of
New Castle
County to
make new
indices.

SECTION 1. That the Recorder of Deeds in and for New Castle county be and he is hereby authorized and required to make, or cause to be made, pursuant to the Campbell system of indexing, a true and correct copy of the indices to the private acts, to the marriage records, and to deeds prior to eighteen hundred and seventy-four, recorded in his office; and he is hereby authorized to procure such books as shall be necessary and proper for that purpose, the cost of which shall be paid by the Levy Court of New Castle county.

Books to be
paid for by
Levy Court.

Commis-
sioners.

Their duties

SECTION 2. That J. Frank Biggs and Andrew E. Sanborn be and they are hereby appointed commissioners whose duty it shall be to examine such indices after the same shall have been made and copied, as provided in Section 1 of this act; and if they approve of the correctness thereof, they shall certify the same to be true and correct indices respectively; and then and from thenceforth the said indices shall become and be the indices of private acts, marriage records, and deeds, as aforesaid, in said office.

Levy Court
to pay ex-
penses.

Compensa-
tion of Re-
corder and
Commis-
sioners.

SECTION 3. That the Levy Court of New Castle county shall pay to the said Recorder of Deeds, and to the said commissioners, a just and reasonable compensation for their services, which compensation shall be fixed by the Superior Court of the State of Delaware in and for said county upon application thereto by said recorder and said commissioners. The compensation so fixed and paid for the services mentioned in this act shall be final and conclusive.

Passed at Dover, March 11, 1891.

OF PROTHONOTARY AND RECORDER OF DEEDS.

CHAPTER 60.

OF PROTHONOTARY AND RECORDER OF DEEDS.

AN ACT to authorize the Prothonotary of the Superior Court of the State of Delaware in and for New Castle county, and the Recorder of Deeds in and for said county, to procure a new Press and Seal of Office.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:* That Peter A. Horthy, Prothonotary of the Superior Court of the State of Delaware in and for New Castle county, and James T. Shallcross, Recorder of Deeds in and for said county, be and they are hereby each respectively authorized to procure, each for his office respectively, a new press and seal, each of said seals to be made of steel or brass, of the same diameter as the present seals respectively and engraven with the same devices, and when completed the said seals shall be respectively taken, adjudged and deemed to be the seals of the said Superior Court in and for New Castle County and of the said office of said Recorder of Deeds in and for said county.

Protho-
notary and Re-
corder of
Deeds of
New Castle
county to
procure new
presses and
seals.

SECTION 2. *And be it further enacted,* That when the said seals shall be so procured, as aforesaid, the said prothonotary and the said recorder of deeds shall cause the present seals in their respective offices to be respectively broken and destroyed in the presence of the high sheriff of said county.

Cause old
seals to be
broken and
destroyed.

SECTION 3. *And be it further enacted,* That the Levy Court of New Castle county shall pay the necessary costs and expenses of procuring said new presses and seals.

Levy Court
to pay cost.

Passed at Dover, May 12, 1891.

OF PROTHONOTARIES.

CHAPTER 61.

OF PROTHONOTARIES.

AN ACT to authorize the Prothonotary of the Superior Court of the State of Delaware in and for Sussex County to make new Indices of Judgments in his office, using the Campbell System of Indexing.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Prothonotary of Superior Court of Sussex county to make new indices of judgments.

SECTION 1. That the Prothonotary of the Superior Court of the State of Delaware in and for Sussex county be and he is hereby authorized and directed to make, or cause to be made, new and complete direct and reverse indices of all the judgments in his office from the April term, 1862, of said Superior Court to the present time. In making said indices he shall use the Campbell system of indexing, and he is hereby authorized to procure such books as shall be necessary and proper for that purpose, the cost of which shall be paid by the Levy Court of Sussex county.

How paid for.

Commissioners.

SECTION 2. That Alfred P. Robinson and Charles F. Richards, Esquires, be and they are hereby appointed commissioners, whose duty it shall be to examine said indices after the said prothonotary shall have completed the same, and if they approve of the execution and correctness of the said indices they shall certify their approval on each record thereof, and that then and after such certificates the said indices shall become and be the indices to all the judgments which are of record in the said Superior Court in and for Sussex county aforesaid, from the said April term, 1862, to the present time.

Compensation of Prothonotary.

By whom paid.

SECTION 3. That the said prothonotary shall receive for his services in making said indices, authorized by this act, a just and reasonable compensation, to be determined by said commissioners, and shall be paid the sum so awarded him by said commissioners by the Levy Court of Sussex county, upon having filed with it the certificate of said commissioners of their approval of said indices and the sum so awarded to the said prothonotary.

Compensation of Commissioners.

SECTION 4. That the Levy Court of Sussex county shall pay to the said commissioners a just and reasonable compensation for their services.

Passed at Dover, April 10, 1891.

OF THE CLERK OF THE ORPHANS' COURT.

CHAPTER 62.

OF THE CLERK OF THE ORPHANS' COURT.

AN ACT to authorize the Clerk of the Orphans' Court of New Castle County to make a copy of a certain Index.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

SECTION 1. That the Clerk of the Orphans' Court of the State of Delaware in and for New Castle county be and he is hereby authorized and directed to make or cause to be made a true and correct copy of the indexes of the Orphans' Court for said county heretofore and now in use (pursuant to the Campbell system in one or more volumes as he may deem most advisable).

Clerk of the
Orphans'
Court of
New Castle
county to
make copy
of indexes.

SECTION 2. *And be it further enacted,* That when said copy shall have been completed the Associate Judge of the Superior Court resident in New Castle county shall appoint two commissioners, whose duty it shall be forthwith to examine such copy as aforesaid, and if they approve of the execution and correctness thereof they shall certify the same to be a true and faithful copy of said indexes and then and after such certificate the said copy shall become and be the Orphans' Court index or indexes of said county in lieu of those heretofore and now in use.

Associate
Judge to ap-
point Com-
missioners.

SECTION 3. *And be it further enacted,* That after the said commissioners shall have certified, as aforesaid, the Superior Court at its next term thereafter in said county shall determine and make a just and reasonable allowance to the said clerk and commissioners for their services in this behalf, which allowance shall be paid by the Levy Court of New Castle county.

Compensa-
tion of clerk
and commis-
sioners.

Passed at Dover, May 14, 1891.

OF THE JANITOR OF THE STATE HOUSE.

CHAPTER 63.

OF THE JANITOR OF THE STATE HOUSE.

AN ACT to authorize the appointment of a Janitor for the State House.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Governor to
appoint a
janitor for
State House

Term of
office.

Oath of
office.

Official bond

SECTION 1. The Governor shall on the first Tuesday in May, in the year A. D. 1891, and every two years thereafter, appoint a janitor for the State House, who shall hold his office for the term of two years, unless sooner removed by the Governor, and until his successor is appointed and duly qualified. Before entering upon the duties of his office he shall be sworn or affirmed to perform the duties of his office with fidelity, and shall give bond in the sum of five hundred dollars with two sureties to be approved by the Governor conditioned for the faithful performance of his duties as janitor. The oath or affirmation and bond shall be filed in the office of the Secretary of State.

Duties of
Janitor.

SECTION 2. It shall be the duty of the janitor under the order and direction of the librarian to take care of the furniture and property belonging to the State, to keep clean and in good order all the rooms, offices, apartments, library, halls, stairways, cellars, in said State House and the grounds attached thereto and the pavements in front of said building or otherwise attached thereto, and attend to the heaters, stoves and all fires, and to perform all labor necessary for heating said building or any part thereof during the sessions of the General Assembly, and all other times, and properly care for the furniture and property in all parts of the building during the sessions of the General Assembly and to preserve as much as possible the property belonging to the State from injury by moth insect or other unnecessary injury during the vacation of the General Assembly.

Compensa-
tion of jan-
itor, how
paid.

SECTION 3. That the janitor shall receive for his services as such officer the sum of four hundred and fifty dollars per year, and he is hereby authorized and empowered to draw upon the State Treasurer at the end of each quarter for the quarter due.

Report of
Librarian.

SECTION 4. That it shall be the duty of the librarian to make a report in writing to the State Treasurer at the end of

OF THE JANITOR OF THE STATE HOUSE.

each quarter the condition of the building, property and grounds and of the faithful performance by the janitor of his duties under this act. If the report shall show that the janitor has not performed the duties of his office faithfully, the State Treasurer shall not pay such draft but shall notify the janitor, giving his reasons for not paying the same, and such draft shall not be paid until the report of the librarian shall show a faithful performance of the duties of the janitor under this act.

Failure of
Janitor to
perform his
duties.

SECTION 5. That the Governor shall have power to remove the janitor at any time for cause satisfactory to himself and appoint another person in his place for the unexpired term.

Removal of
Janitor.

SECTION 6. All acts or parts of acts inconsistent with this act are hereby repealed.

Inconsistent
acts repealed

Passed at Dover, April 27, 1891.

CHAPTER 64.

OF THE JANITOR FOR THE STATE HOUSE.

AN ACT to authorize the appointment of a Janitor for the State House.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. The Governor shall on the first day of July, in the year A. D. 1891, and every two years thereafter, appoint a janitor for the State House, who shall hold his office for the term of two years unless sooner removed by the Governor and until his successor is appointed and duly qualified. Before entering upon the duties of his office he shall be sworn or affirmed to perform the duties of his office with fidelity and shall give bond in the sum of five hundred dollars, with two sureties, to be approved by the Governor, conditioned for the faithful performance of his duties as janitor. The oath or affirmation and bond shall be filed in the office of the Secretary of State.

Governor to
appoint a
Janitor of
State House

Term of
office.

Oath of
office.

Official bond

Oath and
bond to be
filed.

OF THE JANITOR OF THE STATE HOUSE.

Duties of
Janitor.

SECTION 2. It shall be the duty of the janitor, under the order and direction of the librarian, to take care of the furniture and property belonging to the State, to keep clean and in good order all the rooms, offices, apartments, library, halls, stairways, cellars in said State House and the grounds attached thereto and the pavements in front of said building or otherwise attached thereto, and to attend to the heaters, stoves and all fires, and to perform all labor necessary for heating said building or any part thereof during the sessions of the General Assembly and all other times, and properly care for the furniture and property in all parts of the building during the sessions of the General Assembly, and to preserve as much as possible the property belonging to the State from injury by moth insect or other unnecessary injury during the vacation of the General Assembly.

Compensa-
tion of Jani-
tor.

SECTION 3. That the janitor shall receive for his services as such officer the sum of three hundred dollars the year there is no session of the Legislature and five hundred dollars the year there is a session of the Legislature, per year, and he is hereby authorized and empowered to draw upon the State Treasurer at the end of each quarter for the quarter due.

How paid.

Report of
Librarian of
the condi-
tion of build-
ing, grounds,
etc.

SECTION 4. That it shall be the duty of the librarian to make a report in writing to the State Treasurer at the end of each quarter the condition of the building, property and grounds and of the faithful performance by the janitor of his duties under this act. If the report shall show that the janitor has not performed the duties of his office faithfully, the State Treasurer shall not pay such draft but shall notify the janitor, giving his reason for not paying the same, and such draft shall not be paid until the report of the librarian shall show a faithful performance of the duties of the janitor under this act.

Failure of
janitor to
perform his
duties.Removal of
Janitor.

SECTION 5. That the Governor shall have power to remove the janitor at any time for cause satisfactory to himself and appoint another person in his place for the unexpired term.

Inconsistent
acts repealed

SECTION 6. All acts or parts of acts inconsistent with this act are hereby repealed.

Passed at Dover, May 5, 1891.

TITLE SIXTH.

Of Religion, Public Education and Health.

CHAPTER 65.

OF RELIGIOUS SOCIETIES.

AN ACT for the Benefit of St. Andrew's Church, Wilmington, Delaware.

Whereas the congregation of Christians worshipping according to the doctrine, discipline and usages of the Protestant Episcopal Church in the United States of America became duly incorporated under the laws of this State by the name of the "Episcopal Congregation," and the trustees thereof duly made and executed a certificate of such incorporation bearing date the seventh day of May, A. D. 1828, and caused the same to be duly recorded according to law; Preamble.

And whereas, afterwards, in the year A. D. 1828, the said congregation assumed the name of St. Andrew's Church and proceeded to erect a church building on the southwesterly corner of Shipley and Eighth (formerly Kent) streets in the city of Wilmington, and the said corporation has used and occupied the said premises from then until the present time for the purposes of its incorporation; and whereas, the said corporation has taken title to divers lots of land acquired and used and occupied by it for the purposes of its incorporation, the said lands being partly occupied by the church building and partly by the burying ground or churchyard, the conveyance of a portion of said lands having been made to the said corporation by a title varying from its original corporate title, the "Episcopal Congregation;" therefore

Be it enacted by the Senate and House of Representatives [of the State of Delaware] in General Assembly met (two-thirds of each branch thereof concurring herein):

SECTION 1. That the name of the said corporation be and the same is hereby changed from the "Episcopal Congrega-

OF RELIGIOUS SOCIETIES.

Name changed from Episcopal Congregation to St. Andrew's Church.

tion" to St. Andrew's Church, Wilmington, Delaware, and by the latter name the said corporation shall hereafter be known and recognized, and all property, real or personal, now owned and possessed by the said corporation shall continue to be held, owned, used, occupied and disposed of by the said corporation, under the said new name and title, with the same effect and as fully to all intents and purposes as if its name had not been changed.

Real estate conveyed to corporation under whatever name vested in St. Andrew's Church, Wilmington, Del.

SECTION 2. All real estate heretofore conveyed to said corporation, or to the trustees thereof for the time being, or to such trustees by the designation of trustees of the Episcopal Congregation of St. Andrew's Church, in Wilmington, Delaware, or by the designation of the trustees of St. Andrew's Church, in the city of Wilmington, or by whatever name the said corporation may have been designated in such conveyances, shall be and the same is hereby vested in the said corporation by the name and style of "St. Andrew's Church, Wilmington, Delaware," and by that name the said corporation shall and may purchase, take and hold lands, tenements and hereditaments, goods, chattels and effects, and may also grant, sell, mortgage, alien and dispose of the same whether now owned or hereafter acquired by it. The said corporation shall also have power to ordain by-laws for its government and to alter and amend the same from time to time, but any existing by-laws of said corporation shall remain in full force and effect until altered or repealed. The said corporation shall also have power to have and use a common seal, and the seal now in use shall be and remain the seal of said corporation until the same is duly changed.

Powers and privileges.

Seal.

Business, how managed.

Vestry, how elected.

Vestry members.

Presiding officer.

SECTION 3. The affairs and business of the corporation shall be managed by a vestry to be elected annually in accordance with the canons or usages of the Protestant Episcopal Church of the Diocese of Delaware, or in the absence of such canons or usages applicable thereto in accordance with the by-laws of the said corporation. The said vestry shall consist of two wardens and not less than five nor more than nine vestrymen. The rector of the church for the time being, or, if there be no rector, one of the wardens shall be the presiding officer of the vestry and the president of said corporation.

Public act.

SECTION 4. This act shall be deemed and taken to be a public act.

Passed at Dover, April 2, 1891.

OF FREE SCHOOLS.

CHAPTER 66.

OF FREE SCHOOLS.

AN ACT to provide Free Text Books for the Free Schools of the State, &c.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That on and after the first Saturday in April, A. D. 1891, the school commissioners or trustees of each school district or districts in the State shall furnish the necessary text books free to all the pupils enrolled in the free schools of the State in the manner hereinafter provided. Text books to be furnished free to pupils in free schools.

SECTION 2. The school commissioners or trustees shall order from the publisher or publishers the books which have been adopted by the State Board of Education for use in the Free Schools of the State, at the net contract prices at which the publishers have agreed to supply the same, as follows: There shall be a blank order book prepared by the State Treasurer for the use of the school commissioners, which shall contain duplicate order blanks, with a printed list of the books which have been adopted by the State Board of Education, and the net contract prices at which the publishers agree to furnish the same. Books, how ordered. Order book.

Duplicate orders shall be filled out and signed by at least two of the school commissioners, or in case of united or incorporated districts by the president and secretary of the school board; one of these orders shall be forwarded to the State Treasurer to be forwarded to the publisher or publishers and the other shall be kept as a stub in the order book as a voucher. Duplicate orders.

The State Treasurer, on receipt of an order or orders from school commissioners, shall make an entry of the amount of the order or orders against the district or districts in a book kept for that purpose, and shall forward the order or orders at once to the publisher or publishers, requesting them on receipt of the order or orders to ship the books as directed, at the contract prices named, and send duplicate State Treasurer to forward orders.

OF FREE SCHOOLS.

Duplicate invoices. invoices or bills for the same, one to the State Treasurer and the other to the district clerk of the school district to which the books are consigned.

Books, how paid for. The State Treasurer shall pay the publisher or publishers out of the school fund of the State for books thus supplied and charge the amounts so paid to the respective districts ordering said books, and deduct the same from the amount to which such district or districts may be entitled under the school laws of the State: *Provided*, however, that the State Treasurer shall pay no bill for at least thirty days from the time it is rendered in order that he may be notified by the school commissioners of any error or failure on the part of the publisher or publishers to supply the books as ordered and directed, or as billed.

Proviso.

Duty of clerks of school districts. SECTION 3. It shall be the duty of the clerk of each school district or districts to distribute the books received, as aforesaid, to the scholars of the district or districts, or their parents, guardians, or other person, as they may desire, upon receipt for the same. The clerk of each district or districts shall be responsible for the safe keeping of the books furnished him, as aforesaid, and also for prices of books sold, as hereinafter provided, to parents, guardians scholars or other persons. Any money or the value of the books which such clerks shall fail to account for, according to law, may be recovered in the name of the State by the county superintendent, before a justice of the peace, as other accounts, when the amount does not exceed the sum of two hundred dollars. Such clerk shall, at the expiration of his term of office, turn over to his successor in office all books on hand and take a receipt for the same, which shall be his voucher in settlement.

Safe keeping of books.

Sale of books

Duty of School Commissioners. SECTION 4. It shall be the duty of the school commissioners to provide for the safe keeping and care of the books which shall be returned by the pupils at the close of the annual school term to the clerk of the district, or to such other person as the school commissioners shall designate. They shall also keep a separate account of the amount expended for books and shall report it under a separate item in the annual settlement required by law. The school commissioners may furnish books at cost to pupils who wish to replace books lost or willfully destroyed, or who may wish to own their books; and shall turn the proceeds of all such sales into the

Account of expenses.

May furnish books at cost

OF FREE SCHOOLS.

school fund of the district and report the amount at the time of the annual settlement to State Auditor. Report to Auditor.

SECTION 5. It shall be the duty of every teacher employed under the provisions of the general school laws to make out and hand to the commissioners of the district, at the end of each quarter, a report setting forth the whole number of pupils attending the school during the quarter, designating whether male or female, the number of days each has attended, and an inventory of the books in the school belonging to the district, stating by whom such books are held, their condition and the number of and by whom books have been destroyed. Until such report shall have been made it shall not be lawful for the commissioners to pay such teacher his or her salary. The reports made in pursuance of this section shall be forwarded annually, in the month of April, by the clerks of the several districts to the county superintendents. Duty of teachers. Quarterly report. When salary may be withheld.

SECTION 6. The State Treasurer shall be allowed \$500 annually for postage, stationery, clerical assistance, etc., to carry out the provisions of this act, and is authorized to pay out of the school fund of the State the amount necessary to print order books sufficient to supply one to each district in the State. Allowance to State Treasurer.

SECTION 7. That the text books for the colored schools of the State shall be ordered by the county superintendents of the respective counties through the county treasurer of each county. It shall be the duty of the county treasurer, upon the order of the county superintendent, to purchase and furnish text books to such colored school or schools as the county superintendent shall designate, and the county treasurer shall charge the same to the said school or schools, and deduct the amount thereof from the State appropriation due such school or schools. Text books for colored schools, how furnished.

SECTION 8. That it shall be the duty of the teacher of each of the colored schools of the State at the close of their school year, and before their last month's salary shall be drawn, to make out an inventory of the books in the school belonging to the State, and deliver such inventory with the books to the county superintendent, or such person as he shall designate, who shall receive and label the same "Property _____ colored school, _____ hundred," and deposit the same in his office. At the opening of the following Duty of teachers of colored schools.

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school year the county superintendent, or other person in possession of such books, upon receipt for the same, shall deliver the books belonging to the respective colored schools to the teacher of the school.

Compensation of County Treasurer.

SECTION 9. The county treasurer shall receive as a compensation for his services in purchasing the text books for the colored schools the sum of \$50.00 per annum, the same to be deducted out of the State appropriation for the colored schools of the county.

Supervision of colored schools.

Authority of County Superintendents

Appropriation increased to \$9,000 per annum.

How distributed.

Proviso.

Building fund, &c.

SECTION 10. The county superintendents shall have the entire management, control and supervision of the colored schools of this State. It shall be his duty, having due regard to the educational interests of colored children, to decide upon the location of colored schools, to appoint, after a careful examination, suitable teachers for the same and to draw upon the county treasurer for the money due monthly for the running expenses of those schools. His authority over said colored schools shall extend over those now governed under special acts of incorporation, and to this end the said county superintendents shall appoint all teachers for the said incorporated schools and fix their salaries; he shall draw from the county treasurer that portion of the State appropriation for colored schools belonging to the said incorporated schools and apply the same toward the payment of the salaries of the teachers of said schools in the same manner as in the payment of salaries of the teachers of other schools not incorporated. The appropriation provided for in "An act to encourage the education of the colored people," passed at Dover, April 22, 1887, is hereby increased from the sum of six thousand dollars to the sum of nine thousand dollars per annum, the said sum of nine thousand dollars to be distributed in the same proportion and under the same conditions as the six thousand dollars referred to in the act above named; *provided, however,* that the State Treasurer shall pay, out of the said nine thousand dollars, to the State Board of Education, the sum of five hundred dollars per annum for a period of four years, the said five hundred dollars to be deposited in the Farmers' Bank at Dover to the order of the State Board of Education by its president and secretary, to be used as a fund for building, repairing, or furnishing school supplies under the direction of the said State Board of Education; *provided, however,* that the said State Board of Education shall appropriate no part of the said five hundred dollars to any locality

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for the purpose of erecting a new schoolhouse or other purpose unless the residents of that locality shall first raise among themselves for that purpose a sum equal to at least one-half the amount which the said State Board in its discretion shall agree to allow them. At the end of the said period of four years the remaining portion, if any, of the said building fund shall be returned to the State Treasurer and by him distributed in like manner as other funds belonging to colored schools.

SECTION 11. The county superintendents shall, after the second Tuesday of April, 1891, before entering upon the duties of their offices, give bond to the State of Delaware, with sureties to be approved by the Governor, in the penalty of five thousand dollars. The condition of the bond shall be that he shall well and truly account for all public money and for all school books or other property belonging to the State that may come into his hands, and the said bond shall be duly recorded in the office of the Secretary of State.

County Superintendent to give bond
Condition.

SECTION 12. In the month of June in each and every year the Auditor of Accounts shall settle with the county superintendents, who shall render a full account for moneys paid to colored teachers or expended for colored schools, and present vouchers for the proper expenditure of the same. The county superintendents shall have no power to authorize or deputize other person or persons to discharge their duties in connection with said colored schools; and any money expended for colored schools by such agent, deputy or other person shall not be allowed the county superintendents in settlement.

Settlement with Auditor

SECTION 13. That from and after the passage of this act the Governor of the State shall be a member of, and by virtue of his office, president of the State Board of Education in lieu of the president of Delaware College as now provided by law.

Governor to be president State Board of Education.

SECTION 14. That none of the provisions of this act shall apply to the city of Wilmington.

Act not applicable to Wilmington

SECTION 15. That any laws or parts of laws inconsistent herewith be and the same are hereby repealed.

SECTION 16. That on and after the passage of this act the annual school meeting shall be held on the last Saturday.

Annual school meeting.

OF FREE SCHOOLS.

When held. day of June in each and every year, instead of the first Saturday of April as now provided by law, and all school commissioners, clerks, directors, or trustees now in office shall continue in office until the last Saturday in June, A. D. 1892, when vacancies shall be filled in the same manner as they now are at the annual meeting.

Terms of school officers.

Assessing and levying taxes, when.

SECTION 17. The time for assessing and levying taxes for any purpose in each school district or consolidated or incorporated district or districts in this State shall hereafter be in the month of July in each and every year, commencing in July, 1892. The time for the execution and delivery of the collector's warrant with a duplicate of the uncollected assessment list shall be on the tenth day of August in each year or as soon thereafter as practicable, commencing, as aforesaid, on the tenth day of August, A. D., 1892. Between the determining of the rate and the tenth day of August in each year, as aforesaid, each taxable shall have the privilege of paying the amount of tax assessed against him, less the abatement, as now provided for by law.

Collector's warrant, when issued.

Abatement of tax—when.

Settlement with school committees—when.

SECTION 18. That on and after the year 1891 the annual settlement to be made with the school committees by the Auditor of Accounts shall be between the first day of September and the first day of December in each year, due notice of the time of settlement to be given by said Auditor.

Terms of County Superintendents extended.

SECTION 19. That the terms of the present county superintendents shall be extended until the second Tuesday in July A. D. 1892, and thereafter their successors in office shall be appointed for the term of one year, commencing on the second Tuesday in July A. D. 1892.

*Passed at Dover, May 13, 1891.**

* The journals of the Senate and House of Representatives and the endorsements on the original bill, show that this act originated in the House, passed that body and was sent to the Senate; that there it was amended and returned to the House, where the amendment was concurred in. The journals further show that the bill was reported by the Enrolling Committee of the House as being properly enrolled, signed by the Speaker of the House and delivered to the Senate. The enrolled bill is endorsed as examined by the Enrolling Committee of the Senate and found correct. There is no record of the last-named committee having reported it to the Senate as duly enrolled. It was not signed by the Speaker of the Senate, was not returned to the House and was not delivered to the Secretary of State by the Speaker of the House. John Biggs, Attorney-General, being called upon by the State Treasurer for an opinion on the status of the bill, did, on the first day of July, give an official opinion that "this bill is a law."

OF FREE SCHOOLS.

CHAPTER 67.

OF FREE SCHOOLS.

AN ACT in relation to Legislation affecting the Free Schools of this State.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That from and after the passage of this act ^{Petitions for transfers of property,} no petition or bill for the removal or transfer of any property from one school district to any other school district shall be received or acted upon by the General Assembly or Levy Court unless the commissioners of both districts shall have had ten days' notice of the intention to apply for such ^{Notice.} removal.

SECTION 2. That from and after the passage of this act ^{Notice of intention to consolidate school district.} ten days' written notice of intention to apply to the Legislature for the passage of any act consolidating school districts shall be given by the majority of the school voters to the commissioners of the districts to be consolidated.

SECTION 3. That from and after the passage of this act ^{Notice of petition for raising additional money.} no bill or petition asking for the raising of an additional sum of money for any school district or consolidated or united districts shall be acted on by the General Assembly until the school commissioners or school board shall have had ten days' written notice of the intention to apply for the passage of such an act by the parties applying for the same.

SECTION 4. That all acts or parts of acts inconsistent ^{Inconsistent acts repealed.} with the provisions of this bill be and the same are hereby repealed and made null and void.

Passed at Dover, May 16, 1891.

OF FREE SCHOOLS.

CHAPTER 68.

OF FREE SCHOOLS.

AN ACT to amend Section 8, Chapter 369, Volume 16, Laws of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 8,
Chapter 369,
Volume 16,
amended.

SECTION 1. That Section 8, Chapter 369, Volume 16, Laws of Delaware, be amended by striking out the words "and fifty" in the seventh line of said section; and that said section be further amended by striking out the words "and twenty-five" in the eighth line of the section aforesaid.

Passed at Dover, March 31, 1891.

CHAPTER 69.

OF FREE SCHOOLS.

AN ACT to amend Section 2, Chapter 47, Volume 17, Laws of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 2,
Chapter 47,
Volume 17,
amended.

SECTION 1. That Section 2, Chapter 47, Volume 17, Laws of Delaware, be amended by striking out the word "seventy-five," in the third line of said section, and insert in lieu thereof the word "sixty."

Passed at Dover, April 27, 1891.

OF FREE SCHOOLS.

CHAPTER 70.

OF FREE SCHOOLS.

AN ACT to authorize School District No. 100, New Castle County, to borrow money for building purposes.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That the school commissioners of School District No. 100 of New Castle county, and their successors in office, are hereby authorized and empowered to borrow, at their discretion, a sum of money not to exceed eight hundred dollars, for the purpose of purchasing land for the erection and furnishing a new schoolhouse in said district. And the said school commissioners or their successors in office are hereby authorized, directed and empowered to secure the payment of the said sum of eight hundred dollars, together with the interest thereon; that for the purpose of securing to the loaner or loaners the payment of the money so borrowed under the provisions of this act, the said school committee and their successors in office are hereby authorized, empowered and directed to make, execute and deliver the bond of the said school district with warrant of attorney for the confession of judgment thereon, and also a mortgage upon any or all real estate owned by the said school district at the time of the execution thereof, which bond and mortgage shall be signed by the school committee, and shall be sealed by the seal of the said school district; said bond and mortgage shall be made to become due and payable in annual installments of one hundred dollars each, with the accrued interest on the whole sum unpaid, and shall bear interest not exceeding the legal rate.

School commissioners empowered to borrow money.

For what purpose.

Security.

Form of bond and mortgage.

When and how paid.

SECTION 2. That the said commissioners and their successors in office are hereby authorized and empowered to use the surplus money that may be belonging to said district in the hands of the commissioners, at the time each of said installments becomes due, for the purpose of paying such installment and the interest thereon; and if such surplus should be insufficient to pay the installment as aforesaid, then the said commissioners or their successors in office are hereby authorized and empowered to levy and collect, in

Surplus money to pay installments of said debt.

Deficiency, how met.

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addition to the tax for carrying on the schools directed to be levied at the stated meeting, such sum as shall be necessary to meet each and every deficiency.

Settlement
of accounts.

SECTION 3. That the money borrowed under the authority of Section 1 of this act shall be expended by the authority and under the supervision of the commissioners, who shall present their accounts, together with vouchers, to the school voters of said district, at the annual meeting of said voters, for settlement.

Act to be
submitted to
vote.

SECTION 4. That the said school commissioners or their successors in office, after due notice has been given, shall submit this act to the legal school voters in said district at any annual meeting thereof, and when a majority vote of the legal school voters present at said meeting has been given in its favor, then the said school commissioners shall be fully authorized and empowered to carry out the provisions of this act.

Passed at Dover, April 1, 1891.

CHAPTER 71.

OF FREE SCHOOLS.

AN ACT in relation to Free Schools.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

School Dis-
trict No. 6,
New Castle
county,
authorized
to borrow
\$1,600 to
build new
schoolhouse

Location.

Acts of
school com-
mittee con-
firmed.

SECTION 1. That the school committee of School District Number Six, in New Castle county, or a majority of them, and their successors, be and they are hereby directed, authorized and empowered to borrow the sum of sixteen hundred dollars for the purpose of erecting a new schoolhouse in said district and furnishing the same. The said schoolhouse shall be erected upon the acre of ground recently purchased by the school committee of said district. And any action heretofore taken by said school committee in the purchase of the said acre of land, or the sale of the schoolhouse and lot heretofore owned by said school district, and any act or deed done by the said school committee or a majority of them in

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the purchase of the said acre of ground, or sale of the said lot theretofore owned by the said district, shall be and is hereby confirmed, ratified, made valid and binding.

SECTION 2. That for the purpose of securing to the loaner or loaners the payment of the money so borrowed as authorized in Section 1, with interest thereon, the said school committee and their successors, or a majority of said committee, are hereby authorized and empowered to make, execute and deliver the bond of the said school district, with warrant of attorney for the confession of judgment thereon, and also a mortgage upon any or all real estate owned by the said school district at the time of the execution thereof; said bond and mortgage shall be executed by the said school committee, and shall be sealed with the seal of the said school district; said bond and mortgage shall be made to become due and payable in annual installments of two hundred dollars each, with the accrued interest on the whole sum unpaid.

Loan—how secured.

Form of bond, &c.

SECTION 3. That the said school committee and their successors, or a majority of them, be and they are hereby authorized and empowered to lay out and expend in the purchase of furniture, or for any other purpose pertaining to carrying this act into effect, any balance due the said school district after the annual meeting and settlement of accounts next after the passage of this act.

Surplus money.

SECTION 4. That for the purpose of raising the funds necessary to pay the money authorized to be borrowed by this act, with interest, the said school committee and their successors, or a majority of them, are hereby further authorized, empowered and directed to annually assess, levy and collect a sufficient amount of money to pay each installment of said bond and mortgage with interest, until the whole sum of money so secured, with the interest thereon, is paid.

Tax to pay bond and mortgage.

SECTION 5. That the faith of the said district is hereby pledged for the payment of the money authorized to be borrowed under this act.

Faith of district pledged.

Passed at Dover, April 1, 1891.

OF FREE SCHOOLS.

CHAPTER 72.

OF FREE SCHOOLS.

AN ACT for the extension of the boundaries of School District Nos. 39 and 41, in New Castle County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Transfer of
a portion of
School Dis-
trict No. 54,
New Castle
county, to
Districts
Nos. 39 and
41.

SECTION 1. That from and after the passage of this act all that portion of School District No. 54, New Castle county, lying north of the Philadelphia, Wilmington and Baltimore railroad, shall be and the same is hereby transferred to United School Districts Nos. 39 and 41, New Castle county, and shall constitute a portion of said districts, and that from and after the passage of this act all and every person residing in said portion of School District No. 54, and all and every person who may hereafter reside therein, shall enjoy all the advantages and privileges, and be subject to all the duties and liabilities of taxables of said United School Districts Nos. 39 and 41 in New Castle county.

Privileges
and liabili-
ties.

Boundary
lines.

SECTION 2. That all boundary lines conflicting herewith are hereby vacated and annulled, and all laws conflicting with this act are hereby repealed.

Public act.

SECTION 3. That this act shall be taken and deemed as a public act.

Passed at Dover, April 3, 1891.

CHAPTER 73.

OF FREE SCHOOLS.

AN ACT to transfer the farms of Preston Lea and Silas Thompson from School District No. 71½ to School District No. 80, New Castle County.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:* That the farms of Preston Lea and Silas Thomp-

OF FREE SCHOOLS.

son, now situated and being in School District No. 71 $\frac{1}{2}$, be transferred from School District No. 71 $\frac{1}{2}$ to School District No. 80, New Castle county, and that they shall hereafter constitute a part of School District No. 80 in the county aforesaid.

SECTION 2. That from and after the passage of this act ^{Taxes.} the farms aforesaid shall be assessed for school purposes in School District No. 80 in said county.

SECTION 3. This shall be deemed and taken to be a public act.

Passed at Dover, April 9, 1891.

CHAPTER 74.

OF FREE SCHOOLS.

AN ACT to transfer the farm of Thomas D. Lynam from School District No. 20 to United School District Nos. 21 and 97, New Castle County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That the farm of Thomas D. Lynam now ^{Farm} situated and being in School District No. 20 in New Castle ^{transferred.} county be and the same is hereby transferred and shall hereafter constitute a part of United School District Nos. 21 and 97 in New Castle county aforesaid.

SECTION 2. That from and after the passage of this act ^{Taxes.} the aforesaid farm shall be assessed for school purposes in United School District Nos. 21 and 97 in New Castle county and is hereby relieved and discharged from the same in School District No. 20 in said county.

SECTION 3. This act shall be deemed and taken to be a public act.

Passed at Dover, April 15, 1891.

OF FREE SCHOOLS.

CHAPTER 75.

OF FREE SCHOOLS.

AN ACT for the relief of School District No. 30, in Kent County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Commis-
sioners may
use certain
money to
build new
schoolhouse.

SECTION 1. From and after the passage of this act it shall be lawful for the school commissioners of School District No. 30, in Kent county, or their successors in office, to use any unappropriated money now in hand, or that may hereafter come into their hands within two years, for the purpose of building a schoolhouse in said district.

Plans and
specifica-
tions.

SECTION 2. It shall be the duty of the said school commissioners, or their successors in office, to erect, or have erected a suitable schoolhouse in said district as soon after the passage of this act as practicable. They shall draw or have drawn a plan and specification for said schoolhouse and shall sell the contract for the erection of said building at public auction, at the old schoolhouse, to the lowest and best bidder for the same, who shall give bond for the faithful performance of said contract in the penal sum of double the amount of the same.

Contracts,
how let.

Purchaser
to give bond

Sale of old
schoolhouse.

SECTION 3. *And be it further enacted,* That the said school commissioners, or their successors in office, shall, at the time and place as provided for in Section 2, sell at public auction the old schoolhouse to the highest and best bidder for the same. The proceeds of said sale shall go into the funds of the said district and be applicable to the purposes mentioned in Section 1.

Proceeds of
how applied

SECTION 4. This act shall be deemed and taken to be a public act.

Passed at Dover, February 11, 1891.

OF FREE SCHOOLS.

CHAPTER 76.

OF FREE SCHOOLS.

AN ACT for the relief of School Committee in United School Districts
Nos. 11 and 81, Kent county.

Whereas the Superintendent of Free Schools in and for Kent county did not visit Districts Nos. 11 and 81 between the school elections 1889 and 1890, and did not notify the commissioners of the fact that the certificate of the teacher in the lower department had expired; and

Preamble.

Whereas the commissioners knew that the teacher had a certificate at the commencement of the year, paid her for the full year; and

Whereas the Auditor at his last settlement did not allow the account and charged the districts with two hundred and twenty-five dollars more than the school committee settled with the clerk for, therefore

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That the Auditor shall allow the receipts of the teacher that was paid for the time that she had no certificate, namely two hundred and twenty-five dollars (\$225), and settle the account as the school committee settled it at the school election in April, 1890.

Allowance
by Auditor.

SECTION 2. That this act shall be deemed and taken to be a public act.

Passed at Dover, February 20, 1891.

OF FREE SCHOOLS.

CHAPTER 77.

OF FREE SCHOOLS.

AN ACT transferring the farm of William T. Newnom from School District No. 41 to School District No. 123 in Kent County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Farm transferred

SECTION 1. That the farm of William T. Newnom, now situated and being in School District No. 41 in Kent county, be and the same is hereby transferred and shall hereafter constitute a part of School District No. 123 in Kent county aforesaid.

Where to be assessed.

SECTION 2. That from and after the passage of this act the aforesaid farm of the aforesaid William T. Newnom shall be assessed for school purposes in School District No. 123 in Kent county and is hereby relieved and discharged from the same in School District No. 41 in said county.

SECTION 3. That this act shall be deemed and taken to be a public act.

Passed at Dover, March 27, 1891.

CHAPTER 78.

OF FREE SCHOOLS.

AN ACT to transfer certain real estate from certain School Districts to other School Districts in Kent County, and for other purposes.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, as follows:

Farms transferred.

From Dist. No. 38 to Dist. No. 35

SECTION 1. That the farm of John B. Mileham (now in tenure of David Hudson) and the farm of John P. Curtis, now within the limits of School District No. 38, in Kent county, be and the same are hereby transferred to School

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District No. 35, in said county, and the said farms as well as the tenants living thereon shall hereafter be assessed for the support and benefit of said School District No. 35, and they are hereby relieved and discharged from any assessment hereafter to be made for the support and benefit of said School District No. 38.

SECTION 2. That the farms of Jonathan Minner (now in tenure of himself and Saulsbury Milbourn), the farm of E. Adolphus Hammond, the farm of Nathaniel Minner, the farm of James C. Reed (now in tenure of Philemon Camper), the farm of the heirs of Elijah Wooters, deceased (now in tenure of one Kemp), and the farm of John W. Warren (now in tenure of Thomas Masten), now within the limits of School District No. 58 in Kent county, be and the same are hereby transferred to School District No. 35 in said county, and the said farms as well as the tenants living thereon shall hereafter be assessed for the support and benefit of said School District No. 35, and they are hereby relieved and discharged from any assessment hereafter to be made for the support and benefit of said School District No. 58.

From Dist.
No. 58 to
No. 35.

SECTION 3. That the farms of Thomas Brown (now in tenure of David Brown and Walter Brown), the farm of William H. Masten's heirs (now in tenure of Garrett Porter), the farm of Samuel S. Harrington (now in tenure of Major A. Wyatt), and the farm of Mary E. Masten (now in tenure of John Langrell), now within the limits of School District No. 35 in Kent county, be and the same are hereby transferred to School District No. 100 in said county, and the said farms, as well as the tenants living thereon, shall hereafter be assessed for the support and benefit of said School District No. 100, and they are hereby relieved and discharged from any assessment hereafter to be made for the support and benefit of said School District No. 35.

From Dist.
No. 35 to
No. 100.

SECTION 4. That the farm of Theodora A. Simpson, now within the limits of School District No. 35 in Kent county, be and the same is hereby transferred to United School Districts Nos. 94, 126 and 127 in said county, now incorporated under the name of the "Board of Education of the Town of Harrington," and the said farm, as well as the tenants living thereon, shall hereafter be assessed for the support and benefit of said United School Districts Nos. 94, 126 and 127, incorporated as aforesaid, and it is hereby relieved and discharged

From Dist.
No. 35 to
Nos. 94, 126,
and 127.

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from any assessment hereafter to be made for the support and benefit of said School District No. 35.

From Dist.
No. 35 to
Dist. No. 55.

SECTION 5. That the farm of Elizabeth Fleming (now in tenure of William Ryan), now within the limits of School District No. 35, in Kent county, be and the same is hereby transferred to School District No. 55, in said county, and the said farm, as well as the tenants living thereon, shall hereafter be assessed for the support and benefit of said School District No. 55, and it is hereby relieved and discharged from any assessment hereafter to be made for the support and benefit of said School District No. 35.

From Dists.
Nos. 94, 126
127 to Dist.
No. 35.

SECTION 6. That the lot or piece of land of Dennis Minner (now in tenure of George A. Messick), now within the limits of United School Districts Nos. 94, 126 and 127 in Kent county, now incorporated under the name of the "Board of Education of the Town of Harrington," be and the same is hereby transferred to School District No. 35, in said county, and the said lot or piece of land, as well as the tenants living thereon, shall hereafter be assessed for the support and benefit of said School District No. 35, and it is hereby relieved and discharged from any assessment hereafter to be made for the support and benefit of said United School Districts Nos. 94, 126 and 127, incorporated as aforesaid.

Commissioners of
Dist. No. 35
authorized
to change lo-
cation of
school, and
to sell old
schoolhouse.

SECTION 7. That the school commissioners of School District No. 35, in Kent county, or their successors in office, be and they are hereby authorized and empowered to change the location of the schoolhouse in said district from its present location to a suitable point at Asbury Church in said district. And they are hereby likewise authorized and empowered to sell and dispose of the present schoolhouse in said district to the best possible advantage.

Authorized
to use sur-
plus money
for building.

SECTION 8. That the school commissioners of School District No. 35, in Kent county, or their successors in office, be and they are hereby authorized and empowered to use any unappropriated funds now in their hands for the purpose of erecting a suitable schoolhouse in said district at the new location, as changed in Section 7 of this act.

SECTION 9. This act shall be deemed and taken to be a public act, and shall be published as such.

Passed at Dover, March 31, 1891.

OF FREE SCHOOLS.

CHAPTER 79.

OF FREE SCHOOLS.

AN ACT transferring the farm of Isabella Smith from School District No. 29, in Kent county, to School District No. 87, in Kent county.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That the farm now belonging to Isabella Smith, situated in School District No. 29 in Kent county, shall hereafter be and form a part of School District No. 87 in Kent County aforesaid, and all and every the persons residing on the said land and farm herein mentioned shall have all the advantages and privileges of said School District No. 87, and that the said Isabella Smith and the person or persons hereafter owning said farm or land, or living on the same, shall be subject to all the duties and liabilities of taxables of said School District No. 87. And further that they are hereby relieved and discharged from the same in said school district No. 29 in Kent county aforesaid. Farm transferred.

SECTION 2. That this act shall be deemed a public act.

Passed at Dover, April 1, 1891.

CHAPTER 80.

OF FREE SCHOOLS.

A Further Supplement to the act entitled, "An act to Establish the Kenton Public School," passed at Dover, March 10, 1885.

Whereas the school building in School District No. 9 in Kent county, incorporated under the name of the "Kenton Public School," was greatly damaged by a cyclone in September, A. D. 1888, and thereby rendered unfit for use; and whereas the commissioners of said public school borrowed the sum of four hundred dollars on their own personal responsibility in order to repair the injury done to said school Preamble.

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building, which is still unpaid, which sum with the arrears of interest amounts to about the sum of four hundred and twenty-five dollars; now therefore

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch thereof concurring):

Kenton Public School authorized to raise money.

SECTION 1. That the said "Kenton Public School," for the purpose of paying off the debt contracted as aforesaid, shall have authority to raise by taxation the sum of two hundred and twenty-five dollars in the year 1891, and the further sum of two hundred and twenty-five dollars in the year 1892, in the same manner as the taxes are assessed, levied and collected for general school purpose.

Authority to use surplus.

SECTION 2. That if the school commissioners of said Kenton Public School shall find at the end of the present school year that there is a surplus of funds in their hands, they shall have the power to expend said surplus, not to exceed one hundred dollars, towards the payment of said debt, and the amount of surplus funds so expended shall be deducted from the amount authorized to be raised under this act.

Passed at Dover, April 1, 1891.

CHAPTER 81.

OF FREE SCHOOLS.

AN ACT for the relief of John Wiggins.

Preamble

Whereas Enoch Moore, who had been duly elected clerk of School District No. 19, in Kent county, drew the dividend belonging to said district in 1890, amounting to two hundred and eighteen dollars, and subsequently left the State without accounting for the same and without leaving any visible means out of which to be made and collected; and

Whereas Henry Rash, one of the commissioners of said district, recently died, leaving property scarcely sufficient to pay off and discharge his personal liabilities; and

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Whereas the said John Wiggins is the only surviving or remaining commissioner of said school district, and consequently the only one responsible for the loss which the said district is liable to sustain by reason of the removal of the said clerk from the State, as aforesaid; and

Whereas the only means by which the said John Wiggins can earn a livelihood for himself and family is by daily work on the farm; and

Whereas he is disqualified by age and affliction for continuous labor of that kind; and

Whereas it would nearly exhaust the whole of the old man's estate to make good said deficiency to said school district; now therefore,

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That the said John Wiggins be and he is hereby forever relieved, released and discharged from the payment of the said sum of two hundred and eighteen dollars to said School District No. 19, Kent county, and from all liability to pay the same. John Wiggins relieved from payment.

And in any suit against the said John Wiggins, his executors or administrators, for the said sum of two hundred and eighteen dollars, the pleading of this act by them, or either of them, shall be a complete bar against the recovery of a judgment for the same. Pleaded in bar.

SECTION 2. That the Auditor of Accounts in his next settlement with the clerk or commissioners of said school district shall allow the said sum of two hundred and eighteen dollars as a credit to said district; *provided* always that this act shall not be construed so as to release the said Moore from his liability to pay said sum to said district. Allowance by Auditor. Proviso.

Passed at Dover, April 2, 1891.

OF FREE SCHOOLS.

CHAPTER 82.

OF FREE SCHOOLS.

AN ACT to amend an act entitled "An act in relation to School District No. 56 in Kent County."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 1,
Chapter 500,
Volume 18,
amended.

SECTION 1. That Section 1 of the act entitled "An act in relation to School District No. 56 in Kent county," passed at Dover, March 20, 1889, and being Chapter 500, Volume 18, Laws of Delaware, be and it is hereby amended by striking [out] all after the word "use" in the third line of said section and before the word "for" in the fifth line thereof and inserting in lieu thereof the following: "all unappropriated moneys which may be in their hands at the school meeting in April, A. D. 1891."

SECTION 2. This act shall be deemed and taken to be a public act.

Passed at Dover, April 9, 1891.

CHAPTER 83.

OF FREE SCHOOLS.

AN ACT to transfer the Land, Houses and Premises of Anna Voshell from United School Districts Nos. 22 and 99 to United School Districts Nos. 27 and 122 in Kent County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Land, etc.,
transferred.

SECTION 1. That the land, houses and premises of Anna Voshell, now in the limits of United School Districts Nos. 22 and 99 in Kent county, be and the same are hereby transferred to and shall hereafter form a part of United School

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Districts Nos. 27 and 122 in Kent county aforesaid, and shall ^{Taxation.} be subject to taxation and all other duties and shall have all the privileges pertaining to property in United School Districts Nos. 27 and 122 in Kent county, and they are hereby relieved and discharged from the same in United School Districts Nos. 22 and 99 in Kent county.

SECTION 2. That this act shall be deemed and taken to be a public act.

Passed at Dover, February 17, 1891.

CHAPTER 84.

OF FREE SCHOOLS.

AN ACT to repeal an act entitled "An act to transfer the land, houses and premises of Anna Voshell from United School Districts Nos. 22 and 99 to United School Districts Nos. 27 and 122 in Kent county."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That an act entitled, "An act to transfer the ^{Act repealed} land, houses and premises of Anna Voshell from United School Districts Nos. 22 and 99 to United School Districts Nos. 27 and 122 in Kent county," passed at Dover, Feb. 17th, 1891, be and the same is hereby repealed.

Passed at Dover, April 20, 1891.

OF FREE SCHOOLS.

CHAPTER 85.

OF FREE SCHOOLS.

AN ACT to consolidate School Districts Nos. 19 and 115, in Kent County, and to provide for building a School House, and for other purposes.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

School districts consolidated.

SECTION 1. That from and after the passage of this act School Districts No. 19 and 115, in Kent county, shall be consolidated and united and shall be called United School Districts Nos. 19 and 115, in Kent county.

Commission

SECTION 2. That Benjamin C. Cubbage, James Williams and Owen H. Nickerson shall be and they are hereby appointed commissioners to go into said United School Districts Nos. 19 and 115, in Kent county, and shall determine the

Surveyor.

location for a schoolhouse for said united school districts, and shall call to their assistance a competent surveyor, and shall lay off not exceeding two acres of land for the use of said

Damages.

united school districts, and shall award damages to the owner, or owners, which shall not be less than five dollars per acre, and shall make a plot of the land so taken and condemned,

Return.

and shall make return of their proceedings to the Levy Court of Kent county at its next regular or adjourned session, to be filed and kept as a record in the office of the Clerk of the Peace in and for Kent county. Said plot and return shall be evidence in all matters in relation to said United School Districts to which it is pertinent. If a

Vacancies, how filled.

vacancy shall happen in the commissioners by reason of death or refusal to serve, the Levy Court may fill the vacancy by the appointment of another or others not residents of the said united school districts to fill his or their places. If any person whose land has been taken, as aforesaid, is dissatisfied with the amount of damages awarded to them by the said commissioners, they may give notice in writing to the school commissioners of said United School Districts, stating the amount of damages they want for the land taken, and if the said school commissioners shall not accept and pay the amount proposed by such owner of the land so taken within ten days, then the owner or owners whose land has been taken may, within ten days

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after the expiration of the ten days in which the said school commissioners had for accepting said offer made by such owner or owners, give notice in writing to said school commissioners of said united school districts that they would appeal to the Levy Court of Kent county on the first day of the next regular or adjourned session of said Levy Court for the appointment of three other commissioners to review the award of damages. And it shall be the duty of said Levy Court to appoint three persons residing in Kent county, not residents of said united school districts, whose duty it will be to go upon said lot, laid off as aforesaid, and review the damages awarded, and if the commissioners shall not increase the award of damages all expenses of said review shall be paid by the person or persons making the application for the review, but if the said commissioners shall increase the award of damages the cost of review shall be paid by the united school districts and the damages awarded, which shall be final. The first notice by the owner or owners of their dissatisfaction of the award and stating the amount of damages wanted by them shall be made within ten days after the filing the plot and return in the office of the Clerk of the Peace. The commissioners appointed by the Levy Court shall make return of their proceedings, stating the amount of damages awarded by them, to the Clerk of the Peace, to be filed in his office. The commissioners and surveyor shall be sworn or affirmed. The commissioners shall be allowed two dollars each for each day employed in determining, locating and laying off site for said schoolhouse, and in making return of their proceedings, and they shall fix the compensation of the surveyor in making survey and plot not exceeding fifteen dollars. The commissioners appointed by the Levy Court to review the award of damages shall be allowed two dollars each for their services. The fees allowed in other like cases, or fees for equal amount of labor, shall be allowed to the Clerk of the Peace.

Appeal from
award.Duty of
Levy Court.Costs, how
paid.Notice of
dissatisfac-
tion.

Return.

Compensa-
tion.

SECTION 3. That the annual meeting for said United School Districts Nos. 19 and 115 for the present year, 1891, shall be held at the schoolhouse in District No. 115 on the first Saturday in April, at the hour now fixed by law for holding the annual meetings and in the same manner, and the said annual meetings shall be held at the same place in each year until a schoolhouse shall be erected, and when the new schoolhouse shall be erected then at said new schoolhouse.

Annual
meeting.

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Notice of meetings. The present school commissioners in each district shall give notice in their respective districts accordingly. The office of the school commissioners in each of said Districts Nos. 19 and 115 shall cease and determine on the first Saturday in April, 1891, and the school voters in said United School Districts Nos. 19 and 115 shall elect three commissioners, one of whom shall be clerk, one to serve for one year, one for two years, and one for three years. The voters of said united school districts shall, at each annual meeting thereafter or otherwise, elect one commissioner to serve for three years.

Election of officers.

Vacancies. If any vacancy shall occur by refusal to serve, or by death, resignation, removal from said united districts, or otherwise, the remaining commissioners or commissioner may fill the vacancy or vacancies until the next annual meeting or special meeting and until their successors are duly chosen. The voters may, at any annual or special meeting, fill the vacancies for the unexpired term.

Moneys paid over

SECTION 4. That all moneys now in the hands of the school commissioners of Districts No. 19 and 115, and all moneys due and owing to either of said school districts, shall be paid over to the school commissioners of United School Districts Nos. 19 and 115, and may be used for running schools or for the building a schoolhouse for said united school districts.

Assessment and collection of taxes

SECTION 5. That for the year 1891 there shall be assessed, levied and collected the amount required by law to be assessed, levied and collected by two districts, and that after the annual meeting in eighteen hundred and ninety-two the taxes shall be assessed, levied and collected only to the amount required as one district.

School fund, how distributed.

SECTION 6. That the Trustee of the School Fund shall in the years 1891 and 1892 distribute to said United School Districts Nos. 19 and 115, from the school fund, the same amount which the two districts would be entitled to had they remained separate, and after the year 1892 the said united school districts shall be entitled to a distribution from the school fund as one district.

Sale of old schoolhouse.

SECTION 7. That the school commissioners of said united school districts shall have the power and authority to sell at public sale the schoolhouses in Districts Nos. 19 and 115 to the highest and best bidder for the same, and after deducting the costs and expenses of sale may apply the net proceeds of

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sale towards the erection of a schoolhouse, to be erected for the use of said United School Districts Nos. 19 and 115. Application of proceeds.

SECTION 8. That nothing in this act shall affect the collection of any taxes now remaining uncollected, but the same may be collected by the commissioners of United School Districts Nos. 19 and 115 in Kent county in the respective names of District No. 19 and District No. 115, and all moneys due and owing from any person to either of said school districts may be collected by proceedings at law in the same manner, and the passage of this act shall in no wise discharge any debt due to either school district, nor shall either of said school districts be discharged from liability to any person for any debt due and owing by either of said districts, but any such liability shall continue and shall be assumed and paid by the United School Districts Nos. 19 and 115 in Kent county out of any money in the hands of the commissioners of said United School Districts Nos. 19 and 115 or that may come into their hands properly applicable to such debts. Uncollected taxes. Debts of district.

SECTION 9. That the general laws in relation to public schools of this State shall be applicable to and shall govern United School Districts Nos. 19 and 115 in Kent county which are not inconsistent with this act. General school laws applicable.

Passed at Dover, March 26, 1891.

CHAPTER 86.

OF FREE SCHOOLS.

AN ACT to repeal an act entitled "An act to Consolidate School Districts Nos. 19 and 115 in Kent county, and to provide for building a school-house, and for other purposes," passed at Dover, March 26, 1881.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That the act entitled, 'An act to consolidate School Districts Nos. 19 and 115 in Kent county and to provide for building a schoolhouse and for other purposes,' Act to consolidate School Districts Nos. 19 and 115 repealed.

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poses," passed at Dover, March 26, 1891, be and the same is hereby repealed, and that all actions, elections of school commissioners, locating a site for a new schoolhouse and laying out the same, and all proceedings under said act are by this act made null and void.

Expenses
incurred in
original act,
how paid.

SECTION 2. That all expenses incurred in drawing the act hereby repealed, the cost of procuring a certified copy of said act from the Secretary of State, the compensation to the commissioners to locate the site of the new schoolhouse, the expenses of survey, plot, and return, the cost and expenses of drawing this act, and all expenses incurred under said act hereby repealed, shall be paid one half by School District No. 19, and the other half by School District No. 115, out of any money belonging to said districts respectively.

School com-
missioners.

SECTION 3. That the school commissioners in either of said school districts who were entitled to hold over at the school meetings on the first Saturday in April, 1891, shall hold over and continue in office as if said act of consolidation, passed at Dover, March 26, 1891, had not been passed.

School
meeting.

SECTION 4. That the commissioners, clerk, or persons whose duty it was by the general laws of the State in relation to free schools to give notice of the annual meeting to be held on the first Saturday in April last, shall call a meeting in their respective districts to be held at the schoolhouses on Saturday, the thirtieth day of May, A. D. 1891, at two o'clock in the afternoon, in the same manner as required by law, at which meetings the voters of said districts respectively and may do all and every matter, act or thing which they might have done at the annual meeting on the first Saturday in April, 1891, if the act hereby repealed had not been passed. The secretary of the meeting shall make return of the proceedings of the meeting to the Clerk of the Peace within one month from the day of the meeting.

Return of
proceedings
of school
meeting

Assessment
and collec-
tion of
school tax.

SECTION 5. That the commissioners of the respective School Districts Nos. 19 and 115 shall have until the first day of July, 1891, to make and complete the assessment and levy of the tax for the present year and it shall be the duty of the collector of county taxes of the hundred in which said districts are located, if the lists of taxables shall be tendered or delivered to him on or before the fifteenth day of July next (1891) to receive either of said lists and to collect

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and pay over the same. The collector shall, within thirty days after receiving the warrant pay to the school commissioners the amount which he is required to collect, deducting delinquencies to be allowed by them and as his fees at the rate of ten per cent. on the sum collected when it does not exceed fifty dollars and eight per cent. when it exceeds that sum, and the collector and his sureties, by virtue of his official bond, shall be liable thereon for every failure of duty and default in the premises, which bond shall be proceeded on at the instance of the school committee of each of the respective school districts.

SECTION 6. That all moneys and taxes due to said districts respectively and all debts due and owing by said districts respectively shall remain the same as if said act of consolidation had not been passed. Moneys, taxes and debts, how held.

SECTION 7. That after the meeting on Saturday, May 30, 1891, shall have been held, all meetings shall be held as required by the general laws of this State in relation to free schools. School meeting.

SECTION 8. That any moneys now in the hands of the commissioners in the respective school districts, or due and owing to said respective districts, may be used for the purpose of building a schoolhouse in their respective districts. Moneys used for building schoolhouse.

SECTION 9. That the location of the schoolhouse in School District No. 115 shall be on the eastern side of Herrington's Branch Ditch. Location of schoolhouse.

Passed at Dover, May 14, 1891.

OF FREE SCHOOLS.

CHAPTER 87.

OF FREE SCHOOLS.

AN ACT to transfer the Lot and Dwelling of William Jarrell from School District No. 23 to School District No. 61 in Kent County.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch concurring therein):**

Lot and
dwelling
transferred.

SECTION 1. That the lot and dwelling of William Jarrell, now situated in School District No. 23 in Kent county, be and the same is hereby transferred to and the same shall hereafter constitute a part of School District No. 61 in said county.

Assessment.

SECTION 2. That from and after the passage of this act the aforesaid lot and dwelling shall be assessed for school purposes in said School District No. 61 in Kent county.

Passed at Dover, May 16, 1891.

CHAPTER 88.

OF FREE SCHOOLS.

AN ACT to incorporate Lebanon Public Schools.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:**

School Dis-
tricts Nos.
27 and 122
incorporated

SECTION 1. That School Districts Nos. 27 and 122 in Kent county as now bounded, or as they may be bounded hereafter, be and they are hereby declared incorporated into one district, to be governed and managed by a board of education, consisting of five members, to be elected as hereinafter provided.

SECTION 2. That on, from and after the first Saturday in

*So enrolled.

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April in the year eighteen hundred and ninety-one, there shall be established for and within the aforesaid School Districts Nos. 27 and 122 in Kent county a board of education, to be styled "The Board of Education of Lebanon Public Schools," whose design and purpose shall be the direction, management and superintendence of the public education of the children in the said Districts Nos. 27 and 122, between the ages of six and twenty-one years, and generally to do all other matters necessary to carry into effect the requirements of this act. And the said Board of Education, as such body corporate, may sue and be sued, plead and be impleaded in any court of law or equity in this State or elsewhere, and have a common seal, with power to alter the same at pleasure, and otherwise generally shall have all the rights, powers, privileges and franchises incident to corporations and necessary or convenient for carrying into effect the purposes of their creation.

Board of
Education.Powers of
Board.

SECTION 3. It shall be the duty of the aforesaid Board of Education to devise, establish and modify, from time to time, a plan and system of education for children between the ages aforesaid in the said Districts Nos. 27 and 122, and to superintend the same; to appoint, suspend and remove teachers and provide schoolhouses, apparatus and appliances of any kind whatsoever; to make by-laws, rules and regulations for their own government and for the government of the teachers and schools under their direction and government; to designate and elect officers of the said board and to fill vacancies in any manner howsoever caused until the next election for members of the board; and to take and acquire, receive, hold and enjoy, for the purposes aforesaid, moneys and real and personal property by bargain and sale, gift, grant, contract, devise or bequest; and it shall be the further duty of the said Board of Education annually, in the month of April, to provide by taxation a sum of money sufficient for the proper maintenance of the schools under their charge for and during the ensuing school year; *provided, however*, that such sum shall not exceed the sum of eight hundred dollars in any one year.

Duties of
Board.

SECTION 4. That the Board of Education shall have the same power and authority in collecting taxes (as well as those that are now due said Districts Nos. 27 and 122 as those which may hereafter be levied upon the taxables of said districts), that now is or may hereafter be conferred upon the commissioners of public schools in this State, and shall

Power and
authority in
collecting
taxes.

OF FREE SCHOOLS.

School dividends. have the right to draw dividends, from time to time, made and entered to the credit of School Districts Nos. 27 and 122 in Kent county.

Report of proceedings to be hung up. SECTION 5. That the Board of Education shall, on or before the Monday preceding the first Saturday in April in every year, cause to be made out and hung up in one of the most public places in said district a full report of their accounts and proceedings during the past year, setting forth aggregates under their appropriate heads. They shall also depute one of their number to settle with the State Auditor of Accounts.

Election of Board of Education. SECTION 6. The first election for members of the Board of Education shall be held on the first Saturday in April, A. D. eighteen hundred and ninety-one, at which election one person shall be chosen for the term of three years, two other persons to serve for the term of two years, and William E. Maloney and Benjamin H. Moore shall be directors for one year from the above date. On the first Saturday in April, annually thereafter, elections shall be held to fill vacancies in the Board of Education caused by the limitations of terms of office prescribed, or in any manner whatsoever.

Manner of election. The members of the board shall be elected by ballot and a majority vote and shall hold their offices for the terms for which they are elected and until their successors are duly chosen and qualified.

Manner of holding election. The first election herein provided to be held, on the first Saturday in April, eighteen hundred and ninety-one, shall be held under the same rules and in the same manner as elections have been formerly held; but all subsequent elections shall be held by and under the authority of the Board of Education in the following manner:

Hour of election. The election shall be held in the afternoon, the polls opened at two o'clock, or within thirty minutes thereafter, and closed at five o'clock. The members of the Board of Education shall not receive either pay or emolument or be allowed any compensation for their services in holding elections.

Notice of election. The board shall appoint the place for holding the annual or any special election, and give notice thereof for ten days previous to the time of holding said election, in five of the

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most public places in the district, by handbills under the signature of the secretary of the board.

The said board shall appoint an inspector of said election (not one of their number) who shall preside thereat. Inspector of Election.

The secretary of said board shall act as clerk of said election. Within two days after any election the certificates of the result shall be delivered, under the hands of the inspector and clerk, as follows: One to the secretary of the board, one to each of the persons elected and one other to the Clerk of the Peace of Kent county, to be kept as a public record. Clerk. Certificates.

The board shall be the judge of the election of its members, who must have paid a school tax in the said districts within the year preceding the election, and must be elected by the voters of the said district having the same qualifications as are required to vote at general elections and who have paid their school taxes for the preceding year. Qualifications of members.

SECTION 7. That the law now in force or that may hereafter be passed in this State with regard to illegal voting at school elections shall apply to every case of illegal voting at any election authorized to be held under this act, and every inspector and clerk, of elections authorized to be held under this act, failing to perform the duties required of him, shall be held liable to the same penalty that is now imposed, under the general school law, upon the secretary at any annual meeting of the school voters of any school district in this State for a failure to perform the duties imposed upon him by the general school law of this State. Laws applicable to election. Failure to perform duties. Penalties.

SECTION 8. That all duties now by law devolving upon the clerks of school districts under the general school law of this State and not herein delegated or assigned to any other officer of the Board of Education herein provided for, shall devolve upon the secretary of the said board. Duties of Secretary of Board of Education.

SECTION 9. That all debts due and owing to the said Districts Nos. 27 and 122 in Kent county, shall be due and owing to the said "The Board of Education of Lebanon Public Schools;" and the said board of education shall have the same powers and authority to collect the same as was vested in the commissioners of the said districts prior to their incorporation by this act; and all rights, credits, and property, real and personal, belonging to either of said Dis- Debts due and owing to districts transferred to board. Property of districts.

OF FREE SCHOOLS.

tricts No. 27 and 122, in Kent county, shall be the property of the said "The Board of Education of Lebanon Public Schools," and the members of the said board shall have the control and management of the same, and may maintain suits in their corporate name for injury or damage done to the property belonging to either of the said districts incorporated under this act, or to any property owned or controlled by the said "The Board of Education of Lebanon Public Schools," or for the recovery of the same.

SECTION 10. That each member of the Board of Education, and each officer by them appointed, before entering upon the discharge of the duties of his office, shall take an oath or affirmation to perform the same diligently and faithfully, according to the best of his knowledge and judgment. Such oath or affirmation may be administered by the president of the board or by any member thereof, as well as by any officer authorized by law to administer oaths.

SECTION 11. That all laws of this State applicable to free schools, not inconsistent with or in conflict with this act, shall be applicable to the said "The Board of Education of Lebanon Public Schools."

SECTION 12. That this act shall be and continue in force for the term of twenty years from and after its passage.

SECTION 13. That this shall be a public act.

Passed at Dover, April 17, 1891.

CHAPTER 89.

OF FREE SCHOOLS.

A Supplement to an act entitled "An act to incorporate Lebanon Public Schools."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That the provisions of the act entitled "An act to incorporate Lebanon Public Schools," passed at Dover, April 17, A. D. 1891, shall not take effect until the first Saturday in April, A. D. 1892.

Passed at Dover, May 14, 1891.

OF FREE SCHOOLS.

CHAPTER 90.

OF FREE SCHOOLS.

AN ACT to transfer the house and lot of Mary E. Lynch to School District No. 173 in Sussex county.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That the house and lot of Mary E. Lynch, ^{House and lot transferred.} now situated, lying and being in School District No. 120, Sussex county, be and the same is hereby transferred to School District No. 173 in Sussex county, and shall hereafter constitute a part of School District No. 173 in Sussex county.

SECTION 2. That from and after the passage of this act ^{Assessment.} the aforesaid house and lot shall be assessed for school purposes in School District No. 173 in Sussex county.

SECTION 3. This act shall be deemed and taken to be a public act and the revocation reserved to the Legislature.

Passed at Dover, May 14, 1891.

CHAPTER 91.

OF FREE SCHOOLS.

AN ACT to establish a New School District in Sussex County.

Whereas a canal or inland waterway, connecting the waters ^{Preamble.} of Assawaman bay with those of Indian river, is now being constructed by the United States government through School Districts Nos. 28 and 121 in Sussex county; and

Whereas the taxables in that portion of said districts hereinafter described are by reason of the constructing of said canal, or inland waterway, cut off from the schoolhouses in each of said school districts, the bridges over said canal be-

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ing one and a half miles apart, thereby increasing the distance to said schoolhouses; and

Whereas to raise the amount of tax now required by the statutes, the taxables residing in the territory so as aforesaid cut off, being few in number and of very limited means, would be taxed entirely out of proportion to that of other districts; therefore,

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Parts laid off
for new dis-
trict.

Boundaries.

Number of
new district.

To have all
powers and
privileges of
original dis-
tricts.

Amount to
be raised by
taxation.

Provi-o.

School
meeting

SECTION 1. That there shall be and hereby is laid off from School Districts Nos. 121 and 28, of Sussex county, the following parts thereof included within these lines, to wit: Beginning in Miller's creek, at the southern terminus of the canal between Assawaman and Indian river bays, thence northward up by and with said canal to the Beach road, near the town of Ocean View; thence in a straight line across the Salt Pond and along the northern shore of Cedar Island, in a northeasterly direction to low water mark in the Atlantic Ocean; then southerly by and with low water mark of said ocean to a point due east of the place in Assawaman bay, or Miller's creek, commonly called the Narrows; thence across the beach due west to the waters of said bay or creek; thence by and with the waters of said Assawaman bay and Miller's creek to the first beginning; and the parts included within the said limits shall be a separate school district, that is to say, School District No. 28½ in Sussex county.

SECTION 2. That from and after the passage of this act, District No. 28½ in Sussex county, formed and bounded by the foregoing section, shall have and enjoy all the powers, rights and privileges of an original school district in Sussex county, and all the laws of this State applicable to school districts of the State generally shall apply to the said District No. 28½, so laid off, excepting that instead of the amount now required to be raised by taxation in districts in Sussex county, the raising of fifty (50) dollars annually by taxation shall entitle said district No. 28½ to draw from the school fund of Sussex county the amount drawn by other districts in said county; *Provided*, however, that the school voters of the said district shall meet on the first Saturday of April next, at a house to be provided by Hiram James in said district, notice of which meeting is hereby given, and

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choose a clerk to serve for three years and two commissioners, one to serve for two years and one to serve for one year, or until their successors are duly elected, and may do and perform any other act or acts that the voters of any school district in the said county may lawfully do.

SECTION 3. That the Secretary of State is hereby directed to notify the Clerk of the Peace of Sussex county of the passage of this act. Duty of Secretary of State.

Passed at Dover, February 19, 1891.

CHAPTER 92.

OF FREE SCHOOLS.

AN ACT for the relief of the Commissioners of School District No. 148, Sussex County.

Whereas the voters of School District No. 148, Sussex county, are desirous of changing the location of their school-house, not owning the ground whereon the present school-house now stands, and enlarging the house; and Preamble.

Whereas there is a sufficient amount of money in the hands of the commissioners to procure a lot and enlarge the house, which the commissioners are positively unable to expend in maintaining a public school in said district; therefore

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That the school committee of said school district (No. 148, Sussex county,) be and they are hereby authorized to apply money now in hand for the purposes aforesaid. Committee authorized to use moneys in hand

SECTION 2. This shall be deemed and taken to be a public act.

Passed at Dover, March 26, 1891.

OF FREE SCHOOLS.

CHAPTER 93.

OF FREE SCHOOLS.

AN ACT to transfer the land of Thomas H. Fooks from School District No. 94 to that of 154, Sussex county.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Land transferred.

Rights, privileges, etc.

SECTION 1. That all the land of Thomas H. Fooks, now situated and lying in School District No. 94, Sussex county, be and the same is hereby transferred to and shall hereafter form a part of School District No. 154, Sussex county, and every person residing upon the land before mentioned, or who may hereafter reside thereon, shall enjoy all the rights and privileges, and be subject to all the liabilities of taxables of said School District No. 154, and the said Thomas H. Fooks and his lands, as aforesaid, are hereby relieved and discharged from the same in School District No. 94 in said county.

SECTION 2. That this act shall be deemed and taken to be a public act.

Passed at Dover, February 5, 1891.

CHAPTER 94.

OF FREE SCHOOLS.

AN ACT to transfer all the lands and premises of Geo. C. Twilley from School District No. 183 to School District No. 141 in Sussex county.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Lands transferred.

SECTION 1. That all the lands and premises of Geo. C. Twilley, now situated and being in School District No. 183 in Sussex county, be and the same is hereby transferred and shall hereafter constitute a part of School District No. 141, Sussex county, aforesaid.

OF FREE SCHOOLS.

SECTION 2. That from and after the passage of this act ^{Assessment.} all of the aforesaid lands and premises shall be assessed for school purposes in School District No. 141 in Sussex county, and are hereby released and discharged from the same in School District No. 183 in said county.

SECTION 3. This act shall be deemed and taken to be a public act.

Passed at Dover, April 2, 1891.

CHAPTER 95.

OF FREE SCHOOLS.

AN ACT entitled "An act to merge School Districts Nos. 58 and 149, of Sussex County, into one School District.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:* That School Districts Nos. 58 and 149, in Sussex county, as now formed, or may be hereafter formed under the laws of this State, be and they are hereby merged and made into one school district, to be numbered and known as School District No. 58 of Sussex county. ^{School districts merged}

SECTION 2. That the school voters of the present districts Nos. 58 and 149, aforesaid, shall, on the first Saturday in April next after the passage of this act, meet in the school house of District No. 58, at the hour of 4 o'clock in the afternoon, for the purpose of electing a clerk to serve for three years, and two commissioners, one for two years and one for the period of one year, and that thereafter all school elections for School District No. 58 shall be in accordance with the same general laws and regulations which govern the elections of other school districts of this State. ^{School meeting.}

SECTION 3. That the credits and moneys due to both the said Districts Nos. 58 and 149 shall become due, payable to, and passed by the Auditor to the credit of District No. 58, and the two schoolhouses and grounds thereto belonging shall be the property of said district No. 58, subject to be ^{Moneys due districts.} ^{Property of districts.}

OF FREE SCHOOLS.

sold, or either of them, or hypothecated for the purchase of other grounds or buildings, in such manner, on such terms and for such purposes as other school districts have a right to dispose of or acquire real estate.

Passed at Dover, March 31, 1891.

CHAPTER 96.

OF FREE SCHOOLS.

AN ACT to enable the Commissioners of United School Districts Nos. 24 and 159 in Sussex County to borrow money for building purposes.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

School Commissioners authorized to borrow money for erecting new school building.

SECTION 1. That the school commissioners of United School Districts Nos. 24 and 159 in Dagsboro hundred, Sussex county, be and they are hereby authorized and empowered to borrow a sum of money, not exceeding one thousand dollars, for the purpose of erecting or purchasing a new school building for said districts and for the purpose also of purchasing, if necessary, a lot or piece of ground on which to erect said new school building, and that said sum of one thousand dollars shall be borrowed for such time or times, not exceeding ten years, at such rate of interest, not exceeding six per centum per annum, and made payable in such installments as said commissioners shall deem fit and proper, and the said commissioners are hereby authorized to secure the payment of the same with the interest thereon by a bond or mortgage, on a bond and mortgage under their hands and seals as commissioners aforesaid, to be made a lien against the said school building and premises or other property situated in and belonging to United School Districts Nos. 24 and 159.

Bond and mortgage.

Additional tax to pay interest and principal of debt.

SECTION 2. That the said commissioners and their successors are hereby authorized, directed and required to levy and collect yearly, in addition to the tax for carrying on a school or schools directed to be levied by law at the stated meetings, such sum as shall be necessary for the payment of

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the interest and the principal of said sum mentioned in Section 1, according to the conditions upon which the same was borrowed, the same to be levied as other school money is levied in said districts.

SECTION 3. That the said commissioners are hereby authorized and empowered, if they should deem it advisable and proper to do so, to sell and convey the present school building and such other property as may belong to said United School Districts Nos. 24 and 159, and when such sale shall be made, a deed signed by said commissioners, or any two of them, and duly acknowledged before a notary public, shall be valid and effectual to pass to the purchaser a good and sufficient title to the purchaser of the said school building and premises. That the proceeds of the said sale of the said school building and premises and other property belonging to said United School Districts Nos. 24 and 159, if the same shall be sold, shall be appropriated and applied, in addition to the money hereinbefore provided for, toward the cost of purchasing a lot and erecting a new school building thereon, and refurnishing the same for the use of said school, and for no other purposes whatsoever.

Old school buildings to be sold.

Proceeds of sale, how applied.

SECTION 4. This shall be deemed and taken to be a public act.

Passed at Dover, April 15, 1891.

CHAPTER 97.

OF FREE SCHOOLS.

AN ACT to transfer the lands and premises of Edward E. Hearn from School District No. 53 to School District No. 55, Sussex County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That the lands and premises of Edward E. Hearn, now situated and being in School District No. 53 in Sussex county, be and the same are hereby transferred and shall hereafter constitute a part of School District No. 55, Sussex county, aforesaid.

Lands and premises transferred.

OF FREE SCHOOLS.

Assessment. SECTION 2. That from and after the passage of this act, the aforesaid lands and premises shall be assessed for school purposes in School District No. 55 in Sussex county, and are hereby relieved and discharged from the same in School District No. 53 in said county.

SECTION 3. This act shall be deemed and taken to be a public act.

Passed at Dover, April 2, 1891.

CHAPTER 98.

OF FREE SCHOOLS.

AN ACT transferring the Farm of Joseph I. Collins from the School District 178, Sussex County, to School District 17 in Sussex County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Farm
transferred.

SECTION 1. That the farm and premises now belonging to Joseph I. Collins, situated in School District 178 in Sussex county, shall hereafter be and form a part of School District 17 in Sussex county aforesaid, and all and every the persons residing on the said land and farm herein mentioned, and all persons who may reside thereon, shall enjoy all the advantages and privileges, and that the said John I. Collins and the persons hereafter owning said land and farm, or living on the same, shall be subject to all the duties and liabilities of taxables of School District No. 17; *and further*, that they are hereby relieved and discharged from the same in School District No. 178 in Sussex county as aforesaid.

Taxation.

Passed at Dover, April 7, 1891.

OF FREE SCHOOLS.

CHAPTER 99.

OF FREE SCHOOLS.

AN ACT to create an additional School District in Sussex County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That Lorenzo D. Morgan, Samuel T. War-
 rington and Peter McCue be and they are hereby appointed
 commissioners to go upon and view School District No. 172
 in Sussex county, and divide the said school district into
 two school districts by a line to run as follows, to wit: Be-
 ginning at the south end of the public bridge across the
 Nanticoke river at Seaford, and running thence with the
 public road from Seaford to Laurel, in a southward direction,
 to the southern boundary of said district; and when the said
 commissioners or a majority of them shall have so divided
 the said district, they shall make return of the same, de-
 scribing plainly the metes and bounds thereof, into the
 office of the Clerk of the Peace of Sussex county, to be by
 him filed among the records of the office. And in said re-
 turn the commissioners shall designate by line the form of
 said District No. 172, and the lines of the additional school
 district formed thereout. Said return shall be made within a
 reasonable time after the laying out of said additional dis-
 trict. The said Clerk of the Peace shall make a copy
 thereof and deliver the same to the Trustee of the School
 Fund. The additional school district formed under the pro-
 visions of this act shall be deemed and taken to be a school
 district of Sussex county, and be numbered in continuation
 of school districts already established, and shall be con-
 sidered as and entitled to all the benefits and privileges and
 advantages of an original school district in said county.

Commis-
sioners to
divide
school dis-
trict.

Boundaries.

Returns of
proceedings.

Contents of
returns.

Copy de-
livered to
trustee of
school fund.

Benefits and
privileges.

SECTION 2. That the schoolhouse and the property be-
 longing to said School District No. 172 shall be the joint
 property of said original district and the additional school
 district herein contemplated.

Joint
property.

SECTION 3. That the school voters in the additional school
 district which may be created under this act are hereby
 authorized to hold the school meeting, upon proper notice

School
meeting.

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given by the clerk of said district No. 172, as other school meetings, for the purpose of electing a clerk and commissioners according to law and to do all other acts necessary to be done to complete the organization of the additional school district to be created under this act.

Levying of
taxes.

SECTION 4. That the clerk and commissioners who may be elected under this act shall levy a tax of seventy-five dollars within the limits of the district to be created under this act in addition to the amount now required by law to be raised, and that the school commissioners of the original District No. 172 shall be required to levy the taxes now authorized within the limits of said original school district herein provided for.

Oath of
Commis-
sioners.

SECTION 5. That the commissioners appointed by this act to divide School District No. 172 shall, before entering upon the duties of their respective offices, be severally sworn or affirmed, any one of whom is hereby authorized to administer the oath or affirmation herein required.

Passed at Dover, April 8, 1891.

CHAPTER 100.

OF FREE SCHOOLS.

AN ACT entitled "An act to transfer the farms of John G. Smith and Steven G. Hearn, from School District No. 48 to United Districts Nos. 163 and 163½, Sussex County, Delaware. Also the farm of Nehemiah B. LeCates and Mitchell H. German from School District No. 87 to United Districts Nos. 163 and 163½, of the same County and State.

Farms
transferred.

SECTION 1. *Be it enacted by the Senate and House of Representatives [of the State of Delaware] in General Assembly met:* That the farm belonging to John G. Smith and now occupied by him be and is hereby transferred from School District No. 48 to United School Districts Nos. 163 and 163½, in Sussex county, State of Delaware.

SECTION 2. *Be it further enacted,* That the farm occupied by Steven G. Hearn be and is hereby transferred from

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School District No. 48 to United School Districts Nos. 163 and 163½, in Sussex county, State of Delaware.

SECTION 3. *Be it further enacted*, That the farm belonging to Nehemiah B. LeCates, Mitchell H. German, in School District No. 87, be and is hereby transferred to United School Districts Nos. 163 and 163½, in Sussex county, State of Delaware.

SECTION 4. That the farms of John G. Smith, Stephen G. Hearn, Nehemiah B. LeCates and Mitchell H. German, or the tenants residing on said farms, and any property belonging to said owners, or tenants, shall be subject to school taxes in United School Districts Nos. 163 and 163½, in Sussex county. School taxes

Passed at Dover, April 9, 1891.

CHAPTER 101.

OF FREE SCHOOLS.

AN ACT transferring the Farm now belonging to David B. Bennett and situated in School Districts Nos. 4 and 127 in Sussex County to School Districts Nos. 5 and 116 in said County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That the farm now belonging to David B. Bennett, situated in School Districts Nos. 4 and 127 in Sussex county, shall hereafter be and form a part of School Districts Nos. 5 and 116 in Sussex county aforesaid, and each and every person residing on the said land and farm herein mentioned, and all persons who may reside thereon, shall enjoy all the advantage and privilege, and that the said David B. Bennett, and the person or persons hereafter owning said land and farm or living on the same, shall be subject to all the duties and liabilities of taxables of said School Districts Nos. 5 and 116; *and further*, that they are hereby relieved and discharged from the same in said School Districts Nos. 4 and 127 in Sussex county aforesaid. This act shall be deemed and taken to be a public act. Farm transferred.

Passed at Dover, April 19, 1891.

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CHAPTER 102.

OF FREE SCHOOLS.

AN ACT to transfer a portion of Wm. H. Rodney's farm from School District No. 185, in Sussex County, to School District No. 43, in said County.

Part of the
farm of Wm.
H. Rodney
transferred
from School
District No.
185 to Dis-
trict No. 43.

SECTION 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 farm and premises of William H. Rodney as are now situated and lying in School District No. 185, in Sussex county, on the north side of the public road leading from Laurel to Millsboro by way of Trinity Methodist Protestant Church and Wm. H. Rodney's store, be and the same is hereby transferred to School District No. 43, in said county, and shall hereafter constitute a part of the said latter named district.

Assessment
for school
purposes.

SECTION 2. *Be it enacted by the authority aforesaid,* That from and after the passage of this act the aforesaid farm and premises shall be assessed for school purposes in said School District No. 43 in Sussex county, and not in School District No. 185.

Passed at Dover, April 22, 1891.

CHAPTER 103.

OF FREE SCHOOLS.

AN ACT to transfer the farm of William H. Prettyman from School District No. 88 to School District No. 13 in Sussex County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Farm
transferred.

SECTION 1. That the farm and premises of William H. Prettyman, now situated and lying in School District No. 88, Broadkill hundred in the county of Sussex, said State of

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Delaware, be and the same is hereby transferred to School District No. 13 in said county and State, and shall hereafter constitute a part of said latter-named District No. 13.

SECTION 2. That from and after the passage of this act the aforesaid farm and premises shall be assessed for school purposes in said School District No. 13 in Sussex county, and is hereby relieved and discharged from the same in School District No. 88 in said county. Assessment for school purposes.

SECTION 3. That this act shall be deemed and taken to be a public act. Public act.

Passed at Dover, April 27, 1891.

CHAPTER 104.

OF FREE SCHOOLS.

AN ACT transferring the farms of Lemuel W. Evans and John Lynch from School District No. 31 to School District No. 120, in Sussex County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That the farms of Lemuel W. Evans and John Lynch, situated in School District No. 31 in Sussex county, shall hereafter be and form a part of School District No. 120 in Sussex county aforesaid, and all and every the persons residing on the said lands and farms herein mentioned [shall enjoy] all the advantages and privileges, and that the said Lemuel W. Evans and John Lynch and the person or persons hereafter owing said lands and farms or living on the same shall be subject to all duties and liabilities of taxables of said School District No. 120. *And further,* That they are hereby relieved and discharged from the same in said School [District] No. 31 in Sussex county aforesaid. Farms transferred from School District No. 31 to District No. 120.

SECTION 2. That this act shall be deemed and taken to be a public act.

Passed at Dover, April 27, 1891.

OF FREE SCHOOLS.

CHAPTER 105.

OF FREE SCHOOLS.

AN ACT to transfer the farm of Paynter Frame from School District No. 21 to School District No. 33 of Sussex County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Farm transferred from School District No. 21 to District No. 33.

SECTION 1. That the farm of Paynter Frame, now situated in School District No. 21 in Sussex county, be and the same is hereby transferred from said School District No. 21 and shall hereafter constitute a part of School District No. 33 in said county.

Assessment.

SECTION 2. That from and after the passage of this act the aforesaid farm shall be assessed for school purposes in said School District No. 33 in Sussex county.

Passed at Dover, April 27, 1891.

CHAPTER 106.

OF FREE SCHOOLS.

AN ACT transferring certain lands of Dr. Robert G. Ellegood from School District No. 45 to United School Districts Nos. 44 and 150 in Sussex County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Farm transferred from School District No. 45 to Districts Nos. 44 and 150.

SECTION 1. That the farm of Dr. Robert G. Ellegood, situated in School District No. 45 in Sussex county, on either side of the public road leading from Laurel to Georgetown, and known as the Wilson Messick farm, shall hereafter be and form a part of School Districts Nos. 44 and 150 united. And the said Ellegood and all and every the persons residing on said farm mentioned herein and all persons who may here-

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after reside thereon shall enjoy all the advantages and privileges and be subject to all the liabilities of taxes of said School Districts Nos. 44 and 150 united, and are hereby relieved and discharged from the same in School District No. 45 in Sussex county.

SECTION 2. *And be it further enacted*, That this act shall be deemed and taken to be a public act.

Passed at Dover, April 27, 1891.

CHAPTER 107.

OF FREE SCHOOLS.

AN ACT to transfer the farm of Luther Harris from School District Number 179½ to School District Number 76, in Sussex County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That the farm of Luther Harris, now situate and lying in School District No. 179½ in Sussex county, shall hereafter be and form a part of and be assessed for school purposes in School District No. 76 in Sussex county aforesaid, and all and every the persons residing on said farm and all persons who may hereafter reside thereon, shall enjoy all the advantages and privileges and be subject to all the duties and liabilities of taxables of said School District No. 76 in Sussex county, and are hereby released and discharged from the same in School District No. 179½ in said county.

Farm transferred from School District No. 179½ to School District No. 76.

SECTION 2. This act shall be deemed and taken to be a public act.

Passed at Dover, April 15, 1891.

OF FREE SCHOOLS.

CHAPTER 108.

OF FREE SCHOOLS.

AN ACT for the relief of School District No. 75 in Sussex County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Commissioners
authorized
to expend
surplus
funds for
building
purposes.

Proviso.

SECTION 1. That the commissioners of School District No. 75, in Sussex county, be and they are hereby authorized and empowered to use, appropriate and expend any unappropriated funds in their hands, belonging to the above named district, for the purpose of building, repairing, or for the purpose of liquidating any debt that has or may be incurred by such building or repairing. *Provided, however,* that such appropriation or expenditure shall not exceed the sum of eighty-eight dollars.

Passed at Dover, April 27, 1891.

CHAPTER 109.

OF FREE SCHOOLS.

AN ACT authorizing School District No. 179, in Sussex County, to use the surplus money now in hand, or as much of said money as is required, to pay for the New Schoolhouse in said district.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

School committee
authorized to
use surplus
money to
pay debt.

SECTION 1. That the school committee of School District No. 179, in Sussex county, be and they are hereby authorized and empowered to use the surplus, or as much of said money as is necessary, to liquidating the debt of the said committee incurred in building the schoolhouse in said district.

Passed at Dover, April 27, 1891.

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CHAPTER 110.

OF FREE SCHOOLS.

AN ACT to divide, consolidate and incorporate School Districts Nos. 28 and 121, in Sussex County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That School District No. 28, in Sussex county, be and the same is hereby divided into two school districts, which shall be known and designated as School Districts No. 28 and 121, and described as follows, to wit:

No. 28, beginning at the centre of the road leading from Ocean View to Cedar Neck, on the south side of the canal known as the "Inland waterway between White's creek and Assawaman bay;" thence by and with said canal 286 perches to a stake near the house of A. W. Hearn; thence across lands of A. W. Hearn and W. C. Burton north 75 degrees west 87 perches; thence across lands of W. C. Burton and W. S. H. Williams south 57 degrees west 132 perches to the road leading from Ocean View to Muddy Neck; thence westerly by and with said road to a large mulberry tree standing on south side of said road near the residence of John W. James, deceased; thence a west course to a ditch leading down by Isaac W. James' house; thence by and with said ditch northerly to the bridge across the road near Isaac W. James' house; thence by and with said road to the place of beginning.

No. 121, beginning at the junction of White's creek and the canal known as the "Inland waterway between White's creek and Assawaman bay;" thence southerly by and with said White's creek to a branch known as "Little Neck Branch;" thence by and with said branch to the road leading from Millville to Ocean View; thence westerly by and with said road to the ditch near George J. Derrickson's house; thence southerly by and with said ditch to the road leading from Thomas Shorts to Millville; thence easterly by and with said road to the road leading from Roxana to Ocean View; thence east to ditch leading down by Isaac W. James' house; thence northerly by and with said ditch to the road leading from Millville to Ocean View; thence northerly by

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and with said road to aforesaid canal or "inland waterway;" thence northerly by and with said canal or "inland waterway" to the place of beginning.

Powers, incidents, etc.

The two school districts formed by this act shall have and enjoy all the rights, powers, incidents, immunities, privileges and benefits of school districts in this State.

Consolidated districts, how governed.

SECTION 2. That from and after the passage of this act Districts Nos. 28 and 121 in Sussex county, as formed and bounded by the foregoing section of this act, shall form one consolidated district, to be governed and managed by a board of public education, consisting of five members, to be elected as hereinafter provided.

Board of Public Education for Ocean View.

SECTION 3. That from and after the passage of this act there shall be established in and for said consolidated districts a board of education to be styled "The Board of Public Education for Ocean View," whose design and purpose shall be the direction and management and superintendence of the public education of children in said consolidated districts between the ages of six and twenty-one years.

Names of persons constituting board.

SECTION 4. That the following named citizens of said consolidated districts, namely: Silas J. Betts, William L. Williams, John T. West, George E. James and Thomas W. Betts, [and] their successors as hereinafter provided, shall constitute the said board, and under the name and style aforesaid shall be and they are hereby created a body politic and corporate for the purpose aforesaid, and as such shall have full power and authority to devise, establish, and to modify, from time to time, a plan and system of education for children between the ages aforesaid in the said consolidated districts and to superintend the same; to appoint, suspend and remove teachers and provide schoolhouses; to make by-laws, rules and regulations for their own government and for the government of the teachers and schools under their superintendence; to designate and elect officers of the said board and to fill vacancies in any manner however caused until the next election for members of the board, and to take and acquire, receive, hold and enjoy, for the purpose aforesaid, moneys and real and personal estate by bargain and sale, gift, grant, contract, devise or bequest, and that they as such body corporate, and by the name and style aforesaid, may sue and be sued, plead and be impleaded in any court of law or equity in the State of Delaware or elsewhere, and have a common seal

Powers and duties.

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with power to alter the same, and otherwise generally shall be clothed with all the rights, powers and privileges incident to corporations and necessary or convenient for carrying out the purposes of their creation.

SECTION 5. That the persons named as corporators in this act shall constitute the Board of Public Education until the first Saturday in April A. D. 1892, or until their successors are duly elected and qualified. The first election for the members of the Board of Education shall take place on the first Saturday in April, A. D. 1892, at which two persons shall be elected to serve for the term of one year, two for the term of two years, and one for the term of three years, and on the first Saturday in April, annually thereafter, an election shall be held to fill the vacancies caused by the limitations to the terms of office prescribed or in any manner whatsoever. The election shall be held in the afternoon, the polls opened at 2 o'clock, or within thirty minutes thereafter, and closed at 4 o'clock. The members shall not receive any pay or emolument nor be allowed any compensation for their services, except the secretary, who may be allowed an amount not exceeding ten dollars in any one year at the discretion of the board. The board shall meet on the Monday following, and organize by the election of a president and secretary from their number, and a treasurer, who may or may not be a member of the board. The offices of secretary and treasurer may be held by the same person. The board shall appoint the place for holding the annual or any special election and give notice thereof five days previous to the time of holding said election by notice under the signature of the secretary of the board posted in five public places in the consolidated district. The said board shall appoint an inspector of said election (not one of their number) who shall preside thereat. The secretary of said board may act as clerk of said election. Certificates of the result of the election, signed by the inspector and clerk, shall be made out immediately after counting the votes, and a certificate as aforesaid given to each of the persons elected. The board shall be the judge of the election and qualification of its members, who must, in addition to being qualified voters of said district, have paid a school tax within the year preceding the election and must have been elected by voters of the said consolidated districts having the same qualifications. A plurality of votes shall elect. A majority of said board shall constitute a quorum. The officers holding the election shall, before opening the

Term of office.

Election.

Term of office.

Vacancies.

Time of holding elections.

Compensation.

Organization.

Notice of place of holding elections.

Inspector of Election.

Clerk of Election.

Certificates of election.

Board judges of election of its members.

Qualifications.

Plurality to elect.

Quorum.

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Oath of officers holding elections. polls, each take an oath or affirmation as follows: I, _____, do solemnly swear (or affirm) that in holding the election this day for members of the Board of Public Education, I will faithfully and impartially perform my duty and make true certificates of the result thereof and deliver the same according to law, so help me God (or so I solemnly affirm).
 Who to administer oath. The inspector is authorized to administer this oath or affirmation to the clerk and lie to the inspector.

Illegal voting. SECTION 6. That if any person not having a right to vote at any election held under this act shall vote at such election, or if any inspector or clerk shall knowingly take the vote of a person not having a right to vote, or shall neglect or refuse to make and deliver certificates of the result of any election as required by the next foregoing section, any such person, inspector or clerk shall forfeit and pay fifty dollars, to be adjudged on indictment and conviction in the Court of General Sessions in and for the County of Sussex, and to be paid to the Board of Public Education aforesaid for the benefit of the schools under its charge.
 Refusal to make and deliver certificates.
 Penalty.

Board of Education to make report. SECTION 7. That the Board of Public Education shall within ten days after settling with the State Auditor, in every year, cause to be published a full report of their accounts and proceedings during the past year, setting forth aggregates under their appropriate heads. They shall also depute one of their members to settle with the Auditor of the State.
 Settlement with auditor.

Assessment and collection of taxes. SECTION 8. That the Board of Public Education shall on or before the first Saturday of April in each and every year determine the amount of money that shall be necessary to carry on the schools and for incidental expenses for the ensuing year, and that the taxes levied and collected for educational purposes in said consolidated districts shall be levied and collected as now provided by law, and the Board of Public Education in assessing the same shall have all the power granted to county assessors by Section 10 of Chapter 10 of the Revised Code.

Power of board in collection of taxes. SECTION 9. That the Board of Public Education shall have the same power and authority in collecting taxes given to commissioners of public schools in this State, and shall have the right to draw from time to time such dividends as are drawn by other consolidated districts.
 Dividends.

OF FREE SCHOOLS.

SECTION 10. That each member of the Board of Public Education, before entering upon the duties of his office, shall take an oath or affirmation to perform the same diligently and faithfully, according to the best of his knowledge and judgment. Such oath or affirmation may be administered by the president of the board, or by any member thereof, as well as any officer authorized by the laws to administer oaths or affirmations.

Oath of members of board.

Who may administer oath.

SECTION 11. That the secretary and treasurer of said Board of Education shall be required to give full and sufficient bond, with approved security, for the faithful performance of his duties under this act, and which shall be sufficient to cover the full amount of money which may at any time come into the hands of said secretary and treasurer, and shall receive a compensation for his services as may be determined and fixed by said board. He shall file a copy of proceedings of annual meetings with the Clerk of the Peace of Sussex county, and shall also record the proceedings in a book belonging to said consolidated districts as is now provided by law.

Bond of Secretary and Treasurer.

Compensation of Secretary and Treasurer.

Duty of Secretary and Treasurer.

SECTION 12. That for the purpose of providing more and better school accommodations, it shall and may be lawful for the Board of Education to rent, buy or build a schoolhouse, and for the payment of the same the board may in its discretion issue bonds under the corporate seal, signed by the president and secretary, in a sum not to exceed two thousand dollars, bearing interest at the rate of six per centum or less per annum, and the faith of the Consolidated School Districts Nos. 28 and 121 shall be pledged for the payment of the same and interest at maturity; *provided*, the said bonds shall not be sold at a less price than par value thereof.

School-house.

May issue bonds.

Proviso.

SECTION 13. That the Board of Public Education for School Districts Nos. 28 and 121 in Sussex county shall have power to sell, either at public or private sale, the old schoolhouse or any property belonging thereunto and apply the money received from such sales to the erection of a new schoolhouse.

Sale of old schoolhouse and erection of new house.

SECTION 14. That this act shall be and continue in force for the term of twenty years from and after its passage, and that all laws which conflict with the same or any of its provisions be and the same are hereby repealed so far as they conflict with Districts Nos. 28 and 121.

Time of continuance.

Inconsistent acts repealed.

Passed at Dover, April 28, 1891.

OF FREE SCHOOLS.

CHAPTER III.

OF FREE SCHOOLS.

AN ACT to amend Chapter 48, Volume 18, Laws of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring):

Section 12,
Chapter 48,
Volume 18,
amended.

SECTION 1. That Section 12 of Chapter 48, Volume 18, Laws of Delaware, be and the same is hereby amended by striking out the word "four" in the fourth line of said section, and inserting in lieu thereof the word "three."

Section 13,
Chapter 48,
Volume 18,
amended.

SECTION 2. That Section 13 of said Chapter be and the same is hereby amended by striking out the word "five" in the second line of said section, and inserting in lieu thereof the word "three."

SECTION 3. This act shall be deemed and taken to be a public act.

Passed at Dover, April 28, 1891.

CHAPTER II2.

OF FREE SCHOOLS.

AN ACT for the relief of School District No. 77½ in Sussex County.

Preamble.

Whereas a certain portion of School District No. 77½ of Sussex county was by the Levy Court of Sussex county transferred to and made a part of School District No. 78 of said county in or about the year 1888.

And whereas by reason of said transfer said District No. 77½ became seriously impaired and was unable during the years 1889 and 1890 to perform the conditions which would enable it to draw the school dividends allotted to it for the said two years.

OF FREE SCHOOLS.

And whereas the State School Board have recommended that said portion of District No. 77½ transferred to District No. 78 as aforesaid be restored, retransferred and reunited to said School District No. 77½; therefore

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That the dividing line between School Districts Nos. 77½ and 78 of Sussex county shall run as it now does, beginning on the county road leading from St. Johnstown Church to William Johnson's blacksmith shop and at the bridge at William Johnson's, and running from thence as it now does to the bridge in the county road leading from William Johnson's shop to Staytonville on the James Rebb farm, now occupied by Joseph Calhoun; thence following the last-named county road into Staytonville, thence with the Farmington road until it strikes a bridge in the said road, about thirty perches below the village, thence in a northerly course about two hundred yards or until it strikes the line between Kent and Sussex counties.

Boundary
between
School Dis-
tricts Nos.
77½ and 78
Sussex
County.

SECTION 2. That the Trustee of the School Fund be and he is hereby authorized and directed to pay to School District No. 77½ of Sussex county the dividends allotted to the said District No. 77½ in each of the years 1889 and 1890.

Dividends
to be paid to
District No.
77½.

SECTION 3. That this act shall be deemed and taken to be a public act.

Passed at Dover, April 30, 1891.

OF FREE SCHOOLS.

CHAPTER 113.

OF FREE SCHOOLS.

AN ACT to repeal and supply an act to authorize the School Committee of United School Districts Nos. 125 and 171 in Sussex County to borrow money to build a Schoolhouse, passed at Dover, April 23d, 1891.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Act to authorize Districts Nos. 125 and 171 to borrow money repealed.

SECTION 1. That an act to authorize the school committee of United School Districts Nos. 125 and 171, in Sussex county, to borrow money to build a school house, etc., passed at Dover, April 23, 1891, be and the same is hereby repealed and the following enacted in lieu thereof.

Commissioners authorized to borrow money for repairing schoolhouse.

That the commissioners of United School Districts No. 125 and 171, Sussex county, be and they are hereby authorized and empowered to borrow a sum of money not exceeding two hundred and fifty dollars for the purpose of repairing and enlarging the schoolhouse in said united school districts.

Loan secured by bond and mortgage.

SECTION 2. That for the purpose of securing to the loaner or loaners the payment of the money so to be borrowed under the provisions of this act, with interest thereon, the the school commissioners are authorized and empowered to make and execute and to deliver to the loaner or loaners the bond of said united school districts, and also a mortgage upon any or all real estate owned by the said united school districts at the time of the execution thereof, signed by the said school committee. Such bond or bonds or mortgage shall be made to become due and payable in three equal annual installments with the accrued interest on the sum unpaid, and shall bear interest at any rate not exceeding six per cent. per annum.

How paid.

Money to be used for what purpose.

SECTION 3. That the money borrowed, as aforesaid, shall not be used nor applied to any other purpose than that named in Section 1 of this act.

Act excluded from publication.

SECTION 4. That the Secretary of State is hereby authorized to exclude from publication in the laws of this State the act which is repealed under the provisions of this bill.

OF FREE SCHOOLS.

SECTION 5. That the repairs upon said schoolhouse, as provided for in Section 1st, shall be done by contract; the said commissioners shall issue proposals and shall accept the bid of that responsible bidder who shall agree to do the repairs for the least money. Repairs let out to lowest bidder.

SECTION 6. This shall be and be taken to be a public act.

Passed at Dover, May 14, 1891.

CHAPTER 114.

OF FREE SCHOOLS.

AN ACT for the Advancement of Popular Education.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch of the Legislature concurring therein) as follows:

SECTION 1. That on and after the passage of this act the School Districts Nos. 8, 12, 93, 153 and 160 in the county of Sussex, as now bounded or may hereafter be bound, shall form one united school district, and shall be governed and managed by a Board of Public Education, consisting of nine members, to be elected or appointed as hereinafter provided. Districts Nos. 8, 12, 93, 153 and 160 consolidated. How governed.

SECTION 2. That William D. Lank, John R. Black, Charles G. Waples, William H. Megee, John H. B. Mustard, William H. Chandler, John H. Davidson, Thomas H. Douglass and John Ponder shall constitute and form the board of education of said united districts, and they and their successors shall be and they are hereby created a body politic and corporate under the name and style of the Commissioners of the Public School of the town of Milton and vicinity, of the county of Sussex and State of Delaware. The board of commissioners shall have the direction and superintendence of the public education of children in said united districts between the ages of six and twenty-one years, and for that purpose shall have full power and authority to establish and Board of Education.
Corporate name.
Board of Commissioners, powers and duties of.

OF FREE SCHOOLS.

from time to time to alter and modify a plan and system of education for children between the ages aforesaid, in the said united districts and to superintend the same; to appoint, suspend and remove teachers and to provide schoolhouse; to make by-laws, rules and regulations for their own government, and for the government of teachers and schools under their superintendence; to designate and elect officers of the said board, and to fill vacancies in the said board in whatever manner caused until the next election for members of the board, and to take and acquire, receive, hold and enjoy, for the purposes aforesaid, moneys and real estate and personal estate, by bargain and sale, gift, grant, contract, devise or bequest; and by the name aforesaid may sue and be sued, plead and be impleaded in the courts of this State and elsewhere; may have a common seal, with power to alter the same, and otherwise generally shall be clothed with all the rights, powers and privileges incident to a corporation and necessary for carrying out the purposes of their creation. The commissioners shall receive no compensation for their services.

Commissioners to receive no compensation for services.

Terms of office of Board of Education.

SECTION 3. That the terms of office of the Board of Education or corporators appointed by the foregoing section of this bill shall be as follows: The first three names to serve for the term of one year, the next three to serve for the term of two years, and the remaining three to serve for the term of three years, or until their successors are elected. Their successors to be elected by the school voters of said united districts at a regular school meeting on the first Saturday in April of the year in which their term expires.

School elections.

Annual school election.

SECTION 4. The school voters of said united school districts shall meet on the first Saturday of April, A. D. 1892, and on the first Saturday of April in each and every year thereafter at the schoolhouse, and shall elect three commissioners to serve for the term of three years and until their successors be duly chosen and qualified, and shall likewise elect commissioners to fill all vacancies for the unexpired term. The election shall be held in the afternoon and the polls shall be opened at 2 o'clock, or within thirty minutes thereafter, and closed 4 o'clock. The board shall give ten days notice of said election and of the day, hour and place of holding the same, and of the inspectors appointed by them to hold the same, and of the number of commissioners to be elected thereat, by written or printed handbills posted in ten

Term of office of Commissioners.

Time of elections.

Notice of election.

OF FREE SCHOOLS.

of the most public places in said united school districts. They shall appoint, at least ten days before holding said election, an inspector and an assistant inspector, who shall preside thereat. The inspectors shall not be members of the board of commissioners and shall, before opening the polls, each take an oath or affirmation as follows: I, _____, do solemnly swear or affirm that in holding the election this day for members of the board of commissioners of the public schools of the town of Milton and vicinity in the county of Sussex and State of Delaware, I will faithfully and impartially discharge my duty and make true certificates of the result thereof and deliver the same according to law, so help me God, or, so I solemnly affirm. This oath may be administered by the inspector, assistant inspector, a justice of the peace or a notary public. The inspector shall appoint two clerks, one to be appointed by the inspector and the other by his assistant, who shall keep true and correct lists of the persons voting at said elections. The inspector shall, as soon as the polls have closed, proceed to count the votes and ascertain the result and shall, immediately upon ascertaining the result of said election, make out and sign certificates thereof and shall deliver, without delay, one of said certificates to the secretary of the board of commissioners, one to each of the persons elected, and one other to the Clerk of the Peace of Sussex county to be kept as a public record. Every person residing within the said united school districts and having a right to vote for Representatives in the General Assembly (and having paid his school tax for the preceding year) shall be a school voter of said united school districts. And if any person not being so qualified shall vote at any meeting of school voters therein he shall be deemed guilty of a misdemeanor and shall be fined fifteen dollars. If a vote is objected to the inspectors must unite in rejecting it or the vote shall be accepted. If any one who shall be appointed by the board of commissioners, either inspector or assistant inspector, shall neglect or refuse to serve as such inspector or assistant inspector, without rendering an excuse to be accepted by the board, he shall forfeit and [pay] to the said board the sum of five dollars, to be recovered by the board in an action before a justice of the peace. If the board shall fail to appoint an inspector or assistant inspector, or both, ten days before said election, or if the inspector or assistant inspector, or both, shall be absent from the place of election at the time of opening the same, the school voters there

Inspectors
and Assis-
tant Inspec-
tors.

Oath of
Inspector.

By whom ad-
ministered.

Clerks of
Election.

Counting of
the votes.

Certificate of
election, to
whom de-
livered.

Qualifica-
tions of
voters.

Illegal
voting.

Penalty:

Challenges.

Inspectors
or assistants
refusing or
neglecting to
serve.

Penalty.

Failure to
appoint In-
spectors, &c

OF FREE SCHOOLS.

How
remedied.Failure to
give notice
of election.Taking
illegal or re-
fusing to
take legal
votes.

Penalty.

shall proceed forthwith, without ballot, to choose from the voters present either an inspector or assistant inspector, or both, as the case may be. If the board of commissioners shall in any year fail to give written or printed notice of said election, as required herein, the school voters of said united district shall, notwithstanding said failure, meet on the day and at the time and place herein appointed and proceed to elect inspectors and commissioners, as herein provided in case of notice duly given. If any inspector or assistant inspector, or both of them, shall knowingly take the vote of a person not having the right to vote, or shall neglect or refuse to make and deliver certificates of the result of an election, as required herein, he or they shall be guilty of a misdemeanor, and shall forfeit and pay fifty dollars, to be adjudged on an indictment and conviction, and to be paid to the board of commissioners aforesaid for the benefit of the schools under their charge.

Organiza-
tion of Board
of Commis-
sioners.Stated
meetingsVisiting
schools

Quorum

Vacancies
how filled

Provis

Provis

Provis

Oath of
Commis-
sioners

SECTION 5. The commissioners shall meet annually in the place where the election was held on the Monday following the election, at 10 o'clock in the forenoon, and organize the board by the election of a president and secretary, who shall be members of the board, and shall hold stated meetings once every month, and special meetings when required by the president or a majority of the commissioners, and by a committee, or otherwise. Shall visit all the schools in the district once a month while the schools are in session. A majority of the board shall form a quorum, and any vacancy occasioned by death, resignation, or otherwise, shall be filled by the board by choosing commissioners to serve till the next annual election, and until their successors be duly elected and qualified; *provided*, however, that no one shall be a commissioner who is not a qualified voter of said united districts, and if any one having been elected a commissioner shall then be and shall after cease to be a qualified voter of said united districts, he shall thereupon cease to be one of the commissioners aforesaid. *Provided further*, however, that if any one shall remove from the said united districts he shall thereupon *ipso facto* cease to be a commissioner and his office of commissioner shall be vacant. *And provided further*, however, that all vacancies must be ascertained and declared by a two-thirds vote of the other members of said board. The commissioners shall be sworn, by each other, faithfully and impartially to perform their duties as members of said board.

OF FREE SCHOOLS.

SECTION 6. The board shall appoint a treasurer, who shall be a member of the board, and shall take his bond with sufficient security for the faithful performance of his duties, and said bond shall be for an amount sufficient to cover twice the amount of money that is likely to go into his hands as treasurer of said board of education, and all moneys or funds belonging to, raised, or contributed for the use and benefit of said united districts, shall be paid into the hands of and be held by said treasurer for the use and benefit of said united districts, and paid out only upon the order of the board of education, signed by the president and attested by the clerk. The said board shall have the right to draw, upon an order signed by the president and secretary, the amounts of dividends from time to time which the several school districts named in Section 1 of this act, to wit: 8, 12, 93, 153 and 160, shall be entitled to as their part of the State school fund, and shall annually assess, levy and collect from the taxables of said united school districts a sum not less than eight hundred dollars nor more than twelve hundred dollars, in the same manner as school taxes now or may hereafter be by [them] assessed, levied and collected, and for that purpose shall possess all the powers that school commissioners now have or may hereafter have; *provided*, that the collector of Broadkill hundred shall receive the warrant with the duplicate of assessment list whenever the board of commissioners shall offer to deliver them to him. The board of commissioners shall publish in two newspapers published in Sussex county, in the last issue of such papers issued in the month of March of every year, a statement of the receipts and expenditures during the year, showing the source from which the receipts have been obtained and the object for which they were expended. They shall also settle with the Auditor as other school commissioners do.

Treasurer,
how appointed.

Bond, etc.

Funds, how
paid out.Dividends,
how drawn.Assessment
and collection
of taxesPowers to
collect.

Proviso.

Statement of
finances published.Settlement
with auditor

SECTION 7. The respective school committees of the districts hereinbefore mentioned, as follows: 8, 12, 93, 153 and 160, shall exhibit their account and report, as mentioned in Section 20 of Chapter 42 of the Revised Code, to the meeting of the board of commissioners hereinbefore named of the said school districts, to be held on the first Monday after the passage of this act, between the hours of two and four o'clock in the afternoon, and shall pay to the said board of commissioners all money due from them; and if they neglect to do so for ten days they shall forfeit and pay to the said commissioners of the public school of the town of Milton

School committee to exhibit account and report.

When.

OF FREE SCHOOLS.

and vicinity, in the county of Sussex and the State of Delaware, additionally, the rate of 25 per cent. on the sum due.

Annual school meeting, what business to be transacted.

SECTION 8. The school voters of said united school district may, at their annual meeting on the first Saturday in April, choose a chairman and secretary, and by a majority vote, to be taken by ballot, may authorize and empower the board of commissioners to raise for school purposes a certain additional sum over and above the sum of twelve hundred dollars aforesaid; *provided* that the two sums do not amount in the aggregate to more than the sum of eighteen hundred dollars. The school purposes herein mentioned shall include the necessary repairs or alterations of the school building of districts before mentioned. If such additional sum shall be authorized to be raised, two certificates of the proceedings of the meeting shall be made and signed by the chairman and secretary; one shall be immediately delivered to the secretary of the board of commissioners, the other to the Clerk of the Peace of Sussex county, to be kept as a public record.

Certificates, to whom delivered.

Sale of lots and school-houses.

SECTION 9. That the said board of commissioners are hereby authorized and empowered to sell at their discretion, either at private or public sale, and either for cash or upon credit, and to convey by good and sufficient deed or deeds of conveyance to the purchaser or purchasers thereof the lot of land and buildings thereon now belonging to said Districts 8, 12, 93, 153 and 160, and also to purchase, take and hold suitable and convenient lot or lots of land, or site or sites for a new schoolhouse, and also to erect or cause to be erected in a suitable and convenient place a new school building or buildings and to fully complete and furnish the same for the use of the said public schools of the town of Milton and vicinity on the lot or lots purchased by them.

Purchase of lot for new house.

Building and furnish new schoolhouse.

Board of Commissioners to collect \$500 additional tax, how applied.

SECTION 10. That the said board of commissioners be and the same are hereby vested with full power and authority to levy and collect, as school taxes are now by law collected, a further sum of five hundred dollars, which said sum of money, together with whatever amount shall be realized from the sale of the old school buildings and lots, shall be applied to the purchase of a lot of ground and erection or purchase of a public school building for said consolidated districts; and the said board of commissioners are further authorized and directed to borrow a sum of money not exceeding five thousand dollars for the use and to be applied and expended

Board of Commissioners authorized to borrow money.

OF FREE SCHOOLS.

under the direction of the Board of Public Education of said united districts in said town of Milton for the purpose of assisting in purchasing a suitable site and erecting a suitable building and furnishing the same for educational purposes, and for the purpose of securing the said sum of money authorized by this section to be borrowed the said board of commissioners are hereby authorized and directed to execute a bond and mortgage on all the school property belonging to said consolidated Districts Nos. 8, 12, 93, 153 and 160, signed by the president and secretary of said board of commissioners, payable in ten equal annual installments with the interest on the whole amount unpaid, annually.

Bond and mortgage.

Form.

SECTION 11. That for the purpose of raising the funds necessary for the payment of said mortgage and for the payment of interest thereon, the said board of commissioners are hereby authorized, empowered and directed to assess, raise and collect annually, in the same manner as now provided by law for assessing, raising and collecting the said school taxes in the said united school districts, such further sums of money as shall, in their judgment, be necessary and sufficient to meet the interest and installments on said mortgages as the same shall accrue and fall due. The sums assessed, raised and collected under and by virtue of the provisions of this section to be in addition to the sums assessed, raised and collected by the said board for ordinary school purposes; *provided* that the sums levied and assessed under and by virtue of this section shall not exceed in each and every year the interest and installment due for that year by more than 20 per cent. of the aggregate amount of said interest and installment.

Assessment and collection of additional money to pay debt.

Proviso.

SECTION 12. That this shall be deemed and taken to be a public act, and shall be perpetual, and all laws of this State applicable to free schools and not inconsistent or in conflict with the provisions of this act shall be applicable to the said consolidated districts.

Public act.

What laws applicable.

SECTION 13. That when a school building is secured under the provisions of this act, then the board of commissioners shall have or cause the said building to be insured, and to keep the same insured in some safe and reliable company or companies, the expense of the said insurance to be paid out of the annual amount assessed and raised for the purpose of supporting schools in said consolidated districts.

Insurance.

OF FREE SCHOOLS.

Fines, how
collected.

And all fines provided for by this act, the collection of which is not otherwise provided for, shall be collected by action before a justice of the peace.

Inconsistent
acts repealed

SECTION 14. That all acts or parts of acts of the General Assembly of this State, inconsistent with the provisions of this act, are hereby repealed.

Passed at Dover, May 13, 1891.

CHAPTER 115.

OF FREE SCHOOLS.

AN ACT to amend Chapter 75, Volume 18, Laws of Delaware, in relation to School District No. 173 in Sussex County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1,
Chapter 75,
Volume 18,
amended.

SECTION 1. That Section 1, Chapter 75, Volume 18, Laws of Delaware, be amended by striking out the word "fifty" in the third and seventh lines of said section, and inserting in lieu thereof the word "twenty."

Passed at Dover, May 16, 1891.

OF PUBLIC EDUCATION.

CHAPTER 116.

OF FREE SCHOOLS.

A Supplement to Chapter 54, Volume 17, Laws of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, as follows:

SECTION 1. That School Districts Nos. 23 and 161, in Sussex county, shall be and they are hereby subdivided into four school districts, to be designated Nos. 23 and 23½, and 161 and 161½, and that the said four districts shall be each entitled to the rights, privileges, emoluments and advantages of separate school districts in the distribution of the school fund by the trustee thereof. Dist. Nos. 23 and 161 subdivided. Rights, privileges, etc.

SECTION 2. That the said four districts created by Section 1 of this act are hereby consolidated and reunited as "The Millsboro Public School," and as such reunited and consolidated district shall have, exercise and be possessed of all the powers, rights and incidents specified and provided by the act to which this is a supplement, and the several acts amendatory thereof. School districts reunited. Powers and rights.

Passed at Dover, May 14, 1891.

CHAPTER 117.

OF PUBLIC EDUCATION.

AN ACT to amend Chapter 495 of Volume 17, Delaware Laws, page 713.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch thereof concurring):

SECTION 1. That Section 3 of the act entitled "An act to incorporate the Ferris Reform School," passed at Dover, March 10, 1885, be and the same is hereby further amended by adding to the number of the board of managers of the Section 3, Chapter 495, Volume 17, charter of Ferris Reform School, amended.

OF PUBLIC EDUCATION.

Board of
managers
increased.

How elected

Terms of
office.

said corporation six members, so that the said board shall hereafter consist of twenty-seven members; and at the next election of managers of said corporation to be held after the passage of this act the said additional managers shall be elected in the same manner as managers of the corporation have been heretofore elected, as is now provided for in Section 3 of the original act and of the amendment thereto, that is to say: two of the said additional managers shall be elected by a plurality of ballots to serve for one year, two to serve for two years, and two to serve for three years, and thereafter at every annual meeting of the corporators eight managers shall be elected to serve for the term of three years.

Passed at Dover, February 10, 1891.

CHAPTER 118.

OF PUBLIC EDUCATION.

AN ACT to carry into effect more fully the acts of Congress for the more complete Endowment and Support of Colleges for the Benefit of Agriculture and the Mechanic Arts.

Preamble.

Whereas the Government of the United States by various acts of Congress has provided liberally in this State for instruction in agriculture, the mechanic arts, the English language, and science, with special reference to the industries of life; and

Whereas no part of the funds so provided may lawfully be used for the purchase, erection or repair of any building or buildings; and

Whereas Delaware College, which is a State institution, and largely owned and controlled by the State, has been designated as the agency through which the purposes of Congress in said educational work are to be accomplished; and

Whereas the present buildings of the college are entirely inadequate to meet the needs of the institution and the increased requirements of the General Government under the above acts; and

OF PUBLIC EDUCATION.

Whereas it is incumbent upon the State to meet the generous gifts of the General Government for the promotion of practical education and bring such education within the reach of the youth of the State by offering all necessary and proper facilities; now therefore

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That for the erection and alteration of necessary buildings on the grounds of Delaware College, at Newark, in this State, to enable said college to carry into effect the purposes of Congress in said acts, the sum of twenty-five thousand dollars is hereby appropriated out of any money not otherwise appropriated, to be paid by the State Treasurer to the trustees of said college, as follows: one half thereof on the first day of July A. D. 1891, and the other half on the first day of July A. D. 1892.

\$25,000 appropriated for buildings on grounds of Delaware College.

When to be paid.

Passed at Dover, April 30, 1891.

CHAPTER 119.

OF PUBLIC EDUCATION.

AN ACT to establish and maintain a College for the Education of Colored Students in Agriculture and the Mechanic Arts.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch concurring therein):

SECTION 1. The Governor of the State, on the first Tuesday in June, eighteen hundred and ninety-one (1891), and every four years thereafter, shall appoint and commission two respectable and well qualified persons from each county, who shall constitute the board of trustees for the Delaware College for Colored Students. The said trustees shall hold their office for a period of four years or until their successors shall in like manner be appointed. In case of a vacancy by death, resignation or otherwise, the Governor shall appoint for the unexpired term.

Governor to appoint Board of Trustees of Delaware College for Colored Students.

Term of office.

Vacancies, how filled.

OF PUBLIC EDUCATION.

Corporate
powers, etc.

SECTION 2. The trustees named in this act shall be and are hereby ordained and declared to be a body corporate by the name and style of "The Trustees of Delaware College for Colored Students," with all the powers and franchises incident to such an institution, including the capacity to take and hold real and personal estate by deed, devise, bequest, gift, grant, or otherwise, and the same to alien, sell, transfer and dispose of as occasion may require, and the proceeds thereof to reinvest in other property, funds or securities for the benefit of said college, and in accordance with the spirit and purpose of this act.

Object of
College.

What is to
be taught.

Rules and
regulations.

SECTION 3. The purpose and object of said college shall be to impart instruction in agriculture, the mechanic arts, the English language, the various branches of mathematical, physical, natural and economic science, with special reference to their application in the industries of life, and to the facilities for such instruction, in order to promote the liberal and practical education of the industrial classes in the several pursuits and professions in life, but other scientific and classical studies may be taught, and a normal school for the preparation of teachers may be connected with the college under such rules and regulations as the trustees may adopt.

Powers of
Board of
Trustees.

Quorum.

By-laws.

SECTION 4. The said Board of Trustees shall have the superintendence of said college, with power to appoint and remove the faculty and other officers and agents of the college and of their own body; to fill vacancies and to make by-laws as well for the government of the college as their own government; and to conduct all the concerns of the institution. Five members of the board shall constitute a quorum, and meetings of the board shall be held as the by-laws may prescribe; *provided* that said by-laws shall not conflict with the Constitution or Laws of the United States or of this State.

Faculty.

SECTION 5. The faculty of the college, composed of the teachers whom the trustees shall employ, one of whom shall be president of the college and ex officio a member of the board of trustees, shall have the care, government and instruction of the students, subject, however, to the by-laws. They shall have authority, with the approbation of the board of trustees to confer degrees and grant diplomas.

SECTION 6. Devises, bequests, grants and gifts to this

OF PUBLIC EDUCATION.

corporation shall not be avoided by any misnomer, if the description can be understood with reasonable certainty.

Devises, bequests, gifts, etc.

SECTION 7. That the sum of eight thousand dollars is hereby appropriated from the state treasury to the said "The Trustees of the State College for Colored Students," to be used primarily for the purchase of land and for the erection, preservation, repair and equipment of any building or buildings which said trustees shall hereafter acquire for the purposes of said college, and if the whole of said sum should not be required for the purchase of land and for the erection, preservation, or repair of buildings, the remainder of said sum shall be used for the maintenance and support of said institution. Said sum shall be paid by the State Treasurer to the treasurer of said trustees, upon his giving bond and security as hereinafter provided after notice received under the hand of the president and secretary of the said trustees that said body is fully organized and prepared to carry out the purposes of this act.

\$8,000 for purchasing land and erecting buildings.

To whom paid, and when.

SECTION 8. That the State Treasurer is hereby directed and required to pay annually to the treasurer of the said "Trustees of the State College for Colored Students," twenty per centum or one-fifth part of the sum of money which he, the said State Treasurer, has already received and hereafter shall receive annually by virtue of an act of Congress, approved August 30, 1890, entitled "An act to apply a portion of the proceeds of the public lands to the more complete endowment and support of the colleges for the benefit of agriculture and the mechanic arts, established under the provisions of an act of Congress, approved July 2, 1862."

Payment by State Treasurer.

SECTION 9. That the moneys received by said trustees as provided in the foregoing section shall be used by said trustees for the support and maintenance of said college, and the treasurer of said trustees, before receiving any money from said State Treasurer, shall give bond with good and sufficient security to the State of Delaware in the sum of ten thousand dollars, conditioned for the faithful application of all the moneys received. Said bond shall be approved by said trustees and shall be deposited in the office of the Secretary of State.

Moneys, how used, etc.

Bond of Treasurer of Trustees.

Passed at Dover, May 15, 1891.

OF THE PUBLIC HEALTH.

CHAPTER 120.

OF THE PUBLIC HEALTH.

AN ACT to amend an act entitled "An act to establish a State Board of Health for the State of Delaware."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 4,
Chapter 21,
Volume 16,
amended.

Localities
having no
board of
health.

Nuisances,
how abated.

Expenses.

Section 7,
Chapter 21,
Volume 16,
further
amended.

SECTION 1 That Section 4 of Chapter 21, Volume 16 of the Laws of Delaware, be and the same hereby is amended by inserting after the word "State," in the seventh line thereof, the following, to wit: "And in localities where there are no local boards of health, or where the same shall refuse or neglect to act, the president may direct any member of the board, together with the secretary, to investigate all complaints made in writing, and if the said member shall find a nuisance to exist he shall order the same to be abated in a reasonable time. In such cases the State Board shall have all power and remedies now given by law to local boards; if no person responsible for said nuisance be found, the secretary shall abate the same, and his expenses shall, upon approval by the president, be paid by the treasurer of the county wherein said nuisance existed."

SECTION 2. That Section 7 of Chapter 21, Volume 16 of the Laws of Delaware, as amended by Section 1, of Chapter 550, Volume 18 of the Laws of Delaware, be further amended by striking out the words "five hundred," in the last line, and inserting "one thousand" in lieu thereof.

Passed at Dover, April 7, 1891.

OF THE PUBLIC HEALTH.

CHAPTER 121.

OF THE PUBLIC HEALTH.

AN ACT to amend an act entitled "An act to provide for the Registration of Births, Marriages and Deaths in the State of Delaware."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That Section 8 of Chapter 381, Volume 16 of the Laws of Delaware, as amended by Section 4 of Chapter 500, Volume 17 of the Laws of Delaware, be further amended by inserting after the fifty-eighth word thereof, "And in no case shall interment be made until such certificate be procured."

Section 8,
Chapter 381,
Volume 16,
further
amended.

Passed at Dover, April 23, 1891.

CHAPTER 122.

OF THE PUBLIC HEALTH.

AN ACT to amend Chapter 207, Volume 17 of Laws of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, two-thirds of each branch thereof concurring:

SECTION 1. That Section 108 of Chapter 207, Volume 17, Delaware Laws, be and the same hereby is amended by striking out all of said section and inserting in lieu thereof the following: "The Board of Health shall, on the first Thursday in May, A. D. 1891, and every year thereafter, elect a secretary, who shall be ex-officio city registrar and perform all duties now belonging to said office."

Section 108,
Chapter 207,
Volume 17,
amended.

Election of
Secretary of
State Board
of Health.

The present city registrar shall continue to hold office until the first Thursday in May, A. D. 1891, and until his successor shall be appointed as provided herein."

Expiration
of term of
present City
Registrar.

Passed at Dover, May 14, 1891.

OF THE PUBLIC HEALTH.

CHAPTER 123.

OF THE PUBLIC HEALTH.

AN ACT to amend Chapter 36, Volume 18, Laws of Delaware, entitled "An act to regulate the Practice of Pharmacy, in the State of Delaware, and for other purposes," and to further amend Chapter 549, Volume 18, Laws of Delaware, entitled, "An act to amend certain portions of the laws governing the Practice of Pharmacy in the State of Delaware."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 3,
Chapter 36,
Volume 18,
amended.

SECTION 1. Amend Section 3, Chapter 36, Volume 18, Laws of Delaware, by striking out of said section the words "A registered assistant with one year continuous practical experience, or an examination certificate from the board of pharmacy," beginning in line six and ending in line eight, and inserting in lieu thereof the following, "registered as a proprietor or manager according to the provisions of Section 2, Chapter 36, Volume 18, Laws of Delaware, or be registered as a qualified assistant according to the provisions hereinafter stated."

Assistant
pharmacist.

Qualifica-
tions of as-
sistants.

In order to become registered as a qualified assistant the applicant shall have had three years' continuous practical experience in the retail drug business, or shall submit to and satisfactorily pass an examination before the State Board of Pharmacy; also, amend Section 5 of said act by striking out in line 1 the words, "The Pharmaceutical Society of Delaware," and inserting in lieu thereof the following, "The Delaware Pharmaceutical Society."

Name of
society
changed.

Section 1,
Chapter 549,
Volume 18,
amended.

SECTION 2. Further amend Section 1, Chapter 549, Volume 18, Laws of Delaware, by striking out all portions of said section conflicting with Section 1 of this act.

Assistants'
privileges,
etc.

SECTION 3. *Provided*, that nothing in this act contained shall prevent any person already registered as assistant under previous acts from enjoying all the privileges granted by said previous acts at the time of such registration.

Passed at Dover, April 28, 1891.

TITLE SEVENTH.

(Of the Poor; the Insane, Deaf and Dumb, and the Blind.

CHAPTER 124.

OF THE POOR.

AN ACT to Exempt from Taxation the Real Estate of the "Associated Charities" of the City of Wilmington.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch concurring therein):

SECTION 1. All the real estate owned and used by the "Associated Charities" of the city of Wilmington shall be and the same is hereby exempt from all taxation for county and municipal purposes.

Real estate
exempt from
taxation.

Passed at Dover, April 16, 1891.

CHAPTER 125.

OF THE INSANE.

AN ACT to amend the act entitled "An act in relation to a State Hospital for the Insane," passed at Dover, April 25th, 1889, and being Chapter 553, Volume 18 of the Laws of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That Section 6 of Chapter 553 of Volume 18 of the Laws of Delaware, entitled "An act in relation to a

OF THE INSANE.

Section 6,
Chapter 553,
Volume 18,
amended.

Certain ex-
penses, how
paid.

State Hospital for the Insane," be and the same is hereby amended by adding thereto the following, to wit: "The expenses of the examination of an alleged indigent insane person and of the removal of such person, if found insane, to the State Hospital for the Insane, shall be paid by the county of which the insane person was a resident at the time of his or her examination and removal."

Section 7,
Chapter 553,
Volume 18,
amended.

Insane resi-
dent in State

* Contracts for
mainten-
ance, etc.,
of insane
persons.

SECTION 2. That Section 7 of said Chapter be and the same is hereby amended by adding thereto the following, to wit: "They may also receive into the hospital any insane person who is a resident of this State and who may be able to pay for his or her maintenance or support. They may make contracts in relation to the board and maintenance, care and custody of any insane person, and may recover from the person with whom they may so contract, or from the insane person, the compensation agreed upon, or in case no certain compensation was agreed upon, then they may recover a reasonable compensation in an action of debt or assumpsit to be brought in the name of the State Board of Trustees of the Insane Asylum, or by petition to the Chancellor, if the person has been ascertained to be a lunatic by inquisition duly held.

Passed at Dover, May 14, 1891.

CHAPTER 126.

OF THE INSANE.

AN ACT to further amend the act entitled "An act in relation to a State Hospital for the Insane."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Name
changed.

SECTION 1. That the Insane Department and Hospital, as created and organized under and by virtue of the act entitled "An act in relation to a State Hospital for the Insane," passed at Dover, April 25, 1889, being Chapter 553 of Volume 18 of the Laws of Delaware, and of the amendments thereto, be hereafter called and known by the name of the

OF THE INSANE.

"The Delaware State Hospital at Farnhurst," and that the board of trustees having control thereof shall be hereafter called and known by the name of the "The State Board of Trustees of the Delaware State Hospital at Farnhurst," and that all acts and parts of acts relating to said State hospital be and the same are hereby amended in accordance with this act. Board of Trustees.

SECTION 2. All appropriations heretofore made to the State Hospital for the Insane shall be due and payable to the "Delaware State Hospital at Farnhurst." Appropriations.

Passed at Dover, April 22, 1891.

TITLE EIGHTH.

Of the General Police.

CHAPTER 127.

OF FISH, OYSTERS AND GAME.

AN ACT to amend Chapter 558, Volume 18, Laws of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1,
Chapter 558,
Volume 18,
amended.

SECTION 1. That Section 1 of Chapter 558, Volume 18, Laws of Delaware, be and the same is hereby amended by inserting in line ninth of said section, after the word same and before the word any, except Leipsic river and Little Creek rivers.

Passed at Dover, February 11, 1891.

CHAPTER 128.

OF FISH, OYSTERS AND GAME.

AN ACT to amend Chapter 562 of Volume 18, Laws of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1,
Chapter 562,
Volume 18,
amended.

SECTION 1. That Section one of Chapter 562, Volume 18, Laws of Delaware, be and are hereby amended by striking out, in line seven, the words Simon's creek.

Passed at Dover, February 17, 1891.

OF FISH, OYSTERS AND GAME.

CHAPTER 129.

OF FISH, OYSTERS AND GAME.

AN ACT to repeal Chapter 420, Vol. 17, Laws of Delaware, and Section 34, Chapter 5, Vol. 18, Laws of Delaware, and to amend Section 36 thereof.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

SECTION 1. That Chapter 420, Vol. 17, Laws of Delaware, entitled "An act in relation to the Tonging of Oysters," passed at Dover, April 2, 1885, be and the same is hereby repealed. Chapter 420,
Volume 17,
repealed.

SECTION 2. That Section 34, Chapter 5, Vol. 18, Laws of Delaware, be and the same is hereby repealed. Section 34,
Chapter 5,
Volume 18,
repealed.

SECTION 3. That Section 36, Chapter 5, Vol. 18, Laws of Delaware, be and the same is hereby amended by striking out after the word "acts" in the first line and before the word "which" in the third line of said section, the following: "Except the act entitled 'An act in relation to the Tonging of Oysters,' passed at Dover, April 2, 1885." Section 36,
Chapter 5,
Volume 18,
amended.

Passed at Dover, March 31, 1891.

CHAPTER 130.

OF FISH, OYSTERS AND GAME.

AN ACT for the Protection of Food Fish in St. Jones' River in Kent County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

SECTION 1. That from and after the passage of this act it shall be unlawful for any person or persons to set, stretch or to place any net, seine, or other device used in fishing, in or across St. Jones' river on or during any flood tide, or to in any manner obstruct said river so as to interfere with the Unlawful to
catch food
fish in St.
Jones river
during flood
tide.

OF FISH, OYSTERS AND GAME.

free passage of any food fish on or during any flood tide. Any person violating this act, or any provision thereof, shall be deemed guilty of a misdemeanor, and upon conviction thereof before any justice of the peace, or by indictment, shall be fined not less than five nor more than fifty dollars, with costs of prosecution, and in default thereof shall be committed to the county jail of the county in which the offense is committed.

Penalty.

Extent of act. SECTION 2. That the provisions of this act shall extend to and include all fisheries between the mouth of St. Jones' river and a point one reach above and north of the fishery of Joshua Wharton, located at the head of the Lebanon causeway.

SECTION 3. That this act shall be deemed and taken to be a public act.

Passed at Dover, April 7, 1891.

CHAPTER 131.

OF FISH, OYSTERS AND GAME.

AN ACT for the Protection and Increase of Food Fish in Delaware Waters.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Unlawful to set stake nets along shore of Delaware bay within certain limits.

Creeks and rivers included.
Exceptions.

SECTION 1. That from and after the passage of this act it shall be unlawful, during the shad season, for any person or persons to set stake nets anywhere along the shore of Delaware bay within the following named limits, viz: Commencing one mile north of Blackbird creek on the north, and extending one mile south of Mispillion river on the south, and all included between these two points, and this prohibition also includes all creeks or rivers within these limits from the mouth to the headwaters of the same, except headwaters of Leipsic and Little Creek rivers. Any person violating this provision shall be deemed guilty of a misdemeanor and, upon conviction thereof before any justice of the peace, or by any indictment, shall be fined not less than ten nor more

OF FISH, OYSTERS AND GAME.

than fifty dollars, with costs of prosecution, and in default of Penalty.
paying the same may be committed to the common jail of
the county in which the offense is committed.

SECTION 2. It shall be unlawful to fish with float seines Unlawful to
or other devices for catching shad, during the shad season, catch fish
within a half mile of the mouth of any creek or river within with float
the limits named in Section one. seines, etc.

SECTION 3. It shall not be lawful for any person or per- When not
sons to fish for shad either in the bay or any of the creeks or lawful to
rivers emptying into the bay, within the limits described in catch shad.
Section 1, from Saturday, 12 o'clock, meridian, until Mon-
day, 12 o'clock, meridian.

It shall also be unlawful to place or maintain any obstruc- Obstructing
tion in any of said creeks or rivers to catch or prevent the rivers and
fish ascending the same. Any one fishing within these creeks.
limits or placing any obstruction in the creeks or rivers to
catch or prevent the fish ascending the streams during the
time named in this section, shall be deemed guilty of a mis-
demeanor, and upon conviction thereof before a justice of Penalty.
the peace, or by indictment, shall be fined not less than ten
nor more than fifty dollars, with costs of prosecution.

SECTION 4. The season for fishing for shad shall close, Close of fish-
within the limits named in Section 1, on the twentieth day ing season.
of May of each year.

SECTION 5. The Governor may appoint a policeman, re- Governor to
siding in the vicinity of Bower's Beach, whose duty it shall appoint po-
be to diligently inquire for violations of the provisions of this liceman re-
act and all other laws relating to fish or oysters, whether in sident at
the bay, creeks or rivers, and when such are brought to his Bower's
notice it shall be his duty to immediately prosecute the Beach.
same, and failing to do so may himself be fined for neglect Duty.
of duty. His duty for this service shall commence on March Term of
twentieth and close on May twentieth. duty.

He shall receive for his services two dollars per day while Compensation.
employed.

The fines, if any are collected, may be applied to the Fines, how
salary of the policeman as far as they will go, the balance applied.
to be paid from the revenue from oysters. It shall also
be the duty of the Oyster Revenue Collector to see that Duty of
all oyster and fish laws are faithfully and promptly exe- Oyster Rev-
cutor. enue Collec-
tor.

OF FISH, OYSTERS AND GAME.

Governor to
appoint a
person resi-
dent at
Bower's to
prevent vio-
lation of
oyster laws.

cuted, and every violation thereof immediately prosecuted to conviction. The Governor shall also, on the first day of May, A. D. 1891, and annually thereafter, appoint some suitable person, a resident of Bowers', whose duty it shall be to prevent violations of the oyster laws, and to vigilantly, promptly and vigorously prosecute and bring to punishment all persons guilty of any such violations.

Salary.

He shall receive a yearly salary of one hundred dollars, to be paid quarterly out of the oyster fund by the Collector of Oyster Revenue.

Penalty for
violation of
any of the
provisions
of this act.

SECTION 6. Any one violating any provision of this act shall be guilty of a misdemeanor, and upon conviction thereof shall forfeit and pay a fine of not less than ten dollars nor more than fifty dollars, or be imprisoned not less than one nor more than three months. And any officer neglecting to discharge the duties herein imposed shall be alike guilty and punished in like manner.

Chapter 558,
Volume 18,
repealed.

SECTION 7. Chapter 558, Volume 18, Laws of Delaware, is hereby repealed, and this act substituted therefor.

Passed at Dover, April 15, 1891.

CHAPTER 132.

OF FISH, OYSTERS AND GAME.

AN ACT to amend "An act in Relation to Oysters."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 2,
Chapter 5,
Volume 18,
amended.

[SECTION 1.] That Section two of Chapter five of the 18th Volume of the Laws of Delaware be amended by striking out the word "two," in the eleventh line of said section, between the words mark and miles, and inserting in lieu thereof the word "three."

Passed at Dover, April 17, 1891.

OF FISH, OYSTERS AND GAME.

CHAPTER 133.

OF FISH, OYSTERS AND GAME.

AN ACT for the Protection of Oyster Boats while in Harbor in St. Jones' River.

Be it enacted by the Senate and House of Representatives [of the State of Delaware] in General Assembly met:

SECTION 1. That after the passage of this act it shall be lawful for the Collector of Oyster Revenue, as soon as practicable, to have or cause piling to be driven on the north side of St. Jones' river, at or near the mouth of said river, for the oyster boats to make fast while lying in harbor.

Duty of
of Collector
of Oyster
Revenue.

SECTION 2. The said collector is also authorized to pay out of the oyster revenue funds the amount sufficient to have said work done and present his vouchers for the same on settlement with the State Treasurer; *provided* the sum so expended shall not exceed the sum of one hundred dollars.

Expenses,
how paid.

Passed at Dover, April 17, 1891.

CHAPTER 134.

OF FISH, OYSTERS AND GAME.

AN ACT for the Protection of Mammose, or Young Sturgeon, in the Delaware Bay, River, and their tributaries.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That it shall not be lawful for any person or persons to cast, draw, set, anchor, drift, or stake, any gilling net, seine or shore-net, or any other device or appliances of any kind whatsoever, for the purpose of catching fish commonly called or known as mammose (which are young sturgeon under three feet in length), in the waters of the Dela-

Unlawful to
catch mam-
mose in
Delaware
bay, river
and tribu-
taries.

OF FISH, OYSTERS AND GAME.

Duty of
fisherman
who catches
a mammore.

Penalty for
violating
this law.

ware bay, river and their tributaries, within the jurisdiction of the State of Delaware. And any person or persons fishing with gilling nets, drift nets, shore seine nets, or any kind of nets, devices or appliances whatever, in the Delaware bay, river or their tributaries, within the jurisdiction of the above named State, who, on lifting, drawing, taking up, removing or under-running any of said nets, devices or appliances, shall find young sturgeon, or mammore, under three feet in length, entangled or caught therein, shall immediately, with care and with the least possible injury to the fish, disentangle and let loose the same and transmit the fish to the water without violence. Any person or persons violating any provisions of this section, or having in their possession young sturgeon, or mammore, under three feet in length, either for consumption or for sale, or who is known willfully to destroy the same, for so offending shall, on conviction thereof, be punished with a fine of ten dollars for each and every fish so caught, sold, or destroyed, and in default of paying such fine, on being convicted thereof, to be imprisoned in the county jail for thirty days.

Authority to
arrest.

Duty of
justice of
the Peace.
Appeal.

Costs.

Fine, appli-
cation of.

Duty of
County
Treasurers.
Duty of Fish
Commis-
sioner.

SECTION 2. That any fish commissioner, fish warden, deputy fish warden, sheriff, deputy sheriff, constable, policeman or special officer of this State, is hereby authorized to apprehend, arrest and immediately take any person who may be guilty of the violation of any of the provisions or sections of this act before any justice of the peace, magistrate or any other authority, and thereupon make charge of such violation of the law or any of the provisions thereof, and the magistrate shall forthwith hear and determine the charge and render judgment accordingly, with the right of certiorari or appeal, as in all similar cases of arrest and conviction, and in case of any failure of any fish commissioner, warden, or any other officer named above, to prove his case, the State shall pay the costs.

SECTION 3. That one half of the fines imposed under any section of this act shall be for the benefit of the prosecutor, and the other half shall be paid to the treasurer of the county in which the prosecution shall be made. And the said treasurers of the several counties of the State of Delaware shall pay over to the respective commissioner of fisheries of Delaware all moneys forfeited and received by them by virtue of this act, and said commissioner shall pay over the same to the Treasurer of the State.

OF FISH, OYSTERS AND GAME.

SECTION 4. That this act shall immediately go into force and effect, and shall be deemed and taken to be a public act.

Passed at Dover, April 23, 1891.

CHAPTER 135.

OF FISH, OYSTERS AND GAME.

AN ACT to Foster the Oyster Interest in this State.

Whereas the culture and protection of the oysters in the waters of the Delaware bay, furnishing as they do food to the people and revenue to the State, is entitled to the most serious consideration by the General Assembly, and whereas it is represented that the supply of oysters is being exhausted by the great demand for the same, and as it is known by those who have made the matter a study that shells of the oyster deposited in proper places in the waters will, in a few years, on account of the spawn attaching themselves to the shells, produce an abundant supply of oysters; and whereas there is now over forty thousand dollars in the treasury of the State arising from the oyster fund; therefore, in order to foster the oyster interest and to protect the same in this State, Preamble.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That Joshua McGonigal and J. Thomas Lowe be and they are hereby appointed commissioners, whose duty it shall be to purchase, at the proper season or seasons, from persons in this State or elsewhere, upon the most advantageous terms, oyster shells for the purpose of planting the same at such places in the waters of the Delaware bay as will seem to them most advisable to carry out the purposes of this act. It shall be their duty also to attend to the said planting and shall have the right to employ men and engage boats for the purpose of procuring, delivering and distributing the shells as aforesaid, and they shall also have the right to employ an assistant, who is an experienced oysterman and acquainted with the bay, to aid them in the selection of the proper places, grounds and beds upon which Commissioners to buy oyster shells for planting in Delaware bay appointed.

Powers and duties of Commissioners.

OF FISH, OYSTERS AND GAME.

said shells should be deposited, and they shall be paid by the commissioners and the same allowed to them in their settlement with the State Treasurer as hereinafter provided.

Account of
shells fur-
nished.

The commissioners, or either of them, or any person or persons by them authorized, who shall receive from the party or parties furnishing the shells, shall take an account of all such shells so purchased and received, and must make an affidavit as to the number of tons or bushels of shells bought and delivered, which affidavit shall, by the commissioners, be filed with the State Treasurer.

Unlawful to
tong or
catch oys-
ters where
shells are
planted.

SECTION 2. The grounds upon which said shells are deposited shall have a buoy planted on each corner thereof, and after which it shall be unlawful for any person or persons in any manner whatever to dredge for, tong or catch oysters upon such grounds until such time as hereinafter provided. Any person or persons violating this provision shall be subject to arrest and carried before any justice of the peace of the county in which the offense is committed, and the justice being satisfied by the evidence that he should do so, shall hold such person or persons under one hundred dollars bond each for appearance at court, and upon conviction at court, such person or persons shall be fined one hundred dollars for each and every offense, and upon failure to pay the fine and costs shall be committed to the county jail for the term of six months, unless such fine and costs are sooner paid. It shall be the duty of the police or guard boat to keep a diligent watch upon said grounds and arrest any offenders, and the justice of the peace shall also take notice of any complaint by any person making the same.

Penalty.

Duty of
guard boat.

No oysters
to be caught
on grounds
so planted
till 1893.

SECTION 3. There shall be no catching of oysters in any manner whatever upon any grounds upon which the shells are planted under the provisions of this act, and under the penalties aforesaid, until the year 1893 and not until the Legislature of 1893 shall determine such conditions, terms and regulations as said Legislature may deem proper; *provided, however*, that after such time no catching of oysters shall be allowed in any manner whatever, except by tongers, and it shall be unlawful for said tongers to cull the oysters so caught anywhere except upon the grounds upon which the same are caught, and it shall be the duty of said tongers to throw back upon the grounds all oysters so culled and found unfit for use.

Provido.

OF FISH, OYSTERS AND GAME.

SECTION 4. The commissioners shall, from time to time, present their vouchers to the State Treasurer, clearly setting forth an itemized statement of all accounts, with the number of bushels or tons of shells bought and planted, with all costs and charges for the same, including the costs for men, boats and all other necessary expenses. They shall draft upon the State Treasurer for the amounts aforesaid, and, if the same be approved by the said State Treasurer, he shall pay the same; *provided* that the whole expenses, including the compensation of the commissioners, shall not exceed the sum of one thousand dollars; and a sum not exceeding one thousand dollars is hereby appropriated for that purpose. The commissioners shall receive for their compensation the sum of fifty dollars between them for their services.

Accounts of Commissioners, to whom rendered.

How paid.

Proviso.

\$1,000 appropriated.

Compensation of Commissioners.

SECTION 5. This act shall be deemed and taken to be a public act.

Passed at Dover, May 14, 1891.

CHAPTER 136.

OF FISH, OYSTERS AND GAME.

AN ACT for the Protection of Game on Assawaman Bay.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

SECTION 1. That on and after the passage of this act it shall be unlawful for any person to take, kill or destroy, in any manner whatever, on the waters of the Assawaman bay, or its tributaries, in Sussex county, any wild goose, brant, duck or other wild fowl, between the first day of May and the first day of November, in any year, under a penalty of forfeiting for every one so killed, taken or destroyed, five dollars; *provided*, however, that during the time between the first day of November and the first day of May in every year it shall be unlawful to take, kill or destroy any wild fowl, as aforesaid, on any other days than Tuesdays, Wednesdays and Fridays in each week.

When unlawful to kill or destroy wild fowl on Assawaman bay and tributaries.

Penalty.

Proviso.

OF FISH, OYSTERS AND GAME.

Duty of
Justice of
the Peace.

SECTION 2. For any violation of Section 1 of this act it shall be the duty of any justice of the peace in this county, and the authority is hereby vested in him, to proceed according to the provisions set forth in the Revised Code, Chapter LV, Section 10.

Passed at Dover, April 30, 1891.

CHAPTER 137.

OF FISH, OYSTERS AND GAME.

AN ACT to Protect Certain Game in this State.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Unlawful to
take or ship
certain
game out of
the State.

SECTION 1. That from and after the passage of this act it shall be unlawful for any person or persons to ship, take, or carry away, or attempt to ship, take, or carry out of this State any quail, partridge, robin, woodcock, Wilson or English snipe, or wild rabbit, dead or alive, for purposes of sale or otherwise. And it shall also be unlawful for any person who is a non-resident of this State to ship, take, or carry away, or attempt to ship, take, or carry away, any quail, partridge, robin, woodcock, Wilson or English snipe, or wild rabbit, dead or alive, from one county to another county in this State, for the purposes of sale or otherwise.

Unlawful for
non-resi-
dents to ship
or take cer-
tain game
from one
county to
another.

Violation of
Section 1.

If any person shall ship, take, or carry away, or attempt to ship, take, or carry away, any birds or animals named in this act out of this State, or from one county to another county in this State, contrary to the provisions of this act, he shall be deemed guilty of a common nuisance, and upon conviction thereof before any justice of the peace in this State shall be fined five dollars for each and every bird or animal so shipped or taken or carried away, or so attempted to be shipped, or taken or carried away contrary to the provisions of this act, and upon failure to pay said fine and the costs of prosecution he shall be committed to the jail of the county in which such offense occurred for the period of thirty

Penalty.

OF DITCHES.

days, unless said fine and costs be sooner paid; one half said fine shall be paid into the treasury of the county, and the other half to the informer. Fines, to whom paid.

SECTION 2. All acts or parts of acts inconsistent herewith are hereby repealed and made null and void.

Passed at Dover, April 20, 1891.

CHAPTER 138.

OF DITCHES.

AN ACT to amend Chapter 444, Volume 13, Laws of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That Chapter 444, of Volume 13, of the Laws of Delaware, be and the same is hereby amended by striking out all that part of Section 7, between the word "meeting," in the eighth line thereof, and the word "the" before the letters "P. M." in the fifteenth line thereof, and inserting in lieu the following, to wit: The taxables shall at this meeting determine the place for holding stated meetings thereafter, which shall be held on the first Saturday of March in each and every year, at one o'clock, P. M. Chapter 444 of Volume 13 amended. It shall be the duty of the managers to give notice of the annual meetings by written or printed handbills, to be signed by them, and of the day, hour and place of holding such meeting, posted in four or more of the most public places in the neighborhood of the ditch, six days before such meeting; and if they shall neglect this duty each shall forfeit and pay to the taxables for the use of the ditch ten dollars, to be recovered in an action in the name of the taxables of _____ ditch, in _____ hundred, before a justice of the peace. If the managers shall die or move from the county it shall be the duty of the treasurer of the ditch to give the notice under the same penalty. Place of holding stated meetings. Notice. Neglect to give notice, penalty. The failure to give the notice shall not make the acts of the meeting invalid. Notice by Treasurer. Failure to give notice.

OF DITCHES.

In case of neglect to give notice, who to call meeting.

Power of taxables.

Term of office of holding over managers.

SECTION 2. That it shall be lawful for any two or more taxables of any ditch in Sussex county, when the managers or treasurer of such ditch neglected or refused to call a meeting and convene the taxables on the first Saturday of March last past, as required by law, to call a meeting of the taxables of such ditch, to be held at the usual place of meeting on the first Saturday of June next ensuing the passage of this act, by giving notice thereof by written or printed handbills, to be signed by them, stating in the notice the day, hour and place of such meeting, posted in ten or more of the most public places in the neighborhood of such ditch, six days before the meeting. The taxables at this meeting shall have power to settle with the holding over managers and treasurer; to elect new managers and treasurer to serve until the first day of March, A. D. 1892; to determine upon assessments; and generally to do and perform all and every such matters and things as they might at a regular annual meeting. The term of office of the holding over managers and treasurer shall cease and determine upon the election of their successors, who shall have all the powers and privileges, respectively, and shall perform all the duties of managers and treasurer required of them respectively under the ditch laws of this State.

Passed at Dover, May 15, 1891.

CHAPTER 139.

OF DITCHES.

AN ACT for the Improvement of Morgan's Branch in Kent County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch of the Legislature concurring therein):

Morgan's Branch Ditch Company incorporated.

SECTION 1. That the owners of the low grounds, marsh and cripple situated upon and contiguous to and draining into Morgan's branch in Kent county, State of Delaware, shall be a body, politic and corporate, by the name of "Morgan's Branch Ditch Company," and by that name shall be able to sue and be sued, plead and be impleaded in any court

OF DITCHES.

of law or equity in this State or elsewhere, and shall have, possess and enjoy all the rights, incidents, privileges, liberties, franchises and immunities common to such corporations for the purpose of the more effectually draining, ditching and re-claiming the said low grounds, marsh and cripple and straightening the ditch and course of said Morgan's branch. They may have and use a common seal.

Purpose.
Common seal.

SECTION 2. That George A. Millington, Thomas C. Roe, William Dyer, Andrew Slaughter and Robert H. Skinner be and they are hereby appointed commissioners, who shall view the said low grounds, marsh and cripple, and shall lay out a ditch, commencing at a stone, corner for lands of the heirs of William Parvis, lands of Andrew Slaughter and lands of William Dyer; thence down said branch to its intersection with Little Creek. They may take with them a surveyor. They shall make out a plot and return showing the dimensions, courses and distances of the ditch and straightening of said branch. They shall show by general delineation, without survey, the low grounds, marsh and cripple of each taxable's portion thereof of any land benefited, and the estimated number of acres and the value or amount each acre is benefited. The plot and return shall be filed in the office of the Recorder of Deeds in and for Kent county and shall be recorded by said Recorder in his office. The commissioners shall, in said return, state the amount necessary for cutting said ditch and straightening said branch, and the amount so fixed by them for cutting said ditch and straightening said branch, and in addition thereto the costs and expenses incident thereto in procuring this act and the laying out the said ditch and straightening said branch, and all expenses incurred under and in pursuance of this act shall be the sum assessed, levied and collected the first year in which said commissioners shall perform their duties prescribed by this act. The sum or amount subsequently to be assessed, levied and collected shall be fixed at the annual meeting by a majority of the votes cast at such meeting.

Commissioners.

Duty and powers.

Surveyor.
Plot and return.

Valuation.

Plot and return filed in Recorder's office.

Estimate of amount necessary to do ditching.

Assessment and collection of taxes.

Subsequent assessment.

The commissioners and surveyor, if any surveyor shall be chosen, shall be sworn or affirmed to the faithful and impartial performance of their duty. All the commissioners must go upon the said low grounds, but a majority may decide any matter and perform any duty required of them under this act.

Oaths.

Commissioners to go upon low grounds, etc.

OF DITCHES.

Vacancies. In case of a vacancy occurring in the commissioners by refusal to act, or by death, resignation or otherwise, the others or other of them may fill the vacancy or vacancies.

Damages. SECTION 3. If any person shall be injured by making of said ditch or straightening said branch, the commissioners shall award damages to such persons, taking into consideration the advantages and disadvantages, and the same shall be paid or tendered before cutting the ditch or straightening said branch. If any person to whom damages shall be awarded resides out of the county, or shall be a minor, then said damages shall be deposited to the credit of such non-resident or minor in the Farmers' Bank at Dover. All persons who will be benefited by said ditch or straightening said branch shall be liable to contribute to the cost of making such ditch and straightening said branch, the damages awarded, the expenses of the proceedings and recording the same and all costs and expenses incident thereto. The valuation of benefits fixed by the commissioners and estimated number of acres and the valuation of each acre shall be and form the basis of assessment and levy of taxes.

Damages awarded to persons living out of the county or minor.

Who liable to taxation.

Valuation and assessment.

Appeals. SECTION 4. The commissioners shall fix a day for hearing appeals. Notice of the time and place shall be posted in at least three public places in the neighborhood, five days at least before the day for hearing appeals. The commissioners shall hear and determine all appeals and may alter or change any valuation of benefits, either in number of acres or value of benefits per acre, by increasing or diminishing the valuation of benefits or number of acres. All appeals shall be in writing.

Notice of appeals.

Commissioners to hear and determine appeals.

Appeals to be in writing.

Ditch crossing roads. SECTION 5. If any public road shall be crossed by such ditch cut or made under the provisions of this act the bridges and causeways leading to any such bridges shall be kept up at the public charge of Kent county as they are now kept up and repaired.

Bridges and causeways, etc.

Election of managers. SECTION 6. The commissioners shall, within ten days from the making their return to the Recorder, convene the persons liable to contribute by taxation to the costs and expenses incident thereto, for the purpose of choosing two managers and a treasurer of the company to serve until the next annual meeting after the time they are chosen and until their successors are duly chosen. Notice of the time and place of this meeting shall be posted in at least three

Term of office.

Notice.

OF DITCHES.

public places in the neighborhood five days at least before the meeting. The managers shall annually thereafter, in the same manner, call a meeting for the same purpose on the third Saturday in March. At all meetings the taxables shall be entitled to one vote for each dollar of tax paid by them respectively. Any person may vote by proxy in writing under their hand and seal, attested by at least one witness. All matters may be acted upon which in the judgment of the company are necessary for the benefit of the company at any annual or special meeting.

Annual
meeting.Voting.
Proxy.Matters to
be acted
upon.

SECTION 7. The return made by the commissioners shall be the basis for any subsequent assessment that may be made by the managers for completing, cleansing, widening, deepening, or repairing such ditch, and for other necessary purposes, until the persons liable to be assessed and contribute as aforesaid shall, at an annual meeting, express by a majority of the votes cast in favor of a new valuation of benefits and apportionment. If at any annual meeting the voters shall determine as aforesaid, then the said meeting shall choose five commissioners, who shall be members of the company, whose duty it shall be to make a new valuation of benefits, and a new estimate of the number of acres benefited, and the amount per acre, and may include other persons not then liable to assessment, if they or a majority of them are satisfied that such persons are benefited, and may exclude any person who at the time such new valuation is made if they or a majority of them are satisfied that such person or persons are not benefited by such ditch or straightening said branch. They shall be sworn or affirmed to the faithful performance of their duty. The proceedings shall be the same as in the original proceedings, except the commissioners shall not fix the amount to be levied. The duties of said commissioners shall be complete when they shall file their proceedings for record in the office of the Recorder of Deeds in and for Kent county. Any new valuation of benefits and estimate of the number of acres and value of each acre shall be and form the basis for assessment until another valuation and estimate shall in like manner be authorized and made.

Basis of
assessment.

New valuation.

Commissioners
to make new
valuation.

Sworn.

Proceedings.

To file proceeding
in Recorder's
office.Basis of
assessment.

SECTION 8. The managers shall proceed to make and open the ditch and make other improvements of said branch designated by the said commissioners, and may cleanse, widen, deepen and repair the same when necessary, and shall have full power for that purpose. They shall keep regular

Duty of
managers.

OF DITCHES.

Accounts. accounts of all expenditures and render the same to the company at their annual meeting, and said accounts shall be audited by two members of the company appointed at said meeting for the purpose of auditing the accounts of the managers and treasurer. All payments shall be made by orders drawn by the managers on the treasurer. The treasurer shall provide a book in which he shall enter in detail all moneys received and disbursed by him, and shall present at the annual meeting the book, with his vouchers, to be audited by the persons appointed for that purpose.

Payments, how made.

Treasurer to keep account of expenditures.

Secretary. **Duties.** SECTION 9. At each annual meeting there shall be appointed a secretary. A book shall be provided by the company, in which all the proceedings of the meetings of the company shall be kept and duly entered in said book, and all other matters which shall be ordered by the company to be entered therein.

Duty of Treasurer. SECTION 10. The treasurer shall collect all sums assessed and levied, as hereinbefore provided, and shall have the same power as collectors of county rates, and the proceedings shall be the same as are provided by law for the collection of county taxes. He shall give bond to the company, in the name of "Morgan's Branch Ditch Company," in double the amount of the taxes to be by him collected, conditioned for the faithful performance of his duty and for the payment to his successor of any money due from him. He shall be entitled to retain five per cent. of the amount received by him as his compensation.

Bond of Treasurer.

Compensation.

Compensation of Commissioners, etc. SECTION 11. Each commissioner and manager shall be allowed and shall be paid by the company one dollar for each day actually employed in the discharge of his duties.

Cost of recording. The Recorder shall be paid one cent for every ten words he may record and two dollars for copying the plot. The surveyor, if any shall be employed, shall receive two dollars for each day's service on the premises and ten dollars for making plot and return.

Compensation of Surveyor.

Obstruction of ditch, penalty. SECTION 12. If any person shall stop or obstruct said ditchcut, or any improvement made under this act, he shall forfeit and pay to said company a sum not less than twenty nor more than one hundred dollars, and the managers or any member of the company may sue for and recover the same

OF DITCHES.

in the name of the company and for its benefit as debts of like amount are recoverable by law.

SECTION 13. If any person taxed for cutting said ditch or straightening said branch shall be the owner of low grounds which cannot be drained without cutting a ditch or ditches through the lands of some other person or persons, or, if any person taxed as aforesaid shall be owner of lands through which the water of another person taxed as aforesaid shall pass or drain into the lands of another, any person interested may apply to the managers of said company, who shall go upon the lands of such persons, and, if in their judgment a ditch or ditches are necessary, shall lay out a ditch or ditches and shall fix the amount required to cut such ditch or ditches and the share or part each person benefited shall bear to cut, widen, deepen, cleanse or repair the same, and if either or any of such persons benefited shall refuse or neglect to cut his share or part within sixty days after the managers shall have made their report in writing to the parties benefited, the other or others or either of them may cut, cleanse, repair, widen or deepen the whole of such ditch or ditches, and the person or persons cutting, cleansing, widening, deepening or repairing said ditch or ditches may severally and respectively sue and recover from each or either of the person or persons neglecting or refusing respectively their share or part of the cost, expense, and labor, with ten per cent. additional, as like amounts are recoverable by law. In case a ditch or ditches shall be upon the dividing line between two or more persons, the same proceedings shall be applicable as is herein provided in this section for cutting ditches through the lands of other persons.

Tributary
ditches.

Boundary
line ditches.

SECTION 14. In case of failure to call the annual meetings, or to do and perform any act or thing required by this act, the corporation created by this act shall not be dissolved, but any three members of said company may call an annual meeting or special meeting, at which meeting all acts or things may be done that could have been done at any annual meeting called by the managers.

Failure to
call annual
meeting not
to dissolve
corporation.

SECTION 15. This act shall be deemed and taken to be a public act and shall be published with the laws of this State, and the act as published shall be evidence in all matters and in all courts of law and equity in this State or elsewhere.

Passed at Dover, March 17, 1891.

OF DITCHES.

CHAPTER 140.

OF DITCHES.

AN ACT to amend the act entitled "An act to incorporate the Tomahawk Branch Ditch Company" as revived and amended.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch concurring therein):

Act
amended.

SECTION 1. That the act entitled "An act to incorporate the Tomahawk Branch Ditch Company," passed at Dover, March 15, 1881, as re-enacted and amended by the act entitled "An act to revive and re-enact an act entitled 'An act to incorporate the Tomahawk Branch Ditch Company,'" passed at Dover, February 6, 1883, be and the same is hereby amended by striking out the word "July," wherever the same occurs in said act as revived and re-enacted, and inserting in lieu thereof the word "April."

Passed at Dover, April 8, 1891.

CHAPTER 141.

OF DITCHES.

AN ACT to provide aid to St. Georges Marsh Company in the maintenance of its dykes and embankments.

Preamble.

Whereas the storms of the past three years have so damaged the banks of said company that the marsh tax upon the owners has been more than equal to that paid for county, road, poor, school and poll taxes combined, seriously crippling the finances of said company, and making it a question whether the banks can much longer be maintained and kept up by said company;

And whereas said dykes and embankments protect over four miles of causeway and at least six hundred feet of bridges, the former of which would go at least eight feet

OF DITCHES.

under water at ordinary high tide, said roads or causeways being highly improved throughout with an oyster shell piling, representing a very large outlay by the Levy Court of New Castle county, said roads being used by a large population, including the inhabitants of the towns of Delaware City, Port Penn, and the country districts adjacent thereto,

And whereas a failure to give such aid as is now asked by this act to the St. Augustine Company of St. Georges hundred has resulted in a loss to the county of New Castle of more than one hundred thousand dollars since 1861; therefore,

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, as follows:

SECTION 1. That the Levy Court of New Castle county be and it is hereby authorized and empowered to make a yearly appropriation of five hundred dollars to the St. Georges Marsh Company, to be paid to the treasurer of said company. Levy Court to make yearly appropriation.

SECTION 2. It shall be the duty of the treasurer of said St. Georges Marsh Company, preceding each of said payments, to file an affidavit with the said Levy Court setting forth that the said company has raised and expended a like sum of five hundred dollars upon said dykes and banks, otherwise said Levy Court shall not make any such appropriation as is provided for in Section 1st. Affidavit of Treasurer.

SECTION 3. This act shall be deemed and taken to be a public act.

Passed at Dover, March 26, 1891.

OF DITCHES.

CHAPTER 142.

OF DITCHES.

AN ACT for the Improvement of Pipe-Elm Branch in Kent County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring therein):

Pipe-Elm
Branch
Ditch Com-
pany incor-
porated.

Powers, etc.

SECTION 1. That the owners of the low grounds, marsh and cripple situated upon and contiguous to and draining into Pipe-Elm branch in Kent county, State of Delaware, shall be a body politic and corporate, by the name of "Pipe-Elm Branch Ditch Company," and by that name shall be able to sue and be sued, plead and be impleaded in any court of law or equity in this State or elsewhere, and shall have, possess and enjoy all the rights, incidents, privileges, liberties, franchises and immunities common to such corporations, for the purpose of the more effectually draining, ditching and reclaiming the said low grounds, marsh and cripple and straightening the ditch and course of said Pipe-Elm branch. They may have and use a common seal.

Commis-
sioners.

Duty of.
Course of
Ditch.

Surveyor.
Plot and
return.

Valuation.
Plot and re-
turn filed in
Recorder's
office.

SECTION 2. That William Dyer, George H. Gildersleeve, Thomas W. Wilson, Charles H. Pardee and James A. Davis be and they are hereby appointed commissioners, who shall view the said low grounds, marsh and cripple, and shall lay out a ditch, commencing at the southern line of lands of William Dyer (known as the Hoffecker farm), and on the division line of Walker M. Crock; thence down through the lands of said Walker M. Crock to the lands of Samuel Creadick, M. D.; thence through the lands of said Samuel Creadick, M. D. and through lands of others, following the watercourse of said Pipe-Elm branch to tidewater. They may take with them a surveyor. They shall make out a plot and return, showing the dimensions, courses and distances of the ditch and straightening of said branch. They shall show by general delineation, without survey, the low grounds, marsh and cripple of each taxable's portion thereof, of any land benefited, and the estimated number of acres, and value or amount each acre is benefited. The plot and return shall be filed in the office of the Recorder of Deeds in and for Kent county and shall be recorded by said Recorder in his

OF DITCHES.

office. The commissioners shall in said return state the amount necessary for cutting said ditch and straightening said branch, and the amount so fixed by them for cutting said ditch and straightening said branch, and, in addition thereto, the costs and expenses incident thereto in procuring this act and the laying out of said ditch and straightening said branch, and all expenses incurred under and in pursuance of this act shall be the sum assessed, levied and collected the first year in which said commissioners shall perform their duties prescribed by this act. The sum or amount subsequently to be assessed, levied and collected shall be fixed at the annual meeting by a majority of the votes cast at such meeting. The commissioners and surveyor, if any surveyor shall be chosen, shall be sworn or affirmed to the faithful and impartial performance of their duty. All the commissioners must go upon the said low grounds, but a majority may decide any matter and perform any duty required of them under this act. In case of a vacancy occurring in the commissioners by refusal to act, or by death, resignation, or otherwise, the others or other of them may fill the vacancy or vacancies.

Estimate of expenses.

Assessment

Subsequent assessment.

Oath of Commissioners and surveyor.

Vacancies.

SECTION 3. If any person shall be injured by making of said ditch or straightening said branch, the commissioners shall award damages to such person, taking into consideration the advantages and disadvantages, and the same shall be paid or tendered before cutting the ditch or straightening said branch. If any person to whom damages shall be awarded resides out of the county, or shall be a minor, then said damages shall be deposited to the credit of such non-resident, or minor, in the Farmers' Bank, at Dover. All persons who will be benefited by said ditch, or straightening said branch, shall be liable to contribute to the cost of making such ditch and straightening said branch, the damages awarded, the expenses of the proceedings and recording the same, and all costs and expenses incident thereto. The valuation of benefits fixed by the commissioners and estimated number of acres and the valuation of each acre shall be and form the basis of assessment and levy of taxes.

Award of damages.

Award to non-residents or to minors.

Who liable to be taxed.

Basis of assessment.

SECTION 4. The commissioners shall fix a day for hearing appeals. Notice of the time and place shall be posted in at least three public places in the neighborhood five days at least before the [day] for hearing appeals. The commissioners shall hear and determine all appeals and may alter or

Appeals.

OF DITCHES.

change any valuation of benefits, either in number of acres or value of benefits per acre, by increasing or diminishing the valuation of benefits or number of acres. All appeals shall be in writing.

Certain
bridges and
causeways
to be kept
by county.

SECTION 5. If any public road shall be crossed by such ditch, cut or made under the provisions of this act, the bridges, and causeways leading to any such bridges, shall be kept up at the public charge of Kent county, as they are now kept up and repaired.

Elections.

Notice of
election.

Annual
meeting.

Voting.
Proxy.

SECTION 6. The commissioners shall, within ten days from the making their return to the Recorder, convene the persons liable to contribute by taxation to the costs and expenses incident thereto, for the purpose of choosing two managers and a treasurer of the company to serve until the next annual meeting after the time they are chosen and until their successors are duly chosen. Notice of the time and place of this meeting shall be posted in at least three public places in the neighborhood, five days at least before the meeting. The managers shall annually thereafter, in the same manner, call a meeting for the same purpose on the fourth Saturday in March. At all meetings the taxables shall be entitled to one vote for each dollar of tax paid by them respectively. Any person may vote by proxy, in writing under their hand and seal attested by at least one witness. All matters may be acted upon which in the judgment of the company are necessary for the benefit of the company at any annual or special meeting.

Basis of
assessment.

Commis-
sioners to
make new
assessment.

SECTION 7. The return made by the commissioners shall be the basis for any subsequent assessment that may be made by the managers for completing, cleansing, widening, deepening or repairing such ditch, and for other necessary purposes, until the persons liable to be assessed and contribute, as aforesaid, shall, at an annual meeting, express by a majority of the votes cast in favor of a new valuation of benefits and apportionment. If at any annual meeting the votes shall determine as aforesaid, then the said meeting shall choose five commissioners, who shall be members of the company, whose duty it shall be to make a new valuation of benefits and a new estimate of the number of acres benefited, and the amount per acre, and may include other persons not then liable to assessment, if they, or a majority of them, are satisfied that such person or persons are benefited,

OF DITCHES.

and may exclude any person who at the time such new valuation is made, if they, or a majority of them, are satisfied that such person or persons are not benefited by such ditch or straightening said branch. They shall be sworn or affirmed to the faithful performance of their duty. The proceedings shall be the same as in the original proceedings, except the commissioners shall not fix the amount to be levied. The duties of said commissioners shall be complete when they shall have filed their proceedings for record in the office of the Recorder of Deeds in and for Kent county. Any new valuation of benefits and estimate of the number of acres and the value of benefits of each acre shall be and form the basis for assessment until another valuation and estimate shall in like manner be authorized and made.

Proceedings

Duty.

Basis of
assessment.

SECTION 8. The managers shall proceed to make and open the ditch and make other improvements of said branch designated by the said commissioners, and may cleanse, widen, deepen, and repair the same when necessary, and shall have full power for that purpose. They shall keep regular accounts of all the expenditures and render the same to the company at their annual meeting, and said accounts shall be audited by two members of the company appointed at said meeting for the purpose of auditing the accounts of the managers and treasurer. All payments shall be made by orders drawn by the managers on the treasurer. The treasurer shall provide a book in which he shall enter in detail all moneys received and disbursed by him and shall present at the annual meeting the book with his vouchers to be audited by the persons appointed for that purpose.

Managers,
duty of.Accounts of
managers.Payments,
how made.Accounts of
Treasurer.

SECTION 9. At each annual meeting there shall be appointed a secretary. A book shall be provided by the company in which all the proceedings of the meetings of the company shall be kept and duly entered in said book and all other matters which shall be ordered by the company to be entered therein.

Secretary,
duty of.

SECTION 10. The treasurer shall collect all sums assessed and levied as hereinbefore provided, and shall have the same power as collectors of county rates, and the proceedings shall be the same as are provided by law for the collection of county taxes. He shall give bond to the company, in the name of "Pipe-Elm Ditch Company," in double the amount of the taxes to be by him collected, conditioned for the faithful per-

Duty of
Treasurer.

Bond.

OF DITCHES.

Compensation. formance of his duty and for the payment to his successor of any money due from him. He shall be entitled to retain five per cent. of the amount received by him as his compensation.

Compensation of Commissioners and managers. SECTION 11. Each commissioner and manager shall be allowed and shall be paid by the company one dollar for each day actually employed in the discharge of his duties. The Recorder's fee. Recorder shall be paid one cent for every ten words he may record and two dollars for copying the plot. The surveyor, Compensation of Surveyor. if any shall be employed, shall receive two dollars for each day's service on the premises and ten dollars for making plot and return.

Obstructions. SECTION 12. If any person shall stop or obstruct said ditchcut, or any improvement made under this act, he shall Penalty. forfeit and pay to said company a sum not less than twenty nor more than one hundred dollars, and the managers or any member of the company may sue for and recover the same in the name of the company and for its benefit as debts of like amount are recoverable by law.

Tributary ditches. SECTION 13. If any person taxed for cutting said ditch or straightening said branch, shall be the owner of low grounds which cannot be drained without cutting a ditch or ditches through the lands of some other person or persons, or if any person taxed as aforesaid shall be the owner of lands through which the water of another person, taxed as aforesaid, shall pass or drain into the lands of another, any person interested may apply to the managers of said company, who shall go upon the lands of such persons, and if in their judgment a ditch or ditches are necessary shall lay out a ditch or ditches and shall fix the amount required to cut such ditches and the share or part each person benefited shall bear to cut, widen, deepen, cleanse, or repair the same. And if either or any such persons benefited shall refuse or neglect to cut his share or part within sixty days after the managers shall have made their report in writing to the parties benefited, the other or others, or either of them, may cut, cleanse, repair, widen or deepen the whole of such ditch or ditches, and the person or persons cutting, cleansing, widening, deepening or repairing said ditch or ditches may severally and respectively sue and recover from each or either of the person or persons neglecting or refusing respectively their share or part of the cost, expense and labor.

Penalty for refusal by persons benefited, to help cut tributary ditch.

OF DITCHES.

with ten per cent. additional, as like amounts are recoverable by law. In case a ditch or ditches shall be upon the dividing line between two or more persons, the same proceedings shall be applicable as herein provided in this section for cutting ditches through the lands of other persons. Dividing line ditch.

SECTION 14. In case of failure to call the annual meetings, or to do and perform any act or thing required by this act, the corporation created by this act shall not be dissolved, but any three members of said company may call an annual meeting or special meeting, at which meeting all acts or things may be done that could have been done at any annual meeting called by the managers. Failure to call meeting not to dissolve corporation.

SECTION 15. This act shall be deemed and taken to be a public act and shall be published with the laws of this State, and the act as published shall be evidence in all matters and in all courts of law and equity in this State or elsewhere.

Passed at Dover, March 17, 1891.

CHAPTER 143.

OF DITCHES.

AN ACT to incorporate the Derickson's Millpond Branch Ditch Company.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch concurring therein):

SECTION 1. That the owners and possessors of certain swamp and low lands situate, lying and being in Baltimore hundred, Sussex county and State of Delaware, known as the low lands of Derickson's Millpond Branch, shall compose a company to be called the Derickson's Millpond Branch Ditch Company. Derickson's Millpond Branch Ditch Company incorporated.

SECTION 2. That the taxables on said ditch shall hold a meeting on the second Saturday of May next, at one o'clock P. M., and on the second Saturday of May in every year Annual meeting, time and place.

OF DITCHES.

thereafter, at one o'clock P. M., at the storehouse now owned by Elisha C. Dukes, at Millville, in said county, or at such other place as said company shall determine by a resolution to be adopted at any annual meeting of said company, at which annual meetings said company shall choose, by ballot and a plurality of the voters present, one treasurer and two managers for said corporation, and may do and determine all such matters and things as the said company may deem requisite for effectually draining and reclaiming the low grounds. Each taxable present shall be entitled to vote, as each is liable to contribute, that is to say, each taxable shall be entitled to one vote for each and every dollar of tax paid by him or her. Said meeting shall be called by at least five days' written notice, signed by either of the managers, or treasurer, or incorporators, and posted in five or more of the most public places in the neighborhood of the lands drained or benefited by said ditch. The said treasurer and managers so elected shall serve in office for one year and until their successors are duly elected and qualified. The annual meetings of the said taxables or corporators may be adjourned from time to time, and occasional or stated meetings may be called from time to time by the managers for the time being, or the survivor, if either be dead, by giving notice as required for the annual stated meetings; and if the managers and treasurer shall not all or any of them be chosen at the stated annual meeting in any year, or if any manager or treasurer die, resign, refuse or neglect to act, vacancies thus happening may be filled at an adjourned or occasional meeting by ballot and plurality of votes, as aforesaid, and all the managers and treasurers elected under this act shall continue in office until the annual meeting next succeeding their election, and until successors be duly chosen, except that if any manager or treasurer shall, after his election, remove from the neighborhood of such lands drained or benefited by said ditch, the said company may at any of its meetings declare the place of such manager or treasurer vacant and elect another in his place.

SECTION 3. That the managers chosen as aforesaid shall proceed to make and open said ditch or to cleanse the same, as may be necessary, and shall have all needful powers for that purpose. They shall keep regular accounts of their expenditures and shall render the same to the yearly meetings of the taxables, and payments shall be made by orders drawn by them on the treasurer. Any person assessed for

Election of officers.

Votes.

Notice of meeting.

Term of office of Treasurer and managers.

Occasional or adjourned meetings.

Vacancies.

Duty of managers.

Accounts.

Payment of taxes.

OF DITCHES.

a tax may discharge the same by work done under the direction of the managers, and their certificates shall be received by the treasurer in payment of the tax.

SECTION 4. That the treasurer shall collect all sums assessed as aforesaid, and shall have the same power herein as a collector of county taxes. He shall give bond to the taxables, with surety, to be approved by the managers, in double the amount of the assessment which he may be authorized to collect, conditioned for the faithful performance of his duty and for the payment to his successor of any money due from him, to which said bond and condition shall be annexed a warrant or power of attorney to confess judgment thereon in the usual form, and if the person so appointed treasurer shall neglect or refuse to give bond as aforesaid within thirty days next after his appointment, the said managers may thereupon appoint another treasurer, who shall in like manner give bond as aforesaid, and so on until a treasurer be appointed who shall give bond and security as hereinbefore provided. He shall settle with the taxables at their annual meeting and shall be entitled to retain five per cent. on the amount received as compensation.

Treasurer to collect taxes, etc.
Bond of Treasurer.

Refusal or neglect to give bond.

Annual settlement. Compensation.

SECTION 5. That said ditch so opened shall remain open for the benefit of those liable to contribute therefor, and if any person shall obstruct or stop up such ditch, cut under this act, he shall forfeit and pay to the treasurer, for the use of the ditch company, not less than twenty nor more than one hundred dollars.

Obstruction of ditch, penalty.

SECTION 6. That it shall be lawful for any person who may be a taxable or interested in said ditch, either by themselves or by such other persons as they may employ, to enter upon the lands of any person through which said ditch may pass, and remove any obstruction or obstructions of whatever nature or kind the obstruction may be which may exist in said ditch, so that the water may pass freely through the same, and if any person or persons through whose lands said ditch may pass should hinder or prevent any person or persons so interested as aforesaid from entering upon said lands to remove any obstructions which may exist in said ditch, such person or persons so hindering or preventing the removal of such obstructions shall forfeit and pay the sum of one hundred dollars, beside the costs of suit, to be sued for and recovered by any of the taxables of said ditch before any justice of the peace in and for Sussex county.

Removal of obstruction.

Hindering the removal of obstructions.

Fine.

OF DITCHES.

Com-
mis-
sioners to
make new
assessment.

SECTION 7. *Be it further enacted,* That the taxables and incorporators shall have the privilege and power, at any of their annual stated meetings, by giving legal notice as above directed, to appoint three commissioners, by a plurality of votes as above directed, whose duties shall be to make a new levy of taxes, and shall have the power invested in them to call to their assistance a skillful surveyor to make such survey and plots as may be deemed necessary for the fulfillment of their duties. The said commissioners shall have for each day spent in the service the sum of one dollar and fifty cents, and to the managers for each day actually spent in the discharge of his duties, one dollar, and to the surveyor a reasonable compensation for the services, rendered. All costs and charges to be payable by and collectable from the treasurer out of the funds in his hands.

Compensa-
tion of Com-
missioners,
Managers,
and Sur-
veyor.

Passed at Dover, April 14, 1891.

CHAPTER 144.

OF DITCHES.

AN ACT to incorporate the St. Georges Branch Ditch Company.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch concurring therein):

St. Georges
Branch
Ditch
Company.

SECTION 1. That the owners and possessors of certain swamp and low lands, situate, lying and being in Baltimore hundred, Sussex county, and State of Delaware, known as the low lands of St. Georges Branch, shall compose a company to be called the St. Georges Branch Ditch Company.

Annual
meeting,
time and
place of
holding.

SECTION 2. That the taxables on said ditch shall hold a meeting on the last Saturday of April next, at one o'clock P. M., and on the last Saturday of April, at one o'clock P. M., every year thereafter, at the storehouse now occupied and owned by Charles S. Richards, in Baltimore hundred, Sussex county, or at such other place as said company shall determine by a resolution to be adopted at an annual meeting of said company, at which annual meetings said com-

OF DITCHES.

pany shall choose by ballot and a plurality of votes present, one treasurer and two managers for said corporation, and may do and determine all such matters and transact such business as the said company may deem requisite for effectual draining and reclaiming the low grounds. Each taxable present shall be entitled to vote as each is liable to contribute, that is to say, each taxable shall be entitled to one vote for each and every dollar of tax paid by him or her. Said meeting shall be called by at least five days' written notice, signed by either of the managers or the treasurer, and posted in five or more of the most public places in the neighborhood of the lands drained or benefited by said ditch. The said treasurer and managers so elected shall serve in office for one year, and until their successors are duly elected and qualified. The annual meeting of the said taxables or corporators may be adjourned from time to time, and occasional or stated meetings may be called from time to time by the managers for the time being, or the survivor, if either be dead, by giving notice as required for the annual stated meeting; and if the managers and treasurer shall not all or any of them be chosen at the stated annual meeting in any year, or if any manager or treasurer die, resign, refuse or neglect to act, vacancies thus happening may be filled at an adjourned occasional meeting, by ballot and plurality of votes, as aforesaid, and all the managers and treasurers elected under this act shall continue in office until the annual meeting next succeeding their election, and until their successors be duly chosen, except that if any manager or treasurer shall after his election remove from the neighborhood of such lands, drained or benefited by said ditch, the said company may at any of its meetings declare the place of such manager or treasurer vacant and elect another in his place.

Election of officers and other business.

Who entitled to vote

Notice of meeting.

Terms of office.

Adjourned or occasional meetings, etc.

Vacancies.

SECTION 3. That the managers chosen as aforesaid shall proceed to make and open said ditch or to cleanse the same, as may be necessary, and shall have all needful power for that purpose. They shall keep regular accounts of their expenditures and shall render the same to the yearly meeting of the taxables, and all payments shall be made by orders drawn by them on the treasurer.

Managers, duty of.

Expenditures.

Payments, how made.

Any person assessed for a tax may discharge the same by work done under the direction of the managers, and their certificates shall be received by the treasurer in payment of the tax.

Work in payment of taxes.

OF DITCHES.

Treasurer to
collect taxesBond of
Treasurer.Vacancies in
office of
Treasurer.Settlement
of TreasurerObstruction
of ditch.

Fine.

Lawful for
any taxable
to remove
obstructionsPrevention
from remov-
ing obstruc-
tions.

Fine.

SECTION 4. That the treasurer shall collect all sums assessed as aforesaid and shall have the same power herein as a collector of county taxes. He shall give bond to the taxables, with surety, to be approved by the managers, in double the amount of the assessment which he may be authorized to collect, conditional for the faithful performance of his duty and for the payment to his successor of any money due from him, to which said bond and condition shall be annexed a warrant or power of attorney to confess judgment thereon in the usual form, and if the person so appointed treasurer shall neglect or refuse to give bond as aforesaid within thirty days next after his appointment, the said managers may thereupon appoint another treasurer, who shall in like manner give bond as aforesaid, and so on until a treasurer be appointed who shall give bond and security as hereinbefore provided. He shall settle with the taxables at their annual meeting, and shall be entitled to retain five per cent. on the amount received as compensation.

SECTION 5. That said ditch so opened shall remain open for the benefit of those liable to contribute therefor, and if any person shall obstruct or stop up such ditch, cut under this act, he shall forfeit and pay to the treasurer for the use of the ditch company not less than twenty nor more than one hundred dollars.

SECTION 6. That it shall be lawful for any person who may be a taxable or interested in said ditch, either by themselves or by such other person as they may employ, to enter upon the lands of any person through which said ditch may pass and remove any obstruction or obstructions, of whatever nature or kind the obstruction may be, which may exist in said ditch, so that the water may pass freely through the same. And if any person or persons, through whose lands said ditch may pass, should hinder or prevent any person or persons so interested as aforesaid from entering upon said lands to remove any obstructions which may exist in said ditch, such person or persons so hindering or preventing the removal of such obstructions which may exist in said ditch, such person or persons shall forfeit and pay the sum of one hundred dollars, besides the costs of suit, to be sued for and recovered by any of the taxables of said ditch before any justice of the peace in and for Sussex county.

SECTION 7. *Be it further enacted,* That the taxables and

OF DITCHES.

incorporators shall have the privilege and power, at any of their annual stated meetings, by giving legal notice as above directed, to appoint three commissioners, by a plurality of all the votes present as above directed, whose duties shall be to make a new assessment of taxes and shall have the power invested in them to call to their assistance a skillful surveyor to make such survey and plots as may be deemed necessary for the fulfillment of their duties. The said commissioners shall have as compensation for their services the sum of one dollar and fifty cents for each day's services, and the said managers shall have the sum of one dollar for each day actually spent in the discharge of his duties, and to the surveyor a reasonable compensation for the services rendered. All cost and charges to be payable by and collectable from the treasurer out of the funds in his hands.

Commissioners to make new assessment.

Compensation of Commissioners, Managers and Surveyors.

Cost or expenses, payable by whom.

Passed at Dover, April 14, 1891.

CHAPTER 145.

OF DITCHES.

AN ACT to Revive, Re-enact and Amend an act entitled "An act to Incorporate the Mispillion and Beaver Dam Branch Draining Company, and for other purposes."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch of the Legislature concurring) as follows:

SECTION 1. That the act entitled "An act to incorporate the Mispillion and Beaver Dam Branch Draining Company, and for other purposes," passed at Dover, March 3d, 1869, be and the same is hereby revived, re-enacted and amended; *provided* that each and every taxable shall have one vote for each and every dollar or fractional part of a dollar so taxed.

Act revived, re-enacted and amended.

Proviso.

SECTION 2. That the names of William H. Powell and Alexander Johnson, wherever they occur in said act, be stricken out and the names of Robert H. Smith and Louder L. Sapp be inserted in lieu thereof.

Names stricken out and supplied

OF DITCHES.

Place of
holding
meetings
changed.

SECTION 3. That the words "the house of Daniel Hill," in the tenth line of the enrolled bill, be stricken out and the words "the schoolhouse, known as Powell's schoolhouse," inserted in lieu thereof.

Annual
meeting.

SECTION 4. That the commissioners shall call a meeting of the owners of the low lands embraced in the act hereby revived and re-enacted on the third Monday of May, A. D. 1891, and every year thereafter. The annual meeting shall be held at the time provided for in the said act hereby amended.

Time.

Power of
Commis-
sioners.

SECTION 5. That the said commissioners shall have power to extend the ditch or ditches authorized by said act as they may deem necessary to drain said low lands, and make the necessary certificate, plots, assessments and valuations of said low lands through which such extension may run.

SECTION 6. This act shall be deemed and taken to be a public act and shall be published as such.

Passed at Dover, April 14, 1891.

CHAPTER 146.

OF DITCHES.

AN ACT to Incorporate the South Prong Ditch Company.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch of the Legislature concurring):

South Prong
Ditch Com-
pany incor-
porated.

SECTION 1. That the owners of the marsh and low grounds lying upon and contiguous to the south prong of Brown's branch in Mispillion hundred in Kent county and the State of Delaware, shall compose a company, to be called the "South Prong Ditch Company," for the purpose of effectually ditching and draining the said marsh and low grounds.

Commis-
sioners, duty
of, etc.

SECTION 2. That Clement A. Harrington, Alexander Harrington and Louder L. Sapp be and they are hereby

OF DITCHES.

appointed commissioners, who shall go upon and view the said marsh and low grounds and lay out such ditch or ditches they may deem necessary for the purpose of draining the same. The main ditch shall commence at the head of Beniah Tharp's millpond, formerly known as "Thistlewood's millpond," on the main branch, known as "Brown's Branch," below the west and south prong of Brown's branch, between lands of David Harrington and lands of John W. Rickards; thence up said branch to the west and south prong of said branch; thence with the main run of the south prong of Brown's branch, between lands of John W. Rickards and Wm. C. Quillen, upon the one side, and Thos. H. Dorman upon the other side; between lands of William H. Dickerson and lands of Henrietta Morris; between lands of Mrs. Annie Smith, John Barlow and Aaron B. Barlow upon the one side and lands of John Franklin upon the other side; between lands of Emory Scotton and Mary Poor on the one side and Moses Harrington on the other side; by or through lands of Amos Cole; between lands of Nathan Harrington upon the one side and Mrs. S. A. Williams upon the other side; and on or near the line between lands of said Nathan Harrington and lands Mary A. Powell, and upon lands of George A. Laws to a point on his lands, as the said commissioners may deem best. The said commissioners shall have power to lay out any lateral ditch or ditches which they or a majority of them may deem necessary to complete the drainage of any low grounds adjacent or contiguous to the said South Prong Ditch.

If they deem it necessary they may take with them a surveyor. They shall make out a plot and return, showing the dimensions, courses and distances of the ditch or ditches, and by general delineations without survey the boundary lines of the low grounds, and of each taxable's portion thereof, or of any land benefited, and the estimated number of acres.

The said plot and return shall be lodged in the Recorder's office in and for said county, and be by him recorded. The commissioners and surveyor, if any be chosen, shall, before entering upon the duties of their office, be sworn or affirmed to faithfully and impartially discharge the same. All the commissioners must act, but a majority may decide any matter. In case of a vacancy occurring in the commissioners by death, resignation or refusal to act or otherwise, the others or other may fill such vacancy or vacancies.

OF DITCHES.

Award of damages. **SECTION 3.** That if any person shall be injured by the making of any such ditch or ditches, the commissioners shall award such person damages to the amount of such injury, and the same shall be paid or tendered before cutting the ditch or ditches. All persons who will be benefited by such ditch or ditches shall be liable to contribute to the cost of making the same and to the damages awarded, and the expenses of the proceeding and the recording of the same, and also the costs of preparing and obtaining the passage of this act.

Apportionment. The commissioners shall determine who will be benefited, and shall apportion the said costs, damages and expenses upon them, according to such benefit.

Return of Commissioners. **SECTION 4.** That the commissioners shall, as soon after the passage of this act as convenient, make a return to the Recorder of Deeds in and for Kent county, and within ten days thereafter convene the persons liable to contribute to any ditch embraced therein for the purpose of electing two managers and a treasurer of the company for one year, or until others shall be chosen. Notice of the time and place of this meeting shall be posted in at least three public places in the neighborhood, five days at least before the meeting.

Annual meeting. The managers shall annually thereafter, in the same manner, call a meeting for the same purpose on the second Saturday in May, at Harrington, in Kent county. At all meetings the taxables shall be entitled to cast one vote for every dollar of tax, or fractional part thereof, paid by them respectively. Every absent taxable may vote by proxy, regularly constituted.

Return of Commissioners, how long to remain in force. **SECTION 5.** That the return made by the commissioners shall remain in force for five years thereafter, as the basis of any subsequent assessment that may be made by the managers for completing, cleansing, or repairing the ditch or ditches, or other necessary purposes. After five years a new assessment may be had, by application of three or more taxables to any judge of the State, or to the Chancellor, who is hereby authorized to appoint three commissioners to make said new assessment. Said new assessment, when made, shall be returned and recorded as the original return, and shall stand as the basis of assessment for five years and until another assessment shall in like manner be made.

New assessment

Return of new assessment.

OF DITCHES.

SECTION 6. That the managers shall proceed to make and open the ditch or ditches laid out by the commissioners, and clean and repair the same when necessary, and shall have all needful power for that purpose. They shall keep regular accounts of all expenditures, and render the same to the company at their annual meeting. All payments shall be made by orders drawn by them on the treasurer. Any person assessed for a tax may discharge the same by work done by the direction of the managers, and their certificate shall be received by the treasurer in payment of the tax.

Duty and
power of
Managers.

Payments,
how made.

Payment of
tax by work,
etc.

SECTION 7. That the managers of said company for the time being are hereby authorized to levy an annual tax to the amount determined by the annual meeting upon the lands to be benefited in proportion to the assessment of said lands by the commissioners, to be expended upon the ditch or ditches of said company.

Assessment
and levying
of tax.

SECTION 8. That the treasurer shall collect all sums apportioned and assessed, as aforesaid, and shall have the same power for making such collections as a collector of county rates. He shall give bond to the company, with surety to be approved by the managers, in double the amount of the taxes to be by him collected, conditioned for the faithful performance of his duty, and for the payment to his successor of any money due from him. He shall settle with the company at the annual meeting, and shall be entitled to retain five per centum of the amount received by him as his compensation.

Treasurer to
collect tax.

Bond of
Treasurer.

Annual
settlement.

Compensation.

SECTION 9. That each commissioner and manager shall be allowed and shall be paid by the company one dollar for every day actually spent in the discharge of his duties. The Recorder shall be paid one cent for every ten words he may record, and two dollars for copying the plot. The surveyor, if any be employed, shall receive two dollars for each day's service on the premises and ten dollars for making the plot and return.

Compensation of Commissioners and Managers.

Fee of
Recorder.

Compensation of Surveyor.

SECTION 10. That the said company is hereby created and declared to be a body politic and corporate, under the name of "The South Prong Ditch Company," and under and by that name shall be able to sue and be sued, plead and be impleaded in any court of law or equity in this State, and shall

Powers of
company.

OF DITCHES.

possess and enjoy all the rights, incidents, privileges, liberties, franchises and immunities common to such corporations.

Obstructing
ditch.

SECTION 11. That if any person shall stop up or obstruct any ditch cut under this act, he shall forfeit and pay to the managers, who may recover the same in the name of the company and for its benefit as debts of like amount are recoverable, a sum of not less than two nor more than twenty dollars.

Fine.

Power of
revocation.

SECTION 12. That the power to revoke this act is hereby reserved to the Legislature.

Public act.

SECTION 13. This shall be deemed and taken to be a public act.

Passed at Dover, April 15, 1891.

CHAPTER 147.

OF DITCHES.

AN ACT to Incorporate the Tidberry Branch Ditch Company.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch thereof concurring):

Tidberry
Branch
Ditch Com-
pany incor-
porated.

SECTION 1. That the owners, reputed owners, and possessors of the swamps and low grounds situated in North Murderkill hundred, Kent county, contiguous to or draining into the branch known as Tidberry branch or any of its tributaries (and whose names may be included in any certificate to be made by the commissioners hereinafter provided for), and such persons as may succeed them in ownership or possession, are hereby incorporated and shall compose a company to be called "The Tidberry Branch Ditch Company," and by that name shall have power to sue and be sued, plead and be impleaded in any court of law or equity in this State or elsewhere.

Powers.

OF DITCHES.

SECTION 2. The first meeting of said company shall be held upon a day to be appointed by the commissioners herein named at the schoolhouse in School District No. 25 in Kent county, and the annual meetings of the company shall be held on the second Saturday of April in every year thereafter, at such time and place as the company shall determine by a resolution to be adopted at any annual meeting. At the first meeting held in pursuance of the call of the commissioners said company shall choose by ballot and a plurality of the votes cast a president, a treasurer, a secretary and two managers, all of whom shall be members of the company, and who shall hold office until the next ensuing annual meeting or until their successors shall be elected; thereafter, all officers of the company shall be elected annually at the meeting to be held in April of every year, but in case of failure to so elect, the officers then in office shall continue until others are chosen. Occasional meetings may be called by the managers or either of them, at such times and places as they may deem proper, by giving ten days notice by advertisement, posted in five of the most public places in the neighborhood. If any officer shall cease to be a taxable by disposing of his lands, or shall vacate his office by death, resignation, or otherwise, his successor may be chosen at any occasional meeting.

Time and place of holding meetings.

Election of officers.

Terms of office.

Occasional meetings.

Notice.

Vacancies.

SECTION 3. That at all meetings of said company every owner or possessor of any low ground, ratable and assessed in said company, may vote, if present, and if such owners or possessors do not reside upon the land which is ratable, he or she may vote by proxy; such proxies must be in writing, under seal and attested by two witnesses. Every voter shall be entitled to one vote for every hundred dollars or fractional part thereof to which his or her property may stand assessed at the time such vote is offered.

Who entitled to vote.

Proxies.

Apportionment of votes.

SECTION 4. That Thomas B. Coursey, J. Frank Wilds and John W. Taylor be and they are hereby appointed commissioners to make valuation of so much of the aforesaid swamps and low grounds as in their judgment ought to be drained, and to view, ascertain, and determine the width, depth, and location of the ditches or drains that will be necessary and sufficient to drain said swamps and low grounds, so far as they may be able to judge under all the circumstances.

Commissioners.

Duty of Commissioners.

They shall determine the quantity held by each owner or

OF DITCHES.

Valuation. owners of such swamps or low grounds, so to be drained, and shall appraise and determine the benefit and advantage which each owner will receive by reason of the cutting or making of such ditches or drains; and the said commissioners, or a majority of them, shall make two certificates under their hands, containing the names of the respective owners of said swamps or low grounds, the quantity held by each, as aforesaid, and the appraisements of the benefits, profits and advantages to be derived by each owner or owners, and shall deliver one of the said certificates to the secretary of the company and shall return the other to the office of the Recorder of Deeds in and for Kent county, to be there recorded, which certificate shall be final and conclusive upon all parties, and shall be and remain the appraisalment and valuation upon which all taxes which may be necessary to effect the purpose of this act shall be assessed, levied and raised until a new assessment shall be made, as hereinafter provided, and a copy of the record thereof, certified by the Recorder under his hand and seal of office, shall be evidence in any court of this State.

Vacancies in commission. If any of the commissioners refuse or fail to act for any cause, the others may fill the vacancy thereby caused as often as may be necessary, until all of the duties of the commissioners under this act are fully completed.

Meeting of company, time and place. When the commissioners shall have made the certificates as above provided, they shall call a meeting of the company at some suitable time named by them in the call, at the school-house in school district No. 25, aforesaid, of which ten days' written notice shall be given by advertisement posted at five of the most public places in the neighborhood; and in said call and notices shall be stated the names of the owners contained in said certificates, and officers, as hereinbefore specified, and at least one of said commissioners shall be present at the opening of said meeting with the certificate to be delivered to the secretary. At the same time and place the said commissioners shall also deliver to said secretary a plot of the ditch or ditches determined upon by the commissioners.

Duties and powers of Managers. SECTION 5. The managers to be elected at the meeting to be called by the commissioners as herein provided, shall cut and open all such ditches, drains, prongs, and outlets, as the said commissioners shall judge proper and sufficient to drain said swamps and low grounds, as aforesaid, and for

OF DITCHES.

this purpose shall have power to employ such workmen as they may deem necessary to complete the work, and shall pay the expenses attending the same. An exact account shall be kept by the said managers of their doings and expenditures, showing, among other things, the amount of labor and services performed by each employee and the money paid to him, the articles or material furnished and by whom, and the money paid therefor; and also the number of days which the commissioners, managers, or other persons were actually engaged in the discharge of their duties, respectively, which account shall be delivered to the treasurer of the company, and shall be recorded in the book of the said treasurer and kept by him as one of the papers of the company.

Accounts.

SECTION 6. That at any annual meeting of the company the voters may determine by ballot upon a new valuation or assessment, and a majority of the votes cast shall be necessary to authorize such new assessment or valuation; and any such new assessment or valuation, when made, shall be the basis upon which any and every tax shall be levied and collected until another assessment is determined upon by a vote of the company, as is hereinbefore provided in this section. But extensions may be made by laying out new ditches, and additional owners of any marsh or low grounds may be added to the company, whose lands shall be appraised and valued in the same manner as the lands of persons already belonging to the company. Such appraisement shall be classed as supplemental valuations, and shall form a part of the basis upon which taxes shall be levied and collected, the same as upon original assessments, and shall be so treated until a new general assessment or valuation shall be made.

New valuation or assessment.

Extensions of ditch.

Supplemental valuations.

The voters shall determine by ballot at every annual meeting the amount of tax to be raised, if any, for the ensuing year for the purposes which the company may deem necessary for the draining and improvement of the said marsh and low grounds, and a majority of all the votes cast shall be necessary to authorize the levying and collection of said tax.

Determination of amount of tax to be raised.

SECTION 7. In addition to the other duties of the managers herein provided for, they shall annually, in the month of May, levy a tax upon the members of the company of the aggregate amount of the sum voted to be raised for the ensuing year, and shall prepare an alphabetical list of the persons ratable and assessed in the said company, together with

Additional duties of Managers.

OF DITCHES.

Return of levy. the proportionate amount of tax due from each member of the company. The said levy shall be returned to the treasurer of the company, whose duty it shall be to collect the taxes and rates therein enumerated, and for this purpose he shall have all the powers granted by law to collectors of county rates.

Commission of Treasurer for collecting. Proviso.

The treasurer shall receive for collecting taxes ten per centum of the amount of all taxes assessed without allowance for delinquents; *provided, however*, that before said treasurer shall enter upon his duties as collector he shall give bond in double the amount of all the taxes to be collected to the "Tidberry Branch Ditch Company," conditioned for the proper application or return of all moneys which shall come into his hands as treasurer or collector of said company.

Unpaid taxes.

All taxes which shall remain unpaid after the expiration of one year from the date of their levy shall be increased by the

Penalty.

addition of ten per cent. per annum until the same are paid, and the treasurer shall make a detailed statement of from whom such per cent. has been received, and shall present the same, with his accounts and vouchers, to the auditors herein-after provided for.

Powers of Managers.

SECTION 8. The managers shall have all the powers necessary to carry this act into effect, and to this end they may go upon any lands adjacent to any ditch now cut and may deepen, widen, or straighten such ditch, may remove fences, or may fence temporarily, and throw, haul, or place on any land adjacent to the ditches of the company any dirt, sand or gravel, log or logs, or rubbish, which may be necessary to be removed out of any ditches in deepening, widening or straightening the same; and may cut any tree, sapling or bramble that may be likely to obstruct said ditch, and may place anything so removed on any lands adjacent thereto. The managers shall have power to employ any necessary help for working said ditches and to fix the compensation for the same (unless said compensation be determined by vote at an annual meeting); *provided, however*, that in hiring or procuring help, the persons who are taxables under this act shall be first preferred, and to this end, it shall be the duty of the managers to give proper notice to the said taxables whenever any work is to be performed upon the ditches of this company.

Proviso.

Supplemental appraisements.

SECTION 9. All supplemental appraisements shall be made by three freeholders of Kent county (not members

OF DITCHES.

of the company) who shall be appointed by the members of the company by a majority vote. Such appraisment, when made, shall not be changed until the next ensuing annual meeting of the company.

The freeholders aforesaid shall make or cause to be made certificates of the appraisment and a plot, and return the same for record to the Recorder of Deeds and the secretary of the company, respectively, as is provided for the return of certificates in Section 3 of this act. Certificates of appraisments.

SECTION 10. The secretary shall record the appraisments and duplicate lists from which the treasurer collects the taxes due the company, and shall keep the correct proceedings of all meetings held by the company, which shall be signed by the chairman and attested by the secretary, and by the secretary recorded in the books of the company. He shall record all papers which by this act are required to be recorded in the books of the company. He shall have the custody of and keep safely the bonds of the treasurer and all other papers or effects belonging to the company, and shall record all of the same in books of the company. Duties of Secretary.

In case of the loss or destruction of any original bond the secretary's record shall be evidence of the contents of such bond so lost or destroyed, and may be sued upon as if it were the original. Loss of bonds, etc.

The secretary shall deliver to his successor in office, within ten days after the expiration of his term of office, all books and papers in his possession and belonging to the company. He shall receive for his services such compensation as shall be fixed by the meeting at which he is elected, but if he shall neglect or refuse to perform the duties required of him under this act he shall forfeit the compensation allowed him. Further duty of Secretary. Compensation.

The managers may at any time, for sufficient cause, remove the secretary and appoint another in his stead, to serve until his successor is duly elected and qualified. Removal of Secretary.

SECTION 11. That if any person shall willfully fill up or obstruct any ditch, drain, or prong, or outlet of the said company, or shall impede the course of the water running down the same, he shall pay to the company the sum of one hundred dollars, to be recovered by suit in the name of the company before any justice of the peace in Kent county. Obstructions. Fine.

OF DITCHES.

Survey. SECTION 12. The commissioners heretofore named in this act may employ a skillful surveyor to make a survey and plot of all drains and ditches laid out and agreed upon by them.

Auditors and auditing of accounts. SECTION 13. There shall be two auditors appointed by the voters of the company, at each annual or occasional meeting, whose duty it shall be to examine and audit all the accounts and proceedings of the officers of the company, made or entered since the last preceding meeting, and report their findings to the meeting at which they were appointed.

Compensation. SECTION 14. Each commissioner authorized by this act, and the surveyor by them employed, shall receive as compensation two dollars for each day's actual service rendered, and the company shall pay the same, together with the costs of preparing this act and for the expenses necessary to carry it into effect.

Compensation of Managers and other officers. The managers and other officers shall receive such compensation as may be determined upon by the voters of the company at any annual or occasional meeting.

Moneys, how paid out. SECTION 15. All moneys, or claims due from the company, shall be paid only by the treasurer on orders drawn by the managers and attested by the secretary.

Oaths of office. SECTION 16. All officers of the company, in whatever capacity employed, shall, before entering upon the duties of their office, make oath or affirmation to perform their duties under this act with fidelity, and for this purpose they may administer such oath or affirmation to each other.

Suits, how brought. SECTION 17. All suits brought by the company shall be brought in the name of the "Tidberry Branch Ditch Company," and shall be brought by the president in all cases except wherein the president is a party defendant, in which case the suit shall be brought by the treasurer.

Inconsistent acts repealed. SECTION 18. That all acts and parts of acts not consistent with this act are hereby repealed.

SECTION 19. That this act shall be deemed and taken to be a public act.

Passed at Dover, April 16, 1891.

OF DITCHES.

CHAPTER 148.

OF DITCHES.

AN ACT to incorporate the Deep Hole Ditch Company of Baltimore Hundred, Sussex County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch concurring):

SECTION 1. That Handy Derrickson, George A. Howard, H. W. Long's heirs, Edward Dingle, Jacob Hitchens, Henry W. Hickman, H. H. Hickman, Peter W. Hickman, Kate Townsend, John H. Long and Stephen S. Lynch, and all other persons who are now or may become taxables of the said ditch company, be and are hereby declared to be a body corporate for the purposes in this act mentioned, by the name style and title of "The Deep Hole Ditch Company," and shall have succession for twenty years, and by that name may sue and be sued, plead and be impleaded in any court of law or equity in this State, and shall have, possess and enjoy all powers and privileges incident and common to such corporations, excepting banking powers.

Deep Hole Ditch Company incorporated.

Powers and privileges.

SECTION 2. That James H. Law, William A. Lynch and Henry B. Murray be and they are hereby appointed commissioners to go upon and view the said low lands and low grounds through which the said ditch or ditches shall go and which will be benefited thereby, and ascertain the quantity of lands and low grounds which will be benefited by the ditch or ditches to be opened by this act, and to lay out, locate and direct to be cut and opened a main ditch, beginning at a point in Vines branch, in Baltimore hundred, Sussex county, where the run of the said Deep Hole Ditch intersects with the said Vines branch, and then through the lands of Handy Derrickson, George A. Howard and Henry W. Long's heirs, and then following the present Deep Hole ditch through the lands of Jacob Hitchens, Edward Dingle, Henry W. Hickman, H. H. Hickman, Peter W. Hickman, Kate Townsend, John H. Long and Stephen S. Lynch, and terminating on the lands of the said Stephen S. Lynch, and to lay out and locate, direct to be cut and opened such other ditch or ditches as

Commissioners.

Duty.

Location of ditch.

OF DITCHES.

the commissioners may deem necessary to effectually drain the lands and low grounds aforesaid. They shall also determine the width and depth of the ditch or ditches by them directed to be cut and opened, and make a valuation and assessment of all the low grounds and lands which will be benefited by the opening of the said ditch or ditches, and according to the amount of benefit derived therefrom.

Valuation
and assess-
ment.

Assessment
and award of
damages.

Plot and
return to be
recorded.

If the said commissioners shall be of the opinion that any person will be injured by the making of any such ditch or ditches, they shall assess and award to such person damages to the amount of such injury, after taking into consideration all the advantages to be derived therefrom, and the same shall be paid or tendered before the cutting of said ditch or ditches, or deposited in the Farmers' Bank of the State of Delaware at Georgetown to the credit of such person or persons. The said commissioners shall make a plot of the ditch or ditches located by them as aforesaid and a return of all their proceedings under this act to the Recorder of Deeds in and for Sussex county, to be by him recorded as soon as practicable after they shall have performed the duties herein imposed.

Oath of
Commissioners.

Before entering upon the discharge of the duties imposed by this act the said commissioners shall be sworn or affirmed to faithfully and impartially perform the same.

Majority
acts.

The acts of a majority of said commissioners shall be deemed and taken to be the acts of the whole, touching the duties herein required of said commissioners.

Place and
time of
meeting.

Election of
officers.

Term of
office.

Annual
meeting.

Notice of
meeting.

SECTION 3. That the persons composing said company shall meet at the storehouse of James K. Torbert, at Omar, in Baltimore Hundred, Sussex county, on the last Saturday in May, A. D. 1891, at two o'clock in the afternoon, for the purpose of choosing from the said owners of said lands and low grounds one or more suitable person or persons to be manager or managers, and also a secretary and treasurer, who shall hold their offices respectively for one year and until their successors are duly chosen, and that thereafter the time for holding the annual meeting shall be on the last Saturday in May in every year, at two o'clock in the afternoon, at the storehouse of James K. Torbert, in the hundred aforesaid. The said company may hold adjourned meetings or occasional meetings. Public notice shall be given by the managers of annual and occasional meetings, at least ten

OF DITCHES.

days before the holding of such meetings. Each member of the said company shall be entitled to one vote for each dollar of tax assessed against him, either in person or by proxy duly executed under hand and seal and attested by two witnesses.

Apportion-
ment of votes
Proxy.

SECTION 4. That the manager or managers chosen aforesaid shall proceed to make or open the ditch or ditches laid out and returned by the commissioners aforesaid, when directed by the said company, or to cleanse and repair the same, as may be necessary, and shall have all needful powers for that purpose. They shall keep regular accounts of all expenditures, and shall render the same to the annual meeting of said company. All payments shall be made by orders drawn by them on the treasurer, and the ditch or ditches so opened shall be kept open and in good condition for the benefit of those liable to contribute therefor. If any person shall obstruct any ditch or ditches, cut under this act, he shall forfeit and pay to the managers, for the use of the said company, ten dollars, to be collected by the treasurer of the said company.

Duty of
managers.

Payments,
how made.

Obstructions

Fine.

SECTION 5. That the treasurer shall collect all sums under and by virtue of this act, and shall have the same power herein as county collectors of county rates. He shall give bond to the company before entering upon the duties of his office for a sum double the amount of taxes assessed, conditioned for the faithful performance of duties in respect to the collection of said taxes and for the payment to his successor of any money due from him. He shall settle with the company at its annual meeting next following his appointment, and shall retain five per centum on the amount collected as compensation.

Treasurer to
collect taxes

Bond of
Treasurer.

Annual
settlement.

Commission

SECTION 6. That said company at the meeting to be held on the last Saturday in May, A. D. 1891, shall determine how much money shall be raised for the purpose of cutting and making the ditch or ditches which may be laid out by the commissioners aforesaid; and at the annual meeting to be held thereafter shall also determine how much money shall be raised for the purpose of repairing and cleansing the same and may do and determine all such matters and things as said company may deem necessary for effectually draining and reclaiming the said lands and low grounds. That said manager or managers shall levy and apportion the sum of money determined by the assessment and valuation of the

Amount of
money to be
raised an-
nually, etc.

Levy of
taxes

OF DITCHES.

said lands made by the commissioners and returned by them to the Recorder of Deeds as aforesaid.

Election of
chairman
and secre-
tary of meet-
ing.

SECTION 7. The said company shall have power, at any of the meetings authorized to be held under this act, to elect by a *viva voce* vote a chairman and a secretary of such meeting or meetings, whose duty it shall be to keep minutes of the proceedings thereof for the time being, which shall be preserved among the records of said company.

Public act.

SECTION 8. This act shall be a public act and the right to revoke or alter the same is reserved by the Legislature.

Passed at Dover, April 17, 1891.

CHAPTER 149.

OF DITCHES.

A Supplement to the act entitled "An act to Reincorporate The Bright and Haynes Glades Ditch Company," passed at Dover, March 12, 1889.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring therein):

Certain
ditches in
Mispillion
hundred,
made part of
Brights and
Haynes
Glades
Ditch.

SECTION 1. That the following ditches, located in Mispillion hundred, Kent county and State of Delaware, now cut and opened, or hereafter to be cut and opened, namely: One beginning at or near a point on the main ditch of "The Bright and Haynes Glades Ditch Company," on the north-eastern point of what is known as the Hilles tract, now owned by Alexander Simpson, and running thence in a southerly direction, through lands of the said Alexander Simpson, lands of George F. Smith, through or near lands of Ruth T. Carlisle and lands of E. S. Loux, until it reaches the public road leading from Farmington to Andrewville; the other beginning at a point on the eastern line of lands owned by McIlroy Jackson, and running thence in a southerly direction through lands of Samuel A. Tharp and lands of Zebulon Hopkins, until it reaches the said public road leading from Farmington to Andrewville, shall be deemed and taken

OF DITCHES.

to be and are hereby made parts of the system of ditches owned, governed and managed by the said "The Brights and Haynes Glades Ditch Company." And the said two ditches and the persons whose lands shall be benefited thereby, shall possess and enjoy all the rights, liberties and privileges conferred by the provisions of an act of the General Assembly of the State of Delaware entitled "An act to reincorporate The Brights and Haynes Glades Ditch Company," passed at Dover, March 12th, 1889, and shall be liable and subject to all the duties and obligations imposed by said act. ^{Powers, rights and duties.}

SECTION 2. That the expenses incurred in preparing this act and in obtaining and recording a certified copy thereof shall be paid by the persons through whose lands the said ditches run. ^{Expenses of this act, how paid.}

Passed at Dover, April 21, 1891.

CHAPTER 150.

OF DITCHES.

AN ACT incorporating the Extension Ditch for the Water Privilege of the Mifflin Ditch and the Georgetown and Vaughan Ditch and Phipps Ditch.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch thereof concurring therein):

SECTION 1. That all that part of the Mifflin ditch which lies below the mouth of the Georgetown and Vaughan ditch, in Nanticoke hundred and Sussex county, shall hereafter constitute a separate and distinct ditch, to be known as "The Extension Ditch for the Water Privilege of the Mifflin Ditch and the Georgetown and Vaughan Ditch," and shall extend from the mouth of said Georgetown and Vaughan ditch, down the main run of the branch to a point one hundred yards below the old milldam, formerly belonging to Evans' millpond. The managers of the Mifflin ditch and of the Georgetown and Vaughan ditch and of Phipps ditch shall, while they remain such managers, be *ex officio* managers of the said extension ditch, and shall have full authority, as ^{Certain parts of Mifflin Ditch set off as "Extension Ditch for the Water Priv.ilege, etc."} ^{Location of} ^{Managers, powers and duties of.}

OF DITCHES.

such managers, to determine when and to what extent the said ditch shall be cleansed and repaired, to assess and levy taxes, and to do all other acts regularly pertaining to the office of managers of ditches.

Time and
place of
meeting.

Occasional
meetings,
notice.

SECTION 2. The managers may appoint the time and place for holding their annual and stated meetings, and any business pertaining to the management of said ditch may be transacted at said annual and stated meetings. Any two of the managers may call an occasional meeting, by giving five days' written notice to the other managers of the time of holding said meeting and of the business proposed to be transacted thereat.

Where occa-
sional meet-
ings held
and what
business
transacted.

Such occasional meetings shall be held at the place appointed for the annual meetings and no business shall be transacted thereat except that which is stated in the notice.

Powers of
Managers.

Proviso.

SECTION 3. The managers of said extension ditch shall have all the powers belonging to the managers of other ditches under the general laws of this State, and they may levy and assess taxes for the cleansing and repairing of said extension ditch upon the taxables of the Mifflin ditch and the Georgetown and Vaughan ditch and of Phipps ditch and their several and respective tributaries; *provided, however,* that the taxes levied and assessed upon said taxables shall be levied according to and upon the basis of the assessments of the taxables of the Georgetown and Vaughan ditch and of the Mifflin ditch and of Phipps ditch and their several and respective tributaries, and shall be levied and apportioned strictly according to said assessments, and that the managers of said extension ditch shall have no right whatever to depart from said assessments, but for the purpose of levying the taxes for the extension ditch the then existing assessments of the said Mifflin ditch and the Georgetown and Vaughan ditch shall be final and conclusive.

Managers to
appoint a
Treasurer.

Bond.

SECTION 4. The managers of the said extension ditch shall appoint a treasurer, who shall have the same power to collect the taxes levied by them as the treasurers of ditches have under the general law and as the collectors of county taxes have. He shall give bond to the managers, in the name of the Extension Ditch for the Water Privilege of the Mifflin Ditch and the Georgetown and Vaughan Ditch and of Phipps Ditch, with sufficient surety or sureties, in a sum to be named by said managers, conditioned for the faithful per-

OF DITCHES.

formance of his duties and that he will well and truly account for and pay over all moneys received and collected by him and as by said managers he may be required so to do.

Passed at Dover, April 21, 1891.

CHAPTER 151.

OF DITCHES.

AN ACT for the relief of the Taxables of Mifflin Ditch, in Georgetown and Nanticoke Hundreds, Sussex County.

Whereas neither the managers nor the treasurer of Mifflin Ditch, in Georgetown and Nanticoke hundreds, Sussex county, gave notice of the annual meeting of the taxables of said ditch as required by law, and in consequence thereof there has been no annual meeting of said taxables as required by law;

And whereas the interests of the taxables of said ditch require that there shall be provision made for a meeting of said taxables for the purpose of electing managers of said ditch for the current year, also to settle with the treasurer of the said ditch for the past year; therefore

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That the taxables of Mifflin Ditch, in Georgetown and Nanticoke hundreds, Sussex county, be and they are hereby authorized and directed to hold a meeting on the second Saturday in May next, at one o'clock P. M., for the purpose of electing two managers and a treasurer of said ditch, in the same manner as now required by law, to serve until the first Saturday in March, 1892; also to settle the accounts of the retiring managers and treasurer for the past year, and to transact such other business as might be lawfully done at any regular annual meeting of the taxables of said ditch. *Provided* that any two taxables of said ditch shall give ten days' notice of said meeting herein provided for, and of the day, hour and place of holding the same, by

Preamble.

Meeting of taxables.

Terms of officers.

Accounts of managers.

Proviso.

Notice.

OF DITCHES.

written or printed handbills, posted in ten of the most public places in Georgetown and Nanticoke hundreds, Sussex county.

Managers
and Treas-
urer, powers
and privi-
leges.

SECTION 2. That the managers and treasurer to be elected pursuant to this act shall be subject to and have all the powers and privileges vested in such offices under the provisions of Chapter 444, Volume 13, Laws of Delaware, being Chapter 59 of the Revised Code, as amended.

Terms of
holding over
officers.

SECTION 3. That the terms of the holdingover officers of said Mifflin Ditch shall cease and determine upon the election of their successors under the provisions of this act; *provided* that nothing herein shall in any manner affect or prevent the collection of any unpaid taxes now due and owing by any taxables of said ditch, or the liability of any holdingover officer to the taxables of said ditch for any funds that may be in his hands and not properly accounted for.

Proviso.

Passed at Dover, May 4, 1891.

CHAPTER 152.

OF DITCHES.

AN ACT to amend Chapter 148 of the 18th Volume of Delaware Laws, passed at Dover, March the 24th, 1887.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch concurring therein):

Section 5,
Chapter 148,
Volume 18,
amended.

[SECTION 1.] That Section 5 of this act be amended by striking out the words "five" in the 5th and 9th lines from the beginning of said section, and inserting in lieu and place thereof the word "three" in each of said lines.

Passed at Dover, April 23, 1891.

OF DITCHES.

CHAPTER 153.

OF DITCHES.

AN ACT to incorporate the Pepper's Creek Ditch Company.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring therein), as follows:

SECTION 1. That all the different improvement companies for the reclamation of the lowlands bordering on, contiguous to or drained by Pepper's Creek, and the different streams or branches tributary thereto, be and the same are hereby consolidated and made one great improvement company, and the owners of the lands embraced within their respective limits, and also the owners of all lands or lowlands benefited or to be benefited by the drainage now made or hereafter to be made by cleansing out the said creek, or the ditches cut or to be cut for the purpose of relieving the lowlands bordering upon, contiguous to or drained by the said creek, be and they are hereby incorporated and made a body politic and corporate in law and in fact, with all the usual and necessary powers of like improvement companies and subject likewise to the same obligations and duties as such companies are, by the name and style of Pepper's Creek Ditch Company, and as such shall have succession for the period of twenty years from the passage hereof.

Improvement companies consolidated.

Corporate name.

SECTION 2. That the object and purpose of the creation of said company is the more thorough drainage and reclaiming the low grounds lying upon the said creek and to be rendered more valuable by promoting the more rapid and unobstructed flowage of water down the same by ditches and drains into and down the said creek.

(Object and purpose.)

SECTION 3. That for the purpose of the more complete relief of the low grounds of the said creek from the water which stands upon the same for want of drainage, Lorenzo B. Cannon, Jacob H. Hudson and W. W. Rawlins be and they are hereby appointed commissioners, whose duty it shall be, having first been sworn or affirmed before a justice of the peace to perform the duties devolved upon them by this

Commissioners, duty

OF DITCHES.

act, to go upon the low grounds aforesaid and lay out upon the same such ditches or drains as they may deem necessary to relieve said grounds from water and fit them for profitable cultivation by their owners. They shall take to their assistance a surveyor and chaincarriers and shall survey the line of the said ditches or drains and make a plot or plots of the same, showing the courses and distances thereof, and make a general description or delineation of the said low lands bordering upon the said contemplated ditches or drains and to be improved thereby, giving the names of the owners thereof and the estimated quantity of acres held by each, and shall estimate the cost of opening and making the said ditches or drains and shall make a proper assessment of said cost, to be borne by such owners respectively, having reference to the quality of the land and the benefit per acre to be derived thereby to such owners, and if no benefit will be received by any owner, but an injury, they shall also estimate and determine the extent of such injury and the damage that will accrue to such owner by reason of such injury, the amount of which damage shall be deposited in the Farmers' Bank in Georgetown to the credit of such owner if he will not or cannot receive it before the said company shall occupy his lands and take the same for the improvement to be made by said company; *provided, however*, that where any prong has already been laid out and made under prior proceedings of any of the said companies consolidated by this act, and also where any new prong or prongs shall be laid out by the said commissioners under the authority given by this act, the said commissioners shall determine and certify, as part of their proceedings, what portions of the taxes, to be hereafter laid by the said consolidated company, shall be applied towards the cleansing and scouring out the old or main ditch of the company hereby created and what in the making and thereafter keeping in repair the said prong or prongs, and such certificate shall be conclusive. The said commissioners shall also make out, under their hands or the hands of a majority of them, five lists, containing the names of the owners of the low grounds included in the said company's operations, the quantity of acres owned by each, the valuation of the same and the cost of opening and making the ditches or drains for the improvement of the same, and they shall cause one of those lists to be hung up at each of the five most public places in the neighborhood of the said low lands, with a notice thereon that they will sit as a board of appeals

Surveyor.

Damages.

Proviso.

Prongs.

Lists of valuation and assessment.

Appeals.

OF DITCHES.

at Dagsboro, in Dagsboro hundred, at ten o'clock in the forenoon, on some day not less than ten days from the day of giving said notice, to hear and determine appeals from said estimate of quantity, valuation, and cost, and they shall sit at that time and place and hear all appeals that may be there made from their action and determine upon the same, which determination when made shall be final and conclusive upon all parties. When the said appeals shall have been heard and determined, the said commissioners shall give notice of that fact in writing, under their hands or the hands of a majority of them, in like manner as is provided in this section with reference to the appeal notice, and shall therein name and appoint a day and place when and where the said company shall meet to commence operations under this act by the election of their officers and the transaction of the other business thereof. And the said company shall, on that day, which shall be the day of their first meeting, proceed with and perform the business provided to be transacted at its annual meetings. The fees of the said commissioners shall be two dollars each for every day's actual service performed by them under this act

Meeting to
commence
operations.

Fees of Com-
missioners.

SECTION 4. That when the duties on the part of the said commissioners under this act have been fully performed, the said commissioners shall make a record or return of their proceedings under their hands or the hands of a majority of them, containing also the plot hereinbefore provided for to the Recorder of Sussex county, within one month from the time when their labors are completed, which Recorder shall record the same in his office and then deliver the original to the aforesaid company. The said original and also the said record, or a duly certified copy thereof, shall be evidence. The Recorder shall be paid by the said company for his services in recording said return and plot the usual fees for similar service. When the said return is so made and completed and delivered and recorded, as aforesaid, the lands shown thereby shall be deemed and taken to be a part of the territory under the control of the said company's operations, and the estimated value of the benefit per acre to be received by the several owners thereof shall be the basis upon which thereafter the taxes to be laid by said company shall be assessed and levied and collected out of said owners, not including the cost of opening and making the ditches and drains provided for by the third section, which cost shall be collected when the expenses are incurred, without any

Return of
proceedings.

Recording
of returns.

Fee of
Recorder.

Basis of
assessment
and levy of
taxes.

Costs, how
collected.

OF DITCHES.

action by the said company. The determination of the said commissioners shall be final, and the treasurer shall collect the said cost and expense through the same powers as is provided with reference to the taxes laid by said company.

New ditches

Appoint-
ment of free-
holders.

Proviso.

Allowance
for cutting
ditch

SECTION 5. That whenever hereafter the owners of any low grounds bordering upon, contiguous to or draining into the said creek, and which lands have not had ditches or drains laid out through them by the aforesaid commissioners, shall wish to have such lands brought within the said company's works and ditches, they may at their own expense apply to the associate judge of the county, by a petition for that purpose, and upon such application the said judge shall appoint three impartial freeholders of the county, not owning or being in any wise interested in lands bordering upon, contiguous to or drained by said creek, who, qualifying themselves and acting in all respects as provided in the third section of this act, may, if they deem proper, lay out other ditches and drains to form part of said company's works, and make return thereof in like manner as before provided with reference to the commissioners named in said section, which doings and proceedings when performed and completed as aforesaid, including the recording thereof by the Recorder aforesaid, shall have the same force and effect as if the services rendered by force of this section had been performed and done under the provisions of the aforesaid third and fourth sections hereof, and all the provisions of said sections shall apply to the proceedings had under this section, and when done shall have the same force and effect as if done under said section; *provided*, however, that all expenses attending any proceedings by virtue of this section shall be borne and paid by the parties for whose benefit the same are incurred, and not by said company.

SECTION 6. That when in the course of the performance of the duties imposed on the commissioners appointed by the aforesaid third section hereof, a ditch or drain shall be laid out at a place where any owners have already cut or opened a ditch or drain, the cost of the whole ditch or drain, surveyed and plotted, shall be estimated as if no such ditch or drain, so cut or opened, existed; but the said company shall make an allowance [to] the owner or owners of such work, and the same shall be deducted from the taxes payable by him or them until the said allowance is fully exhausted and paid thereby.

OF DITCHES.

SECTION 7. That the business of said company in cutting and making the new ditches and drains hereinbefore provided for, and in keeping the same well secured and cleaned, and also in the repair and cleansing of the ditches and drains hereby made part of the works of said company by this act of consolidation, shall be transacted by a board of managers, members of said company, to be elected by the owners or members at their annual meetings, the day of holding which shall be the second Saturday in May in each year, who shall have, for the purpose of enabling them fully to perform their duties, all the usual and accustomed powers vested in such officers or necessary to the discharge of their official functions. They shall keep and exhibit to the said company, or to any member thereof, at all times when required, a faithful account of all their acts and proceedings and a statement of all the expenses by them incurred and of the orders given by them on the treasurer of the company in payment of such expenses. And in order to ascertain and fix their number there shall be two of such managers for the main ditch of the company and one for each of the lateral or cross ditches or prongs, each acting in his sphere independently of the others.

Board of
Managers,
duty, etc.

Accounts.

Number of
Managers.

SECTION 8. That the said company shall, at each annual meeting, elect one of their members to be their treasurer, who, before he enters upon the discharge of his duties shall give bond with surety, to be approved by said company, or a committee of its members appointed at said meeting for that purpose, in the penal sum of ten thousand dollars, with condition for the performance of all his duties as such treasurer with fidelity. His duty shall be the safe keeping and disbursement, upon the orders of the aforesaid managers, of all orders drawn by them for payment of expense in and about the business of said company, including their own per diem, which shall be two dollars for every day of actual service rendered by them, the keeping proper accounts of all receipts and disbursements, and the payment over to his successor in office of all moneys in his hands when his term of office expires. He shall also pay all orders or drafts drawn by the said company upon him, such payment and also all payments to be made by him of funds of the said company in his hands, or to come into his hands as such treasurer, after deducting his own commissions which shall be five per centum on all moneys which shall come into his hands; *provided, however*, that only one set of commissions shall be

Election of
Treasurer.Bond of
Treasurer.Duty of
Treasurer.

Payments.

Commission
of Treas-
urer.
Proviso.

OF DITCHES.

allowed upon the same money. *Provided* that in the collection of taxes by said treasurer he shall collect first from those whose lands are immediately affected by the operations of said company, that is, he shall collect from those below before he collects from those above within the bounds of said company. The said treasurer shall also, *ex officio*, be the collector of the taxes laid by the said company, and for the purpose of such collection he shall have all the powers which by the laws of this State are vested in the collectors of county rates and levies. He shall settle with the company at the annual meeting next after his election, and also at all times when required by them shall exhibit an account of his receipts and disbursements and the vouchers for the latter. The duties hereby imposed shall be within the condition of his official bond as treasurer of said company.

SECTION 9. That the said company shall at each annual meeting determine what sum of money shall be raised to meet the current expenses of said company for the year next thence ensuing, and shall then determine, from the present valuation of the lands lying upon the main ditch and upon any ditch (now maintained by a company) which leads into the same, and also from the valuation of lands to be made under the provisions of this act, what portion of said expenses shall be borne and paid by each and every owner of lands within said company's limits, and shall certify and make known such their determination in the usual mode employed by other ditch companies, to the aforesaid treasurer, with a warrant thereto annexed, under the hand of the chairman of said meeting, and attested by the secretary, for the collection of such expenses, which certificate shall be final and conclusive upon all parties.

SECTION 10. That at all meetings of said company each person assessed for taxes shall be entitled to one vote for every dollar of taxes for which he has been assessed, and he may deliver that vote in person or by proxy duly constituted under his hand and seal.

SECTION 11. That all expenses attending the drawing and passage of this act and putting the same in force shall be borne and paid by the said company out of any funds in its possession.

OF DITCHES.

SECTION 12. That this act shall be deemed and taken to be a public act and shall be published as such among the public statutes. Public act.

SECTION 13. That all acts and parts of acts heretofore passed with reference to any of the lands embraced or to be embraced within the limits of the company hereby created be and the same are hereby repealed and made null and void. Inconsistent acts repealed

SECTION 14. That in case a vacancy should occur in the aforesaid board of commissioners by death, removal from the county, or inability or refusal to serve, the judge of the Superior Court, resident in Sussex county, shall have power to fill such vacancy. Vacancies, how filled.

SECTION 15. That the power to revoke this act is hereby reserved to the Legislature. Revocation of this act.

Passed at Dover, May 13, 1891.

CHAPTER 154.

OF DITCHES.

AN ACT to amend an act entitled "An act to incorporate the Pepper's Creek Ditch Company."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring therein):

SECTION 1. That the said act, entitled "An act to incorporate the Pepper's Creek Ditch Company," be and the same is hereby amended by striking out the word "two" in line thirteen of Section 8, after the word "be" in the twelfth line and before the word "dollars" in the thirteenth line thereof and inserting in lieu thereof the word "one." Section 8 of Chapter 153, current volume, amended.

SECTION 2. That the said act as hereinbefore enrolled be corrected so as to conform to the amendment herein made.

Passed at Dover, May 15, 1891.

OF DITCHES.

CHAPTER 155.

OF DITCHES.

AN ACT incorporating the Irons Branch Canal Company.

Improve-
ment com-
panies con-
solidated.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring herein):* That all the different improvement companies for the reclamation of the low lands lying upon the Irons Branch Canal, and the different streams or branches tributary thereto, be and the same hereby are consolidated and made one great improvement company, and the owners of the lands embraced within their respective limits, and also the owners of all lands or low lands benefited or to be benefited by the drainage now made or hereafter to be made by cleaning out the said canal or the ditches cut or to be cut for the purpose of relieving the low lands bordering upon said canal, be and they are hereby incorporated and made a body politic and corporate, in law and in fact, with all the usual and necessary powers of like improvement companies, and subject likewise to the same obligations and duties as such companies are, by the name and style of Irons Branch Canal Improvement Company, and as such shall have succession for the period of twenty years from the passage hereof.

Corporate
name.Object and
purpose of
incorpora-
tion.

SECTION 2. *And be it further enacted,* That the object and purpose of the creation of said company is the more thorough draining and reclaiming the low grounds lying upon the said canal and to be rendered more valuable by promoting the more rapid and unobstructed flowage of water down the same, by ditches and drains into and down the said canal.

Commis-
sioners,
duty of.

SECTION 3. *And be it further enacted,* That for the purpose of the more complete relief of the low grounds of the said canal from the water which stands upon the same for want of drainage, John T. Long, Isaac B. Short and Reuben J. Short be and they are hereby appointed commissioners, whose duty it shall be, having first been sworn or affirmed before a justice of the peace to perform the duties devolved upon them by this act, to go upon the low grounds aforesaid and lay out upon the same such ditches or drains as they

Oath of
Commis-
sioners.

OF DITCHES.

may deem necessary to relieve said grounds from water and fit them for profitable cultivation by their owners. They shall take to their assistance a surveyor and chain carriers and shall survey the line of the said ditches or drains and make a plot or plots of the same, showing the courses and distances thereof, and make a general description or delineation of the said low lands bordering upon the said contemplated ditches or drains and to be improved thereby, giving the names of the owners thereof and the estimated quantity of acres held by each, and shall estimate the cost of opening and making the said ditches or drains and shall make a proper assessment of said cost to be borne by such owners respectively, having reference to the quality of the land and the benefit per acre to be derived thereby to such owners, and if no benefit will be received by any owner, but an injury, they shall also estimate and determine the extent of such injury and the damage that will accrue to such owner by reason of such injury, the amount of which damage shall be deposited in the Farmers' Bank in Georgetown to the credit of such owner if he will not or cannot receive it before the said company shall occupy his lands and take the same for the improvement to be made by said company; *provided, however*, that where any prong has already been laid out and made under prior proceedings of any of the said companies consolidated by this act, and also where any new prong or prongs shall be laid out by the said commissioners under the authority given by this act, the said commissioners shall determine and certify, as part of their proceedings, what portion of the taxes to be hereafter laid by the said consolidated company shall be applied towards the cleansing and scouring out the old or main ditch of the company hereby created and what in the making and thereafter keeping in repair the said prong or prongs, and such certificate shall be conclusive. The said commissioners also shall make out, under their hands or the hands of a majority of them, five lists, containing the names of the owners of the low ground included in the said company's operations, the quantity of acres owned by each, the valuation of the same and the cost of opening and making the ditches or drains for the improvement of the same, and they shall cause one of those lists to be hung up at each of the five most public places in the neighborhood of the said low lands, with a notice thereon that they will sit as a board of appeal at Millsboro, in Dagsboro hundred, at ten o'clock on some day not less than ten days from the day

Surveyor to
make plots,
etc.

Assessment
of cost of
making
ditch, etc.

Estimation
of damages.

Proviso.

Lists of
names,
number of
acres, val-
uation, etc.

Board of
Appeal,
when and
where to sit.

OF DITCHES.

of giving said notice to hear and determine appeals from said estimate of quantity, valuation, and cost, and they shall sit at that time and place and hear all appeals that may be there made from their action and determine upon the same, which determination when made shall be final and conclusive upon all parties. When the said appeals shall have been heard and determined, the said commissioners shall give notice of that fact in writing, under their hands or the hands of a majority of them, in like manner as is provided in this section with reference to the appeal notice, and shall therein name and appoint a day when the said company shall meet to commence operations under this act by the election of their officers and the transaction of the other business thereof. And the said company shall, on that day, which shall be the day of their first meeting, proceed with and perform the business provided to be transacted at its annual meetings. The fees of the said commissioners shall be two dollars each for every day's actual service performed under this act.

Notice of determination of appeal.

Meeting to commence operations and elect officers.

Fees of Commissioners.

Return of Commissioners.

Record of return.

Evidence

Fee of Recorder.

SECTION 4. *And be it further enacted*, That when the duties on the part of said commissioners under this act have been fully performed, the said commissioners shall make a record or return of their proceedings under their hands, or the hands of a majority of them, containing also the plot hereinbefore provided for, to the Recorder of Sussex county, within one month from the time when their labors are completed, which Recorder shall record the same in his office and then deliver the original to the aforesaid company. The said original and also the said record, or a duly certified copy thereof, shall be evidence. The Recorder shall be paid by the said company for his service in recording said return and plot the usual fees for similar service. When the said return is so made and completed and delivered and recorded, as aforesaid, the lands shown thereby shall be deemed and taken to be a part of the territory under the control of the said company's operations, and the estimated value of the benefit per acre to be received by the several owners thereof shall be the basis upon which thereafter the taxes to be levied by said company, shall be assessed and levied and collected out of said owners, not including the cost of opening and making the ditches or drains provided for by the third section, which cost shall be collected where the expenses are incurred without any action by the said company. The determination of the said commissioners shall be final, and the treasurer shall

OF DITCHES.

collect the said cost and expense through the same powers as is provided with reference to the taxes laid by said company.

SECTION 5. *And be it further enacted*, That whenever hereafter the owners of any low grounds bordering upon said canal, and which lands have not had ditches or drains laid out through them by the aforesaid commissioners, shall wish to have such lands brought within the said company's works and ditches, they may, at their own expense, apply to the associate judge of the county by a petition for that purpose, and upon such application the said judge shall appoint three impartial freeholders of the county, not owning or being in anywise interested in lands bordering upon said canal, who, qualifying themselves and acting in all respects as provided in the third section hereof, may, if they deem proper, lay out other ditches and drains to form part of said company's works, and make return thereof in like manner as before provided with reference to the commissioners named in said section, which doings and proceedings when performed and completed as aforesaid, including the recording thereof by the Recorder aforesaid, shall have the same force and effect as if the service rendered by force of this section had been performed and done under the provisions of the aforesaid third and fourth sections hereof, and all the provisions of said sections shall apply to the proceedings had under this section and when done shall have the same force and effect as if done under said section. *Provided, however*, that all expenses attending any proceedings by virtue of this section shall be borne and paid by the parties for whose benefit the same are incurred, and not by the company.

SECTION 6. *And be it further enacted*, That when in the course of the performance of the duties imposed on the commissioners appointed by the aforesaid third section hereof, a ditch or drain shall be laid out at a place where any owners have already cut or opened a ditch or drain, the cost of the whole ditch or drain surveyed and plotted shall be estimated as if no such ditch or drain so cut or opened existed, but the said company shall make an allowance to the owner or owners of such work and the same shall be deducted from the taxes payable by him or them until the said allowance is fully exhausted and paid thereby.

SECTION 7. *And be it further enacted*, That the business of said company, in cutting and making the new ditches

OF DITCHES.

Board of
Managers,
election of,
etc.

Accounts of
expendi-
tures of
Managers.

Number of
Managers.

Election of
Treasurer

Bond of
Treasurer.

Duties of
Treasurer.

Provided,

and drains hereinbefore provided for, and in keeping the same well secured and cleaned, and also in the repair and cleansing of the ditches and drains hereby made part of the works of said company by this act of consolidation, shall be transacted by a board of managers, members of said company, to be elected by the owners or members at their annual meetings, the day of holding which shall be the first Saturday in April in each year, who shall have for the purpose of enabling them fully to perform their duties all the usual and accustomed powers vested in such officers or necessary to the discharge of their official functions. They shall keep and exhibit to the said company, or to any member thereof, at all times when required, a faithful account of all their acts and proceedings, and a statement of all the expenses by them incurred, and of the orders given by them on the treasurer of the company in payment of such expenses; and in order to ascertain and fix their number there shall be two of such managers for the main ditch of said company and one for each of the lateral or cross ditches or prongs, each acting within his sphere independently of the others.

SECTION 8. *And be it further enacted,* That the said company shall, at each annual meeting, elect one of their members to be their treasurer, who, before he enters upon the discharge of his duties, shall give bond with surety, to be approved by said company, or a committee of its members appointed at said meeting for that purpose, in the penal sum of ten thousand dollars, with condition for the performance of all his duties as such treasurer with fidelity. His duties shall be the safe-keeping and disbursement upon the orders of the aforesaid managers of all orders drawn by them for payment of expenses incurred in and about the business of said company, including their own *per diem*, which shall be two dollars for every day of actual service rendered by them, the keeping proper accounts of all receipts and disbursements, and the payment over to his successor in office all moneys in his hands when his term of service expires. He shall also pay all orders or drafts drawn by said company upon him, such payment and also all payments to be made by him to be of funds of the said company in his hands or to come into his hands as such treasurer after deducting his own commissions, which shall be five per cent. on all moneys which shall come into his hands; *provided*, however, that only one set of commissions shall be allowed upon the same money. *Provided*, that in the

OF DITCHES.

collection of taxes by said treasurer he shall collect first from those whose lands are immediately affected by the operations of said company, that is, he shall collect from those below before he collects from those above within the bounds of said company. The said treasurer shall also, *ex officio*, be the collector of the taxes laid by the said company, and for the purpose of such collection he shall have all the powers which by the laws of this State are vested in the collectors of county rates and levies. He shall settle with the company at the annual meeting next after his appointment, and also at all times, when required by them, shall exhibit an account of his receipts and disbursements and the vouchers for the latter. The duties hereby imposed shall be within the condition of his official bond as treasurer of said company.

Manner of
collecting
taxes.

Treasurer
ex officio
collector.

Annual set-
tlement of
Treasurer.

SECTION 9. *And be it further enacted*, That the said company shall, at each annual meeting, determine what sum of money shall be raised to meet the current expenses of said company for the year thence next ensuing, and shall then determine from the present valuation of the lands lying upon the main ditch and upon any ditch now maintained by a company, which leads into the same, and also from the valuation of lands to be made under the provisions of this act, what portion of said expenses shall be borne and paid by each and every owner of lands within said company's limits, and shall certify and make known such their determination, in the usual mode employed by other ditch companies, to the aforesaid treasurer, with a warrant thereto annexed, under the hands of the chairman of said meeting and attested by the secretary, for the collection of such expenses, which certificate shall be final and conclusive upon all parties.

Determina-
tion of sum
of money to
be raised.

SECTION 10. *And be it further enacted*, That at all meetings of said company each person assessed for taxes shall be entitled to one vote for every dollar of taxes for which he has been assessed, and he may deliver that vote in person or by proxy duly constituted under his hand and seal.

Apportion-
ment of right
to vote.

Proxy.

SECTION 11. *And be it further enacted*, That all expenses attending the drawing and passage of this act and putting the same in force shall be borne and paid by the said company out of any funds in its possession.

Expenses of
this act.

SECTION 12. *And be it further enacted*, That this act

OF DITCHES.

Public act. shall be deemed and taken to be a public act, and shall be printed as such among the public statutes.

Acts in relation to lands embraced in this act repealed.

SECTION 13. *And be it further enacted,* That all acts and parts of acts heretofore passed with reference to any of the lands embraced or to be embraced within the limits of the company hereby created, be and the same are hereby repealed, made null and void.

Vacancies, how filled.

SECTION 14. *And be it further enacted,* That in case a vacancy should occur in the aforesaid body of commissioners by death, removal from the county, or inability to serve, the judge of the Superior Court, resident in Sussex county, shall have power to fill such vacancy.

Power of revocation.

SECTION 15. *And be it further enacted,* That the power to revoke this act is hereby reserved to the Legislature.

Passed at Dover, May 14, 1891.

CHAPTER 156.

OF DITCHES.

AN ACT to amend an act entitled "An act incorporating the Irons Branch Canal Company."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch concurring therein):

Amendment of foregoing act.

SECTION 1. That the said act be and the same is hereby amended by inserting the following before the enacting clause as the title of said act: "An act incorporating the Irons Branch Canal Company."

SECTION 2. That the said act be further amended by striking out the word "two" in the sixteenth line of Section 8 of said act, after the word "be" in the fifteenth line of said section and before the word "dollars" in the said sixteenth line thereof and inserting in lieu thereof the word "one."

SECTION 3. That the said act, as already enrolled, be corrected so as to conform to the amendments hereby made.

Passed at Dover, May 15, 1891.

OF ROADS.

CHAPTER 157.

OF ROADS.

AN ACT to establish a Public Road in Little Creek Hundred, Sussex County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That E. M. Lowe, Joseph W. Hastings and Samuel Kenney, be and they are hereby appointed to go upon and view the premises and lands and determine if there is need of a public road leading from the Laurel and Delmar road, as follows: Beginning at a point in the westerly line of the said public road at a point where the dividing line between the lands of Isaiah Beach and the dower lands of Elizabeth Hearn, widow of K. B. Hearn, deceased, intersects said public road, and running thence in a westerly direction with the said dividing line between the said Beachs' lands and lands of said Hearn to lands of W. M. Moore; thence in a westerly course with the dividing line between lands of the said Beach and lands of said Moore to lands of the Delaware Railroad Company; thence across the said Delaware Railroad Company's lands to lands of said Moore and lands of Hon. William L. Sirman; and thence westerly with the dividing line between the said Moore's lands and lands of said Sirman to a point the northwesterly corner for lands of said Moore and Sirman's lands.

If the said commissioners shall determine there is need of said public road, as aforesaid, then they shall locate and lay down the same and assess the damages on account of the location of said road, and also the cost of making the same. They shall call to their assistance some skillful surveyor, who shall run out the said road and locate the boundaries thereof, and make a plot, to be by the said commissioners returned to the Levy Court of Sussex county, with the other proceedings, at its next session, which shall be accepted by the said court as the public road aforesaid, and the said court shall make an allowance for the payment of all the costs attending the said public road exclusive of the damages for condemnation of lands and the making of the same and putting it in order. And the costs for damages, as

Com-
mis-
sioners.

Description
of road.

Duty of
Com-
mis-
sioners.

Employ-
ment of Sur-
veyor.

Plot and
return.

Allowance
by Levy
Court.

OF ROADS.

Costs for
damages.

assessed by the said commissioners, and the making of said road shall be borne and paid for by the said William L. Sirman.

Oath of
Commissioners and
Surveyor.

SECTION 2. That the said commissioners and surveyor, before entering on their respective duties, shall be sworn or affirmed to perform their duties with fidelity.

Passed at Dover, March 2, 1891.

CHAPTER 158.

OF ROADS.

AN ACT appointing Freeholders to lay out a Public Road in Broadkill Hundred, Sussex County.

Be it enacted by the Senate and House of Representatives [of the State of Delaware] in General Assembly met:

Freeholders
to view and
lay out a
new public
road.Description
of road.

Survey, etc.

SECTION 1. That Peter J. Hart, Thomas J. Perry and Benjamin T. Pettijohn, judicious and impartial citizens of Sussex county, be and they are hereby appointed to go upon and view the premises and determine whether there is need of a public road in the county aforesaid, to commence at a point on the public road running from Milton to Coolspring, at a corner between Sylvester Palmer (heirs) and Andrew J. Holland, and running direct between the lands of Thomas Wilmer, James Atkins, William H. Prettyman, William Vent, Thomas Walls, Jonathan Fox, Sylvester Palmer and Andrew J. Holland, to a point on the county road running from Coolspring to Milton, and if the said freeholders, or a majority of them, shall determine that there is need of such a new public road as above mentioned, then they shall, with the assistance of a skillful surveyor to be by them employed, lay out such public road as shall be most advantageous to the public and the least detrimental to individuals, and shall cause a draught thereof to be made, showing the new road with notes of the most remarkable places and the lands and premises by and through which the said new road passes, having respect to

OF ROADS.

the nature of the ground, the shortness of the distance and all the circumstances of public and private convenience or detriment, and shall assess the damages of every the owners or holders of said lands and premises on occasion of the laying out of the said new road and shall make a computation of the costs of opening and making said new road, setting down the several items of said costs.

Assessment
of damages.Cost of open-
ing road.

SECTION 2. That the said draught, together with a return of the said commissioners, shall be returned to and filed in the office of the Clerk of the Peace in and for Sussex county, to be by him laid before the Levy Court of said county, and if no sufficient objection is made thereto, then the said Levy Court of said county may affirm and confirm the said draught and return of said commissioners, and may settle and pay the damages which may be assessed by the said commissioners and pay the legal charges of the commissioners, surveyor, etc., as other similar expenses are paid, and when the said draught and return shall have been so approved and confirmed the said new road may be deemed and taken to be a public road, and the laws applicable to public roads in Sussex county are hereby extended to and shall apply to said new road.

Draught and
return to be
filed with
Clerk of the
Peace.Duty of
Levy Court.Damages,
charges, etc.

SECTION 3. That the said commissioners, before performing the duties enjoined on them by this act, shall be severally sworn and affirmed to perform their duties with fidelity, and the surveyor (if one shall be employed) to perform the duties required of him faithfully and impartially, according to the best of his skill and judgment; which said oaths or affirmations the said commissioners are hereby authorized to administer to each other and to the surveyor by them employed, and the act of a majority of the said commissioners shall be as valid as if concurred in by all of them, and in case of any vacancy or vacancies another or other commissioners may be appointed by the remaining commissioners or commissioner to supply such vacancy or vacancies.

Oath of
Commis-
sioners and
Surveyor.

Vacancies.

SECTION 4. That this act shall be deemed and taken to be a public act.

Passed at Dover, April 8, 1891.

OF ROADS.

CHAPTER 159.

OF ROADS.

AN ACT to Change and Straighten a Public Road in Broad Creek Hundred, Sussex County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Commissioners to change and straighten road.

SECTION 1. That William H. Moore and Wm. E. Wolf be and they are hereby authorized to change and straighten the public road in Broad Creek hundred, running from the Laurel and Seaford road to Benson Schoolhouse.

Road deemed a public road, etc.

SECTION 2. That when the said road shall have been so straightened by the said Moore and Wolf, and made passable, the said road so straightened shall be deemed a public road and kept as other public roads of the county. So much of the present road that shall be vacated and* go to the proper owner thereof.

SECTION 3. That this act shall be deemed and taken to be a public act.

Passed at Dover, April 8, 1891.

CHAPTER 160.

OF ROADS.

AN ACT to Open a New Public Road in Broad Creek Hundred, Sussex County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Commissioners to view and lay out new public road.

SECTION 1. That Jacob W. Cannon, Jno. S. Hudson, and M. G. Truitt, three judicious and impartial citizens and freeholders of Broad Creek hundred, Sussex county, Delaware, be and they are hereby appointed to go upon and view the prem-

*So enrolled.

OF ROADS.

ises and determine whether there is need of a new public road to begin at a corner of H. Clay Matthews' and Elijah Hudson's land, on the public road leading from Terrapin Hill by the residence of Jacob W. Cummins, said point being about opposite the end of the public road leading by said H. Clay Matthews' residence; thence run in a northwesterly direction across said Elijah Hudson's land and lands of Handy Betts and lands of Benj. M. Jones to and terminating at the public road leading from Terrapin Hill to Laurel, and if they, or a majority of them, shall determine that there is need of a new public road, they shall (with the assistance of a skillful surveyor by them employed) lay out the same, and assess the damage, if any, and estimate the cost of making said road, and cause a plot to be made representing the courses and distances thereof.

Description of road.

Survey, assessment of damages, etc

SECTION 2. That the plot and report, so to be made as aforesaid, by the said commissioners, or a majority of them, shall be returned to the Clerk of the Peace in and for Sussex county, to be by him laid before the Levy Court of said county that they may make appropriation for the opening and making of the same.

Plot and report returned to Clerk of the Peace.

Duty of Levy Court.

SECTION 3. That the commissioners are hereby authorized to administer oaths to each other and to the surveyor by them employed.

Oath of Commissioners and Surveyor.

Passed at Dover, April 22, 1891.

CHAPTER 161.

OF ROADS.

AN ACT to lay out a New Public Road in Baltimore Hundred, Sussex County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That John I. Betts, George H. Townsend and James H. Law, three judicious and impartial citizens and freeholders of Sussex county, be and are hereby appointed a new road.

Commissioners to view and lay out a new road.

OF ROADS.

Description of road.	pointed commissioners to go upon and view the premises and determine whether there is need of a new public road in Baltimore hundred, Sussex county, to be of the same width as other public roads in said county, to begin at some convenient point on the county road leading from Millville to St. Georges M. E. Church, about two hundred yards west of Cyrus Holt's storehouse, on the lands belonging to the heirs of John Messick, deceased; thence across or with the lands of John Cary, George E. James, Elijah W. Dasey, John Turner, Belle Hopple, Nathaniel S. Pusey, heirs of William A. Messick, deceased, and to lands of Cyrus Holt; thence with or across the same to lands of Capt. Luke Townsend, and across or with the same to lands of Nathan Mitchell, and across or with the same to lands of Lillie Baker (formerly Lillie Walter), across or with the same to lands of Mary Waples, across or with the same to lands of John H. Hudson and William Hudson and to the west corner thereof; from thence across or with the lands of Elizabeth Johnson and George E. West to lands of Charles H. West, and with or across the same to intersect the public road leading from Ebe Walters farm on Indian river to Tunnell's old mill, at or near the schoolhouse in District No. 27, and if they, or a majority of them, shall determine that there is need of a public road, as aforesaid, they shall, with the assistance of a surveyor to be selected by them, lay out the same in the best way, having respect to the nature of the ground, the distance and other circumstances of public or private convenience or detriment, and shall make a map of said road, showing its courses, distances, the woodland and clear land through which it passes, and other proper notes, and shall assess the charges of every owner or holder of such lands, on occasion or the road, considering all circumstances of benefit or injury which may accrue therefrom, and shall compute the cost of opening and making such road and of making the bridges and causeways therein severally, and shall make said map, assessment of damages and computations of cost, and also their determinations that such road is needed for public convenience, part of their return, which said return shall be by them deposited with the Clerk of the Peace of Sussex county, within six months of the passage of this act, and shall be by said Clerk of the Peace laid before the Levy Court of said county at their next ensuing stated meeting that an appropriation for opening the same as a public road may be made by them, and thereupon the
Survey and laying out of road.	
Map of road.	
Assessment of charges, etc.	
Computa- tion of cost.	
Duty of Clerk of the Peace.	
Duty of Levy Court.	

OF ROADS.

said road shall be deemed and taken to be established as a new public road, and shall be opened, made and repaired in the same manner and at the same charges and by the same parties as other public roads in Sussex county are opened, made and repaired, and all laws relating generally to the other public roads in said county shall be applicable to said new public road.

SECTION 2. That the commissioners and surveyor, before entering upon the duties hereby assigned them, shall be sworn or affirmed faithfully and impartially to perform the same according to the best of their skill and judgment, which oath or affirmation may be administered by either of said commissioners. The acts of a majority of said commissioners shall be as valid as if concurred in by all of them. In case of a vacancy or vacancies occurring among said commissioners, another or others may be appointed to fill such vacancy or vacancies by any justice of the peace in Sussex county, upon application in writing made to him by any party or parties interested in the laying out of said new public road. Oath of Commissioners and Surveyor.
Vacancies.

SECTION 3. That the fees of the commissioners and surveyor and chain carriers, and such other persons as may be employed in laying out said new public road, shall be the same as now provided by law for such services in laying out new public roads, and shall be paid in like manner. Fees.

Passed at Dover, April 23, 1891.

CHAPTER 162.

OF ROADS.

AN ACT to Lay Out a Public Road in Sussex County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That Robert D. Stevenson, James H. Hood, and Joshua R. Benton be and they are hereby appointed commissioners to go upon and view the premises and determine whether there is need of a public road to begin at a Commissioners to view and lay out a new road.

OF ROADS.

point called Wine's Corner, on the county road leading from Long Neck to St. Georges' Chapel; thence on a line between the lands of Peter R. Burton and Alfred L. Burton; thence on a line between the lands of Alfred L. Burton and John A. Lingo; thence through the lands of Alfred L. Burton; thence through the lands of John A. Lingo; thence through the lands of William W. Goslee's heirs; thence on a line between lands of William W. Goslee's heirs and John A. Lingo; thence on a line between lands of Kendal J. Warrington and John A. Lingo, to the county road leading to Millsboro and connecting with said road at a point called Prettyman's lane; and if they or a majority of them shall determine that there is need of such a road, they shall, with the assistance of some skillful surveyor, to be by them selected, lay out such new public road as they may deem proper, and shall cause a plot thereof to be made, representing the courses and distances thereof, and of the land by and through which the same shall pass; and they shall assess the damages of every owner of said lands and improvements by the reason of laying out said road, taking into consideration all the circumstances of benefits as well as injury which will accrue to each of said owners; and they shall make a computation of the costs of opening and making said road, and making the said bridges and causeways thereon, setting down the several items of costs. And if a road shall be laid out they shall, in their return to be made to the Clerk of the Peace in and for Sussex county, set forth a description of said road, and their determination that there is need of the same for public convenience, and shall annex to their said return the plot as aforesaid.

SECTION 2. The plot and return so to be made, as aforesaid, by the said commissioners, shall be returned to the Clerk of the Peace in and for Sussex county, aforesaid, to be by him laid before the Levy Court of said county; and the said Levy Court may adopt said road as a public road or highway, and settle such damages as may have been assessed; and when said road shall have been adopted as a public road by the said Levy Court the same shall remain subject to the same regulations and laws as other public roads in said county.

SECTION 3. That the said commissioners and surveyor, before performing their respective duties under this act, shall be sworn or affirmed to perform the same according to the

OF ROADS.

best of their skill and judgment respectively, which oath may be administered by either of said commissioners. The acts of a majority of said commissioners shall be as valid as if concurred in by all of them. In case of a vacancy or vacancies, another or others may be appointed commissioner or commissioners by any justice of the peace residing within said county. The fee of the commissioners shall be one dollar, and the compensation of the surveyor two dollars for each day actually employed, with a compensation to the surveyor for the plot.

Passed at Dover, April 23, 1891.

CHAPTER 163.

OF ROADS.

AN ACT to amend an act entitled "An act to lay out a New Public Road in Indian River Hundred, Sussex County," passed at Dover, April 11, 1889.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That the words "shall adopt" in the fourth and fifth lines of Section second of said act be stricken out and the words "may adopt" be inserted in lieu thereof, so that said section shall read as follows: "And the said Levy Court may adopt said road or highway."

Act to lay out a new public road in Indian River hundred amended.

Passed at Dover, April 27, 1891.

OF ROADS.

CHAPTER 164.

OF ROADS.

AN ACT to make a Private Road in Cedar Creek Hundred, Sussex County, a Public Road.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Private road
accepted as a
public road.

SECTION 1. That the private road starting at a point in Cedar Creek hundred, Sussex county, on the main road leading from Milford to Slaughter Beach and terminating at Davis' Landing on Cedar Creek, and running through lands of Joseph B. Sheppard and others, be and the same is hereby accepted as a public road, and the Levy Court of Sussex county is hereby authorized and directed to maintain the same as a public road hereafter.

SECTION 2. This act shall be deemed and taken to be a public act.

Passed at Dover, April 28, 1891.

CHAPTER 165.

AN ACT to lay out a New Public Road in Georgetown Hundred, Sussex County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Commis-
sioners to de-
termine
whether
their is need
of a public
road.

Course of
road.

SECTION 1. That C. C. Stockley, J. G. Cannon, W. W. Rawlins, three judicious and impartial citizens and freeholders of Sussex county, be and they are hereby appointed commissioners to go upon and view the lands and premises and determine whether there is need of a public road in Georgetown hundred, aforesaid, beginning at a point in the public road leading from the residence of Charles T. Pepper to the town of Georgetown, where the new public road,

OF ROADS.

leading from the residence of Daniel Short to Georgetown, aforesaid, intersects the first mentioned public road; thence across the same, following a private road through the lands of Charles T. Pepper and John L. Tam, to the line of the lands of Mrs. Hiram T. Downing; thence along or near the dividing line of lands of Mrs. Hiram T. Downing, John L. Tam, Dr. Charles H. Richards, Peter S. Faucet, George C. Calhoun, Adolphus P. Ewing, the heirs of Gardiner H. Wright, deceased, and the lands of Dr. Charles H. Richards, to connect with Pine street in said town of Georgetown, and if they, or a majority of them, shall determine that there is need of a new public road, as above designated, they shall, with the assistance of a surveyor to be selected by them, lay out a new public road of the width of thirty feet, having respect to the nature of the ground, the shortness of the distance, and all circumstances of public convenience, and shall cause a plot thereof to be made, representing the courses and distances thereof, through whose land the same shall pass, and they shall assess the damage of every owner of said lands, taking into consideration all the benefit, as well as injury, which will accrue to each of the owners, and they shall make a computation of the costs of opening and making said road, the bridges and causeways included, setting down the several items of costs, and shall make return of all their proceedings to the Clerk of the Peace in and for Sussex county, to be by him filed in his office as a record of a public road in Sussex county. The report shall be under the hands of said commissioners, or a majority of them.

Surveying
and laying
out of new
road.

Plot.

Assessment
of damages.

Computa-
tion of cost.

Return of
proceeding

SECTION 2. It shall be the duty of the Clerk of the Peace, at the next regular or adjourned session of the Levy Court of Sussex county, after the return has been made to him and by him filed in his office, to lay the same before the Levy Court aforesaid, and when said road return and plot are approved by the said Levy Court an appropriation shall be made by the said Levy Court for opening said road, and when opened shall in all respects be a public road in Sussex county.

Duty of
Clerk of the
Peace.

Appropriation by Levy
Court for
opening
road, etc.

SECTION 3. That the commissioners and surveyor shall be severally sworn or affirmed, before entering upon the duties hereby assigned to them, to perform the same faithfully and impartially. The said commissioners may qualify each other and the surveyor. Any commissioner neglecting

Oath of
Commissioners and
Surveyor.

OF ROADS.

Vacancies in or refusing to serve, or dying before the duties required of him under this act shall be fully completed, the associate judge, residing in Sussex county, may appoint some person or persons to fill the vacancy or vacancies so occurring, upon the application of three citizens of Sussex county by petition preferred to said judge.

Acts of
majority.

Fees.

SECTION 4. An act or determination of a majority of said commissioners shall be as valid as if all had concurred therein. The fees of the commissioners, surveyor and such other persons as may be employed in laying out said road, shall be the same as now provided by law for such services and shall be paid in like manner.

SECTION 5. That this act shall be deemed and taken as a public act.

Passed at Dover, May 7, 1891.

CHAPTER 166.

OF ROADS.

AN ACT to amend Section 2, Chapter 441, Volume 16, Laws of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 2,
Chapter 441,
Volume 16,
amended.

SECTION 1. That Section two, Chapter 441, Volume 16, Laws of Delaware, be and is hereby amended by inserting the words "one hundred and fifty dollars" in lieu of the words "of seventy-five dollars" in said section.

Election of
Commis-
sioners, to
have charge
of funds, etc.

SECTION 2. And the resident qualified voters may, at their annual school meetings at the schoolhouse in Delmar, elect three commissioners, who shall have charge of the expenditure of said funds, one of which shall act as overseer on said streets and may expend said funds on the streets running north and south as well as those running east and west in said town.

Passed at Dover, May 14, 1891.

OF ROADS.

CHAPTER 167.

OF ROADS.

AN ACT authorizing the Laying Out of a New Public Road in Nanticoke and Dagsboro Hundreds, Sussex County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That Charles C. Stockley, Charles T. Pepper and John C. Short be and they are hereby appointed commissioners to go upon and view the premises and determine whether there is need of a public road in Nanticoke and Dagsboro hundreds, Sussex county, to begin at or within three hundred yards south of the residence of Thomas H. Fooks on the new public road leading from the Asbury Methodist Episcopal Church to Georgetown; thence in an easterly direction through the lands of Thomas H. Fooks, Minos T. Conoway and Daniel Short till it intersects the public road leading by the schoolhouse in School District No. 122 to Georgetown; and if they or a majority of them shall determine that there is need of such a road on the route designated, they shall, with the assistance of some skillful surveyor to be by them chosen, lay out such new public road as they may deem proper, having respect to the nature of the ground and all circumstances of public convenience, and shall cause a plot thereof to be made, representing the courses and distances thereof; and they shall assess the damages which may be sustained by any owner or owners of land through which the said road shall pass, taking into consideration the circumstances of benefit as well as injury which will accrue to each of said owners; and they shall make a computation of the cost of opening and making said road and the several items thereof and shall annex the same to said plot.

Commissioners to view and determine the need of a new road.

Description of road.

Commissioners to employ Surveyor and lay out new road.

Assessment of damages.

Computation of cost of road and plot of road.

SECTION 2. That the plot and return so to be made as aforesaid by said commissioners shall be returned to the Clerk of the Peace in and for Sussex county, to be by him laid before the Levy Court of said county at their next ensuing regular or adjourned meeting, and if the Levy Court shall approve said road they shall make such allowance as may be necessary to make and open the same, and when said

Plot, etc., to be returned to Clerk of the Peace.

Levy Court to make allowance, etc.

OF ROADS.

road shall be approved by the Levy Court the same shall be a public road and subject to the same regulations as other public roads in said Sussex county.

Oath of
Commis-
sioners and
Surveyor.

SECTION 3. That the said commissioners and surveyor, before performing their respective duties under this act, shall be severally sworn or affirmed to perform the same faithfully and impartially according to the best of their judgment and skill; and either of said commissioners may administer the oath or affirmation to the other commissioners and to the surveyor; and any act or determination of a majority shall be as valid as if all had concurred.

Acts of ma-
jority valid.

Vacancies in
Commis-
sion, how
filled.

In case of a vacancy or vacancies in the commissioners hereinbefore named, from any cause, the resident judge of Sussex county may appoint a commissioner or commissioners to fill such vacancy or vacancies.

Fees of Com-
missioners,
Surveyor
and chain
carriers.

SECTION 4. That the fees of commissioners, surveyor, and chain carriers, shall be the same as are provided by law for similar services in the laying out of public roads and shall be paid by the Levy Court of Sussex County.

Public act.

SECTION 5. This act shall be deemed and taken to be a public act.

Passed at Dover, May 15, 1891.

CHAPTER 168.

OF ROADS.

AN ACT authorizing the Levy Court of Kent County to accept a certain Public Road in Mispillion Hundred.

Preamble.

Whereas Chapter 79, Volume 16, Laws of Delaware, authorized the changing of the course of the public road leading from Harrington, Delaware, to Burrsville, Maryland, by Reuben Ross and General A. T. A. Torbert, then the owners of the lands through which the courses of said road lay (the said Reuben Ross being now the owner of the land of General Torbert above referred to) and the enclosing of

OF ROADS.

such parts of the said road as were superseded by the said changed course by the said owners of the lands, and the course of the said road was so accordingly changed and the said superseded parts so accordingly enclosed;

And whereas Section 4 of Chapter 137, Volume 17, Laws of Delaware, repealed the law above stated and authorized the owners of the land to enclose the new course of the said road by said law authorized, the old course having been reopened;

And whereas the road, constructed by virtue of the said first-mentioned law, so repealed as aforesaid and ordered to be enclosed has never been enclosed, but has been since used as a public highway from Farmington, Delaware, to Vernon, Delaware, and thence to Burrsville, Maryland, and is necessary for the proper accommodation of the public;

And whereas the said Reuben Ross has never been compensated for the land so taken (he being now the owner of all the land as hereinbefore stated) and for the labor performed by him on said road; now, therefore,

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That the Levy Court of Kent county be and it is hereby authorized to accept that part of the said road authorized by Section 4, Chapter 137, Volume 17, Laws of Delaware, to be enclosed and now used as a public highway from Farmington, Delaware, to Vernon, Delaware, and thence to Burrsville, Maryland, as a public road and to maintain the same accordingly, and that the width of said part hereby ordered to be accepted be and the same is limited to thirty feet.

Levy Court
authorized
to accept
public road
authorized
by Section 4,
Chapter 137,
Volume 17.

SECTION 2. That the Levy Court of Kent county be and they are hereby authorized to pay to Reuben Ross the sum of seventy-five dollars (\$75) in consideration of labor done by him on said road and for the land so taken from him for the public use.

Levy Court
of Kent
county to
pay Reuben
Ross \$75,
for work on
new road.

SECTION 3. This act shall be deemed and taken to be a public act.

Passed at Dover, March 27, 1891.

OF ROADS.

CHAPTER 169.

OF ROADS.

AN ACT to Open and Lay Out a New Road in Kent County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Commissioners to view and determine the need of a new road.

Description of road.

SECTION 1. John Porter, B. L. Hurd and N. B. Price be and they are hereby appointed commissioners, who are hereby authorized, empowered and directed to go upon the premises and determine whether a new public road should be laid out, beginning on the public road leading from the public road leading from Hollandsville to Greensborough to the public road leading from Hollandsville to Whiteleysburg, on lands of Elijah Sapp, and to run from thence across lands of said Elijah Sapp a west course to a point on his land at or near a corner for lands of Waitman Hopkins and lands of the heirs of Andrew Dill, deceased; thence across lands of the heirs of Andrew Dill a westerly course to a point between lands of the heirs of Andrew Dill and lands of Samuel Dill; thence a westerly course on or about the line between lands of the heirs of Andrew Dill and lands of Samuel Dill to a point on lands of Philemon Dill, and from thence on the line between lands of Samuel Dill and lands of Philemon Dill a westerly course to the public road leading from Whiteleysburg to Cedar Grove, a distance of about one mile.

Survey and laying out of road.

Draught of new road.

Assessment of damages.

And if the said commissioners shall determine that the public convenience requires that the said new road should be laid out, then they shall, with the assistance of a skillful and impartial surveyor by them to be employed (if they shall deem such assistance necessary), lay out the said new road in such manner as to them shall seem most advantageous to the public and the least detrimental to individuals, and shall cause a draught thereof to be made, showing the new road, with notes of the most remarkable places, and the lands and premises by, through and upon which the said new road passes, having respect to the nature of the ground, the shortness of the distance, and all circumstances of public and private convenience or detriment; and shall assess the damages of every the owners or holders of said lands and premises on occasion of the laying out of the said new road,

OF ROADS.

and shall make a computation of the costs of opening and making said new road, setting down the several items of said costs.

Computation of cost, etc.

SECTION 2. That the said draught, together with the return of the said commissioners, shall be returned to and filed in the office of the Clerk of the Peace in and for Kent county, to be by him laid before the Levy Court of said county, and, if no sufficient objection is made thereto, then the said Levy Court of said county shall approve and confirm the said draught and return of the said commissioners and shall settle and pay the damages which may be assessed by the said commissioners and pay the legal charges of the commissioners, surveyor, &c., as other similar expenses are paid; and when the said draught and return shall have been so approved and confirmed the said new road shall be deemed and taken to be a public road, and the laws applicable to public roads in Kent county are hereby extended to and shall apply to said new road.

Draught filed with Clerk of the Peace.

Duty of Levy Court.

SECTION 3. That the said commissioners, before performing the duties enjoined upon them by this act, shall be severally sworn or affirmed to perform their duties with fidelity and the surveyor (if one shall be employed) to perform the services required of him faithfully and impartially according to the best of his skill and judgment; which said oaths or affirmations the said commissioners are hereby authorized to administer to each other and to the surveyor by them employed, and the act of a majority of the said commissioners shall be as valid as if concurred in by all of them, and in case of any vacancy or vacancies another or other commissioners may be appointed by the remaining commissioners or commissioner to supply such vacancy or vacancies.

Oath of Commissioners and Surveyor.

Vacancies in Commission

SECTION 4. That the said commissioners shall receive for each day actually employed on said road a compensation of one dollar, and the said surveyor shall receive a compensation of two dollars for each day employed in the service of said commissioners and a reasonable compensation for preparing the draughts of said new road.

Compensation of Commissioners and Surveyor.

Passed at Dover, April 23, 1891.

OF ROADS.

CHAPTER 170.

OF ROADS.

AN ACT to Lay Out a New Public Road across the dividing line between New Castle and Kent Counties, near the Town of Clayton.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Com-
mis-
sioners to
view and
lay out new
public road.

Cour-
se of
road.

Survey and
laying out of
new road,
width, etc

Plots

Assess-
ment
of damages.

Computa-
tion of cost
opening road

SECTION 1. That John W. Roberts, Edward W. Lapham and David Rees be and the same are hereby appointed commissioners to go upon and view the premises and determine whether there is need of a new public road to begin at the stone bridge in Blackbird hundred, in New Castle county, across the wastegate stream of the millpond, commonly known as Casperson's millpond, now the property of William A. Tunis, and to run thence through the lands of the said William A. Tunis and of John P. Hudson to the limits of the town of Clayton, in Duck Creek hundred, in Kent county, at some point in the public road known as the "Duck Creek road" west of the Delaware Railroad; and if they or a majority of them shall determine that there is need of such a road they shall, with the assistance of some skillful surveyor, to be by them selected, lay out such new public road, forty feet in width, as they may deem proper, taking into consideration the nature of the ground, shortness of distance and all circumstances of public convenience; and shall cause duplicate plots thereof to be made, representing the courses and distances thereof, with enough of the adjacent country to illustrate the need or advantages of said road; and they shall assess the damages which may be sustained by any owner or owners of lands through which the said new road will pass, taking into consideration the circumstances of benefit as well as of injury which will accrue to each of said owners; and they shall make a computation of the cost of opening and making such road, setting down separately the several items of the cost of that portion of said road in New Castle county and the several items of cost of that portion of the said road in Kent county. If any owner of lands through which the said new road shall pass be dissatisfied with the damages assessed by the commissioners, such owner may, upon application to the Prothonotary of the Superior Court in and for the county where the land is situated, within

OF ROADS.

twenty days after actual notice of such assessment, sue out a writ of *ad quod damnum*, requiring the Sheriff, in the usual form, to inquire of twelve impartial men of his bailiwick of the damages aforesaid, and their report shall be final, and the amount of damages allowed thereby shall be set forth in the return of the commissioners herein provided for.

Writ of *ad quod damnum*.

The costs of said proceedings on appeal shall be paid by the Levy Court of the county where such writ is sued out whenever the damages allowed shall be greater in amount than the damages assessed by the commissioners as aforesaid, otherwise the costs shall be paid by the person suing out the writ.

Costs of appeal

And if a road shall be laid out the said commissioners shall in their return, to be made to the Clerk of the Peace in and for New Castle county, set forth a description of said road, their determination that there is need of the same for public convenience, and an estimate of the cost of that portion thereof within the limits of New Castle county, setting down the several items of said cost, together with the damages assessed in said county, and shall annex to their said return one of the plots prepared in duplicate as aforesaid.

Return of Commissioners, in New Castle county.

And in their return to be made to the Clerk of the Peace in and for Kent county they shall set forth a description of said road, their determination that there is need of the same for public convenience, and an estimate of the cost of that portion thereof within the limits of Kent county, setting down the several items of said cost, together with the damages assessed in said county, and shall annex to their said return one of the plots prepared in duplicate, as aforesaid.

Return of Commissioners in Kent county

SECTION 2. That the plot and return so to be made, as aforesaid, by the said commissioners to the Clerk of the Peace in and for New Castle county, shall be returned to the said Clerk of the Peace and by him filed and laid before the Levy Court of said county at its next regular session thereafter, or any adjourned session.

Plot and return to be laid before the Levy Court of New Castle county.

And the said Levy Court, if they approve the road, shall pay the damages assessed, as aforesaid, and the legal charges of said commissioners, surveyors, etc., on that portion of said new road in said county, and shall make such allowances as may be necessary to make and open that portion of said new

Assessment of damages, etc

OF ROADS.

Plot and re- road within the limits of said county; and the plot and re-
turn to be made, as aforesaid, by the said commissioners
laid before the Clerk of the Peace in and for Kent county, shall be
the Levy Court of returned to said Clerk of the Peace and by him filed and laid
Kent county before the Levy Court of said county at its next regular ses-
sion thereafter or any adjourned session; and the said Levy
Court, if they approve the road, shall pay the damages as-
sessed, as aforesaid, and the legal charges of said commis-
sioners, surveyor, etc., on that portion of said new road
within said county, as other similar expenses are paid, and
shall make such allowances as may be necessary to make
and open that portion of said new road within the limits of
said county.

Damages, charges, etc., how paid.
New road, subject to what laws.
And when the said new road shall have been made and opened, that portion of the same within the limits of New Castle county shall be and remain subject to the same laws and regulations applicable to public roads in New Castle county, and that portion of the same within the limits of Kent county shall be and remain subject to the same laws and regulations applicable to public roads in Kent county.

Certain road vacated.
SECTION 3. That portion of the public road now laid out and used, between the said stone bridge and the said town of Clayton, which lies between the said stone bridge and a point opposite the said Casperson's mill, now the property of the said William A. Tunis, on the south side of the old mill tailrace of the said Casperson's mill, be and the same is hereby declared to be vacated as soon as the said new road shall be opened, and the same may be taken in and enclosed by the owner or owners of the lands through which said portion of said old road now runs.

Oath of Commissioners and Surveyor.
Powers of majority.
Vacancies.
SECTION 4. That the said commissioners, before performing the duties enjoined upon them by this act, shall be severally sworn or affirmed to perform their duties faithfully, impartially, and with fidelity, and the surveyor to perform the services required of him faithfully, impartially, and with fidelity, according to the best of his skill and judgment, which oath or affirmation may be taken before any notary public or any justice of the peace in and for Kent county, and the acts of a majority of the said commissioners shall be as valid as if concurred in by all of them, and in case of any vacancy or vacancies another or other commissioners

OF ROADS.

may be appointed by the remaining commissioner or commissioners to supply such vacancy or vacancies.

SECTION 5. That this act shall be deemed and taken to be a public act.

Passed at Dover, April 24, 1891.

CHAPTER 171.

OF ROADS.

AN ACT to re-establish the Course of a Public Road in Mispillion Hundred, Kent County.

Whereas the Levy Court of Kent county, in accepting a certain piece of low land or causeway, not exceeding twenty feet in width, located at the farm of James T. Simpson, where he now resides, in Mispillion hundred, in lieu of a forty feet road of high land, thus changing the course of the public road leading from Harrington to Vernon, Delaware, have greatly inconvenienced the traveling public; now therefore

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That the Levy Court of Kent county be and they are hereby directed to re-establish the course of the said public road in Mispillion hundred leading from Harrington to Vernon, Delaware, at or near the home farm of the said James T. Simpson, so as that the old road bed, forty feet in width, can be used for public travel.

Levy Court
of Kent
county
directed to
re-establish
course of
public road.
Description.

SECTION 2. This act shall be deemed and taken to be a public act.

Passed at Dover, May 14, 1891.

OF BRIDGES.

CHAPTER 172.

OF ROADS.

AN ACT to amend Section 1, Chapter 575, Vol. 18, Laws of Delaware, entitled "An act in relation to the Road Commissioners of Red Lion Hundred."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1,
Chapter 575,
Volume 18,
amended.

SECTION 1. That Section first, Chapter 575, Vol. 18, Laws of Delaware, be and the same is hereby amended by striking out in line four of said section the word "three" (3) and inserting in lieu thereof the word "six."

Passed at Dover, April 14, 1891.

CHAPTER 173.

OF BRIDGES.

AN ACT for the erection of a Drawbridge over the Brandywine Creek or River, in New Castle County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Board of
Directors of
Cherry
Island
Marsh Com-
pany author-
ized to con-
struct a
drawbridge
over
Brandywine
creek
Where
located.

SECTION 1. The board of directors of the Cherry Island Marsh Company (a corporation of the State of Delaware) and their successors in office, are hereby authorized and empowered to construct a drawbridge over and across the Brandywine creek in said county, at a point to be selected by said board of directors between the southerly line of Fourth street extended and the northerly line of Eighth street extended, in the city of Wilmington, and they may enter into all proper contracts for the construction of said bridge, and shall pay for the same out of the funds coming into their hands for such purpose. A majority of said board may do any and all acts and things that are conferred upon

OF BRIDGES.

the board of directors under this act. The said bridge shall be so constructed as to afford ordinary travel for horses, carriages, wagons, etc., from the Cherry Island Marsh to what is known as the Brandywine Marsh, and *vice versa*. How constructed.

SECTION 2. The said bridge shall have a draw with an opening of forty feet wide, which may be swung upon a center pier, or may be constructed after any other plan which may be adopted by said board. In the building of said bridge the said board of directors shall have full authority to do any act or thing in the bed of said creek or upon the adjacent shore that to them may seem necessary, so that navigation is not unduly obstructed thereby. Draw of bridge. Authority of Board of Directors.

SECTION 3. To raise the necessary funds, the said directors are authorized to receive donations of money, goods, chattels, or conveyances of land or other valuable things, from any person or corporation, and to enter into any contract or contracts with any person or corporation with respect to any donation or subscription, as aforesaid, and may enforce any such contract by action at law severally against such subscribers. Should the private subscriptions be insufficient to build said bridge, then the Cherry Island Marsh Company by its board of directors, and the city of Wilmington by its City Council, and the Levy Court of said county, or their successors, may each, out of the funds in their control, severally subscribe a sum in aid of said bridge in their discretion, not exceeding the sum of five hundred dollars for and against each of said bodies respectively. Funds, how raised. Private subscription insufficient, how raised.

SECTION 4. The said directors may purchase or take by gift such land as may be necessary to constitute the approaches to said bridge at either end, and in case they cannot agree upon the price with any owner of any such land, then they may condemn such land in the same manner and way, as near as can be, that lands for streets is or may be condemned in the city of Wilmington; the directors paying the damages that may be assessed if they take the land. Land for approaches to bridge, how obtained.

SECTION 5. When the said bridge is ready to be thrown open for travel the said directors shall, and they are hereby directed and empowered to grant by deed the said bridge to the county of New Castle; and when such deed is executed, and by the grantors therein placed of record in the Recorder's office of said county, the said bridge shall become the property Bridge granted to county of New Castle.

OF BRIDGES.

of said county, and shall be then and there accepted and thereafter be maintained and taken charge of by the Levy Court of said county, or those who may succeed them in county control.

Public act. SECTION 6. This act shall be a public act and have effect accordingly.

Passed at Dover, April 27, 1891.

CHAPTER 174.

OF BRIDGES.

AN ACT to enable the Levy Court of New Castle County to build a Bridge over the Brandywine Creek.

Bridge over
the Brandy-
wine Creek.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:* That the Levy Court of New Castle county shall have and is hereby granted full power and authority to construct a bridge over the Brandywine Creek, at a point between the westerly side of Broome street and the Wilmington and Brandywine Cemetery, in the city of Wilmington.

Construc-
tion of bridge

SECTION 2. *And be it further enacted,* That whenever it shall be necessary for the Levy Court aforesaid, for the purpose of building the said bridge or the approaches thereto, or making the same accessible, to enter in and upon and occupy any lands, the owner of which refuses to permit such entry and occupation, then it shall be lawful for the Superior Court of New Castle county, in term time, or any judge of the said court in vacation, upon application of the said Levy Court, and at the cost and charge of the same, to appoint five disinterested men of the said county who shall go upon the said lands and assess the damage of such owner or owners, fairly and impartially, taking into consideration all the benefits to be derived from or in consequence of said bridge to the said owner or owners, and the said commissioners shall certify their finding and award to both parties; whereupon the Levy Court, on paying the damages so assessed, shall become entitled to have, use and enjoy the said lands for the purpose

Assessment
of damages.

OF BRIDGES.

required by them forever. And in case the owner or owners of any land necessary for the purpose of the Levy Court shall be a minor or non-resident, or for any cause incapable of receiving, or unwilling or neglecting to receive said damages, the said Levy Court may deposit the amount of said damages to the credit of said owner or owners in the Farmers' Bank of the State of Delaware at Wilmington, subject to the order of such owner or owners, whereupon the said Levy Court shall be entitled to have, use and enjoy the said lands and premises required for the purposes aforesaid, for or on account of which the damages shall have been so assessed. The expense of the assessment of said damages shall be paid by the Levy Court.

SECTION 3. *Be it further enacted*, That any bridge which may be erected and constructed under and pursuant to the terms and provisions of this act shall, in all respects, conform to and be subject to all the rules and regulations now in force or that may hereafter be adopted by the Board of Park Commissioners of the city of Wilmington. Bridge under the rules and regulations of Park Commissioners of Wilmington.

Passed at Dover, May 15, 1891.

CHAPTER 175.

OF BRIDGES.

AN ACT to authorize the Levy Court of Kent County to Construct a Pivot-bridge over Murderkill River and to Lay Out a New Road.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That the Levy Court of Kent county be and it is hereby authorized and empowered to construct and build, or cause to be built, a good and sufficient pivot-bridge over Murderkill river, the line dividing South Murderkill and Milford hundreds, Kent county, between the town of Fred- Pivot bridge over Murderkill river, where to be located. erica and Bowers' Beach. The said Levy Court to provide for the payment of the cost of constructing said bridge. How paid for. The said bridge, when constructed, shall be at least of forty feet

OF BRIDGES.

Construc-
tion of
bridge.

draw, and so constructed as to allow free passage of vessels, steamboats or tug-boats up and down the said Murderkill river. The aforesaid pivot-bridge shall be a public highway over said river, and generally every provision of the law in relation to bridges shall apply to said pivot-bridge.

Duty of
masters of
vessels pass-
ing through
bridge.

Fine for
neglect.

Fine, how
collected.

Fine a lien
upon vessel.

Commis-
sioners
to locate
bridge and
road.

Plot of road.

Assessment
of damages.

Return to
Levy Court.

Description
of new road.

SECTION 2. It shall be the duty of the master of every steamboat, vessel, or tug-boat passing through the aforesaid bridge to have the bridge open for passage, and to have the bridge closed immediately after such boat or vessel shall have passed through the bridge, and if any such master of any boat or vessel shall neglect to have the said bridge closed, as herein provided, he shall forfeit and pay to the tax collector of South Murderkill hundred, for the use and purpose of keeping up repairs to the aforesaid pivot-bridge, the sum of ten dollars for every such failure or neglect. Such fine may be collected by the aforesaid tax collector before any justice of the peace in this State, and until paid, together with costs of suit, it shall be a lien upon the boat or vessel over which the offender has control.

SECTION 3. That J. A. Martin, James Kirby, Thomas D. Hubbard, M. D., Caleb B. Williams and Samuel Armstrong, freeholders of Kent county, are hereby appointed commissioners to locate and fix the site of the pivot-bridge herein provided for and to lay out a new road leading to and from the pivot-bridge on both sides of Murderkill river. The commissioners shall have due regard to the interests of the public and of those persons through whose lands the road may pass. They shall cause a plot of the proposed road to be made, and to assist them to do this they may employ a skillful surveyor; *and further*, they shall assess damages, if any, and return the same, together with the plot of the road, and the probable cost of the road and pivot-bridge, to the Levy Court of Kent county at the earliest possible day.

SECTION 4. The road herein provided for shall begin at a convenient and practicable point in the road leading from Shirley's Bar to Frederica, in Milford hundred, and end at a like convenient and practicable point in the road leading from Frederica to Bowers' Beach; and when said road is laid out, and put in order for travel, it shall be deemed and taken to be a public road and shall be maintained as other roads are supported in Kent county.

SECTION 5. The commissioners and surveyor herein pro-

OF BRIDGES.

vided for shall, before entering upon their duties, be sworn or affirmed by each other to perform their duties as road commissioners faithfully and impartially, and the acts of a majority of the commissioners shall be as valid as if concurred in by all of them.

Oath of Commissioners and Surveyor.

SECTION 6. That the pay of the commissioners and surveyor shall be such as the Levy Court may deem proper.

Pay of Commissioners and Surveyor.

SECTION 7. If the captain or master of any boat or vessel navigating Murderkill river shall willfully, negligently, or carelessly cause or permit damage or injury to the bridge herein provided for, in passing or endeavoring to pass through the bridge, the owner or owners of such boat or vessel shall forfeit and pay the actual damages with costs of suit. Such fine shall be collected and applied by the tax collector of South Murderkill Hundred in the way and manner that is provided for the collection of fines in Section two (2) of this act.

Vessels or boats doing injury to bridge.

Damages.

Fine, how collected.

SECTION 8. *Provided* that the bridge herein provided for shall be built of iron with stone abutments and the roadway and causeway shall not exceed six thousand dollars in cost.

Bridge, how built.

Cost.

SECTION 9. If the said pivot-bridge hereinbefore provided shall be located and built across the river opposite John W. Hall's pine grove, the new road on the Milford Neck side of said bridge shall be run through lands of John Sipple, along the division line of his land and the lands of John W. Hall, and the new road on the Murderkill Neck side of said bridge shall run through lands of John W. Hall, between the fence that now encloses the arable land and the marsh of said lands of John W. Hall.

Building of bridge and location of road.

Passed at Dover, May 11, 1891.

TITLE NINTH.

Regulations Concerning Trade.

CHAPTER 176.

OF DAIRIES.

AN ACT to incorporate "The Dairy Protective Association of Delaware."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch thereof concurring therein):

The Dairy
Protective
Association
of Delaware
incorporated

SECTION 1. That Arnold L. Naudain, John H. Hopkins, Philip T. Pierson, Charles Walton, William H. Walker, Bayard E. Derrickson, Calvin Derrickson, Frank Pennock, E. D. Talley, John Barber, W. C. Wier, Ezekiel W. Dawson, George H. Simpler, and such other persons as now are or may hereafter be associated with [them] shall be and they are hereby created a body politic and corporate by the name, style and title of "The Dairy Protective Association of Delaware," and they and their successors are ordained and declared a body politic and corporate in fact and in law, and by the title aforesaid shall be able and capable in law to sue and be sued, plead and be impleaded in any courts of law or equity in this State or elsewhere, with the right to make and use a common seal, and at their pleasure to alter and renew the same.

Powers.

Objects of
the associa-
tion.

SECTION 2. The objects of this association are to provide effective means for the enforcement of all laws of the United States or the State of Delaware heretofore or hereafter to be enacted for the protection of the dairy interests, and to appoint or employ such agents in the several counties of this State as the executive committee may from time to time deem necessary.

OF DAIRIES.

SECTION 3. That any warrant of arrest, or other process issued under or by virtue of the several laws of the United States, or of this State, in relation to the adulteration of dairy products and fraud in the sale thereof now in existence, or which may hereafter be enacted, may be directed to and executed by any agent in any county of this State duly appointed by the executive committee in writing and under the seal of the corporation; *provided* no compensation shall be paid to said agent except by said association. Warrants of arrest, by whom executed. Proviso.

SECTION 4. It shall be the duty of the corporators whose names are mentioned in the first section of this act, or a majority of them, to meet together on the first Tuesday of June A. D. eighteen hundred and ninety-one, and elect a president, vice-president, secretary, and such other officers as they shall deem necessary; they shall also, at the same time, elect an executive committee of five members, two of whom shall be the president and secretary of the corporation, in whom shall be vested the control and management of the affairs of the said corporation. The said officers and executive committee to serve until the annual meeting. The executive committee shall have authority to fill vacancies in their own body, and the person so chosen shall continue in office until the next annual meeting. Meeting for election of officers. Election of executive committee. Term of office. Vacancies.

SECTION 5. Annual meetings shall be held on the first Tuesday of January in each year, at which time the officers and executive committee of the corporation shall be chosen by vote of the members; a failure to elect annually shall not dissolve the corporation. Annual meetings, when held.

SECTION 6. This shall be deemed and taken to be a public act, and shall continue in force for twenty years. Public act.

Passed at Dover, May 11, 1891.

OF WAREHOUSE RECEIPTS.

CHAPTER 177.

OF WAREHOUSE RECEIPTS.

AN ACT to make Negotiable certain Warehouse Receipts.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Warehouse
receipts
made nego-
tiable.

Transfer of
receipts.

Duty of
warehouse-
man, wharf-
inger, etc.

Proviso

SECTION 1. Warehouse receipts given for any goods, wares, merchandise, grain, flour, produce, petroleum, or other commodities stored or deposited with any warehouseman, wharfinger or other person in this State, or bills of lading or receipts for the same when in transit by cars or vessels to any such warehouseman, wharfinger or other person, shall be negotiable and may be transferred by endorsement and delivery of said receipt or bill of lading; and any person to whom the said bill of lading or receipt may be transferred shall be deemed and taken to be owner of the goods, wares, merchandise therein specified, so as to give security and validity to any lien created on the same, subject to the payment of freight and charges thereon; and no property on which such lien may have been created shall be delivered by said warehouseman, wharfinger or other person, except on the surrender and the cancellation of said original receipt or bill of lading, or in case of partial sale or release of the said merchandise by the written consent of the holder of said receipt or bill of lading indorsed thereon; *provided*, that all warehouse receipts or bills of lading which shall have the words "not negotiable" plainly written or stamped on the face thereof shall be exempt from the provisions of this act.

When ware-
houseman or
wharfinger
may issue
receipts.

SECTION 2. No warehouseman, wharfinger or other person shall issue any receipt or voucher for any goods, wares, merchandise, petroleum, grain, flour, or other produce or commodity to any person or persons purporting to be the owner or owners thereof, unless such goods, wares, merchandise, petroleum, grain, flour, or other produce or commodity shall have been actually received into store or upon the premises of such warehouseman, wharfinger or other person and shall be in store or on the premises aforesaid and under his control at the time of issuing such receipt.

Duplicate
receipts.

SECTION 3. No warehouseman, wharfinger or other person shall issue any second or duplicate receipt for goods,

OF WAREHOUSE RECEIPTS.

wares, merchandise, petroleum, grain, flour, or other produce or commodity while any former receipt for any such goods, wares, merchandise, petroleum, grain, flour, or other produce or commodity as aforesaid, or any part thereof, shall be outstanding and uncanceled without writing across the face of the same "duplicate."

SECTION 4. No warehouseman, wharfinger, or other person shall sell or incumber, ship, transfer, or in any manner remove beyond his immediate control any goods, wares, merchandise, petroleum, grain, flour, or other produce or commodity for which a receipt shall have been given by him as aforesaid, whether received for storage, shipping, grinding, manufacturing or other purposes, without the return of such receipt.

Wharfinger, etc., selling or incumbering property for which receipt is given.

SECTION 5. Any warehouseman, wharfinger, or other person, who shall violate any of the foregoing provisions of this act shall be deemed guilty of fraud, and upon indictment and conviction shall be fined in any sum not exceeding one thousand dollars or imprisoned not exceeding five years, or both, in the discretion of the court; and all and every person or persons aggrieved by the violation of any of the provisions of this act may have and maintain an action at law against the person or persons violating any of the foregoing provisions of this act to receive* all damages which he or they may have sustained by reason of any such violation as aforesaid, before any court of competent jurisdiction, whether such person shall have been convicted of fraud as aforesaid under this act or not.

Violation of this act.

Fraud.

Penalty.

Damages.

Passed at Dover, May 15, 1891.

*So enrolled.

OF CANALS.

CHAPTER 178.

OF CANALS.

An Additional Supplement to the act entitled "An act in relation to the proposed Canal, intended as a Free Inland Waterway, connecting Assawaman Bay with Delaware Bay," passed at Dover, April 4, 1887.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

\$2,000 additional appropriated to canal connecting Assawaman bay with Delaware bay.

SECTION 1. That in addition to the sums appropriated under and by authority of Chapters 139 and 616, Volume 18, Laws of Delaware, said chapters being acts in relation to the proposed canal intended as a free inland waterway, connecting Assawaman bay with Delaware bay, the further sum of two thousand dollars is hereby appropriated, out of any unappropriated moneys in the treasury of this State, for the purpose mentioned in and subject to the provisions of the said act, to which this is an additional supplement.

Compensation of Commissioners.

SECTION 2. That for any services that may be performed after the present session of the Legislature, the commissioners designated in Section 3 of Chapter 139, Volume 18, Laws of Delaware, shall receive such compensation as the Legislative Committee, at its session in January, 1892, shall think proper to allow, and such allowance shall be paid by the Committee's draft on the State Treasurer. If the said commissioners shall not have completed the service required by the said act before the session of said Legislative Committee, they shall present to the General Assembly, at its next session, an account of the services rendered by them under the said act and this supplement subsequently to the session of the said Legislative Committee for allowance.

Award of special commission, where filed.

SECTION 3. Whenever any award by the special commission of five freeholders, provided for by Section 3 of the act to which this is an additional supplement, shall have been returned to and approved by the associate judge resident in the county of Sussex, the said award so returned and approved shall be filed in the office of the Prothonotary in and for said county.

OF THE WORLD'S COLUMBIAN EXPOSITION.

SECTION 4. That Section 2 of Chapter 139 of Vol. 18 of Laws of Delaware be amended by striking out the words "two hundred and ten" in the third line of said section and inserting in lieu thereof the words "three hundred."

Section 2,
Chapter 139,
Volume 18,
amended.

Passed at Dover, April 24, 1891.

CHAPTER 179.

OF THE WORLD'S COLUMBIAN EXPOSITION.

AN ACT to provide for the Collection, Arrangement, and Display of the Products of Delaware at the World's Columbian Exposition of 1893, and to make an Appropriation therefor.

Whereas the Congress of the United States has provided, by an act approved April 25, 1890, for celebrating the four hundredth anniversary of the discovery of America by Christopher Columbus, by holding an international exhibition of arts, industries, manufactures, and the products of the soil, mine and sea, in the city of Chicago, in the State of Illinois, in the year 1893; and

Præ: mble.

Whereas it is of great importance that the natural resources, industrial development and progress of the State of Delaware should be fully and creditably displayed to the world at said exposition; therefore

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

SECTION 1. That for the purpose of exhibiting the resources, products, and general development of the State of Delaware, at the World's Columbian Exposition of 1893, a commission is hereby constituted, to be designated The Board of World's Fair Managers of Delaware; which shall consist of nine residents of the State of Delaware, of whom six shall be men and three women, to be organized and continue its duties as hereinafter provided.

The Board of World's Fair Managers of Delaware.
Of whom board is constituted.

SECTION 2. That Thomas B. Smith, Colonel Henry A. DuPont, and Miss Emily Rodney, of New Castle county;

Members of board.

OF THE WORLD'S COLUMBIAN EXPOSITION.

Robert W. Reynolds, William R. Allaband, and Mrs. Harriet C. Kenney, of Kent county; George W. Emory, Matthias T. Moore, and Miss Ida Bacon, of Sussex county, be and they are hereby constituted members of said board, and they are directed to meet in Dover, on the first Tuesday in June next, and organize by the election of a president, a vice president, a secretary and a treasurer. The treasurer of said board shall give a bond to the State in the sum of ten thousand dollars, with at least two sureties, to be approved by the Governor, for the proper performance of his duties. A majority of the members of said board shall constitute a quorum for the transaction of business.

Meeting for organization

Treasurer, bond of.

Quorum.

Rules and regulations of board.

Removal of members.

Vacancies, how filled.

The board shall have power to make rules and regulations for its own government, *provided* such rules and regulations shall not conflict with the regulations adopted under the act of Congress for the government of said World's Columbian Exposition. Any member of the board may be removed at any time by the Governor for cause. Any vacancy which may occur in the membership of said board shall be filled by the Governor.

Compensation, expenses *per diem*, etc

Proviso.

SECTION 3. The members of the board appointed under this act, who are not officers thereof, shall not be entitled to any compensation for services out of the State treasury except their actual expenses for transportation and the sum of five dollars per day for subsistence for each day they are necessarily absent from their homes on the business of said board; *provided, however*, that the *ex officio* members of the said board shall not receive any compensation or expenses whatever, except the Governor, *ex officio* member.

Board of Managers authorized to appoint Executive Commissioner.

Duty and powers of Executive Commissioner.

SECTION 4. The Board of World's Fair Managers is authorized and directed to appoint an executive commissioner and to fix his salary, subject to the approval of the Governor, which shall be payable monthly out of the appropriation hereinafter made, and said executive commissioner shall be authorized and required to assume and exercise, subject to the supervision of said board, all such executive powers and functions as may be necessary to secure a complete and creditable display of the interests of the State at the World's Columbian Exposition of 1893, and, as the executive agent of said board he shall have personal charge of the solicitation, collection, transportation, arrangement, and exhibition of the objects sent under the authority of the

OF THE WORLD'S COLUMBIAN EXPOSITION.

State to the World's Columbian Exposition of 1893, and of such objects sent by individual citizens of the State as may be by them placed in his charge. He shall make a report to the board monthly and shall hold office at the pleasure of the board. The secretary and treasurer of the board shall receive such compensation as the board may direct.

Report of
Commission
Compensation of Sec-
retary and
Treasurer.

SECTION 5. The Governor of the State, the World's Columbian Commissioners, and their alternates, and the members of the Board of Lady Managers, and their alternates of the World's Columbian Commission from the State of Delaware, shall be *ex officio* members of the Board of World's Fair Managers for the State of Delaware; but they shall not be entitled to vote in reference to affairs coming before the State Board.

Ex officio
members of
Board of
World's
Fair Mana-
gers.

SECTION 6. The said board shall have charge of the interests of the State and its citizens in the preparation and exhibition at the World's Columbian Exposition of 1893 of the natural and industrial products of the State, and of objects illustrating its history, progress, moral and material welfare and future development, and in all other matters relating to the said World's Columbian Exposition of 1893, and of the formal dedication of the buildings in October, 1892. It shall communicate with the officers of and obtain and disseminate through the State all necessary information regarding said exposition, and in general have and exercise full authority in relation to the participation of the State of Delaware and its citizens in the World's Columbian Exposition of 1893.

Duty and
powers of
board.

SECTION 7. To carry out the provisions of this act the sum of ten thousand dollars (\$10,000), or so much thereof as may be necessary, is hereby appropriated, and the State Treasurer is directed to pay the same from the general fund, from time to time, on the requisition of said board, signed by the president and secretary, who shall certify that the sum is actually necessary for disbursement, and at the close of the services of said commission they shall make to the Governor a statement of all of its proceedings, which shall include a list of disbursements with complete vouchers therefor attached.

\$10,000 ap-
propriated.

How paid.

Statement
of Commis-
sion to
Governor.

Passed at Dover, May 15, 1891.

OF CATTLE AND SLAUGHTER HOUSES.

CHAPTER 181.

OF CATTLE AND SLAUGHTER HOUSES.

AN ACT to amend Chapter 379, Volume 15, Laws of Delaware.

Preamble. Whereas a company has been formed in the city of Wilmington for the purpose of erecting extensive slaughter houses and purchasing cattle on a large scale;

And whereas it will be a great advantage, not only to the farmers, but the citizens generally, to have a market and industry of this kind in our State;

And whereas the supply of cattle from this State would be greatly inadequate to meet the demands of this new market, in consequence of which it will be necessary for a portion of the supply to come from other States, and it appearing that the object of the original act can be accomplished under the restrictions provided in the proposed amended bill;

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Chapter 379,
Volume 15,
amended.

SECTION I. That Chapter 379, Volume 15, Laws of Delaware, entitled "An act for the protection of live stock in the State of Delaware," be and the same is hereby amended by adding thereto the following:

Persons or
company
allowed to
bring into
the State cer-
tain cattle,
how.

"*Provided*, that it shall be lawful for any person or company to bring or have brought into this State the kinds of cattle prohibited by the first section of the act, to which this is an amendment, under and subject to the following restriction. That all such cattle shall be taken directly from the cars on which they are transported to the abattoir, slaughter house, or enclosure connected therewith, and kept therein until slaughtered. Any violation of this restriction shall subject the offender or offenders to the same penalty as provided in the second section of the act to which this is an amendment."

Penalty for
violation.

Passed at Dover, February 19, 1891.

TITLE TENTH.

Of Corporations.

CHAPTER 181.

OF CORPORATIONS.

AN ACT for the Benefit of Creditors and Stockholders of Insolvent Corporations.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch of the Legislature concurring therein):

SECTION 1. That whenever a corporation shall be insolvent, the Chancellor, on the application and for the benefit of any creditor or stockholder thereof, may, at any time, in his discretion, appoint one or more persons to be receivers of and for such corporation, to take charge of the estate, effects, business and affairs thereof, and to collect the outstanding debts, claims, and property due and belonging to the company, with power to prosecute and defend, in the name of the corporation or otherwise, all claims or suits, to appoint an agent or agents under them, and to do all other acts which might be done by such corporation and may be necessary and proper; the powers of such receivers to be such and continued so long as the Chancellor shall think necessary; *provided, however*, that the provisions of this act shall not apply to corporations for public improvement.

When Receivers may be appointed

Powers and duties.

May appoint agents.

Continuance Proviso.

Passed at Dover, March 25, 1891.

OF BANKS.

CHAPTER 182.

OF BANKS.

AN ACT to amend the act entitled "An act to renew the act to incorporate the Artisans' Savings Bank and the acts supplementary thereto, and to amend the same."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch concurring therein):

Section 3 of
"An act to
incorporate
the Artisans'
Savings
Bank"
amended
and renewed

Increase of
surplus fund

Inconsistent
acts repealed

SECTION 1. That Section 3 of the act entitled "An act to incorporate the Artisans' Savings Bank," passed at Dover, on the twenty-eighth day of February, A. D. 1861, as heretofore amended and renewed, be and the same is hereby further amended by striking out the words, "one hundred thousand dollars," and inserting in lieu thereof the words, "two hundred thousand dollars," wherever the same occur in said section. The object of this amendment being to make it lawful for the said bank to increase its surplus fund to two hundred thousand dollars.

SECTION 2. That all acts or parts of acts inconsistent herewith be and the same are hereby repealed.

Passed at Dover, April 27, 1891.

CHAPTER 183.

OF BANKS.

AN ACT to reincorporate the Banking House Corporation of Wilmington.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch of the Legislature concurring therein), as follows:

Charter of
Banking
House Cor-
poration ex-
tended for
twenty years

SECTION 1. Every part of the original charter of the Banking House Corporation, now in force, as well all and every provision of all and every act of the General Assembly

OF RAILROADS.

of this State as is now in force, whereby any right, power, franchise, privilege or immunity is granted to or vested in the said The Banking House Corporation, be and the same is hereby extended and continued in force for the space of twenty years from and after the passage of this act, and that the said The Banking House Corporation shall have, hold, enjoy and possess all and every the franchise, powers, rights, privileges and immunities which are now vested in said corporation by any law of this State for the period of twenty years from and after the passage of this act.

Powers and franchises.

Passed at Dover, May 14, 1891.

CHAPTER 184.

OF RAILROADS.

AN ACT to Incorporate the Laurel and Roaring Point Railroad Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (with the concurrence of two-thirds of each branch of the Legislature),* That A. I. Horsey, I. H. Marvel, William F. Causey, T. C. Horsey, William T. Ricords and Jacob H. Adams be and they are hereby appointed commissioners to do and perform the several things hereinafter mentioned, that is to say: they, or a majority of them, shall procure and cause to be opened, at such times and places and on such notice as they may deem proper, suitable books for subscriptions to the stock of the Laurel and Roaring Point Railroad Company, and they shall permit all persons of lawful age to subscribe in said books in their own names or in the name of any other person or company who may authorize the same for any number of shares in said stock. The capital stock of said company shall not exceed five hundred thousand dollars, divided into twenty thousand shares of twenty-five dollars each.

Commissioners,
duties of.

Subscription
books.

Capital
stock
\$500,000.

SECTION 2. *And be it further enacted as aforesaid, That* when and as soon as four hundred shares of capital stock in said company shall be subscribed as aforesaid, the subscribers,

Company
incorporated
upon sub-
scription of
400 shares of
stock.

OF RAILROADS.

their successors and assigns, shall be and they are hereby declared to be incorporated by the name and title of the Laurel and Roaring Point Railroad Company, and by the same name the subscribers shall have perpetual succession, and be able to sue and be sued, plead and be impleaded in all courts of record and elsewhere, and to purchase, receive, have, hold and enjoy, to them and their successors, real and personal estate of every kind whatsoever, and the same to grant, mortgage, sell, alien and dispose of, and to declare dividends of such portions of the profits of the company as they may deem proper. Also to make and have a common seal, and the same to alter and renew at pleasure, and also to make and ordain by-laws and regulations for the government of the said corporation not inconsistent with the Constitution and Laws of the United States or of this State, and generally to do all and singular the matters and things which to them it shall lawfully appertain to do for the well being and ordering of the same; *provided*, that nothing herein contained shall confer any banking privileges on the said company, or any other liberties, franchises or privileges but those which are properly incident to such a corporation.

Meeting for
organization.

SECTION 3. *And be it further enacted, as aforesaid*, That as soon as four hundred shares shall be subscribed, as aforesaid, the said commissioners, after giving at least ten days' notice thereof in two or more newspapers published in this State, shall call a meeting of the said subscribers, at Laurel, to organize the said company by the choice and appointment of officers as hereinafter mentioned.

Annual
meeting.

SECTION 4. *And be it further enacted, as aforesaid*, That there shall be an annual meeting of stockholders on the second Monday in January in every year, at Laurel, for the purpose of electing directors and for the transacting of other business. In all meetings of the stockholders regularly convened those present may proceed to business, and all questions shall be determined by a majority of the votes given.

Elections.

All elections by stockholders shall be by ballot, and all votes shall be given in person or by proxy, and each share of stock shall entitle the owner to one vote. Occasional meetings of the stockholders may be called, and at such places as the president and directors may deem expedient.

Election of
directors.

SECTION 5. *And be it further enacted, as aforesaid*, That at the first meeting of the stockholders to be held under the

OF RAILROADS.

call of the said commissioners, and every annual meeting of the stockholders to be held thereafter, as aforesaid, they shall elect seven directors, a majority of whom shall be citizens of this State, and all of them stockholders in the said company. The first election of directors shall be conducted by two of the said commissioners as the judges thereof, and all subsequent elections of said officers shall be conducted by two of the stockholders, not in the board, to be appointed by the directors for the time being as judges for that purpose. The directors, immediately after their election, shall proceed to choose one of their number to be president of their company and of the said board; and their term of office shall be until the annual meeting of the stockholders, succeeding their election, and until their successors shall be duly chosen. The directors shall also appoint, immediately after their election, a secretary and treasurer of the said company, who shall continue in office for the term as aforesaid and until their successors shall be duly appointed, unless sooner removed for a sufficient cause by the directors. They shall require of the treasurer, on his appointment, a bond with sufficient security for the proper performance of the duties of his office and the faithful discharge of the trust reposed in him by the said company. A majority of the whole number of directors shall constitute a quorum for the transacting of business, and, in the absence of the president, may appoint a chairman of the board *pro tempore*. Vacancies in the board of directors, and in the office of president, secretary and treasurer, may be filled by the remaining directors, to continue as aforesaid.

Elections,
how con-
ducted.Organiza-
tion of
Directors.
Election of
President.Term of
office.Appoint-
ment of Sec-
retary and
Treasurer.
Term of
office.Bond of
Treasurer.

Quorum.

Chairman
pro tempore

Vacancies.

SECTION 6. *And be it further enacted as aforesaid,* The said president and directors shall hold their meetings at Laurel, and in such other places as they may deem expedient on the line of the said road, and the said directors shall have the general direction, conduct and management of the property, business and operations of the said company, and for that purpose shall have power to appoint, engage and employ all such officers and agents, engineers, contractors, workmen and laborers as they shall deem necessary, and to fix salaries of all officers in the corporation, and the compensation and wages of all persons employed by them, as aforesaid, and take bond from them or any of them, with security for the faithful performance of their duties; or contract to procure such materials, erect such structures and buildings, and to purchase or employ such engines, cars and other equipments

Place of
meeting of
Directors.Powers and
duties of
Managers.

OF RAILROADS.

Contracts. and supplies for the road, and for that purpose to make and enter into such contracts and agreements with other persons and companies as they may consider expedient and proper and best adapted to promote the objects and subserve the interests of the said company. They shall have full power to do all acts that may be necessary to effect the purposes for which the said company is hereby incorporated, and to this end raise the capital stock and funds of the said company, and to bind by their contracts, under the seal of their corporation and the hand of the president, all the property and estate of the said company. They shall also have the power to make and prescribe the by-laws and regulations for the government of the company, to provide certificates of stock under the seal of the company and the signature of the president, and countersigned by the secretary, for all the shares subscribed, and to prescribe the mode of assigning and transferring the same, and generally to do all such other matters and things as by this act and the by-laws and regulations of the company they shall be authorized to do.

By-laws, etc

Certificates of stock.

SECTION 7. *And be it further enacted, as aforesaid,* That it shall be the duty of the president and directors to procure certificates of stock for all the shares subscribed in said company, and cause the same, signed, sealed and countersigned, as aforesaid, to be issued to the subscribers therefor, which shall be assignable, at the will of the holder, in the method prescribed in the by-laws of the company; and the assignee of any such certificate so transferred shall be a stockholder in said company and shall be entitled to all the rights and emoluments incident thereto, and be subject to all the installments, forfeitures, and penalties due or to become due thereon as the original subscribers would have been.

Payment of subscriptions.

SECTION 8. *And be it further enacted, as aforesaid,* That the subscribers to the said capital stock shall pay to the treasurer of the said company the installments on each share by them subscribed, as the same shall be respectively called in, pursuant to the public notice and call of the directors, and if any subscriber shall omit, for thirty days after any such call, to pay any such installment at the time and place appointed in said notice, he shall pay, in addition to the installment, at the rate of two per cent. a month for the delay of such payment; or the share so held by him, with all the previous installments paid thereon, may be declared forfeited to the company, at the option of the directors. All sums of

Notice.

Failure to pay subscription within 30 days after notice.

OF RAILROADS.

money which may accrue to the company under this section may be sued for and recovered as debts of a like amount are recoverable by the laws of this State. *Provided*, that no stockholder shall be entitled to vote at any election, or in any meeting of the said company, on whose shares any installments shall have been due and payable more than thirty days previous to such election or meeting and are still unpaid at that time.

Money due company, how recovered.

Stockholder failing to pay subscription not allowed to vote.

SECTION 9. *And be it further enacted, as aforesaid*, That the said president and directors shall from time to time make and declare dividends of the net profits of the business of the company, or of such portions of such profits as they may deem advisable, the times for which shall be fixed by the by-laws, and public notice thereof shall be given by them, and at each annual meeting of the stockholders it shall be the duty of the president and directors of the preceding year to submit, to report, and to exhibit to them a full and correct statement of the proceedings and affairs of the company for that year.

Dividends.

Report of proceedings of Directors.

SECTION 10. *And be it further enacted, as aforesaid*, That the said company be and they are hereby authorized to survey, locate and construct a railroad, with one or more tracks, from any point near the town of Laurel, Sussex county, State of Delaware, to any point on the Delaware and Maryland line between the Nanticoke river and the town of Delmar in said interstate line, with the right to connect with any railroad now or hereafter to be constructed in the State of Maryland, and also with the right to intersect and connect with the Delaware Railroad at some point at or near Laurel, Delaware, on the west side of said Delaware Railroad; said union or connection, to be upon such terms and conditions as shall be agreed upon between the companies uniting or connecting, to be reduced to writing, and authenticated under the seals of the said companies.

Authority to construct railroad.

Location of road.

SECTION 11. *And be it further enacted, as aforesaid*, That whenever any land, earth, sand, gravel or other materials necessary to be taken and used in the construction of the said railroad cannot be procured or purchased of the owner thereof by agreement between him and the company, the latter may apply to the Superior Court of Sussex county, or to any judge thereof in vacation, first giving the other party at least five days' notice in writing of the intended applica-

Disagreement between owners of land and railroad company.

Notice.

OF RAILROADS.

Assessment of damages by freeholders. Freeholders sworn. Report of freeholders. Writ of *ad quod damnum*. Payment of damages. Fees of freeholders and Prothonotary.

tion, if within the State, and the said court or judge shall appoint five judicious and impartial freeholders to view the premises and assess the damages which the owner or owners will sustain by reason of the said railroad passing through it in taking and using the same. The freeholders shall be sworn or affirmed, before some judge or justice of the peace, before entering upon the premises, faithfully and impartially to perform the duty assigned them, and they shall give ten days' written notice to the owner or owners of the premises, if within the State, and the same to the president of the company, of the time of their meeting for the discharge of their duty, which shall be upon the premises, and they shall make report in writing, under their hands or the hands of a majority of them, to both parties; but, if either party be dissatisfied with the damages so assessed, such party may, on application to the Prothonotary of the Superior Court in Sussex county, within thirty days after such assessment, sue out a writ of *ad quod damnum*, requiring the Sheriff, in the usual form, to inquire of twelve impartial men of his bailiwick of the damages aforesaid, and their report shall be final; whereupon the damages so assessed being paid by the company to the party entitled, or into court for his or her use, whether they be under any disability or in or out of the State, the title to the land and premises described and condemned in said report for the purpose aforesaid shall be absolutely vested in the said company, their successors and assigns. The fees of the freeholders and the Prothonotary in all such proceedings shall be fixed by the court and in all cases shall be paid by the company.

Passages across railroad.

Passages for use of farms divided by railroad.

SECTION 12. *And be it further enacted, as aforesaid,* That it shall be the duty of the said company to construct and keep in repair good and sufficient passages across such railroad, where any public road shall cross the same, so that carriages, horses, persons and cattle shall not be obstructed in crossing said railroad; it shall likewise be the duty of the said company, when the said railroad shall intersect any farm, to provide and keep in repair a suitable passage across the said railroad for the use of the said farm.

Obstruction or damage to railroad or property of company.

SECTION 13. *And be it further enacted, as aforesaid,* That if any person or persons shall willfully and intentionally damage or obstruct the said railroad or any part thereof, or any part of the works and property of the said company, they shall be liable to the company in a civil action for

OF RAILROADS.

double the damages sustained, and shall moreover be guilty of a misdemeanor, and on indictment and conviction shall be fined not exceeding one thousand dollars, at the discretion of the court. Penalty.

SECTION 14. *And be it further enacted, as aforesaid, That* if at any time an election of officers of the said company shall not be held and had pursuant to the provisions and appointment of this act, the corporation shall not for that cause be deemed to be dissolved, but it shall be lawful to hold and have such election at any time afterward on giving ten days' notice thereof in two newspapers published in this State of the time and place of holding such election; and it shall be lawful for the Governor of the State for the time being to supply any vacancies which may occur among the commissioners appointed by this act. Failure to elect officers not to dissolve the corporation.

Vacancies in commission, how filled.

SECTION 15. That said corporation hereby created shall be exempt from the payment of any State and county taxes for the period of five years from and after the time said railroad shall be used and operated within the limits of this State, and from and after the expiration of said five years the said corporation shall be subject to and shall pay to the State of Delaware any and all just taxes which may be assessed upon it. Exemption from state and county taxes for five years.

SECTION 16. *And be it further enacted, as aforesaid, That* this act shall be deemed and taken to be a public act, and may be pleaded and given in evidence as such in all courts of law and equity in this State, and that this charter shall be deemed and held to be perpetual or without limitation as to the time, subject nevertheless to the power of revocation for the misuse or abuse of its privileges by the said company, which is hereby reserved to the Legislature. Public act.

Charter perpetual.

Passed at Dover, March 11, 1891.

OF RAILROADS.

CHAPTER 185.

OF RAILROADS.

AN ACT to aid the Laurel and Roaring Point Railroad Company to construct their road, and for other purposes.

Preamble. Whereas for the purpose of aiding the Laurel and Roaring Point Railroad Company to construct their railroad; therefore

Be it enacted by the Senate and House of Representatives [of the State of Delaware] in General Assembly met:

State Treasurer authorized to issue State bonds to aid Laurel and Roaring Point R. R. Co. in constructing railroad.

SECTION 1. That as soon after the passage of this act as the directors of the Laurel and Roaring Point Railroad, hereafter to be elected in pursuance of the act incorporating said company, shall procure *bona fide* subscriptions to be made to the capital stock of said company to the amount of ten thousand dollars, and shall procure and cause said subscriptions to be paid in as hereinafter provided, it shall be the duty of the State Treasurer, and he is hereby authorized, empowered and directed to cause the bonds of this State to be made to the amount of fifty thousand dollars, and to deliver the said bonds to the amount of forty-four thousand dollars to the directors of the said Laurel and Roaring Point Railroad Company, retaining the residue of said bonds for the purpose hereafter specified. Said bonds to be delivered by the State Treasurer to the directors of the company aforesaid, at such times and to such amounts as is hereinafter provided, as a loan to said company in the construction of this railroad, from a point at or near Laurel, in Sussex county, to the south line of this State.

Time of delivery of first installment of bonds.

SECTION 2. That as soon as the State Treasurer is satisfied by the oath or affirmation of the directors of said company that the sum of five thousand dollars has been paid in, in furnishing materials, work and labor necessary for the construction of the said railroad, or any bridge or other structure or building connected therewith, or in money, at the election and discretion of the directors of the said railroad company, into the treasury of said company upon the subscriptions to the capital stock of said company, as required by Section 1 of this act, it shall be the duty of the State

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Treasurer for the time being, and he is hereby directed to deliver to the directors of said company the bonds of this State, authorized to be made by Section 1 of this act, to the amount of ten thousand dollars; and whenever it shall appear to the satisfaction of the State Treasurer as aforesaid that the further sum of five thousand dollars (being the residue of said ten thousand dollars) has been actually paid in, in furnishing materials, work and labor necessary for the construction of said railroad, or any bridge, or other structure or building connected therewith; or in money, at the election and direction of the directors of the said railroad company, upon the subscription to the capital stock of said company, as required by Section 1 of this act, it shall be the duty of the State Treasurer for the time being, and he is hereby directed to deliver to the directors of said company the bonds of this State, authorized to be made by Section 1 of this act, to the amount of ten thousand dollars; and whenever it shall appear to the satisfaction of the State Treasurer as aforesaid that further bona fide subscriptions have been made to the capital stock of said company to the further amount of fifteen thousand dollars in addition to the stock required by Section 1 of this act to be subscribed thereto, as aforesaid, and that the sum of ten thousand dollars has been paid in in furnishing materials, work and labor necessary for the construction of the said railroad, or any bridge, or other structure or building connected therewith, or in money, at the election and discretion of the directors of the said railroad company, into the treasury of said company, upon the subscriptions last aforesaid to the capital stock of said company and required by this section, it shall be the duty of the State Treasurer for the time being, and he is hereby directed to deliver to the directors of said company the bonds of this State, authorized to be made by Section 1 of this act, to the further amount of fifteen thousand dollars; and whenever it shall appear to the satisfaction of the State Treasurer, as aforesaid, that the further sum of five thousand dollars (being the residue of said sum of fifteen thousand dollars last aforesaid required to be subscribed to said capital stock of said company) has been actually paid in, in furnishing materials, work and labor necessary for the construction of the said railroad, or any bridge, or other structure or building connected therewith, or in money, at the election and discretion of the directors of the said railroad company into the treas-

Time of delivery of second installment of bonds.

Delivery of third installment of bonds.

Delivery of residue of bonds.

OF RAILROADS.

ury of said company, upon the subscriptions last aforesaid to the capital stock of said company and required by this section, it shall be the duty of the State Treasurer for the time being, and he is hereby directed to deliver to the directors of said company the bonds of this State authorized to be made by Section 1 of this act to the amount of nine thousand dollars, being the residue of said sum of forty-four thousand dollars mentioned and authorized to be issued by said Section 1 of this act.

SECTION 3. That the bonds of this State authorized to be made by Section 1 of this act, shall be in the following form:

Form of
bonds.

INTERNAL IMPROVEMENT BOND.

No. — UNITED STATES OF AMERICA. \$1,000.
STATE OF DELAWARE.

These presents certify and make known that the State of Delaware is held and firmly bound unto the bearer in the sum of one thousand dollars lawful money of the United States of America, which she binds herself to pay to the bearer on or before the first day of January, A. D. —, with interest at the rate of six per centum, payable at the Philadelphia National Bank of the city of Philadelphia, on the first day of January and July, until the principal be paid.

Dated at Dover, the — day of —, 189—.

Witness the Great Seal of the State, and the hands of the Governor, Secretary of State, and State Treasurer.

{ SEAL. }	_____	Governor.
	_____	Secretary of State.
	_____	State Treasurer.

Coupons.

Bonds, how
signed.

Faith
pledged.

Mortgage of
company in
favor of Del.
aware.

The said bonds shall be numbered from one to fifty, and shall have coupons attached for the payment of interest, numbered to correspond with the bonds, and signed by [the] State Treasurer. The said bonds shall be signed by the Governor, Secretary of State, and State Treasurer, and have the Great Seal attached. The public faith is hereby pledged for the payment of the interest and principal of said bonds.

SECTION 4. That the directors of the Laurel and Roaring Point Railroad Company, in consideration of the bonds of this State to be delivered to them, under provisions of Section 2 of this act, and the further consideration of this State

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to the amount of six thousand dollars, to be retained by the State Treasurer, and applied for the benefit of said company, as hereinafter provided, shall prepare, execute and acknowledge, at the expense of said company, a mortgage in favor of the State of Delaware, which shall be the first lien on the whole road, for fifty thousand dollars, on the whole line of the railroad of said company, from a point at or near Laurel, in Sussex county, to the south line of the State. Said mortgage shall include all the land of the company on the line of said road, the railroad to be constructed and made thereon, including the crossties, bridges, iron and other materials used in making the railroad of said company, and all switches, including turntables and depots of the company, and all and singular the appurtenances to the said railroad belonging or appertaining, and all rights and franchises pertaining to and enjoyed by said company, and shall deliver said mortgage to the State Treasurer, at the time of the payment or delivery to the said directors of the bonds of the State to the amount of ten thousand dollars, first mentioned in Section 2 of this act. The State Treasurer shall cause the said mortgage to be duly recorded in the office of the Recorder of Deeds, at Georgetown, in Sussex county. Said mortgage shall bear interest at the rate of six per centum, from date, and shall be payable on or before the first day of January, A. D. 1911.

Amount.

Recording
of mortgage.Interest and
time of pay-
ment.

SECTION 5. That the State Treasurer be and he is hereby authorized and directed to sell, at such time or times and in such manner as he may deem proper, the bonds of this State to the amount of six thousand dollars which he is authorized by Section 1 of this act to retain out of the bonds authorized by said section to be issued, to apply the proceeds from the sale of said bonds to the payment of the interest on the mortgage required by Section 4 of this act, for the two years from the date of said mortgage.

Sale of bonds
to the
amount of
\$6,000.

SECTION 6. That for the purpose of meeting the interest on the mortgage required by Section 4 of this act, the directors of the Laurel and Roaring Point Railroad Company, after the expiration of two years from the date of said mortgage, shall pay to the State Treasurer twenty-five per centum for every passenger carried over on said railroad or any part thereof, and twenty-five per cent. in the amount of all other freights and tolls received by the company, or all other business done on said railroad. The payment, both for passengers

Mode of
paying
interest.

OF RAILROADS.

Interest,
when paid.

carried and other business done by said company, shall be made semi-annually on the first day of January and the first day of July in each and every year, and shall be accompanied by a statement, verified by oath of the proper officer of said company, showing the number of passengers carried and the amount of other business done. In case the amount received by the State Treasurer under the provisions of this section shall be insufficient to pay the interest on said mortgage, as the same shall become due, it shall be lawful for any subsequent Legislature to increase the rates specified in this section; and if the amount received by the State Treasurer, under the provisions of this section, shall be more than sufficient to meet the interest on said mortgage, then such excess shall be deemed and considered a payment on the principal of said mortgage.

Foreclosure.

SECTION 7. That if the said directors of said company shall fail to make the return and payment to the State Treasurer required in Section 6 of this act for a period of thirty days after the time appointed for such return and payment to be made, and shall otherwise fail for the period aforesaid to pay the interest on the mortgage aforesaid, such default on the part of the directors of said company shall make the whole mortgage due and payable, and the State Treasurer shall proceed to collect the whole of said mortgage by due process of law, and said mortgage shall contain a proviso to this effect.

Interest and
other
moneys, how
applied by
State.

SECTION 8. That the interest paid to the State Treasurer on the mortgage aforesaid, and all money received by him under any of the provisions to be applied to the interest on the mortgage aforesaid, shall be by him applied to the payment of the interest on the bonds of this State authorized to be made by Section 1 of this act.

Bond that
R. R. Co.
will build
railroad, etc.

SECTION 9. That before any of the provisions of Section 2 of this act shall take effect the directors of the said company, to be elected as aforesaid, shall enter into a joint and several bond to the State of Delaware in the penal sum of twenty thousand dollars, conditioned for the faithful application of all money received by them under the provisions of this act, together with all money received by them under said subscription to the capital stock of the company aforesaid, to the construction of the railroad of said company from a point at or near Laurel to the south line of the State,

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so far as the same shall be necessary for that purpose, before any part thereof shall be applied for any purpose other than the construction of the aforesaid railroad from a point at or near Laurel to the south line of the State.

SECTION 10. That the provisions of this act shall be accepted by the aforesaid company at a meeting of its stockholders to be held within three months from the passage of this act. Said acceptance shall be certified under the hand of the president and seal of said company and delivered to the State Treasurer, who shall cause the same to be recorded in the Recorder's office at Georgetown; and when so recorded, the record, or a duly certified copy thereof, shall be evidence, and this act shall not take effect until it has been accepted by the company as aforesaid.

Acceptance
of the pro-
visions of
this act.

Certificate of
acceptance.

SECTION 11. That no interest shall be required to be paid to the State on the mortgage of the said railroad company until the interest and coupons on the said bonds of the State, which shall have been paid by the State, shall amount to the sum of six thousand dollars, that is to say: to the amount of said bonds directed to be retained by the State Treasurer by the provisions of this act.

Interest,
when to be
paid.

Passed at Dover, May 14, 1891.

CHAPTER 186.

OF RAILROADS.

AN ACT requiring the placing of Electric Gong Signals at a certain railroad crossing in Christiana Hundred.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That the railroad companies which own and control the tracks crossing the Wilmington and Christiana turnpike road, about one-half mile southwest of the limits of the city of Wilmington, in Christiana hundred, be and they are hereby directed and required to place electric gong

Railroad
company
directed and
required to
place elec-
tric gong
signals at
certain
crossings.

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signals at said crossing, on or before the first day of May next, and to maintain the same thereafter.

Fine for neglect.

SECTION 2. That each of said railroad companies shall be liable to a fine of ten dollars per day for each and every day that they neglect to so place and maintain said electric gong signals at said crossing, after the first day of May next, recoverable before any justice of the peace in New Castle county.

Passed at Dover, March 26, 1891.

CHAPTER 187.

OF RAILROADS.

A Further Supplement to an act entitled "An act to Incorporate the Wilmington City Railway Company," passed at Dover, February 4, 1864.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch thereof concurring herein):

Wilmington City Railway Company authorized to borrow money.

SECTION 1. That the Wilmington City Railway Company be and it is hereby authorized from time to time to borrow such sum or sums of money, not exceeding six hundred thousand dollars, as may be necessary and proper for the funding or payment of its indebtedness and for the proper equipment and extension of its lines, and to secure the same by the issue of its bonds and by mortgage of the whole or any part of its franchises and property, real and personal, and for such purposes, and for the payment of the bonds so issued, it is further authorized to increase its capital stock from time to time to such amount, not exceeding eight hundred thousand dollars, as its stockholders by a majority vote shall direct.

Security.

Increase of capital stock

Public act.

SECTION 2. This act shall be deemed and taken to be a public act and published as such.

Proviso.

SECTION 3. *Provided*, that the Wilmington City Railway Company shall not enter upon any streets or roads to lay

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tracks or erect wires or poles without the consent of the duly authorized authorities of the city or county, as the case may be, and that the said company shall be required to pave within the rails of their tracks and for the distance of three feet on either side thereof, and keep the same in good repair; and shall not interfere with the proper and free access to the culverts, water, gas and other pipes for the public use in the said city; and the said company shall not at any time be allowed to charge a greater amount than five cents for any one fare or ticket or ride in their cars through the said city.

Consent of authorities.

Paving.

Restriction as to fares.

Passed at Dover, March 26, 1891.

CHAPTER 188.

OF RAILROADS.

AN ACT to amend the Charter of "The Front and Union Street Railway Company." (15 Del. Laws, Chap. 432).

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch of the Legislature concurring therein), as follows, to wit:

SECTION 1. That the act entitled "An act to incorporate the Front and Union Street Railway Company" be and the same is hereby amended in the manner following, to wit:

Chapter 432, Volume 15, Laws of Delaware, amended.

By striking out the words "one-half," in the eighteenth line of Section 2 of said act, and inserting in lieu thereof the words "two-thirds."

Section 2, Chapter 432, Volume 15, amended.

By striking out the words "seventy-five," in the sixth and seventh lines of Section 3, of said act, and inserting in lieu thereof the words "three hundred."

Section 3, Chapter 432, Volume 15, amended.

By striking out the whole of Section 7 of said act, and inserting in lieu thereof the following:

Section 7, Chapter 432, Volume 15, stricken out.

"SECTION 7. It shall be the business of said corporation to locate, construct, operate, and maintain a city railway for

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Corporation to build and maintain city railway. the carriage of passengers and freight for compensation within the city of Wilmington, with the privilege also of extending such railway to any place or places outside of said city, to the distance of not more than six miles beyond the city limits, and the carriages or cars of said railway may be moved or propelled by horses, by electricity, by cable motor, or by any improved motive power, except steam, which said company may in its discretion at any time adopt, the right being hereby given said company to erect, construct, operate, and maintain such devices, contrivances, machinery and appliances as are necessary to render the said motive power effective in moving or propelling the carriages, cars or other rolling stock of said company.

Power.

Commencement of city railway, and location. "The said railway shall commence at or near the intersection of Market and Front streets, and shall extend in a westerly course along Front street, and connecting streets, to such place or places as the directors of said company shall select, either within or without the city limits;

Proviso. *provided* said place so selected be not more than six miles distant beyond the city limits. From the westerly course of said railway, above designated, said railway shall extend northerly along Union, DuPont, and Broom streets, or either of them, and connecting streets, to a point not more than six miles beyond the northerly limits of the city; *and provided further*, that for the purposes aforesaid no streets shall be occupied by said Front and Union Street Railway Company where occupied by the Wilmington City Railway Company, or where proposed extensions of the lines of said last named company have been already consented to by the Street and Sewer Directors of Wilmington. The said railway, commencing at or near the intersection of Market and Front streets, aforesaid, shall extend easterly from said point along Front street, past the Philadelphia, Wilmington and Baltimore Railroad Depot, to Walnut street; thence by Walnut street to Fifth street; thence by Fifth street to Church street, and thence thereby to Eleventh street, and thence by Eleventh street, or by other streets connecting therewith, to a point or points not more than six miles beyond the easterly or northerly boundary lines of the city.

Course of railway.

Privileges of company. "The said the Front and Union Street Railway Company shall have the privilege, if it so desires, of running over the tracks of the Wilmington City Railway Company from Market street to the side of Walnut street, upon receiving the

OF RAILROADS.

permission of the said Wilmington City Railway Company, and paying the said last mentioned company an equitable compensation for such use of said tracks; *provided*, how-
 ever, that no rights shall be acquired or claimed to use or occupy the tracks of said Wilmington City Railway Company or streets through, over or along which its railway shall be operated, except by contract and agreement of the two companies, but the said Front and Union Street Railway Company and said Wilmington City Railway Company may enter into such contracts and agreements respecting the use, occupation, maintenance and operation and furnishing power, equipment and appliances of their respective lines and properties, and the transfer of passengers, as shall be mutually satisfactory and agreed upon; *and provided further* that in case no agreement can be reached between said companies, allowing the Front and Union Street Railway Company to use the tracks of said Wilmington City Railway Company along Front street from Market street to Walnut street, then said Front and Union Street Railway Company may extend its tracks northerly from Front street by either Orange street or Shipley street to either Second street or Third street, and thence along either of said last named streets to Walnut street, and thence northerly, as aforesaid.

Proviso.

Contracts
respecting
use of
power, etc.

Proviso.

"The railway or any part of the same to be constructed under this section may be laid with a single or double track, and the same may at any time be altered from the one to the other as the directors shall deem expedient, and it may be laid, located, constructed, operated and maintained with all sidings, turnouts, switches, poles, wires, cables, chains, devices, contrivances, machinery and appliances necessary in the judgment of said directors for the proper working of said railway, and for the purposes of locating, constructing, operating and maintaining the said railway, with all its sidings, turnouts, switches, poles, wires, cables, chains, devices, contrivances, machinery and appliances as aforesaid, the said company shall have power to use and occupy so much of any street, avenue, highway or turnpike within said city as may be necessary, and if any part of said railway extends beyond the city limits, the company may, for the purposes aforesaid, use and occupy any public road of New Castle county, or if deemed expedient by the directors, may for the purposes aforesaid use and occupy any land other than a public road, the title to said land being first acquired as hereinafter directed; *provided* that said railway shall be con-

Track of
railway.

Equipments

OF RAILROADS.

Grades. formed as near as may be to the grades which now are or hereafter may be established for any street over which the same shall be located and shall not interfere with the proper and free access to the culverts, water and gas pipes in said city. The said railway may cross any track of any railroad company now incorporated or which hereafter may be incorporated, whether the same is a steam railway, horse railway, or a railway of any other description; *provided* that if it crosses said track at grade it conform to the grade of the track to be crossed, but nothing herein contained shall prevent said company from erecting, constructing, operating and maintaining either overgrade or undergrade crossings where, in the discretion of its directors, it may be deemed advisable."

Crossing
tracks of
railway
companies.

Section 8,
Chapter 43,
Volume 15,
amended.

Occupying
lands.

Commis-
sioners to
view lands
and assess
damages.

Oath of
Commis-
sioners.

Certificate
of proceed-
ings.

Payment of
damages.

By inserting after the figure "8" and before the word "if," in the first line of Section 8 of said act, the words following, to wit: "Whenever it shall be deemed by the directors necessary to enter upon and occupy any lands, tenements or hereditaments (for the use of said corporation) if the owner or owners of such lands, tenements or hereditaments be not known, or be under the age of twenty-one years, or if the directors and such owner or owners cannot agree upon the compensation to be made therefor, the Superior Court for New Castle county in term time, or any judge of the same, in vacation, shall, upon application by the company, appoint, subject to the limitations hereinafter contained, five commissioners (who shall be freeholders) who shall go upon the premises, first giving notice of the time and place of their meeting to the president of the company [and] to the owner or owners of the premises if residing within the county, otherwise such notice shall be given to the tenant in possession of the premises. The commissioners being sworn or affirmed to perform their duties with fidelity shall assess fairly and impartially the damages of such owner or owners to be sustained by the premises being taken for the use of the company, taking into consideration all the advantages to be derived to the owner or owners by reason of said railway, and shall certify their proceedings, with their assessment, under their hands and seals, or the hands and seals of a majority of them, to the company; whereupon the said company, upon recording the same in the office for recording deeds in, and for New Castle county, and paying to the owner or owners of the premises the damages assessed, as aforesaid, or depositing the same to the credit of such

OF RAILROADS.

owner or owners in the Farmers' Bank of the State of Delaware, at Wilmington, shall become entitled to hold, use, occupy and enjoy the said premises, exclusively to it, its successors and assigns forever; *provided* that either party, being dissatisfied with the damages so assessed, may, on application to the Prothonotary of New Castle county, within ninety days after such assessment shall have been recorded as aforesaid, sue out a writ of [*ad*] *quod damnum*, requiring the Sheriff of said county, in the usual form, to inquire by twelve impartial men of his bailiwick, under oath or affirmation, of the damages aforesaid. The assessment of the jury duly made and returned by the Sheriff shall be final. If increased damages are found by the jury the increased amount shall be paid or deposited by the company as before provided, and if the damages be reduced the owner shall refund the amount diminished. The cost of the inquisition shall be paid by the unsuccessful party. The fee of a commissioner shall be one dollar per day, to be paid by the company, and of a juror, one dollar and fifty cents. The works of said company shall not be delayed by such application for a writ of *ad quod damnum*, but upon payment or deposit, as hereinbefore provided, of the damages awarded by commissioners, the title of the company to enter upon, use, occupy and enjoy the premises inquired of and to hold the same, to it, its successors and assigns, shall become vested and perfect.

Proviso.

Writ of *ad quod damnum*.

Assessment final.

Fee of Commissioners and jurors.

No delay by writ of *ad quod damnum*.

Should a commissioner appointed under this section die or become incapable of acting before the commission is executed, any judge of the Superior Court may fill the vacancy; *provided* that the provisions of this section shall not be used or operative to acquire or use the tracks of said Wilmington City Railway Company, or rights, powers or privileges in the streets where its lines are operated, extended, or where extensions have been heretofore consented to by the Street and Sewer Directors of Wilmington; and *provided further*, that the Front and Union Street Railway Company shall not enter upon any streets or roads to lay tracks, or erect wires or poles, without the consent of the duly authorized authorities of the city or county, as the case may be, and that the said company shall be required to pave within the rails of their tracks, and for the distance of three feet on either side thereof, and keep the same in good repair, and shall not interfere with the proper and free access to the culverts, water, gas, and other pipes for the public use in the said city. And the

Death or incapacity of Commissioners. Vacancies, how filled, Proviso.

OF RAILROADS.

said company shall not at any time be allowed to charge a greater amount than five cents for any one fare or ticket or ride in their cars through the said city.

Passed at Dover, April 8, 1891.

CHAPTER 189.

OF RAILROADS.

AN ACT to amend the Charter of the "River Front Railroad Company."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring herein):

Chapter 488,
Volume 13,
amended.

SECTION 1. That the act entitled "An act to incorporate the River Front Railroad Company," passed at Dover, January 21, 1869, being Chapter 488 of Volume 13 of the Laws of Delaware, be and the same is hereby amended as follows, to wit:

Section 4
amended.

By inserting in Section 4 of said act, after the word "Wilmington" and before the word "for," in the third line thereof, the words following: "or at the office of the Edgemoor Iron Company in Brandywine hundred, New Castle county, Delaware."

Section 6
amended.

By inserting in Section 6 of said act, after the word "Wilmington" and before the word "and," in the third line thereof, the words following: "or at the office of the Edgemoor Iron Company in Brandywine hundred aforesaid."

Passed at Dover, April 22, 1891.

OF RAILROADS.

CHAPTER 190.

OF RAILROADS.

AN ACT to authorize the Delaware, Maryland and Virginia Railroad Company to Construct a certain Branch Railroad.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch of the Legislature concurring therein) as follows:

SECTION 1. That it shall and may be lawful for the Delaware, Maryland and Virginia Railroad Company to locate, construct, maintain and operate a branch of railroad of one or more tracks, commencing at a point on its main line, at or near Harbeson, in the county of Sussex, and extending thence to the town of Milton, and terminating at a convenient point on the south side of the Broadkill river. And for the purpose of enabling it to acquire the necessary lands for the right of way for said branch, it shall have, be possessed of and exercise all the powers, rights, and remedies which were possessed by the Junction and Breakwater Railroad Company in the location and construction of its railroad. *Provided, however,* that work on said branch shall be *bona fide* commenced within nine months, and the same shall be completed and put in operation within two years, or the power conferred by this act shall cease, terminate and become void.

SECTION 2. That this shall be a public act, and power to revoke the same for cause is hereby expressly reserved to the Legislature.

Passed at Dover, May 4, 1891.

OF RAILROADS.

CHAPTER 191.

OF RAILROADS.

AN ACT to amend Section 1 of the act passed at Dover April 13, 1887, entitled "A further additional Supplement to the act entitled 'An act to incorporate the Delaware Railroad Company.'"

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring), as follows:

Section 1,
Chapter 155,
Volume 18,
amended.

Delaware
Railroad
Company
authorized
to purchase
the New
Castle
branch or
cut off.

SECTION 1. That Section 1 of the act, passed at Dover, April 13, 1887, entitled "A further additional Supplement to the act entitled 'An act to Incorporate the Delaware Railroad Company,'" be and the same is hereby amended by inserting between the words "and" and "the" in the tenth line thereof, the following, viz: "the point where said line of railroad intersects the Shellpot branch or cut-off north of the Christiana river, and near to;" and that the said section be and the same is hereby further amended by striking out all of said section after the figures "1877" in the thirtieth line thereof, and inserting the following in lieu of the part so stricken out, to wit: "And it shall also be lawful for the said the Delaware Railroad Company, and it is also expressly authorized and empowered, to purchase of and from the Philadelphia, Wilmington and Baltimore Railroad Company, and the latter corporation is hereby likewise authorized and empowered to sell and convey unto said first mentioned corporation, all that certain other line of railroad, situated in the said county of New Castle, in the State aforesaid, known as the New Castle branch or cut off, extending from a point near State Road Station to its intersection with the Shellpot branch or cut off near to and on the southwest side of the Christiana river, including all real estate, rights of way, stations, station grounds, rails, ties, bridges, switches, side tracks and all other property and appurtenances used or intended to be used as a part of or in connection therewith; the same being one of the branch railroads authorized by and constructed under the act passed at Dover, February 4, 1885, entitled "A supplement to the act entitled an act to authorize the Philadelphia, Wilmington and Baltimore Railroad Company to widen and improve its limits of railroad within this State," passed at Dover, Feb-

OF RAILROADS.

ruary 27, 1883. When the sale shall have been consummated by the delivery of the deed as hereinafter provided, the said The Delaware Railroad Company shall thereby acquire all the title to the property sold which the said corporation vendor had therein; and the same shall thereupon become and be part and parcel of the property of the said The Delaware Railroad Company and shall become and be merged and consolidated into and with its other property, with all rights, powers and franchises therewith connected, and it shall thereupon have, enjoy and be possessed of all the rights, franchises and property to be acquired under this act as fully and completely as if the said railroad's property and franchises had been acquired under its charter."

Passed at Dover, May 8, 1891.

CHAPTER 192.

OF RAILROADS.

AN ACT to incorporate the Delaware Terminal Railroad Company.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That William L. Sirman, John B. Dorman, John M. Eisenbrey, Daniel M. Ridgely, William R. Allaband, Franklin Temple, Harry F. Ford, John W. Taylor, Minos Conaway, S. Gilbert Wilds, Jehu M. Reed, E. J. Morris, John D. Burton, William Dyer, Robert W. Reynolds, C. L. Williamson, William Ellison, Lowder L. Sapp, Daniel W. Corbit, John C. Higgins, George H. Gildersleeve and Thos. F. Dilworth, [be] and they are hereby appointed commissioners to do and perform the several things hereinafter mentioned, that is to say: they or a majority of them shall procure and cause to be opened, at such times and places and such notice as they may deem proper, suitable books for subscriptions to the stock of "The Delaware Terminal Railroad Company," and they shall permit all proper persons to subscribe in said books in their own names or in the names of any other person, or in the name of any partnership or com-

Commissioners.

Opening of books.

OF RAILROADS.

pany who may authorize the same, for any number of shares of said stock, not exceeding in aggregate five hundred shares of the stock of the aforesaid railroad company. The capital stock of the said company shall be eight hundred thousand (\$800,000) dollars, divided into sixteen thousand shares of fifty dollars each, and the company shall, at any time, have the privilege and power to increase the said capital stock whenever a majority of the stockholders shall vote for such increase at a special meeting called for that purpose in accordance with the by-laws of the company; *provided, however*, that the capital of said company shall never be increased so as to exceed the sum of two million dollars. Certificates of said stock shall be signed by the president and countersigned by the secretary and sealed with the corporate seal, which stock shall be transferable in person or by attorney, or by executors, administrators, guardians, trustees or officers, under such regulations as may be prescribed by the by-laws.

Capital stock
\$800,000.

Increase of
capital stock

Proviso.

Certificate,
how signed.

SECTION 2. That when and as soon as two thousand shares of the capital stock in said company shall be subscribed as aforesaid and fifteen per centum of the par value of said stock is paid in, the subscribers and such others as may hereafter become stockholders, their successors and assigns, shall be and they are hereby declared to be a corporation and body politic by the name and style of "The Delaware Terminal Railroad Company," and by said corporate name the subscribers and such other persons as may hereafter become stockholders, their successors and assigns, shall have perpetual succession, and be able to sue and be sued, plead and be impleaded in all courts of record in this State or elsewhere, and to purchase, receive, have, hold and enjoy to them, their successors or assigns, real and personal property of whatsoever nature or kind, and the same from time to time to grant, mortgage, sell, alien, lease and dispose of, and to declare dividends of such portions of the profits of the company as they may deem proper; also to make and have a common seal and the same to alter and renew at their pleasure, and also to make and ordain by-laws and regulations for the government of the said corporation not inconsistent with the Constitution and Laws of this State or the United States, and generally to do all and singular the matters and things necessary for carrying into effect the objects and purposes of said corporation, or which they may lawfully do for the well being of the said corporation, or the ordering of the affairs and business of the same; *provided*, that nothing

Prerequisites for becoming a corporation.

Powers, etc.

Common seal
By-laws and
and regulations.

Proviso.

OF RAILROADS.

herein contained shall confer any banking privileges upon said company, or any other franchises or liberties except those that are properly incident to such a corporation.

SECTION 3. That as soon as two thousand shares of stock shall be subscribed as aforesaid and fifteen per centum of the par value thereof shall be paid in cash, the said commissioners, or a majority of them, shall call a general meeting of the subscribers, at Dover, at such time as they may appoint, of which twenty days' notice shall be given in at least one newspaper in each of the counties of this State. At such meeting the said commissioners shall lay the subscription books before the subscribers then and there present, whereupon the subscribers, or a majority of them, shall elect nine directors, a majority of whom shall be citizens of this State and all of them stockholders of the said company, and their term of office shall be until the annual meeting of the stockholders next succeeding their election and until their successors are elected. The said election shall be conducted by three of the said commissioners as judges thereof. The voting shall be done by ballot, all votes shall be given in person or by proxy, and each share of stock shall entitle the owner to one vote. The powers and duties of the said directors shall be in all respects the same as those of the directors elected at any annual meeting.

SECTION 4. That there shall be an annual meeting of the stockholders on the first Tuesday in January in every year thereafter, in the town of Dover, for the purpose of electing directors and for the transacting of other business. In all meetings of the stockholders regularly convened those present may proceed to business, and all questions shall be determined by a majority of the votes given. At every annual meeting the stockholders shall elect nine directors, a majority of whom shall be citizens of this State and all of them stockholders in the said company. The election shall be conducted by three of the stockholders not being directors, to be appointed by the directors for the time being, as judges of the election. The voting shall be by ballot. All votes shall be given in person or by proxy under seal and attested by at least one witness, and each share of stock shall entitle the owner to one vote. The directors, immediately after their election, shall proceed to elect one of their number as president of their company and of the board of directors; the term of office of the said president shall be until the annual

OF RAILROADS.

meeting of the stockholders next succeeding his election and until his successor shall be duly chosen. The directors shall also appoint, immediately after their election, a secretary and treasurer of the said company, who shall be stockholders in the company, and who shall continue in office for the term aforesaid and until their successors shall be duly appointed, unless sooner removed for cause by the directors. They shall require of the treasurer upon his appointment a bond, with sufficient security for the proper performance of the duties of his office and the faithful discharge of the trust reposed in him by the said company. A majority of the whole number of directors shall constitute a quorum for the transaction of business, and in the absence of the president may appoint a chairman of the board *pro tempore*. Vacancies in the board of directors, and in the office of president, secretary and treasurer, may be filled by the remaining directors, to continue until the next ensuing annual meeting. Occasional meetings of the stockholders may be called and at such time and place as the president and directors may deem expedient.

Place of meeting.

Powers of directors.

SECTION 5. The president and directors of the company shall hold their meetings at such places as they may deem expedient on the line of said road. The said directors shall have the general management, direction and conduct of the business, property and operations of the said company, and for that purpose they shall have full power to do all the acts that may be necessary to effect the purposes for which the said company is hereby incorporated; they shall have power to appoint and employ all such officers and agents, contractors, workmen, and skilled and unskilled laborers as they shall deem necessary, and to fix the salaries of all officers of the corporation and the compensation and wages of all persons employed by them, as aforesaid, and to take bond from them, or any of them, with sufficient security for the faithful performance of their trusts, duties or contracts, and also to procure such materials, erect such buildings and structures, and to purchase or employ such engines, cars, equipments and supplies for the road, and for that purpose to enter into such contracts and agreements with other persons and companies as they may consider proper, expedient and best adapted to promote the objects and subserve the interests of the said company. They shall have power to declare dividends of so much of the net profits of the corporation as they shall deem expedient, *provided* that no

Dividends.
Proviso.

OF RAILROADS.

dividend shall be made except out of the net profits of the company. They shall have power to raise and collect the capital stock and funds of the said company, and to bind, by their contracts, under the seal of the corporation and the hand of their president, all the property and estate of the said company. They shall have power also to make and prescribe the by-laws and regulations for the government of the company, to provide certificates of stock under the seal of the company and the signature of the president, and countersigned by the secretary, for all the shares subscribed, and to prescribe the mode of assignment and transferring the same, and generally to do all such other matters and things as by this act and the by-laws and regulations of the company they shall be authorized to do.

By-laws and regulations.

Certificates of stock.

SECTION 6. That it shall be the duty of the president and directors to procure certificates of stock for all the shares subscribed in said company, and cause the same to be signed, countersigned, and sealed as aforesaid, and to be issued to the subscribers therefor, which shall be assignable at the will of the holder in the manner prescribed by the by-laws of the company; and the assignee of any such certificate so transferred shall be a stockholder in said company, and shall be entitled to all the rights and emoluments incident thereto, and be subject to all the installments, forfeitures, penalties, and liabilities due or to become due thereon as the original subscriber would have been.

Assignment of certificate

SECTION 7. That the subscribers to the said capital stock shall pay to the treasurer of the said company the installment on each share by them subscribed, as the same shall be called in pursuant to the public notice and call of the directors, and if any subscriber shall omit, for thirty days after any such call, to pay any such installment at the time and place appointed in said notice, he shall pay, in addition to the installments, at the rate of five per cent. a month for the delay of such payment, or the shares so held by him, with all the previous installments paid thereon, may be declared forfeited to the company at the option of the directors. All sums of money which may accrue to the company under this section may be sued for and recovered as debts of like amount are recoverable by the laws of this State.

Payment on stock.

Failure to pay installments.

Penalty

SECTION 8. The times at which dividends may be declared shall be fixed by the by-laws, and public notice thereof

Time of declaring dividends.

OF RAILROADS.

shall be given by the directors of the company in at least one newspaper in each county of this State; and at each annual meeting of the stockholders it shall be the duty of the president and directors of the preceding year to submit to them a full and accurate statement of the proceedings and affairs of the company for that year.

Statement of
proceeding
to be sub-
mitted to
stockholders

Construction
of railroad.

Location of
railroad.

Uniting with
other roads.

Proviso.

Proviso.

Failure to
purchase
land, gravel,
etc., from
owner.

Application
to courts.

Notice.

SECTION 9. That the aforesaid, "The Delaware Terminal Railroad Company," be and they are hereby authorized to survey, locate, and construct a railroad, with one or more tracks, from any point in or near the town of Lewes, Sussex county, and State of Delaware, or at any point on the southern boundary line of this State, to any point on the line of New Castle county, Delaware, and the State of Maryland. The aforesaid company may unite with any line of railroad which is now constructed, or which may hereafter be constructed in this State, with the assent of such railroad line, on such terms and conditions as shall be agreed upon between the aforesaid "The Delaware Terminal Railroad Company" and the line or lines of railroad with which it may unite, to be reduced to writing and authenticated under the seals of the respective companies so uniting; *provided, however*, that if the railroad authorized to be constructed by this act shall cross the line of any railroad now built and constructed, such crossing shall not be at grade, but shall be by either an overhead or undergrade crossing, and such crossing shall be so effected as not to disturb the roadbed of the road which may be intersected. *Provided, however*, that the line of the railroad which may be constructed under this act shall be located so as to run within one mile of the town of Milton; within a half mile of the town of Milford; within a half mile of the town of Frederica; within a mile of Rising Sun; within two miles easterly of the town of Dover; within a mile of the town of Smyrna; and within a mile of Delaware City.

SECTION 10. That whenever any land, earth, sand, gravel, rocks, or other material necessary to be taken and used in the construction of the said railroad cannot be procured or purchased of the owner or owners thereof, by agreement between him or them and the company, the latter may apply to the Superior Court of the county in which such land, earth, sand, gravel, rocks or other materials may be located, or to any judge of said court in vacation, first giving the other party at least ten days' notice in writing of the intended application, if such party be within the State;

OF RAILROADS.

and the said court or judge shall appoint five judicious and impartial freeholders to view the premises and assess the damages which the owner or owners will sustain by reason of the said railroad's passing through or taking and using the same. The freeholders shall be sworn, or affirmed, before entering upon the premises, before some judge or justice of the peace, to perform faithfully and impartially the duty assigned them; and they shall give five days' written notice to the owner or owners of the premises, if within the State, and the same to the president of the company, of the time of their meeting for the discharge of their duty, which shall be upon the premises; and they shall make report in writing under their hands, or the hands of a majority of them, to both parties. If either party be dissatisfied with the damages so assessed, such party may, on application to the Prothonotary of the Superior Court of the county wherein the assessment was made, within thirty days after such assessment, sue out a writ of *ad quod damnum*, requiring the Sheriff, in the usual form and manner, to inquire of twelve impartial men of his bailiwick of the damages aforesaid, and their report shall be final; whereupon the damages so assessed being paid by the company to the party entitled, or in court for his, her or their use, whether they be under disability in law, or whether they be in or out of the State, the title to the land or premises described or condemned in said report, for the purposes aforesaid, shall be duly vested and shall be the absolute property of the said company, their successors and assigns. The fees of the freeholders and the Prothonotary and other officers employed in all such proceedings shall be fixed by the court, and in all cases shall be paid by the company.

Appointment of freeholders to assess damages, etc.

Freeholders to be sworn.

Notice of time of meeting.

Report.

Writ of *ad quod damnum*.

Fees of freeholders, prothonotary, and other officers.

SECTION 11. That it shall be the duty of the said company to construct and keep in repair good and sufficient crossings and passages for public travel across such railroad where any public road shall cross the same, so that teams, persons, horses and other live stock, shall not be hindered or obstructed in crossing said railroad. It shall also be the duty of the said company, when the said railroad shall cross or intersect any farm, to provide and keep in repair a suitable bridge or passage across said railroad for the use of the said farm.

Crossings and passages

Bridge for use of farms

SECTION 12. That if any person or persons shall willfully damage or obstruct the said railroad or any part thereof,

Damage or obstruction of railroad.

OF RAILROADS.

Penalty.

on any point of its line or road bed, or any part of the works and property of the said company, they shall be liable to the company in a civil action for double the amount of damages sustained, and shall also be guilty of a misdemeanor, and, on indictment and conviction, shall be fined not exceeding five hundred dollars in the discretion of the court.

Failure to hold elections not to dissolve corporation.

Vacancies filled by commissioners.

SECTION 13. That if at any time an election of officers of the said company shall not be held and had pursuant to the provisions and appointment of this act, the corporation shall not for that cause be deemed to be dissolved, but it shall be lawful to have and hold such election at any time afterward, on giving ten days' notice thereof in at least one newspaper published in each county in this State of the time and place of holding such election. And it shall be lawful for the commissioners appointed by this act to fill vacancies for the time being which may occur among their number.

Taxes.

Proviso.

SECTION 14. That the said company shall pay annually into the treasury of the State a tax, at the rate of one-half of one per cent. per annum on the capital stock of the company actually paid in, whenever the business of the company shall, over and above its liabilities and expenses, yield to the stockholders a profit or dividend on such stock equal to the rate of five per cent. per annum; *provided, however*, that the tax paid to this State by the aforesaid "The Delaware Terminal Railroad Company" shall never exceed the rate per mile charged upon or paid by any railroad with which it may be a competitor in this State.

Unlawful to sell or lease franchises to competing lines.

Attestation of conveyances.

Rates and charges.

SECTION 15. That it shall be unlawful for the aforesaid "The Delaware Terminal Railroad Company" to sell or lease any of the rights or franchises herein granted to any parallel or competing railroad or transportation company now built or operated in either of the lower counties of this State; and to more fully protect and carry into effect the intent and meaning of this section, it shall be the duty of the State Treasurer of this State to attest, upon the conveyance, the legality and regularity of any sale or lease whatsoever of any franchises herein granted. And the power and right at all times to regulate and control the rates and charges for transportation of persons and property on and over the line of the railroad which may be constructed and maintained under the authority of this act is also hereby expressly reserved to the Legislature.

OF CORPORATIONS.

SECTION 16. That this act shall be deemed and taken to be a public act, and as such may be pleaded and given in evidence in all courts of law and equity in this State or elsewhere, and that this charter shall be deemed and held to be without limitation as to time, subject nevertheless to the power of revocation for the misuse or abuse of its privileges by the said company, which is hereby reserved to the Legislature. That the railroad authorized to be constructed under this act shall be begun within two years from the passage of this act.

Public act.

Time of beginning the construction of road.

Passed at Dover, May 15, 1891.

CHAPTER 193.

OF CORPORATIONS.

AN ACT to incorporate Hope Lodge, No. 21, of the Independent Order of Odd Fellows of the State of Delaware, in the City of Wilmington.

SECTION 1. *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 branch thereof concurring):* That Milton Lackey, James Scott, Wm. H. Gear, Jacob Richardson, James Stroud, Foster C. Messenger, Joseph Richardson, Jr., William H. Sharp, Evan T. Speakman, Robert McFarlin, George H. P. Simmons, and such other persons as now are or hereafter may become members of Hope Lodge, No. 21, I. O. O. F., located in the city of Wilmington, in New Castle County, State of Delaware, shall be by virtue of this act one body politic and corporate, in fact and in law, and shall have continuance and succession for twenty years, by the name, style and title of Hope Lodge, No. 21, of the I. O. O. F. of the State of Delaware, in the city of Wilmington.

Corporators.

Hope Lodge No. 21, I. O. O. F. of Wilmington, incorporated

SECTION 2. *And be it further enacted,* That the said corporation and their successors, during the term of their corporate existence, shall be able and capable in law to purchase, take, receive and hold any lands, tenements, here-

Powers of corporation.

OF CORPORATIONS.

ditaments, rents, leases, stocks, goods and chattels, bonds, notes, mortgages, or money, or any property whatsoever which may be devised, given, or conveyed to or received by the payment of fees, dues and fines, and also to grant, sell, let, bestow, assign, or transfer the same, and to do all other matters relating thereto, by the name and title aforesaid, and shall have a common seal, with authority to break, alter, or renew the same at pleasure; may sue and be sued, plead and be impleaded, in any court of law or equity in this State and elsewhere, in any and all manner of actions, suits, complaints, pleas, causes, and matters whatsoever.

Appoint-
ment or elec-
tion of
officers.

SECTION 3. *And be it further enacted*, That the members of this corporation shall have power to appoint or elect such officers as they shall deem necessary and proper to conduct the business of said corporation and properly to manage its affairs, conformable to the provisions of this act and to the by-laws of said corporation, and from time to time to make and establish such by-laws and rules as they shall deem proper and necessary for the good government thereof; *provided* such by-laws and rules be not contrary to the Laws and Constitution of the State or of the United States.

By-laws and
rules.

Proviso.

Not to pos-
sess prop-
erty the
yearly in-
come of
which ex-
ceeds \$5,000.

SECTION 4. *And be it further enacted*, That the said corporation shall not have power to hold or possess, in any manner, goods, chattels, rights, credits, lands or tenements, or any other property, the clear yearly income of which shall exceed the sum of five thousand dollars, and shall not possess any banking powers, other than the lending of money on security for permanent investment.

Public act.

SECTION 5. *And be it further enacted*, That this act shall be deemed and taken to be public, and the power to revoke this charter at any time is hereby reserved to this Legislature.

Passed at Dover, February 10, 1891.

OF CORPORATIONS.

CHAPTER 194.

OF CORPORATIONS.

AN ACT to incorporate "The Trustees of Troop B Association."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch thereof concurring therein):

SECTION 1. That Robert J. Reynolds, Richard R. Ken-^{Corporation}ney, John P. Donahoe, Willard Hall Porter, William M. Field, Henry C. Robinson, James H. Beggs, Spottswood Garland, Watson R. Sperry, Stansbury J. Willey, Thomas B. Smith, Edward L. Rice, Jr., Henry C. Neimann, Samuel McClurken and Henry Schuler, and their successors chosen in accordance with the provisions of this act hereinafter contained, be and they are hereby created and declared a body corporate and politic by the name and style of "Trustees of Troop B Association," and by that name shall have succession for and during the period of twenty years from and after the passage of this act, and shall be able to sue and be sued, plead and be impleaded in all courts of record in this State or elsewhere, at law or in equity, and shall have power to make and use a common seal, and to alter and amend the same at pleasure, and for the purposes of this act, hereinafter set forth, to take, receive, have, hold, and enjoy by gift, grant, devise, bequest or purchase, real and personal property of whatever kind or nature, and to use the same; and from time to time, sell, grant, alien, mortgage, rent, pledge or otherwise dispose of the same; and to make, ordain and establish such by-laws, rules and regulations as shall be deemed necessary or convenient for the management and government of the affairs and business of said corporation, not being contrary to the constitution or laws of this State or of the United States; to appoint such officers and agents as shall be deemed necessary or convenient for the management of the affairs of said corporation; and generally do all such acts or things as are or shall be necessary and proper to carry into effect the provisions of this act and promote the design of said corporation. *Provided, however,* that the provisions of this charter shall not confer any banking powers.

^{"Trustees of Troop B Association" incorporated}
^{Powers and duties.}
^{Seal}
^{By-laws and rules.}
^{Appointment of officers and agents.}
^{Proviso.}

SECTION 2. That the purposes of said corporation are the erection, maintaining, fitting up, and furnishing of a

^{Purposes of incorporation.}

OF CORPORATIONS.

Issue of
stock.

Payable,
how.

Exemption
from taxa-
tion.

Civic organ-
ization of
Troop B, N.
G. D., dis-
banded.
Board of
Directors.

Vacancies.

Meeting of
trustees.

Organiza-
tion of
trustees.

building or buildings, in the city of Wilmington, to be used as an armory and headquarters for "Troop B, First Cavalry Regiment of the National Guard of Delaware," and such other tenants as may be deemed best by the trustees; and to fully maintain the foregoing purposes, stock may be issued to the amount of fifteen thousand dollars (\$15,000), as determined by the trustees, payable in full or in installments, as may be deemed necessary for purposes intended; par value of stock to be \$12 per share, and the same shall be non-assessable when fully paid.

SECTION 3. That all real and personal property shall be exempt from and free of all taxation of either city, county or State, and that the uses of all city sewers and water shall be exempt from and free of all cost of every kind.

SECTION 4. That the "Civic Organization" of Troop B, N. G. D., is hereby disbanded, and shall be reorganized under the acts of the trustees of this act, who shall act as a board of directors for the purposes herein intended; and any moneys payable as the share of appropriations of the "Troop B" shall be payable hereafter to the president of the board of trustees or his successors. That this corporation shall take, receive, and hold all property, moneys, and dues that now belong or shall or may belong to the disbanded Civic Organization; and, *furthermore*, this corporation shall fully assume all just debts of said Civic Organization and cause the same to be paid.

SECTION 5. That all vacancies in the board of trustees, either from death, declining to serve, or otherwise, shall be filled by the "Governor," upon recommendation of the remaining members of the board and the Adjutant-General of the State. The trustees shall meet once in every six months, and take an account of all property, real and personal, together with all moneys, rents, debts, and obligations, and receive and discharge the same. However, by consent of the board of trustees, the president, secretary, and treasurer may monthly collect all rents and dues, and pay all bills, as may be deemed necessary for the proper conduct of the affairs of this corporation. The trustees shall meet the first Monday in March, 1891, and organize, and then and there elect a president, vice-president, secretary, and treasurer to serve one year thereafter; and thence thereafter, upon the same day of each succeeding year, they shall elect the fore-

OF CORPORATIONS.

going officers, in such manner as they may see fit. The trustees may require from the secretary and treasurer such bonds for good behavior as they may think necessary and deem best. The trustees may pay the secretary and treasurer such salary for their services as in their judgment may be right and proper. The elected officers shall sit until their successors are qualified.

Election of officers.

Bonds.

Salary of secretary and treasurer. Term of office.

SECTION 6. That at any stated or special meeting of said corporation, for the transaction of business, the enactment of by-laws, or the doing of any other business or things, within the power of said corporation, a quorum shall consist of five members.

Quorum, what shall constitute.

SECTION 7. This shall be deemed and taken to be a public act.

Public act.

Passed at Dover, February 24, 1891.

CHAPTER 195.

OF CORPORATIONS.

AN ACT to incorporate "The Elizabeth Curts Widows' Asylum Association."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch thereof concurring):

SECTION 1. That Horace Burr, M. D., J. Park Postles, Isaac C. Pyle, John P. R. Polk, John S. Grohe, James Carrow, Thomas F. Bayard, Edward T. Canby, Samuel C. Biddle, all of the city of Wilmington, in the State of Delaware, and such other persons as shall hereafter become members of the association hereinafter mentioned, in accordance with the by-laws of the same, be and they are hereby made a body politic and corporate in law and in fact by the name and style of "The Elizabeth Curts Widows' Asylum Association," and by that name and style shall have succession for and during the period of twenty years from the date of

Corporators.

Name and style. Succession.

OF CORPORATIONS.

Object. the passage of this act, the object of which association shall be the shelter and aid of indigent widows and other needy women.

Powers and duties. SECTION 2. That the said association and its successors shall, from the date of the passage of this act, be competent and capable in law to purchase, receive, hold and enjoy any and all lands, tenements, hereditaments, goods, chattels, or any other property whatsoever, which may be given, assigned, conveyed, devised or bequeathed to it, or for its use, and to give, grant, sell, assign or devise the same, and generally to do all other acts, matters and things touching the same; and also by the name aforesaid to sue and be sued, plead and be impleaded in all courts of law and equity in this State and elsewhere; and shall also have power to adopt and use a common and corporate seal; and generally shall have, exercise and enjoy all the rights, franchises, and privileges incident to a corporation, except the exercise of any banking powers, whatsoever; *provided*, that the said corporation shall not have power to have, hold or possess property of any kind the clear annual income of which shall exceed the sum of five thousand dollars.

Seal.

Proviso.

Limit of acquisition \$5,000.

Board of Directors. SECTION 3. That the persons named as corporators in the first section hereof shall constitute the board of directors of said corporation, and they or a majority of them shall meet within three months from the passage of this act in the city of Wilmington and thereupon proceed to organize by the election from their number of a president, a vice-president, a secretary, and a treasurer, and the officers so designated and elected shall be officers of the corporation and shall hold their offices respectively until their successors are elected in accordance with the by-laws of said corporation. The offices of secretary and treasurer may be filled by the same person, and all of said officers shall be members of the board of directors.

Meeting for organization

Election of officers.

Term of office. Secretary and treasurer same person, qualifications.

Board of Directors. Powers and duties. SECTION 4. That the board of directors shall have charge of and manage all the estate and affairs of said corporation and shall make by-laws for the government of said corporation. All vacancies in the board of directors and in the other offices occurring by death, resignation, by the expiration of the term of office, or otherwise, shall be filled by the remaining members of the board of directors. A failure to elect any officer to fill vacancies shall not dissolve the corporation.

Vacancies in board.

OF CORPORATIONS.

SECTION 5. That no misnomer of said corporation shall defeat or annul any gift, grant, devise or bequest to the said corporation if it shall sufficiently appear by the will, gift, grant or other writing that the person making the same intended to give or pass thereby to the said corporation the interest or estate therein expressed or described.

Misnomer
not to defeat
gifts, grants,
etc.

SECTION 6. That the power of revoking or repealing this act is hereby expressly reserved to the Legislature of this State, and it shall be deemed and taken to be a public act.

Powers of
revocation
reserved.

Passed at Dover, March 10, 1891.

CHAPTER 196.

OF CORPORATIONS.

AN ACT to Renew the Charter of Chosen Friends Lodge, No. 35, I. O. O. F., at Harrington.

Be it enacted by the Senate and House of Representatives [of the State] of Delaware in General Assembly met:

SECTION 1. That Chosen Friends Lodge, No. 35, I. O. O. F., at Harrington, be and the same is hereby reincorporated for the term of twenty years from this date, with all the powers and privileges granted unto the said lodge by act of Assembly passed at Dover, February 17, 1871.

Chosen
Friends'
Lodge, No.
35, I. O. O.
F., of Har-
rington, re-
incorporated

SECTION 2. That this act shall be deemed and taken to be a public act.

Public act.

Passed at Dover, March 17, 1891.

OF CORPORATIONS.

CHAPTER 197.

OF CORPORATIONS.

AN ACT to Incorporate the Odd Fellows' Home, of Delaware.

SECTION 1. *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 branch thereof concurring):* That Benjamin F. Strickler, Edwin Hurst, Edwin F. Morrow, John D. Woodward, Richard Burton, Jr., George C. Morton, Edgar C. Pierce, James H. Appleby, D. W. Brereton, Ernest Hinderer, Wm. H. Bentz, Elmer S. Moore, George G. Chandler, Joseph H. Hammitt and Henry E. Durnall, the present officers and members of the Odd Fellows' Home, of Delaware, and their successors, shall be and they are hereby declared, by this act, one body politic and corporate in fact and law, and shall have continuance and succession for twenty years, by the name, style and title of the Odd Fellows' Home of Delaware.

Corporators.

Incorporation.

Name and title.

SECTION 2. *And be it further enacted,* That the said corporation and their successors, during the term of their corporate existence, shall be able and capable in law to purchase, take, receive and hold any lands, tenements, hereditaments, rents, leases, stocks, goods and chattels, bonds, notes, mortgages, or money, or any property whatsoever, which may be devised, given, or conveyed to, or received by the payment of fees, dues and fines, and also to grant, sell, let, bestow, assign, or transfer the same, and to do all other matters relating thereto, by the name and title aforesaid, and shall have a common seal, with authority to break, alter or renew the same at pleasure. May sue and be sued, plead and be impleaded in any court of law or equity in this State or elsewhere, in any or all manner of actions, suits, complaints, pleas, causes and matters whatsoever.

Powers of the corporation.

Common seal.

SECTION 3. *And be it further enacted,* That the members of this corporation shall have power to appoint or elect such officers as they shall deem necessary and proper to conduct the business of said corporation and properly to manage its affairs conformably to the provisions of this act and to the by-laws of said corporation, and from time to time to make and establish such by-laws and rules as they shall deem

Appointment or election of officers, etc.

By-laws and rules.

OF CORPORATIONS.

proper and necessary for the good government thereof, *pro- Proviso.*
vided such by-laws and rules be not contrary to the laws and
 constitution of the State or of the United States.

SECTION 4. *And be it further enacted,* That the said cor- Powers
 poration shall not have power to hold or possess in any man- denied.
 ner, goods, chattels, rights, credits, lands or tenements, or Not to hold
 any other property the clear yearly income of which shall property the
 exceed the sum of five thousand dollars, and shall not pos- income from
 sess any banking powers other than the lending of money on which ex-
 security for permanent investment. ceeds \$5,000

SECTION 5. *And be it further enacted,* That this act shall Public act.
 be deemed and taken to be public, and the power to revoke Power of
 this charter at any time is hereby reserved to this Legisla- revocation
 ture. reserved.

Passed at Dover, April 8, 1891.

CHAPTER 198.

OF CORPORATIONS.

A Further Supplement to the act entitled "An Act to reincorporate the
 Wilmington Coal Gas Company."

*Be it enacted by the Senate and House of Representatives
 of the State of Delaware in General Assembly met (two-
 thirds of each branch of the Legislature concurring therein),
 as follows:*

SECTION 1. The capital stock of the Wilmington Coal Increase of
 Gas Company may, at any time, or from time to time, be in- capital stock
 creased to a sum not exceeding one million of dollars, as the
 directors of said company may determine, and such addi-
 tional stock shall be issued in shares of the same par value as
 those already issued, and the same may be disposed of in
 such manner and at such time or times as the said directors
 may deem expedient or necessary.

SECTION 2. The said company is authorized and empow- Company
 ered at any time, or from time to time, as the directors of authorized
 to borrow money.

OF CORPORATIONS.

said company shall determine, with the consent of a majority in value of the stockholders, to borrow money to an aggregate amount not exceeding one-half of the amount of the capital stock of said company actually paid in, and to make and execute a mortgage or mortgages, pledge or pledges, of the property, effects and franchises of said company, and issue bonds or other evidence of indebtedness for the payment of the amount or amounts so borrowed.

Issue of
bonds.

Annual
meeting for
election of
inspectors.

Terms of
certain
officers
extended.

SECTION 3. The annual meeting of the stockholders of said company for the election of directors shall hereafter be held on the first Monday in March instead of the first Monday in September, and the terms of office of the present directors, president, vice-president, treasurer and secretary, and other officers of said company, are hereby extended and continued until the first Monday in March, A. D. 1892, or until their successors are duly chosen.

Company
not to exca-
vate or open
bed of streets
of Wilming-
ton without
consent of
city author-
ities.
Proviso.

SECTION 4. The said "The Wilmington Coal Gas Company" shall not open or excavate the bed of any street of the city of Wilmington, for the purpose of laying gas pipes or conductors therein, without first obtaining the consent of the duly authorized authorities for said city; *provided, however*, that nothing herein contained shall require the said company to obtain the consent of the duly authorized authorities of said city before opening or excavating the bed of any street of said city for the purpose of repairing any gas pipes or conductors theretofore laid in such street by said company.

Public act.

Proviso.

SECTION 5. This act shall be deemed and taken to be a public act, and shall be published with the other public acts passed at the present session of the Legislature; *provided* that the said company shall pay the expenses of publishing this act in the laws, and pay to the Secretary of State the same fees and taxes for this act as though it had been a private act.

Passed at Dover, April 15, 1891.

OF CORPORATIONS.

CHAPTER 199.

OF CORPORATIONS.

AN ACT to confer certain powers upon the "Delaware Hedge Company," incorporated in conformity with the provisions of the act of the General Assembly of the State of Delaware entitled "An act concerning Private Corporations," passed at Dover, March 14, 1883.

Whereas by virtue of the provisions of Chapter 147 of Volume 17 of the Laws of Delaware, the "Delaware Hedge Company" has been incorporated, as by reference to the certificate of said corporation, recorded at Wilmington, in the office for recording deeds, etc., in and for New Castle county, in Private Act Record D, Vol. 1, Page 242, etc., will more fully appear, the purpose of which corporation is the planting and manufacturing of hedge fences, under the Dayton Hedge Company's patents, in the counties of Kent and Sussex of the State of Delaware, and

Whereas by virtue of the provisions of Chapter 147 of Volume 17 of the Laws of Delaware, the "New Castle County Hedge Company" has been incorporated, as by reference to the certificate of said corporation, recorded at Wilmington, in the office for the recording deeds, etc., in and for New Castle county, in Private Act Record D, Vol. 1, Page 134, etc., will more fully appear, the purpose of which corporation is the planting and manufacturing of hedge fences, under the Dayton Hedge Company's patents, in the county of New Castle of the State of Delaware, and

Whereas the said corporations have several stockholders in common who are equally interested in the success of both companies, and many of the stockholders of the "New Castle County Hedge Company" are desirous of becoming stockholders in the "Delaware Hedge Company" by exchanging their shares in the former company for those of the latter, and by this means acquiring the increased facilities for prosecuting their work throughout the State, which the union of the interests of the two companies and the convenience and economy of a common management will the more effectually afford, and

Whereas the said "Delaware Hedge Company" cannot obtain from the courts the said power of issuing shares of its

OF CORPORATIONS.

capital stock in exchange for shares of the "New Castle County Hedge Company" with the rights and liabilities incident thereto by reason of want of jurisdiction in the said courts under the provisions of said Chapter 147 of Volume 17 of the Laws of Delaware, wherefore it asks the General Assembly of the State of Delaware to grant it the said privileges and powers; therefore

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch concurring herein:)

"Delaware Hedge Company" to exchange stock for stock of "New Castle Hedge Company."

SECTION 1. That the "Delaware Hedge Company" be and it is hereby authorized and empowered to issue, on such terms and under such conditions as it may think fit, and as may be agreed upon between it and the vendees, paid up shares of its capital stock, and receive in payment therefor shares of the capital stock of the "New Castle County Hedge Company" and to hold and to vote upon the same as fully and effectually as if it were a natural person; the said payment to be as legal and valid as if it had been made in money. *Provided, nevertheless,* That in the exchange so made the shares of the "Delaware Hedge Company" and the shares of the "New Castle County Hedge Company" shall not be rated at less than their par value, and that the shares and property so taken in payment shall be a full equivalent therefor.

Proviso.

Acts made valid.

SECTION 2. All acts heretofore done by the said "Delaware Hedge Company" conformable to the powers herein granted are confirmed and declared to be as valid as if they had been done since the passage of this act.

Passed at Dover, April 22, 1891.

OF CORPORATIONS.

CHAPTER 200.

OF CORPORATIONS.

AN ACT to reincorporate "The Soldiers' and Sailors' Monument Association" of the State of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch thereof concurring):

SECTION 1. That the charter of "The Soldiers' and Sailors' Monument Association," a corporation and body politic heretofore duly incorporated by the General Assembly of the State of Delaware, and all and every the provisions of the several acts of the General Assembly which were in force at the time of the expiration of the original act of incorporation of the said association, whereby any right, power, franchise, immunity, or privilege was granted to or vested in the said company, be and the same are hereby renewed, extended and continued for the term of twenty years from the date of the passage of this act (renewing the charter of the said corporation), and that the said corporation, after the renewal of its charter by this act, shall have, hold, enjoy, and possess all and every the franchises, powers, rights, privileges and immunities heretofore vested in said corporation by any of the laws of this State.

Charter of
"The Sol-
diers' Monu-
ment Asso-
ciation" ex-
tended, re-
newed, etc.

Powers,
franchises,
etc.

SECTION 2. All acts which have been done since the day of the expiration of the original charter granted to said corporation, by the said corporation, its officers, servants, or agents, or by any other person or persons for the use, benefit, or advantage of the said corporation, shall be as valid and effectual in all respects as if the same had been done previous to the time when the original charter expired by the limitation thereof, and all of the officers of the said corporation who were in office at the time of the expiration of the original charter which was granted to "The Soldiers' and Sailors' Monument Association" shall continue in office as the officers of the reincorporated association (which is reincorporated by this act), until their successors shall be elected or chosen by this corporation, in accordance with the by-laws, rules, and regulations which were in force at the time the original charter of the said corporation expired by the limitation thereof by the act of the General Assembly.

Acts made
valid.

Officers con-
tinued in
office.

OF CORPORATIONS.

Public act. SECTION 3. This act shall be a public act and it shall be published as such. The Legislature hereby reserves the right to alter or revoke this charter.

Passed at Dover, April 24, 1891.

CHAPTER 201.

OF CORPORATIONS.

AN ACT to Incorporate the "Minquadale Home."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch thereof concurring):

Corporators. SECTION I. That Thomas F. Bayard, George G. Lobdell, Stansbury J. Willey, James Morrow, Lewis C. Vandegrift, Charles Baird, John Taylor Gause, Job H. Jackson, Willard Saulsbury, Jr., George W. Bush, Clement B. Smyth, William H. Gregg, Leonard Kittinger, Winfield S. Quigley, Franklin B. Colton, Geo. G. Lobdell, Jr., Charles B. Lore, Joseph Pyle, Lindley C. Kent, Charles W. Howland, Charles W. Pusey, Daniel W. Taylor, Ellwood Garrett, J. Newlin Gawthrop, Caleb Harland, Benjamin Nields, William K. Crosby, William P. Bancroft, Alfred Gawthrop, Nathaniel R. Benson, Samuel N. Trump, Francis N. Buck, Edward G. Bradford, George S. Capelle, Edward Betts, Ephriam T. Walton, William M. Field, Charles S. Howland, William Canby, Alfred D. Warner, Holstein Harvey, George R. Townsend, Anne Semple, Emma C. Bancroft, Emma C. Weldin, Annie R. Pusey, Mary H. Pusey, Helen Pyle, Emily Middleton, Sarah Derrickson, Alice D. Lobdell, Gertrude Neilds, Rachel Howland, Lydia Willey, Anna O. Bellah, Lucy A. Jackson, Adeline W. Lobdell, Eva W. Lobdell, Elizabeth A. Pyle, Edith Gawthrop, Elizabeth A. Stroud, Margaret W. Bush, E. Harriet Capelle, Jeannie R. Field, Emmalea Warner, Emma Worrell, Agnes Andrews, and such other persons as may hereafter be associated with them, be and they are hereby created a body politic and corporate under the name of "Minquadale Home," for the purpose of affording relief and the comforts of a home to old people in need thereof.

Style of
corporation.
Purpose.

OF CORPORATIONS.

SECTION 2. By that name the said corporation shall be able to sue and be sued, plead and be impleaded in all courts of law and elsewhere; to have a common seal, to alter and renew the same at pleasure, and shall be able to take, hold and receive in any manner, from any person, and for any estate, real and personal property of any kind, the net yearly income from which shall not exceed twenty-five thousand dollars, and the same to grant, bargain, sell, improve and dispose of, in its pleasure, for the use and benefit of said corporation.

Powers of corporation.

Capital stock.

SECTION 3. The affairs of the said corporation shall be under the control of a "Board of Managers," who shall be chosen by the members of the corporation as the by-laws may prescribe. Said managers shall serve until their successors are duly appointed. The board of managers shall have power to fill all vacancies, to appoint and remove at pleasure all officers and agents of said corporation, to make by-laws for the government and management of the home, the safe keeping of the funds and other property of the corporation, their appropriation and use for the purposes of this institution, and generally to attend to all the business and concerns of said corporation.

Board of Managers.

Term of managers.

Power of Board of Managers.

SECTION 4. That the affairs of said corporation shall never be under sectarian control.

Affairs not to be under sectarian control.

SECTION 5. That no misnomer of said corporation shall defeat or annul any intended gift, grant, conveyance, devise or bequest thereto, nor any act or deed intended to be done or made thereby.

Misnomers.

SECTION 6. This act shall be deemed and taken to be a public act.

Public act.

Passed at Dover, May 6, 1891.

OF THE CITY OF WILMINGTON.

CHAPTER 202.

OF VACATED STREETS.

AN ACT to vacate parts of King, French and Walnut streets, in the City of Wilmington.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch thereof concurring):

Parts of certain streets in the city of Wilmington vacated.

SECTION 1. That all that part of King street which lies south of C street, all that part of French street which lies south of D street, and all that part of Walnut street which lies south of E street, in the city of Wilmington, be and the same are hereby vacated, and the person or persons through whose lands the parts of said streets so vacated run or pass are hereby authorized to enclose and hold the same.

Enclosure.

Passed at Dover, April 1, 1891.

CHAPTER 203.

OF FINANCES.

AN ACT authorizing the Mayor and Council of Wilmington, by ordinance, to give five hundred dollars to the widow of Charles W. Schultz.

Preamble.

Whereas Charles W. Schultz, a police officer of the city of Wilmington, was, on the morning of the twenty-eighth of January, A. D. 1891, while in the performance of his duties, and without warning, brutally shot down by some person or persons unknown;

And whereas the said Charles W. Schultz, from the effect of said pistol shot, died on the thirtieth day of January, A. D. 1891, leaving to survive him a widow, Mary E. Schultz, and five small children, the oldest being ten years of age;

OF THE CITY OF WILMINGTON.

And whereas the death of the said Charles W. Schultz has taken from his family their only means of support, as they relied entirely upon his earnings for the necessities of life, now, therefore

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch therein concurring):

SECTION 1. That the Mayor and Council of Wilmington is hereby authorized, by ordinance of the Council duly passed, to give and pay over to the said Mary E. Schultz, widow of the said Charles W. Schultz, the sum of five hundred dollars. Such money may be taken from any appropriation, as may be deemed expedient, and the same shall be for the sole use and benefit of the said Mary E. Schultz.

\$500 to be appropriated by city of Wilmington to the widow of Chas. W. Schultz.

Passed at Dover, April 11, 1891.

CHAPTER 204.

OF AN OLD ROAD.

AN ACT to vacate a portion of an Old Road in the City of Wilmington.

Whereas it has been represented to this General Assembly that so much of what was formerly an old road in the city of Wilmington, known as Riddle's Road, lying between the point where it intersected the westerly side of DuPont street, between Gilpin and Shallcross avenues, and the point where, after crossing Shallcross and Lovering avenues and Wawaset street, it intersects the easterly side of Scott street north of Wawaset street, in said city, has not for some time been used or needed as a roadway by reason of the opening and paving of Scott street and other adjacent streets and avenues;

And whereas it is further represented that the parties claiming the fee simple to the land formerly used as a roadway have conveyed portions thereof to owners of land abutting on the line of said old road and are desirous of

OF THE CITY OF WILMINGTON.

conveying their interest in the remaining portions of said old roadway, therefore

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Riddle's
road in Wil-
mington va-
cated.

SECTION 1. That so much of that tract of land in the city of Wilmington, formerly used as a road and known as Riddle's Road, as lies between the point of its intersection with the westerly side of DuPont street, between Gilpin and Shallcross avenues, and the point of its intersection with the easterly side of Scott street north of Wawaset street, be and the same is hereby vacated, and the same may be enclosed or occupied by any person or persons to whom conveyances have been or may hereafter be made by the heir-at-law of Leander F. Riddle, deceased, who was the devisee of James Riddle, deceased, who claims to be entitled to the land so occupied by said road.

Public act.

SECTION 2. This act shall be deemed and taken to be a public act, and all acts and parts of acts inconsistent herewith are hereby repealed.

Passed at Dover, April 17, 1891.

CHAPTER 205.

OF STREETS AND GRADES.

AN ACT to provide for the Establishment of Streets and Grades on lands contiguous to the City of Wilmington.

Be it enacted by the Senate and House of Representatives [of the State of Delaware] in General Assembly met:

Owners of
lands con-
tiguous to
Wilmington
allowed to
lay out
streets,
grades, etc.

SECTION 1. That it shall be lawful for the owner or owners of any tract of land lying immediately contiguous to the boundary line of the city of Wilmington, as now or hereafter established by law, to lay out such lands in blocks and building lots, with streets conforming to the streets of the city of Wilmington, so far as the extension of such streets beyond the city line would pass through such tract of land;

OF THE CITY OF WILMINGTON.

and the owner or owners of such land may fix the grade of such streets, and the grade so fixed, when approved as hereinafter provided, shall be binding upon all persons thereafter becoming purchasers of lots abutting on such streets. It shall be the duty of any owner or owners, so laying out a tract of land as aforesaid, to make or cause to be made a plot of the same, designating the blocks by letters or numbers, and the lots in each block by numbers, and designating thereon the size of each lot and the width and grades of each street, and such plot, when completed, shall be submitted to the Board of Directors of the Street and Sewer Department of the City of Wilmington, for the approval of said board. Upon the approval of said plot by the said board, and the endorsement of such approval thereon, and the further endorsement of an acknowledgment as hereinafter provided, a copy thereof shall be lodged in the office of the Recorder of Deeds in and for New Castle county, and one copy thereof in the office of the Chief Engineer of the city of Wilmington.

How laid out

Approval of plot.

Plot, where lodged.

SECTION 2. The copies of the plot or plots herein authorized to be made shall be upon the best and most durable material used for such purposes, and each shall have written upon it as an original the approval of the said Board of Directors of the "Street and Sewer Department" and the acknowledgment by the owner or owners before any officer authorized under the laws of this State to take the acknowledgment of deeds. Such acknowledgment may be substantially in the following form:

Plots, of what made, etc., entries.

State of _____ County, ss.

Be it remembered that on this _____ day of _____ A. B., notary public for the State of Delaware (or title of officer taking acknowledgment), C. D. and E. F., owners of the land designated on this plot, and severally acknowledged this plot to be their deed, and that they have dedicated such streets, lanes and alleys as are thereon laid out to public use as highways, and have designated the tract of land hereon indicated by the name of (designation of land).

A. Acknowledgment by owners of land.

Given under my hand and seal of office the day and year aforesaid.

The making of such acknowledgment by a married woman, being the wife of any owner, with a private examination in

OF THE CITY OF WILMINGTON.

Making of
acknowledg-
ment, man-
ner and
effect.

the usual form, shall operate as a relinquishment of dower in the land occupied by said streets, lanes and alleys. In the case of a corporation the acknowledgment shall be adapted to the form prescribed by law for acknowledgment of deeds by a corporation.

Effect of fil-
ing of plots.

SECTION 3. The filing of said plots in the office of the Recorder of Deeds, as aforesaid, shall operate as a dedication for public use as highways, by such owner or owners, of all lands designated on said plot as streets, lanes or alleys; and if at any time hereafter the said tracts of land shall be duly incorporated in the city of Wilmington by the extension of the boundaries of said city, all such streets, lanes or alleys shall become streets, lanes or alleys of the city of Wilmington, and subject to all laws and ordinances relating thereto, and all grades established under this act shall remain in force until changed under the laws or ordinances of the city of Wilmington.

Recording
of plots.

SECTION 4. It shall be the duty of the Recorder of Deeds to cause to be recorded all plots filed under the provisions of this act in a book or books to be procured by him for that purpose, and to be paid for as other record books are paid for; and he shall receive for filing and recording any such plot the sum of five dollars, together with any expense actually and necessarily incurred by him for recording the same.

Fee for
recording.

Plots
evidence.

The original of any such plot, or the record thereof, or a duly certified copy thereof, shall be evidence as in the case of deeds.

Service of
city engin-
eer, how
paid for.

SECTION 5. If in any case the said Board of Directors of the "Street and Sewer Department" shall require for their information any service from the city engineer of said city, or any of his assistants, such service shall be paid for by the owner or owners of the property at such price as shall be fixed by the said Board of Directors of the "Street and Sewer Department."

Public act.

SECTION 6. This act shall be deemed and taken to be a public act.

Passed at Dover, April 29, 1891.

OF THE CITY OF WILMINGTON.

CHAPTER 206.

OF CITY AUDITOR.

AN ACT to amend Sec. 11, Chapter 188, Vol. 18 of the Laws of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch herein concurring):

SECTION 1. That Section 11 of Chapter 188 of Volume 18 of the Laws of Delaware be and the same is hereby amended by adding to the end of said Section 11 the words following, to wit:

It shall be the duty of the City Auditor, during the first week of every month, to examine and audit the accounts of the said Street and Sewer Department for the month last preceding; and he shall make duplicate certificates, showing the result of such examination and audit, one of which he shall deliver to the said Board of Directors of the Street and Sewer Department and the other shall be by him transmitted to "The Council." Also amend Chapter 660, Volume 18, Laws of Delaware, by adding the word "three" after the word "ninety" in second and last lines of Section 37 of said chapter; also amend said Section 37 by striking out the word "one" in line six, and inserting in lieu thereof the word "three."

Passed at Dover, April 29, 1891.

CHAPTER 207.

OF CITY AUDITOR.

AN ACT to amend an act entitled "An act to amend Section 11, Chapter 188, Vol. 18, of the Laws of Delaware.

Whereas at the present session of the General Assembly an act entitled an act to amend Sec. 11, Chapter 188, Vol. 18 of the Laws of Delaware, was passed at Dover, April 29,

OF THE CITY OF WILMINGTON.

1891, the same having been duly enrolled, signed by the Speakers of the respective houses and lodged in the office of the Secretary of State;

And whereas it has come to the knowledge of the members of the General Assembly that some person or persons fraudulently, and with intent to deceive and mislead the members of the General Assembly, did willfully alter and amend said act, thereby increasing the effect of said act contrary to the intention of the General Assembly, therefore

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch thereof herein concurring):

Section of
"Act to
amend
Section 11,
Chapter 188,
Volume 18,"
amended.

SECTION 1. That Section 1 of an act entitled "An act to amend Sec. 11, Chapter 188, Vol. 18 of the Laws of Delaware," passed at Dover April 29, 1891, be and the same is hereby amended by striking out the following words, to wit: "Also amend Chapter 660, Volume 18, Laws of Delaware, by adding the word 'three' after the word 'ninety' in second and last lines of Section 37 of said chapter; also amend said Section 37 by striking out the word 'one' in line 6, and inserting in lieu thereof the word 'three,' being all of said Section 1 after the words "The Council," in the tenth line of the enrolled copy of said act.

Amended
act, how
printed.

SECTION 2. That the Secretary of State be and he is hereby authorized and directed to print the act entitled "An act to amend Sec. 11, Chapter 188, Vol. 18 of the Laws of Delaware," passed at Dover, April 29, 1891, in the next volume of Delaware Laws as the same is hereby amended.

Passed at Dover, May 14, 1891.

OF THE CITY OF WILMINGTON.

CHAPTER 208.

OF CITY AUDITOR.

AN ACT to amend Sec. 11, Chapter 188, Vol. 18 of the Laws of Delaware.

[Printed as directed in the foregoing Chapter 207.]

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch herein concurring):

SECTION 1. That Section 11 of Chapter 188 of Volume 18 of the Laws of Delaware be and the same is hereby amended by adding to the end of said Section 11 the words following, Section 11, Chapter 188, Volume 18, amended. to wit:

It shall be the duty of the City Auditor, during the first week of every month, to examine and audit the accounts of the said Street and Sewer Department for the month last preceding; and he shall make duplicate certificates, showing the result of such examination and audit, one of which he shall deliver to the said Board of Directors of the Street and Sewer Department and the other shall be by him transmitted to "The Council."

CHAPTER 209.

OF SEWERS.

AN ACT pertaining to a System of Sewers for the City of Wilmington.

Whereas it is apparent that the city of Wilmington stands in great need of a thorough system of sewers that will be extended over the entire city, providing not only for the present but for the future. Preamble.

Whereas a proper regard for the health of the inhabitants of the city, as well as their property and business interests, require that this work be speedily undertaken.

OF THE CITY OF WILMINGTON.

Whereas a plan of a well-defined system has been prepared under the direction of the Board of Directors of the Street and Sewer Department, and an approximate estimate of the cost of building the same has been duly made; now therefore,

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch thereof herein concurring):

Street and
Sewer De-
partment
authorized
to construct
sewers.

SECTION 1. That the Mayor and Council of Wilmington, through the agency of the Board of Directors of the Street and Sewer Department of the city of Wilmington, is hereby authorized and empowered to construct such sewers in accordance with any plan now or that may hereafter from time to time be adopted, as may seem to them necessary to meet with the requirements of the city, and the cost of constructing such sewers shall be met in the following manner.

Manner of
paying cost
of sewers.

SECTION 2. The said Board of Directors of the Street and Sewer Department, from the approximate estimate of the whole cost of constructing any sewer in accordance with any plan now or that may hereafter from time to time be adopted, shall apportion the said cost to each lineal foot of sewer to be built in accordance with the aforesaid system, said cost to be apportioned alike upon each and every size of sewer, be it a lateral or trunk sewer; two-fifths of said cost per lineal foot shall be paid for by the aforesaid board of directors out of their annual appropriation for streets and sewers, the remaining three-fifths of the said cost per lineal foot shall be paid for by the abutting property upon the streets or highways in which said sewers are constructed at the time of completing each sewer, and the aforesaid property shall be assessed for said costs per lineal foot as follows.

Assessments
how made.

SECTION 3. All assessments shall be made upon the properties abutting upon that portion of any street or highway, lane, or alley, in which any public sewer may be constructed under this provision, at the rate of fifty cents for each front foot of such property upon such street, highway, lane, or alley, and one cent for each square foot of such property between such street, highway, lane, or alley, and a line not exceeding one hundred and fifty feet distant from and parallel with the line of such street, highway, lane or alley; *provided, however*, that where any property is situated between two streets or highways, the area upon which said

Proviso.

OF THE CITY OF WILMINGTON.

assessment of one cent per square foot is made shall not extend to more than one-half the distance between such streets or highways; *and provided also*, that when any property is situated at the corner of two streets or highways, or otherwise so situated as to be assessed for the expenses of building a sewer on one of such streets or highways, that portion of such property assessed for a sewer in one of such streets or highways shall not be liable to be assessed upon its area for the cost of constructing a sewer in the other of such streets or highways, but only for one-half of its side frontage upon such streets or highways; *provided, however*, that said side frontage is one hundred and fifty feet, or less; *and provided also*, that no property or portion of property shall be assessed for the construction of any sewer, unless such property or some portion thereof shall abut and be bounded upon the street on which said sewer shall have been constructed, or unless such property or a portion thereof has a right of access to said street or highway by a private alley, or desires to use said sewer before a sewer is constructed upon the street or highway upon which said property abuts, in which case the said property shall be liable for the same assessment as though the sewer was constructed in the streets or highways upon which said property abuts, and the said property shall not be liable for any further assessment for sewer purposes.

SECTION 4. When any such assessment shall be made upon any land for the expense of constructing any such sewer, the owner so assessed shall have the right to connect such land with such sewer, under and subject to such rules and regulations as the Board of Directors of the Street and Sewer Department shall from time to time prescribe, upon executing to said board a release of all damages which may at any time happen to such property in any way resulting from such connection.

SECTION 5. All assessments made under authority of this act shall be a lien upon the property upon which they are made from the date upon which they are certified by the Board of Directors of the Street and Sewer Department to the clerk of said board for collection, and such lien shall have priority against any lien, incumbrance or conveyance made or suffered by the owner or owners of such property after the date of the certifying of such assessment as aforesaid. And any such assessment shall be due and payable upon the date

Further
proviso.

Proviso.

Rights of
owners of
lands as-
sessed for
sewer.Assessment
of cost of
sewers a lien
on property
assessed.When as-
essment
falls due.

OF THE CITY OF WILMINGTON.

Whereas a plan of a well-defined system has been prepared under the direction of the Board of Directors of the Street and Sewer Department, and an approximate estimate of the cost of building the same has been duly made; now therefore,

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch thereof herein concurring):

Street and
Sewer De-
partment
authorized
to construct
sewers.

SECTION 1. That the Mayor and Council of Wilmington, through the agency of the Board of Directors of the Street and Sewer Department of the city of Wilmington, is hereby authorized and empowered to construct such sewers in accordance with any plan now or that may hereafter from time to time be adopted, as may seem to them necessary to meet with the requirements of the city, and the cost of constructing such sewers shall be met in the following manner.

Manner of
paying cost
of sewers.

SECTION 2. The said Board of Directors of the Street and Sewer Department, from the approximate estimate of the whole cost of constructing any sewer in accordance with any plan now or that may hereafter from time to time be adopted, shall apportion the said cost to each lineal foot of sewer to be built in accordance with the aforesaid system, said cost to be apportioned alike upon each and every size of sewer, be it a lateral or trunk sewer; two-fifths of said cost per lineal foot shall be paid for by the aforesaid board of directors out of their annual appropriation for streets and sewers, the remaining three-fifths of the said cost per lineal foot shall be paid for by the abutting property upon the streets or highways in which said sewers are constructed at the time of completing each sewer, and the aforesaid property shall be assessed for said costs per lineal foot as follows.

Apportion-
ment of cost.

Assessments
how made.

SECTION 3. All assessments shall be made upon the properties abutting upon that portion of any street or highway, lane, or alley, in which any public sewer may be constructed under this provision, at the rate of fifty cents for each front foot of such property upon such street, highway, lane, or alley, and one cent for each square foot of such property between such street, highway, lane, or alley, and a line not exceeding one hundred and fifty feet distant from and parallel with the line of such street, highway, lane or alley; *provided, however*, that where any property is situated between two streets or highways, the area upon which said

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assessment of one cent per square foot is made shall not extend to more than one-half the distance between such streets or highways; *and provided also*, that when any property is situated at the corner of two streets or highways, or otherwise so situated as to be assessed for the expenses of building a sewer on one of such streets or highways, that portion of such property assessed for a sewer in one of such streets or highways shall not be liable to be assessed upon its area for the cost of constructing a sewer in the other of such streets or highways, but only for one-half of its side frontage upon such streets or highways; *provided, however*, that said side frontage is one hundred and fifty feet, or less; *and provided also*, that no property or portion of property shall be assessed for the construction of any sewer, unless such property or some portion thereof shall abut and be bounded upon the street on which said sewer shall have been constructed, or unless such property or a portion thereof has a right of access to said street or highway by a private alley, or desires to use said sewer before a sewer is constructed upon the street or highway upon which said property abuts, in which case the said property shall be liable for the same assessment as though the sewer was constructed in the streets or highways upon which said property abuts, and the said property shall not be liable for any further assessment for sewer purposes.

Further proviso.

Proviso.

SECTION 4. When any such assessment shall be made upon any land for the expense of constructing any such sewer, the owner so assessed shall have the right to connect such land with such sewer, under and subject to such rules and regulations as the Board of Directors of the Street and Sewer Department shall from time to time prescribe, upon executing to said board a release of all damages which may at any time happen to such property in any way resulting from such connection.

Rights of owners of lands assessed for sewer.

SECTION 5. All assessments made under authority of this act shall be a lien upon the property upon which they are made from the date upon which they are certified by the Board of Directors of the Street and Sewer Department to the clerk of said board for collection, and such lien shall have priority against any lien, incumbrance or conveyance made or suffered by the owner or owners of such property after the date of the certifying of such assessment as aforesaid. And any such assessment shall be due and payable upon the date

Assessment of cost of sewers a lien on property assessed.

When assessment falls due.

OF THE CITY OF WILMINGTON.

of the certifying as aforesaid, and if paid within thirty days after the date of the presentation of the bill of such assessment a discount of five per cent. will be allowed on the face of the bill so presented; upon all assessments not paid within thirty days after the date of the presentation of the bill, as aforesaid, interest, at the rate of six per centum per annum, may be charged from the date of the certifying of such assessment as aforesaid until the same is paid in full. If, however, any such assessment or part of such assessment shall remain unpaid at the end of one year after the date of the certifying as aforesaid, it shall be the duty of the Mayor of the city to issue his warrant, directed to the said Board of Directors of the Street and Sewer Department, commanding them to levy the same with the interest thereon accrued, and all costs thereon, upon the grounds or buildings of such owner abutting on any such streets or highways aforesaid, which such grounds or buildings or any part thereof shall be sold by the said board at public auction after ten days' notice in two newspapers published in said city, and a deed from the Mayor and Council of Wilmington shall convey to the purchaser of such grounds or buildings as full and complete a title to said premises, in fee simple or otherwise, as if the same were executed by said owner thereof. And it shall be the duty of said board of directors, out of the purchase money of the said premises so sold as aforesaid, to pay all costs arising from said process and sale to the parties entitled thereto respectively and to retain the amount of such assessment with accrued interest thereon as aforesaid. The residue of said purchase money shall be immediately deposited by the said board of directors in the Security Trust and Safe Deposit Company of Wilmington, Delaware, to the credit of the owner of the property so sold.

Abutting
property,
how assessed

Proviso.

SECTION 6. That properties abutting upon a street or highway, lane, or alley wherein a public sewer has been constructed previous to the passage of this act, shall pay to the said Board of Directors of the Street and Sewer Department the same amount for sewer benefits as is herein provided for. *Provided, however,* that no assessment shall be made upon such property until a permit is granted by the said board for the said property to make connection with said sewer, whereupon the whole assessment shall be due and payable before any such connection is made.

SECTION 7. The Board of Directors of the Street and

OF THE CITY OF WILMINGTON.

Sewer Department are hereby authorized and empowered to pass and adopt such rules and regulations as the said board may see proper for regulating, controlling and prescribing the manner in which any sewer or drain constructed by order of or in charge of said board shall be used, and the manner in which connections therewith, or with any private sewer now existing or hereafter to be constructed in any public street, lane, or alley in the city, any house, building, yard or other place, shall be made, and for the keeping of the same in proper repair, and shall prescribe certain fines and penalties for the non-observance of such rules and regulations, said fines to be collected in the same manner that other fines for offences against the ordinances of the city are now or may hereafter be collected.

Rules and regulations to be adopted by board.

SECTION 8. That all acts or parts of acts inconsistent with this act are hereby repealed.

Inconsistent acts repealed

Passed at Dover, April 29, 1891.

CHAPTER 210.

OF THE BOARD OF PUBLIC EDUCATION.

AN ACT to amend an act entitled "An act to Revise and Consolidate the Statutes relating to the City of Wilmington."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch thereof concurring):

SECTION 1. That Chapter 207, Volume 17 of the Laws of Delaware, shall be and the same is hereby amended by striking out all of Section 140 thereof and inserting in lieu thereof the following:

Chapter 207, Volume 17, amended.

"SECTION 140. The Board of Public Education of Wilmington shall hereafter consist of two members from each of the wards of the city of Wilmington. Said members must have been *bona fide* freholders in the said city for at least one month before the election, qualified voters in the ward for which they are chosen, and shall be chosen by ballot

Board of Education, who shall constitute.

How chosen

OF THE CITY OF WILMINGTON.

by the inhabitants of the ward who shall have been assessed for and paid the school tax for the city of Wilmington for the preceding year and who shall have been otherwise qualified to vote at the last preceding city election. It shall be sufficient evidence that the person offering to vote has been duly registered if such person shall present to inspectors his tax receipt with that registration stamp thereon which designates that such person was a qualified voter at the said last preceding city election.

Qualifications of voters. *Provided, however,* that as to the qualifications of the female inhabitants of Wilmington to vote for members of 'The Board of Public Education of Wilmington,' or to be eligible for membership therein, the same shall not be increased or changed by this act, but shall remain the same as are specified in Chapter 666, Volume 18, Laws of Delaware. A plurality of votes shall elect. No member of the City Council shall be a member of the Board of Public Education.

Place of holding elections. The Board of Public Education shall appoint a place of holding election in each ward, and give notice thereof in the different newspapers published in the city of Wilmington for ten days previous to the time of holding said election, and also give at least four days' notice of it by handbills, under the name of the secretary of the board, posted in four or more of the most public places in the ward.

Notice. The Department of Elections of the city of Wilmington shall, at the request of said board, appoint three men as inspectors for each polling place designated as aforesaid, whose duty it shall be to hold said election and judge of the qualifications of voters, and otherwise conform to the requirements of the law in that behalf.

Inspectors The inspectors thus appointed shall be from among those persons who at the last preceding city election acted as inspectors in the same ward in which they are appointed to hold the school election, and they shall not all be of the same political faith.

Who may be appointed inspector. The election of members of the board shall be held on the second Saturday in June in the year eighteen hundred and ninety-one, and at the same time in every second year thereafter. It shall be held in the afternoon, the polls being opened at twelve o'clock, or within thirty minutes thereafter, and closed at six o'clock.

Time of election of board. If the inspectors appointed and directed as aforesaid to hold said election shall refuse or are not at the place of election at the time of opening the polls, the voters present shall, by plurality, without ballot, choose an officer for holding the election in place of the one or more refusing or not present.

Failure of inspectors to fulfill duties.

OF THE CITY OF WILMINGTON.

The officers holding the election shall, before opening the election, each take an oath or affirmation, as follows: Oath of election officers.

I, _____, do solemnly swear (or affirm) that in holding the election this day for a member or members of the Board of Public Education, I will faithfully and impartially discharge my duty, and make true certificates thereof and deliver the same according to law, so help me God (or, so I solemnly affirm).

The inspectors appointed or chosen as aforesaid to hold said election shall meet at the polling place to which they are allotted, and shall organize as a board by selecting one of their number to act as chairman, but in case of failure to so organize within fifteen minutes after the time fixed for meeting the chairman shall be selected by lot. The inspector selected as chairman is authorized to administer the oath or affirmation hereinbefore provided to the other inspectors and either of them to him or to each other. Meeting and organization of Board of Education.

Any person applying to vote for members of said board may, on any day of election, be challenged by any qualified voter of the city of Wilmington; and any one of the inspectors of election at the polling place where said person is challenged may, at any such time or times, and one of them shall, administer to any person challenged the following oath or affirmation: Challenging of voters.

You do swear (or affirm) that you will fully and truly answer such questions as shall be asked you touching your qualifications as an elector, so help you God (or so you solemnly affirm). Oath of voter challenged.

Provided, however, That the administration of said oath shall not in any way relieve the person so offering to vote from the necessity of producing for the inspection of the election officers his tax receipt with that registration stamp thereon hereinbefore required. Any person who may be offered as a witness to prove the qualification of any person so claiming the right to vote shall also be sworn or affirmed in like manner. Any person refusing to take such an oath or affirmation, if so required, or refusing to answer such questions as may be asked touching his qualifications as an elector, shall not be permitted to vote. If any person taking such an oath or affirmation, as above mentioned, shall answer falsely, he Proviso. Witness. False swearing.

OF THE CITY OF WILMINGTON.

by the inhabitants of the ward who shall have been assessed for and paid the school tax for the city of Wilmington for the preceding year and who shall have been otherwise qualified to vote at the last preceding city election. It shall be sufficient evidence that the person offering to vote has been duly registered if such person shall present to inspectors his tax receipt with that registration stamp thereon which designates that such person was a qualified voter at the said last preceding city election.

Qualifications of voters. *Provided, however,* that as to the qualifications of the female inhabitants of Wilmington to vote for members of 'The Board of Public Education of Wilmington,' or to be eligible for membership therein, the same shall not be increased or changed by this act, but shall remain the same as are specified in Chapter 666, Volume 18, Laws of Delaware. A plurality of votes shall elect. No member of the City Council shall be a member of the Board of Public Education. The Board of Public Education shall appoint a place of holding election in each ward, and give notice thereof in the different newspapers published in the city of Wilmington for ten days previous to the time of holding said election, and also give at least four days' notice of it by handbills, under the name of the secretary of the board, posted in four or more of the most public places in the ward. The Department of Elections of the city of Wilmington shall, at the request of said board, appoint three men as inspectors for each polling place designated as aforesaid, whose duty it shall be to hold said election and judge of the qualifications of voters, and otherwise conform to the requirements of the law in that behalf.

Place of holding elections. The inspectors thus appointed shall be from among those persons who at the last preceding city election acted as inspectors in the same ward in which they are appointed to hold the school election, and they shall not all be of the same political faith. The election of members of the board shall be held on the second Saturday in June in the year eighteen hundred and ninety-one, and at the same time in every second year thereafter. It shall be held in the afternoon, the polls being opened at twelve o'clock, or within thirty minutes thereafter, and closed at six o'clock. If the inspectors appointed and directed as aforesaid to hold said election shall refuse or are not at the place of election at the time of opening the polls, the voters present shall, by plurality, without ballot, choose an officer for holding the election in place of the one or more refusing or not present.

Proviso.

Notice.

Inspectors

Who may be appointed inspector.

Time of election of board.

Failure of inspectors to fulfill duties.

OF THE CITY OF WILMINGTON.

The officers holding the election shall, before opening the election, each take an oath or affirmation, as follows: Oath of election officers.

I, _____, do solemnly swear (or affirm) that in holding the election this day for a member or members of the Board of Public Education, I will faithfully and impartially discharge my duty, and make true certificates thereof and deliver the same according to law, so help me God (or, so I solemnly affirm).

The inspectors appointed or chosen as aforesaid to hold said election shall meet at the polling place to which they are allotted, and shall organize as a board by selecting one of their number to act as chairman, but in case of failure to so organize within fifteen minutes after the time fixed for meeting the chairman shall be selected by lot. The inspector selected as chairman is authorized to administer the oath or affirmation hereinbefore provided to the other inspectors and either of them to him or to each other. Meeting and organization of Board of Education.

Any person applying to vote for members of said board may, on any day of election, be challenged by any qualified voter of the city of Wilmington; and any one of the inspectors of election at the polling place where said person is challenged may, at any such time or times, and one of them shall, administer to any person challenged the following oath or affirmation: Challenging of voters.

You do swear (or affirm) that you will fully and truly answer such questions as shall be asked you touching your qualifications as an elector, so help you God (or so you solemnly affirm). Oath of voter challenged.

Provided, however, That the administration of said oath shall not in any way relieve the person so offering to vote from the necessity of producing for the inspection of the election officers his tax receipt with that registration stamp thereon hereinbefore required. Any person who may be offered as a witness to prove the qualification of any person so claiming the right to vote shall also be sworn or affirmed in like manner. Any person refusing to take such an oath or affirmation, if so required, or refusing to answer such questions as may be asked touching his qualifications as an elector, shall not be permitted to vote. If any person taking such an oath or affirmation, as above mentioned, shall answer falsely, he Proviso. Witness. False swearing.

OF THE CITY OF WILMINGTON.

Penalty. shall, upon conviction, suffer the same punishment as shall at the time be provided by law against willful and corrupt perjury.

Canvass of votes. The inspectors at each polling place shall, immediately after the close of the polls, canvass and count the votes cast, and they, or a majority of them, shall then immediately

Certificates. make out certificates of the result of the election under their hands or the hands of a majority of them, and shall, within two days thereafter, deliver one of said certificates to the secretary and one to each member elect. The said board shall

Meeting for organization of board. meet for organization on the first Tuesday after every biennial election, and it shall be the judge of the election of its own members.

Terms of office of present board extended. The terms of office of those members of said board which would expire during the month of May in the present year shall be and they are hereby extended to and until the second Saturday in June, A. D. eighteen hundred and ninety-one, at which election their successors, being one member from each ward, shall be elected for the term of four years. The terms of office of those members of said board which would expire in May, A. D. eighteen hundred and ninety-two, shall be and they are hereby extended to and until the second Saturday in June, A. D. eighteen hundred and ninety-three, at which election their successors, being one member from each ward, shall be elected for the term of four years, and biennially thereafter, on the second Saturday in June, elections shall be held for one member for each ward, to hold office for the term of four years. Moving out of the ward shall vacate the office of the member so moving. All vacancies shall be filled by the board for the unexpired term of the member whose place is to be filled."

Vacancies, how filled.

Passed at Dover, April 30, 1891.

OF THE CITY OF WILMINGTON.

CHAPTER 211.

OF HIGHWAYS.

AN ACT to provide Safe Travel over certain Highways in the City of
Wilmington.

*Be it enacted by the Senate and House of Representatives
of the State of Delaware in General Assembly met:*

SECTION 1. That the Baltimore and Philadelphia Railroad Company be and it is hereby ordered and directed to construct, make and maintain a suitable overhead street bridge for public travel over the track and roadbed of said railroad company, where such track and roadbed intersects Lancaster avenue in the city of Wilmington. Such bridge shall be constructed within such times as the Board of Directors of the Street and Sewer Department of the city of Wilmington shall determine, and shall be of such height above such track and roadbed, and of such width, and of such general construction as the said Board of Directors of the Street and Sewer Department may determine. The construction of said bridge shall include the making of all necessary and proper approaches to said bridge. The said railroad company shall be solely responsible for all damages resulting to contiguous property by reason of the making of said bridge, and the making of the approaches thereto. Should the said railroad company neglect or refuse to construct such bridge, or the approaches thereto, in conformity with and within the time specified by the said Board of Directors of the Street and Sewer Department of the city of Wilmington, the said board of directors are hereby authorized and empowered to erect and construct such bridge and all necessary approaches thereto at the expense of the city, and "The Mayor and Council of Wilmington" may then collect the cost of such erection and construction in an action on the case against such delinquent railroad company.

Railroad
company to
construct a
certain
bridge.

Dimensions
of bridge.

Damages
from making
of bridge.

Failure of
R. R. Co. to
erect bridge.

SECTION 2: The Board of Directors of the Street and Sewer Department of the city of Wilmington shall have supervision over the bridge by this act authorized to be constructed, and may, from time to time, order the widening or re-

Supervision
of bridge.

OF THE CITY OF WILMINGTON.

Failure of
company to
observe
direction of
Board.

pairing of said bridge by said railroad company in such manner and within such times as in their judgment public convenience may require; and in case the said railroad company shall neglect or refuse to obey any such order or direction in respect to the widening or repairing said bridge, said Board of Directors of the Street and Sewer Department, for said city may cause the required widening or repairing to be executed at the expense of the city of Wilmington, and "The Mayor and Council of Wilmington" may then collect the amount of such expense in an action on the case brought in its corporate name against such delinquent railroad company.

Passed at Dover, May 1, 1891.

CHAPTER 212.

OF FIRE DEPARTMENT.

AN ACT to authorize the Fire Department of the City of Wilmington to elect its Chief Engineer and Assistants.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch therein concurring):

Election of
Chief Engineer
and Assistants.

SECTION 1. That the several fire companies of the city of Wilmington be and they are hereby directed to assemble at their respective engine houses on the second Tuesday in the month of May, A. D. 1892, and on the same day in every second year thereafter, between the hours of seven o'clock and ten o'clock P. M., and hold an election for Chief Engineer and First and Second Assistant Engineers of the Fire Department in the city of Wilmington aforesaid, to serve for the term of two years from the third Monday in May next ensuing their election or until their successors are elected.

Term of
office.

Certificate
of election.

The judges of the election shall deliver to the clerk of the Council, on the day succeeding such election, a certificate of the votes cast by each company, setting forth the persons

OF THE CITY OF WILMINGTON.

voted for and for what office and the number of votes cast for each person, which certificate shall be under oath and signed by said judges or a majority of them. The Council shall, at its next stated meeting after any such election, proceed to canvass said certificates, and shall count each company as one vote, according to the majority appearing on the face of the certificate for the persons for whom such majority was cast, and the persons who shall receive a majority of the several companies shall be declared to be the Chief Engineer and First and Second Assistant Engineers for the term next ensuing this election; should, however, there not be a majority of the companies cast for one or more of the persons for any of the said offices the present officers hold over until their successors are elected. Any vacancy occurring in any of the said offices by death, resignation, or otherwise, shall be filled by the company from which said vacancy occurs for the residue of the term.

Canvass of votes.

Failure to elect.

Vacancies, how filled.

SECTION 2. No person shall be allowed to vote at any election provided for by this act except he shall be a member in good standing of the fire company at whose house he shall offer to vote. Three judges, who shall be elected by ballot from among the members in good standing of fire company, shall be chosen at least one week prior to such election. Except where there are two candidates from one company each candidate shall have a judge of his own selection from the company to which he belongs.

Who allowed to vote

Judges of Election.

SECTION 3. That all acts and parts of acts inconsistent with this act shall be and are hereby repealed.

Inconsistent acts repealed

Passed at Dover, May 5, 1891.

OF THE CITY OF WILMINGTON.

CHAPTER 213.

OF GILPIN AVENUE.

AN ACT in relation to Gilpin Avenue in the City of Wilmington.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of thereof herein concurring):

Change of
curb lines.

SECTION 1. That the Board of Directors of the Street and Sewer Department of the city of Wilmington are hereby authorized and empowered to change and determine the curb lines of Gilpin avenue in said city of Wilmington; *provided* that where curbs shall have been set before any change in the curb lines, as provided for in this act, the same shall be reset at the expense of the said Board of Directors of the Street and Sewer Department. The said Board of Directors of the Street and Sewer Department are further authorized and empowered to define and determine what parts of the said Gilpin avenue, between the curb and property lines, shall be paved and the width and character of such pavements.

At whose
expense

Paving
regulations.

Railways
prohibited.

SECTION 2. That no passenger, freight, street railway or other track shall be laid on or along said Gilpin avenue, but the roadway of said avenue shall remain and be kept in good condition so as to afford a free and unobstructed passage for carriages, wagons and other vehicles used either for business or pleasure; *and provided further*, that no door step, porch, bay or brick window, cellar door, areaway, or other appurtenance to any building shall hereafter be erected beyond the building line on said Gilpin avenue.

Encroach-
ments on
street.

Trees and
other plants.

SECTION 3. That the Board of Park Commissioners of the city of Wilmington are hereby authorized to set, sow and take charge of trees, grass and other plants on the unpaved parts of the spaces between the curb lines and the property lines on said Gilpin avenue.

Passed at Dover, May 5, 1891.

OF THE CITY OF WILMINGTON.

CHAPTER 214.

OF FINANCES.

AN ACT to further amend an act entitled "An act to revise and consolidate the Statutes relating to the City of Wilmington," passed at Dover, April 13, 1883.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch thereof herein concurring):

SECTION 1. That Section 64 of an act entitled "An act to revise and consolidate the statutes relating to the city of Wilmington," passed at Dover, April 13, 1883, be and the same is hereby amended as follows, to wit: Strike out the words "all the" between the words "in" and "daily" in the second line of said section and insert in lieu thereof the word "two." Section 64 of a certain act amended.

Passed at Dover, May 5, 1891.

CHAPTER 215.

OF PAVING AND CURBING.

AN ACT to further amend an act entitled "An act to Revise and Consolidate the Statutes relating to the City of Wilmington," passed at Dover, April 13, 1883.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch concurring herein):

SECTION 1. That Section 119 of an act entitled "An act to revise and consolidate the statutes relating to the city of Wilmington," passed at Dover, April 13, 1883, be and the same is hereby stricken out and repealed, and the following is hereby substituted in lieu thereof: Act repealed

SECTION 119. Upon the application of fifteen freeholders residing or holding property in any street, lane or alley in Paving of streets and alleys.

OF THE CITY OF WILMINGTON.

said city, or if there be less than fifteen freeholders residing or holding property as aforesaid, then upon the application of a majority of such freeholders, the Board of Directors of the Street and Sewer Department are hereby authorized, in their discretion, to issue their precept, signed by the president of said board and directed to the street commissioner, commanding him to cause the footways and gutters of such street or alley to be paved with brick, stone or other material as the case may require, and to fix curbstones therein, agreeably to the proper ground plan and regulations of said city.

Measuring of pavement. The paving and curbing of the footways shall, upon the completion of such paving and curbing, be forthwith measured by the Chief Engineer of the Surveying Department, who shall transmit such measurement to the said board of directors, and it shall be the duty of said board of directors to have the cost and expense of all such paving and curbing assessed upon all the owners of property bordering or fronting on the street where it is so paved and curbed, according to the number of feet contained in the street line of the property of such owners respectively. If such assessment shall be approved by the said board of directors, they shall cause said approved assessment to be immediately entered in a record book to be kept by them for that purpose, and the same being so recorded shall, from the time of its entry as aforesaid, be and remain a lien upon the lands and buildings of each of said owners fronting on such street as aforesaid to the extent of the amount of his approved assessment and as such lien shall have priority against any lien, encumbrance or conveyance made or suffered by the owner or owners of such property after the recording of such assessment as aforesaid.

Assessment of cost. It shall be the duty of the board of directors to cause a transcript of all such recorded assessments to be forthwith transmitted to the City Auditor, who shall enter them of record in his office.

Approval of assessment.

Lien.

Transcript of assessment.

Bill for paving, etc. The said board of directors shall forthwith present to each of said owners or other persons having charge of said property a bill for the proportion of such expense so assessed to such owner, and if the amount of said bill be not paid within sixty days after such presentation thereof it shall be the duty of the Mayor of said city to issue his warrant, directed to the said board of directors, commanding them to levy the same with all cost thereon upon the grounds or buildings of such owner fronting on such street as aforesaid, which said ground or buildings or any part thereof shall be sold by said board

Failure to pay bill.

Sale of property.

OF THE CITY OF WILMINGTON.

of directors at public auction, upon ten days' notice in two newspapers published in said city, and a deed from "The Mayor and Council" of Wilmington shall convey to the purchaser of said grounds or buildings as full and complete a title to said premises, in fee simple or otherwise, as if the same were executed by said owner thereof. And it shall be the duty of said board of directors, out of the purchase money of the said premises so sold as aforesaid, to pay all costs arising from said process and sale to the parties entitled thereto respectively, and to pay to the City Treasurer, for the use of the Street and Sewer Department, the amount of said approved assessment so assessed to such owner as aforesaid, for which they shall take and the City Treasurer shall give duplicate receipts, one of which shall be retained by the said board of directors and the other shall be by him forthwith transmitted to the City Auditor. The residue of said purchase money shall be immediately deposited by the said board of directors in the Farmers' Bank of Delaware, at Wilmington, to the credit of the owner of the property so sold, for which said board of directors shall take from the cashier of said bank duplicate certificates of deposit, and one of said certificates shall be filed in the office of said board of directors and the other of said certificates shall be filed in the office of the City Auditor; and the said board of directors, or a majority of them, shall make duplicate returns under their hands of their proceedings under such warrant as aforesaid immediately after any sale is made, one of said returns to be filed in the office of said board and the other of said returns to be filed in the office of the City Auditor. Said returns shall be entered upon the records of the assessment so kept as aforesaid.

Notice.

Application
of proceeds
of sale.Return of
proceedings.

Nothing in this section shall operate or be construed to invalidate any lien for curbing and paving now existing and uncollected. But all such liens shall be collected by sale or otherwise as prescribed in this section. Whenever the Board of Park Commissioners shall deem it necessary to curb and pave footways, within the limits of the parks of this city, in front of any private property bordering or fronting upon any footway so to be curbed and paved, they shall cause such footways to be curbed and paved, and the Chief Engineer of the Surveying Department shall measure such curbing and paving, and shall certify such measurement, so made as aforesaid, to the Board of Directors of the Street and Sewer Department, who shall assess the same, with the costs thereof, against the property upon which it immediately borders or

Lien.

Curbing and
paving of
footways.Assessment
of cost.

OF THE CITY OF WILMINGTON.

fronts, and the measurement and assessment thus made shall be returned upon the same lien books and in the same manner as is hereinbefore provided for entering liens for street paving and curbing. The method of collection of such liens shall be the same as is hereinbefore provided with respect to other liens for curbing and paving, and such liens shall have a similar priority over other liens and encumbrances. *Provided, nevertheless*, that the moneys collected for paving and curbing in the parks shall be by the Street and Sewer Department paid over to the Board of Park Commissioners for park purposes. The Street and Sewer Department may, however, at its option, repair any footway of the city without notice being first given to the owner or owners of abutting property, and the expense of repairing the same shall be assessed in the same manner as provided for curbing and paving in this act against the premises fronting on said footways, and shall constitute a lien against such premises, and shall be collected as other liens for curbing and paving provided for by this act.

Liens.

Proviso.

Repairs of
footway.

Passed at Dover, May 5, 1891.

CHAPTER 216.

OF PUBLIC PARKS.

AN ACT to amend an act entitled "An act to provide for Public Parks for the use of the Citizens of Wilmington and its vicinity."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch thereof concurring):

Chapter 204,
Volume 17,
amended.

SECTION 1. That the act entitled "An act to provide for Public Parks for the use of the citizens of Wilmington and its vicinity," passed at Dover, March 13, A. D. 1883, be and the same is hereby amended by striking out the word "ten" between the words "of" and "thousand" in the twenty-fifth line of Section 5 of said act, and insert in lieu thereof the word "twenty."

Passed at Dover, May 11, 1891.

CHAPTER 217.

OF MUNICIPAL TAXES.

AN ACT to exempt certain Marsh and Meadow Lands in the City of Wilmington from Municipal Taxes.

Whereas the expense of maintaining and keeping in repair the banks and sluices of the marshes within the limits of the city of Wilmington has been and is now enormous (when compared with the value of or the income of these reclaimed lands) by reason of said marshes being bounded by one or more tail water streams, requiring large banks of great strength and length to resist freshets and unusual high tides, which frequently break through and overflow such marsh lands; said banks being also subject to the swell caused by tugboats and steamboats require large sums of money to keep them in proper repair; Preamble.

And whereas a number of years ago the limits of the city of Wilmington were extended so as to include a large portion of these marshes, a part thereof to give the city a frontage on the Delaware river;

And whereas certain upland, suitable for the erection of dwelling houses, and a large portion thereof now being built upon, has been brought within the limits of the said city of Wilmington, on the westerly side thereof, subject to a city tax on only one-eighth of the valuation of such lands;

And whereas this marsh land, which is used during the spring and summer months as pasture and hay land mainly, should have been exempted from municipal taxation when said land was brought within the city limits;

And whereas the taxes heretofore assessed upon the said marsh lands by the said city of Wilmington average over three and one-half dollars per acre annually and in some cases over four dollars per acre, while the rental income from said lands does not average four dollars per acre annually, and when said banks are broken and the lands overflowed the growing crops and herbage are destroyed and no profit is then derived from the lands;

And whereas the said marsh land is assessed for city taxes at the average rate of four hundred and eighty-five dollars

OF THE CITY OF WILMINGTON.

per acre, while the county assessment for the same marsh land situate in said city of Wilmington is at the average rate of one hundred and fifty-four dollars per acre;

And whereas the said banks of said marshes maintained by the owners thereof protect the city of Wilmington and numerous small landowners, who have erected dwelling houses on said marsh lands; and unless said banks are kept in proper repair said houses will at once become untenable and valueless, as said lands would be entirely covered by water;

And whereas the marsh lands of the Cherry Island Marsh Company have been heretofore exempted from city taxation;

And whereas it is wholly unjust and a burdensome exaction to tax said marsh lands to an amount equal to if not in some cases exceeding the rental value thereof;

And whereas it is a maxim of municipal law that property in a city should pay a reasonable tax for the protection given it by the city, and from this is deduced the rule that property which protects the city should not be taxed by it;

And whereas it is all important to the lives, health, and protection of the citizens of the city of Wilmington that the owners of said marsh lands shall continue in the future (as they have in the past) to keep up their banks, and to that end they should in all justice and fairness be exempted from all taxes and assessments heretofore levied upon them by the said city of Wilmington, therefore

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Certain
marsh and
meadow
land exempt
from municipal
taxes.

SECTION 1. That each and every acre and all parts and portions of an acre of the marsh and meadow lands protected by banks from overflow by the tides within the limits of the city of Wilmington, whereon no houses or buildings are erected, be and the same are hereby declared to be exempt from all municipal taxes, assessments, burdens and impositions of any kind or nature whatsoever for and during the period and term of ten years from and after the date of the passage of this act, and no municipal tax shall be levied or collected by the said city of Wilmington from the owner or owners of any part or parts of said marsh and meadow lands

OF THE CITY OF WILMINGTON.

during the period and term of ten years as aforesaid. *Pro- Proviso.*
vided, however, That this act shall not apply to any marsh
 or meadow lands which have been heretofore exempted from
 taxation by act of the General Assembly.

Passed at Dover, May 14, 1891.

CHAPTER 218.

OF ELECTIONS IN THE CITY OF WILMINGTON.

AN ACT to amend Chapter 669 of Vol. 18 of the Laws of Delaware.

*Be it enacted by the Senate and House of Representatives
 of the State of Delaware in General Assembly met (two-thirds
 of each branch of the Legislature concurring therein):*

SECTION 1. That the act entitled "An act to amend an ^{Certain act}
 act entitled 'An act to revise and consolidate the statutes ^{amended.}
 relating to the city of Wilmington,'" as amended April 25,
 1889, be and the same is hereby amended as follows, to wit:

By inserting between the word "register" and the word
 "the" in the fourth line of Part 3 of Section 10 the words
 "and who are challenged." By striking out the words
 "then each" in the first line of Part 4, Section 10. By
 adding after the word "appear" in the seventh sub-division
 of Part 4 of Section 10, the words "*provided*, that if any ^{Naturaliza-}
 applicant required by law to be naturalized shall, for any ^{tion papers.}
 cause be unable to present his naturalization papers, he shall,
 upon satisfactory proof of his naturalization, be admitted to
 register and to vote." By adding after the word "inspector,"
 in the fifth line of Section 33, the words "but the inspector
 or inspectors so chosen shall be of the same political faith ^{Inspectors of}
 and opinion as the person or persons for whose place or ^{elections.}
 places he or they may be chosen to fill; and if at the time
 aforesaid either or both of the poll clerks be not present at
 the place of election the inspectors shall choose a person or ^{Absence of}
 persons to fill the place or places of such absent clerk or ^{officers.}
 clerks; *provided* the person or persons so chosen shall be of ^{Proviso.}
 the same political faith and opinion as the person or persons

OF THE CITY OF WILMINGTON.

per acre, while the county assessment for the same marsh land situate in said city of Wilmington is at the average rate of one hundred and fifty-four dollars per acre;

And, whereas the said banks of said marshes maintained by the owners thereof protect the city of Wilmington and numerous small landowners, who have erected dwelling houses on said marsh lands; and unless said banks are kept in proper repair said houses will at once become untenable and valueless, as said lands would be entirely covered by water;

And whereas the marsh lands of the Cherry Island Marsh Company have been heretofore exempted from city taxation;

And whereas it is wholly unjust and a burdensome exaction to tax said marsh lands to an amount equal to if not in some cases exceeding the rental value thereof;

And whereas it is a maxim of municipal law that property in a city should pay a reasonable tax for the protection given it by the city, and from this is deduced the rule that property which protects the city should not be taxed by it;

And whereas it is all important to the lives, health, and protection of the citizens of the city of Wilmington that the owners of said marsh lands shall continue in the future (as they have in the past) to keep up their banks, and to that end they should in all justice and fairness be exempted from all taxes and assessments heretofore levied upon them by the said city of Wilmington, therefore

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Certain
marsh and
meadow
land exempt
from municipal
taxes.

SECTION 1. That each and every acre and all parts and portions of an acre of the marsh and meadow lands protected by banks from overflow by the tides within the limits of the city of Wilmington, whereon no houses or buildings are erected, be and the same are hereby declared to be exempt from all municipal taxes, assessments, burdens and impositions of any kind or nature whatsoever for and during the period and term of ten years from and after the date of the passage of this act, and no municipal tax shall be levied or collected by the said city of Wilmington from the owner or owners of any part or parts of said marsh and meadow lands

OF THE CITY OF WILMINGTON.

during the period and term of ten years as aforesaid. *Pro- Proviso.*
vided, however, That this act shall not apply to any marsh
 or meadow lands which have been heretofore exempted from
 taxation by act of the General Assembly.

Passed at Dover, May 14, 1891.

CHAPTER 218.

OF ELECTIONS IN THE CITY OF WILMINGTON.

AN ACT to amend Chapter 669 of Vol. 18 of the Laws of Delaware.

*Be it enacted by the Senate and House of Representatives
 of the State of Delaware in General Assembly met (two-thirds
 of each branch of the Legislature concurring therein):*

SECTION 1. That the act entitled "An act to amend an
 act entitled 'An act to revise and consolidate the statutes re-
 lating to the city of Wilmington,'" as amended April 25,
 1889, be and the same is hereby amended as follows, to wit:

By inserting between the word "register" and the word
 "the" in the fourth line of Part 3 of Section 10 the words
 "and who are challenged." By striking out the words
 "then each" in the first line of Part 4, Section 10. By
 adding after the word "appear" in the seventh sub-division
 of Part 4 of Section 10, the words "*provided*, that if any
 applicant required by law to be naturalized shall, for any
 cause be unable to present his naturalization papers, he shall,
 upon satisfactory proof of his naturalization, be admitted to
 register and to vote." By adding after the word "inspector,"
 in the fifth line of Section 33, the words "but the inspector
 or inspectors so chosen shall be of the same political faith
 and opinion as the person or persons for whose place or
 places he or they may be chosen to fill; and if at the time
 aforesaid either or both of the poll clerks be not present at
 the place of election the inspectors shall choose a person or
 persons to fill the place or places of such absent clerk or
 clerks; *provided* the person or persons so chosen shall be of
 the same political faith and opinion as the person or persons

Certain act
 amended.

Naturaliza-
 tion papers.

Inspectors of
 elections.

Absence of
 officers.

Proviso.

OF THE CITY OF WILMINGTON.

Oath of person elected to fill place of election officer.

What shall constitute a vacancy.

for whose place or places he or they may be chosen to fill. When any person shall be chosen to fill the place of an absent inspector or poll clerk, he shall, before entering upon his duties, take and subscribe the oath as provided in Section 8 of this act, and a blank form of said oath shall be printed or written in the back of the register provided to be furnished to the inspectors of election under this act. The failure of an election officer appointed by the Department of Elections to appear and enter upon the performance of his duties at the time or times prescribed in this act for any registration or election shall constitute a vacancy, and the person or persons selected under the provisions of this act to fill any or all such vacancies shall hold office for the unexpired term or terms of his or their predecessors, under and subject to all the provisions of this act respecting the same."

Passed at Dover, May 15, 1891.

CHAPTER 219.

OF THE FINANCES.

AN ACT to authorize "The Mayor and Council of Wilmington" to borrow a certain sum of money for the Improvement of Streets and Avenues in the City of Wilmington, Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring therein):

Mayor and Council of Wilmington to borrow money.

How to be expended.

SECTION 1. That the Mayor and Council of Wilmington shall have power and authority and they are hereby ordered and directed, under an ordinance of the City Council to be passed with a concurrence of two-thirds of all the members thereof for the time being, to borrow a sum or sums of money not exceeding in the aggregate five hundred thousand dollars, which shall be appropriated, applied and expended for the following purposes, that is to say for paving and improving the streets and avenues of the said city of Wilmington, to issue bonds of said city for the payment thereof, with interest, at such times and in such manner as the said City Council shall by ordinance prescribe and appoint.

OF THE CITY OF WILMINGTON.

SECTION 2. That any and all moneys so borrowed under the authority of this act shall be borrowed by the said "The Mayor and Council of Wilmington" at such times and in such amounts as the Board of Directors of the Street and Sewer Department of the city of Wilmington may direct. *Provided, however,* That in no event shall the amount to be borrowed under the provisions of this act exceed the sum of two hundred thousand dollars in any one year, and shall be applied and expended through and by the said Board of Directors of the Street and Sewer Department of the city of Wilmington, which shall have the supervision, management, direction, and control of and over the work and the expenditures of money as hereinbefore provided. All money borrowed as aforesaid for the purpose hereinbefore named shall be placed on special deposit by the said Board of Directors of the Street and Sewer Department of the city of Wilmington, and all orders or warrants for the payment of money drawn against this fund shall have specified thereon the words, "Paving and improving streets and avenues," and no warrant or order for the payment of money shall be drawn against such fund except such order or warrant is for payment for work done in the improving of the streets and avenues of the city of Wilmington as aforesaid.

How
borrowed.Sum to be
borrowed
not to exceed
\$200,000 in
one year.Expenditure
of money.Deposit of
money
borrowed.Orders on
fund, how
marked.

SECTION 3. That the bonds of the city of Wilmington authorized to be issued under the provisions of this act shall be issued and payment made in the manner provided by an act passed at Dover, February 9, 1855, entitled an act to provide a sinking fund for the payment of the city debt of Wilmington and the various amendments and supplements thereto.

Issue of
bonds.

Passed at Dover, May 15, 1891.

OF THE CITY OF WILMINGTON.

CHAPTER 220.

OF SEWERS AND DRAINS.

AN ACT in relation to Sewers and Drains.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch thereof therein concurring):

Rules and regulations concerning sewers and drains.

SECTION 1. That the "Mayor and Council of Wilmington," through the agency of the Street and Sewer Department, shall have power to establish rules and regulations for the proper government of all persons or corporations who may be engaged in the laying, repairing and making any connections with any public or private sewers, drains, drain pipes, water or steam pipes, in that portion of the city of Wilmington under the jurisdiction and control of the said Street and Sewer Department, and may provide a system of licenses for, as well as proper bonds of indemnity from all such persons or corporations, which bonds of indemnity shall be with surety or sureties, and in such amount and with such conditions as said Street and Sewer Department may determine; and the said Street and Sewer Department may prescribe penalties for breaches of such rules and regulations; *provided, however*, that no penalty shall be in excess of fifty dollars.

Penalties.

Proviso.

Rules and regulations to be printed etc.

SECTION 2. Such rules and regulations as shall be adopted in conformity with the provisions of this act shall be printed and kept in the office of the Street and Sewer Department for distribution to persons or corporations that may make application to connect with, lay or repair any public or private sewer, drain or drain pipe, water or steam pipe as aforesaid.

Chapter 665, Volume 18, amended.

SECTION 3. That Chapter 665, Volume 18, Laws of Delaware, be and the same is hereby amended as follows, to wit: By striking out the word "Council" in the first line of Section 1 of said act and substitute in lieu thereof the words "Board of Directors of the Street and Sewer Department;" by striking out the words "by ordinance or ordinances" in the third and fourth lines of said Section 1; by striking out the word "Council" in the first line of Section 2 of said act and substitute in lieu thereof, the words "Board of Directors

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of the Street and Sewer Department of said city;" also strike out the word "ordinance" in the said first line of said Section 2 and substitute in lieu thereof the words "rules and regulations;" by adding to Section 2 of said act the words following, to wit: "*Provided, nevertheless,* that the ordinances, rules and regulations of the Council, now in force, shall remain operative and binding until the same are changed in whole or in part by the said Board of Directors of the Street and Sewer Department of said city." Proviso.

SECTION 4. That the Secretary of State is hereby authorized and directed to cause Chapter 665, Volume 18, Laws of Delaware, to be printed in the next volume of Delaware Laws, as by this act amended. How printed

Passed at Dover, May 15, 1891.

CHAPTER 221.

OF HOUSE DRAINAGE AND CESSPOOLS.

A Supplement to an act to Revise and Consolidate the Statutes relating to Wilmington, passed at Dover, April 13, 1883.—Amended.

Chapter 665,
Volume 18,
as amended
by foregoing
chapter.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch thereof concurring therein):

SECTION 1. The Board of Directors of the Street and Sewer Department of the city of Wilmington to provide for the health of the citizens of said city shall have power, and it is hereby authorized and directed to adopt and promulgate suitable rules and regulations for the construction of house drainage and cesspools, and to provide for the registration of plumbers and persons engaged in the plumbing business in said city, and for the enforcement of such rules and regulations; to make provision for the punishment of persons who shall refuse or neglect to comply with the same. Board directed to adopt rules for the construction of house drainage.

SECTION 2. The said Board of Directors of the Street and Sewer Department of said city shall by rules and regulations also establish a system of inspection and supervision over System of inspection.

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all house drainage and cesspools and ventilation of the same, and appoint such inspector as may be necessary, at such compensation as may be approved by said Council and make provision for payment of same. *Provided, nevertheless,* that the ordinances, rules and regulations of the Council now in force shall remain operative and binding until the same are changed in whole or in part by the said Board of Directors of the Street and Sewer Department of said city.

CHAPTER 222.

OF EXTENSION OF CITY LIMITS.

AN ACT to further amend the Charter of the City of Wilmington.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each House concurring:)

Boundaries
extended.

SECTION 1. That the boundaries of the city of Wilmington be further extended so as to include the territory bounded and described as follows, viz:

Description
of territory
to be em-
braced.

Beginning at the southwesterly corner of Union street and Delaware avenue, and running thence northwesterly along the northwesterly side of Delaware avenue extended one hundred and eighty feet (180) more or less, to a point in line with the southwesterly side of Eighteenth street as laid out in the district known as the Highlands; thence northwesterly one thousand and ten feet (1010) more or less, to the intersection of the southerly side of Eighteenth street and the westerly side of Rockford lane; thence northerly along the westerly side of said lane about two hundred feet (200) to the southerly side of Church lane or Nineteenth street; thence northwesterly along the southerly side of Church lane or Nineteenth street about twenty-five hundred and twenty-five feet (2525) to a point formed by the intersection of the southerly side of Church lane with the most westerly line of the Rockford Park extended southerly across said lane; thence north forty-one degrees and forty-two minutes east crossing said lane and binding on lands of E. I. DuPont de Nemours & Company eight hundred and forty feet and six-tenths

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(840.6) to a corner stone; thence easterly following the lines of Rockford Park and the park roadway until they intersect the line of the present boundary of the city of Wilmington upon the northerly side of the park roadway, as now laid out and determined, and thence southerly along the present city line to the point of beginning.

SECTION 2. Within the limits of the city of Wilmington extended by this act, the Mayor and Council of Wilmington shall be vested with all power, rights, privileges and immunities which before this time belonged to them as a municipal corporation, and all the laws, ordinances and regulations in force within the former city limits, and not locally inapplicable, shall be extended and applied to the new territory comprised within the boundaries as set forth in the first section of this act. *Provided*, That the park lands and the park roadway included within said boundaries shall be subject to the jurisdiction of the Park Commission in like manner as is by law provided with respect to lands now held and owned by the said city for park purposes.

Mayor and Council vested with powers over embraced territory.

Proviso.

SECTION 3. The real estate by this act added to and included within the city limits, and all persons residing now or hereafter within said new boundaries, shall be subject to assessment for municipal taxes in the same manner and subject to the same rights, rules and restrictions as in other cases within the said city. *Provided*, That the rate of taxation of said real estate shall be for the period of five years ensuing the passage of this act at one-half the rate of taxation on city property generally and for five years following at one-half the rate of taxation on city property generally, and thereafter at full rate.

Assessment for municipal taxes.

Proviso.

SECTION 4. The new territory hereby added to the said city (excepting the park lands) shall be a part of the Seventh ward thereof. *Provided, however*, That all expense incurred in the surveying of said annexed territory for the purposes of establishing grades and street lines upon the land through which streets or avenues shall be opened or extended shall be borne by the owners therein.

New territory a part of Seventh ward. Proviso.

SECTION 5. All acts or parts of acts inconsistent with the provisions of this act be and the same are hereby repealed.

Passed at Dover, May 15, 1891.

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CHAPTER 223.

OF MUNICIPAL POLICE COMMISSION.

AN ACT to provide for the appointment of a Municipal Police Commission for the City of Wilmington.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch concurring herein):

Board of Police Commissioners, of whom composed.

SECTION 1. The Police Department of the City of Wilmington shall, on and after the first day of July, A. D. eighteen hundred and ninety-one, be under the control and management of a Board of Police Commissioners, to be composed of the Mayor, hereafter to be elected, and of two sober and discreet persons to be appointed as hereinafter designated.

Mayor a member of Commission Governor to appoint other members.

Term of office.

Vacancies by expiration of term, how filled.

When chosen.

Term of office.

Vacancies, how filled.

Qualifications.

SECTION 2. The Mayor shall serve as a member of said Board of Police Commissioners for and during his full term of office, and the Governor shall, on or before the first day of June, A. D. 1891, appoint the other two commissioners who shall hold office, one for the term of four years from and after the first day of July, A. D. eighteen hundred and ninety-one, or until his successor shall be duly appointed, and the other for the term of six years from and after the said first day of July, or until his successor shall be chosen. At the expiration of the term of office of either of said commissioners so appointed, the vacancy shall be filled by a board, composed of the president of "The Council," president of the Board of Water Commissioners, and president of the Board of Directors of the Street and Sewer Department, by the appointment of a suitable person who shall have been chosen at least thirty days next preceding the expiration of said term of office. Such person so appointed shall hold office for and during the term of six years from the first day of July next ensuing or until his successor shall have been appointed. The said board shall have power to fill and shall fill any vacancies in its own membership caused by the death, resignation, or incapacity to serve of either of the said two commissioners appointed as aforesaid. Said appointments shall be only for the residue of the unexpired term. No person shall be eligible to appointment as a member of said board who shall not be a citizen of the United States, a

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qualified voter of this State, and a resident of the city of Wilmington for the next five years last preceding his appointment. Any member of said board may be removed for cause after trial by two-thirds vote of the whole City Council. Reasons for removal shall be entered in the journal. No person shall hold any other municipal office during his membership in said board, and all members of said board shall not, at any one time, belong to the same political party. Before entering upon the duties of office as commissioner each member thereof shall enter into bond to the Mayor and Council of Wilmington, with one or more sureties, in the penalty of ten thousand dollars, conditioned for the faithful discharge of his duties as such commissioner, said bond to be approved by the judge of the city court of the city of Wilmington, to be kept and recorded by the clerk of said court in the office thereof, together with certificates of appointment as aforesaid, and shall also take and subscribe before said judge of said court, in addition to any oath required to be taken by other municipal officers, the further oath or affirmation that in every appointment or removal to be made by them, to or from the police force, created and to be organized by them under this act, they will in no case, and under no pretext, appoint or remove any policeman, or officer of police, or detective, or any other person under them, for or on account of the political opinions of such policeman, officer, detective, or other person, or for any other cause or reason than fitness or unfitness of such person, in the best judgment of said commissioners, for the place to which he shall be appointed, or from which he shall be removed, and said oath or affirmation shall be recorded and preserved among the records of said court. *Provided*, that the appointments made by the Governor of the said commissioners provided for in this bill shall be chosen one from the Democratic party and the other from the Republican party.

Removal
from office.
Reasons.Members
not to hold
other municipal offices.Bond of
Commissioners.Approval,
recording,
etc.

Oath.

Proviso.

SECTION 3. The Mayor for the time being shall be the President of said Board of Police Commissioners. The Chief of Police for the time being shall be secretary of said board.

President of
board.

SECTION 4. The duties of the Board of Police Commissioners hereby created shall be as follows:

Duties of
board.

They shall, at all times of the day and night, within the boundaries of the city of Wilmington, preserve the public peace, prevent crime and arrest offenders, protect the rights

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of persons and property, guard the public health, preserve order at primary meetings and elections and at all public meetings and conventions and on all public occasions and places, prevent and remove nuisances in all streets and highways and all other places, provide proper police force at every fire for the protection of firemen and property, and enforce all laws of the State and all laws or ordinances, rules and regulations of the city of Wilmington properly enforceable by police force.

Powers of
Commissioners.

In carrying out and effecting the purposes and objects of this act the said Board of Commissioners shall stand in the same position as is now occupied by the Mayor, and shall, after the first day of July, A. D. eighteen hundred and ninety-one, so far as the purposes and objects of this act are concerned, be substituted for the Mayor aforesaid, with the same rights, powers, privileges and authority as were before the passage of this act by any means whatsoever vested in the Mayor aforesaid.

Commissioners to
have control
over police
telegraph
and fire
alarm.

SECTION 5. The said Board of Commissioners are hereby given entire jurisdiction and control over the fire alarm and police telegraph system of this city, and shall, from the time of their organization, have entire management over the instruments and batteries connected therewith, and shall have the appointment of all officials connected therewith and the power to discharge the same whenever the public interests may require it. The salaries of such officials shall remain the same as are now provided by law. All the offices and rooms which are now used for police purposes, as well as for the fire alarm and police telegraph system, shall, from the first day of July next, be under the control of the said Board of Police Commissioners.

Salary of
Commissioners.

SECTION 6. Said Board of Police Commissioners shall be paid for their services yearly salaries as follows, viz, (except the Mayor, who shall receive the salary already provided by law): To each the annual sum of five hundred dollars, payable quarterly. The said Board of Police Commissioners are hereby authorized and required, immediately on entering upon the duties of their office, to appoint, enroll and employ a permanent police force for the city of Wilmington, which they shall uniform and equip as they may judge necessary, under such rules and regulations as they from time to time may prescribe; and the said board shall have power to re-

Police force.

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move any police officer or officer of police, or any detective, for the violation of any rule or regulation which they may make. Said force shall consist of one chief of police, two captains of police and such number of sergeants as may be deemed necessary for each police district in said city, and forty-four men, which force may be increased at any time, if in the opinion of the board the public peace shall require.

Powers of removal.

Of what force shall consist.

The qualifications for position of officer of police, or policeman, or detective, shall be good moral character, sobriety, citizenship in the United States and State of Delaware, ability to read and write, and physical strength and courage. No person who has been convicted of a crime of felony shall be eligible to position of officer of police, policeman, or detective. The pay of an ordinary policeman shall be seven hundred and sixty dollars per annum, payable monthly; and in case the board shall appoint detective policemen, and they are hereby authorized and empowered to do so, if they shall think fit, to the number of two, said detectives shall receive the sum of nine hundred dollars per annum, payable monthly, and shall not be allowed to follow any business or profession, but shall devote their time to the discharge of their duties as detectives. Officers of police shall be paid monthly, and the pay shall be as follows: Chief of police shall receive twelve hundred dollars per annum; each captain of police shall receive nine hundred dollars, and each sergeant of police shall receive eight hundred dollars per annum. The pay herein provided for police officers, policemen and detectives shall continue in force until change shall be made by law. No member of the police force shall receive any other compensation for his services on police force, nor as informer, from the city or any person, nor shall any person for the performance of any duty connected with his position. Any person other than a member of the police department who shall publicly use such badges and uniforms as the Board of Police Commissioners may prescribe for the use of such members, or shall make use of the whistles, calls, or other modes of signaling that are used by the police department, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall forfeit and pay a fine of not less than five dollars or more than twenty dollars.

Qualifications.

Pay of Policeman.

Detectives, compensation of.

How paid.

Pay of Captains and Sergeants.

Persons using uniforms, badges, etc.

Misdemeanor. Penalty.

SECTION 7. No chief of police, officer of police, or other police officers shall, while on duty, enter any drinking saloon or other place where liquors are sold, to be drunk on the

Conduct of policemen.

OF THE CITY OF WILMINGTON.

Non-partisan. premises, except for the purpose of discharging the duties of his office, under penalty of immediate dismissal. No such police officer shall be a member of any political committee, or delegate to any political convention, or shall be present at any such convention, or at any primary, special or general election except in full official uniform discharging the duties of his office as police officer, or shall, at such place or in any public place, engage in any political solicitation, nor shall any such police officer nor any special police officer on the day of any election held within the limits of said city be within the distance of thirty feet of any voting place except for the purpose of depositing his vote or to quell an actual disturbance of the public peace, nor shall he in any manner attempt to influence a voter as to the casting of his ballot; and any violation of the provisions of this section shall work a forfeiture of his position, and it shall be the duty of the Board of Police Commissioners to dismiss him from office and enter upon record the cause of such dismissal, and he shall not be eligible for reappointment. Any violation of the provisions of this section shall also be a misdemeanor, and any such police officer being convicted thereof shall forfeit and pay to the State of Delaware a fine not exceeding one hundred dollars, or be imprisoned for a term not exceeding six months, or both, at the discretion of the court. Upon complaint made against any such police officer to the Municipal Court, verified by affidavit, if said police officer, after hearing, shall be committed or bound for his appearance at the Court of General Sessions of the Peace and Jail Delivery to answer the charge, such police officer shall be suspended from his office pending his trial.

Violation of this section.

Penalty.

Complaint, bond and hearing.

Suspension.

City ordinances, rules, etc. SECTION 8. The ordinances, rules and regulations of said city, now in force, relating to the police department, shall continue in force until the same are changed in whole or part by said Board of Commissioners of said Department. The secretary of said board also shall keep a correct copy of all bills for expenses which shall be approved by said board.

Bills for expenses.

Matron of station-house SECTION 9. Said board of commissioners shall appoint a suitable woman as matron at the station-house in said city, and shall supply her with a furnished office room in said station-house. The said matron shall be subject to removal for cause, after hearing, by the said board, which is invested with exclusive jurisdiction in the premises. The duties of such matron shall be to give such care and advice and

Removal of matron.

Duties of matron.

OF THE CITY OF WILMINGTON.

perform such other police duties as may be requested and proper to female prisoners and refugees confined in said station-house.

SECTION 10. Said Board of Commissioners are hereby authorized to appoint and commission annually a physician of integrity and capacity, resident of the city of Wilmington, and who shall have practiced medicine therein for at least three years next preceding the date of commission, to act as physician of Police Department of said city under such rules and regulations as said board may prescribe for his conduct. The duties of said physician shall be to examine thoroughly all applicants for position on police force of said city, and to test their entire fitness in every respect for said position; to visit all policemen, turnkeys, detectives and officers of police who may be returned as sick and report their condition to said board, and to perform all such other and further professional duties in connection with said department and force as said board may from time to time deem necessary. The annual salary of said physician shall be the sum of three hundred dollars, payable in equal monthly installments; but the tenure of office of said physician shall be determinable within the appointed year for cause by a majority of said board, and in their exclusive discretion, and said physician shall be compensated only up to the time of such determination at the rate of the annual salary aforesaid.

Physician of
Police Department.

Duty of
Physician.

Salary of
Physician.

Tenure of
office.

SECTION 11. All the expenses of the Police Department, including salaries, shall be paid by "The Council" upon bills presented to it, marked with the approval of the said Board of Commissioners, and properly audited by the City Auditor, in the same manner as other bills against said city are now paid.

Expenses of
Police Department,
how paid.

Passed at Dover, May 15, 1891.

OF CITIES AND TOWNS.

CHAPTER 224.

OF STREETS AND HIGHWAYS.

AN ACT relating to Public Streets and Highways.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Opening
streets to lay
pipes, wires,
etc.

SECTION I. No person or corporation shall open or excavate the bed of any street or highway of any city, town or village in this State for the purpose of laying or placing pipes, wires, or other conductors therein without first obtaining the consent of the duly constituted authorities of such city, town, or village. *Provided, however,* That nothing herein contained shall require such consent before opening or excavating the bed of any such street or highway for the purpose of repairing any pipes, wires, or other conductors theretofore lawfully laid or placed in such street or highway.

Proviso.

Repairs.

Passed at Dover, May 14, 1891.

CHAPTER 225.

OF LEIPSIC.

AN ACT to further amend an act entitled "A further supplement to an act entitled 'An act to Incorporate the Town of Leipsic, in Kent County.'"

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring therein):

Registration
of dogs.

SECTION I. That from and after the passage of this act every owner, keeper or harbinger of a dog, in the town of Leipsic, shall, on the day and hours that the town commissioners meet to hear appeals to the town assessment list, come forward and have registered his or her dog or dogs, for which he or she shall pay fifty cents for owner, keeper or harbinger of one dog, and one dollar for each and every dog more than one. Any person owning, keeping or harboring a

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dog, after the day of appeals mentioned above, [who] shall neglect to come forward and have registered and pay to the town treasurer the registering fee for any dog or dogs they may have after the day of appeal, for ten days, it shall be the duty of the town police, constable, or any one the town commissioners may direct, to kill or dispose of any and all dogs that have not been registered and paid the fee above mentioned.

Failure to
register or
pay fees.

SECTION 5. The word "dog," in the above section, shall be taken and construed to mean all animals of the dog kind over ten weeks old.

Word
"Dog" how
construed.

SECTION 3. That all acts or parts of acts inconsistent with this act are hereby repealed.

Passed at Dover, February 18, 1891.

CHAPTER 226.

OF MAGNOLIA.

AN ACT to amend Sections 8 and 21 of Chapter 568, Volume 17 of the Laws of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

That Section 8 and Section 21 of Chapter 568, Vol. 17, Laws of Delaware, be and the same is hereby amended by striking out the word "may" in both the twenty-fifth and twenty-sixth lines of said Section 8, and inserting in lieu thereof the word "shall," and again, in line nine, Section 21 of said chapter, between the words "assessment" and the word "and," the following words: "not to exceed the value of county assessments."

Sections 8
and 21 of
Chapter 568,
Volume 17,
amended.

Further amend in line 25, Section 8, after the word "tax" and insert the words: "of fifty cents on male dogs and one dollar on female dogs" before the word "on" in said line.

Dog tax.

Passed at Dover, February 26, 1891.

OF CITIES AND TOWNS.

CHAPTER 227.

OF DOVER.

AN ACT to further amend the act entitled "An act to reincorporate the Town of Dover."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch of the Legislature concurring therein):

Additional
powers of
Collector of
Dover.

Notice of at-
tachment of
goods, etc.

Suit.

Costs.

Trial, etc.

SECTION 1. That in addition to the powers now given to and possessed by the collector of town or other taxes for the town of Dover, it shall and may be lawful for the collector of the town of Dover, after demand made by him upon the person against whom a tax may be assessed, either poll, personal or real property, for the payment of the tax assessed, and the failure of said taxable to pay the same on said demand, to give written notice to any person or persons residing in Kent county whom he may suppose to have in his or their possession any goods, chattels, rights, credits, moneys or wages belonging to or owing to said taxable, stating the amount of taxes due from said delinquent taxable, and if the person served with notice, as aforesaid, shall refuse or neglect for thirty days after such notice to file a statement with the said collector, giving in detail the goods, chattels, rights, credits, moneys or wages in his hands belonging to said delinquent taxable, and to deliver the same to the collector, or to pay into the hands of the collector so much money as will satisfy said town and other tax due and owing to said town of Dover from said delinquent taxable, and all costs incurred in and about the collecting of said town and other taxes from said delinquent, the collector may proceed by suit, in the name of the town of Dover, before any justice of the peace in the town of Dover, [against] any person notified as aforesaid and failing as hereinbefore provided, and may recover against him, her or them a judgment for the amount of the town and other taxes due from said delinquent taxable and all costs. The costs shall be fixed by the justice of the peace and shall conform as near as may in amount as fees in cases now cognizable before justices of the peace. The process, mode of trial, right of appeal and form of proceeding shall be as prescribed in Chapter 99 of the Revised Statutes of this State. The cost for serving

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the written notice shall be the same as now provided by law in cases of attachment. The oath of the collector shall be sufficient evidence of the demand on the taxable and of the service of notice upon and refusal and neglect of the person in whose hands were or supposed to be goods, chattels, rights, credits, moneys or wages. Evidence of demand.

SECTION 2. That the Town Council of the town of Dover may, by an ordinance enacted at any regular monthly meeting, or by special resolution adopted, release, relieve and exonerate the real property, machinery, implements, tools and other necessary property of any person or persons or corporation used in the business of manufacturing within the limits of the town of Dover, employing not less than six persons, from any assessment for tax for town purposes or other tax over which the Town Council have power or control and from the payment of the same. No property shall be exempt from taxation aforesaid until such ordinance is enacted or special resolution adopted. Powers of Town Council to release certain taxes.
Assessment.
Exemption from taxes.

Passed at Dover, March 19, 1891.

CHAPTER 228.

OF SMYRNA.

AN ACT to incorporate the Board of Trade of the Town of Smyrna.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch thereof concurring):

SECTION 1. That James C. Robinson, A. E. Jardine, William Faries, E. M. Fowler, Alfred L. Hudson, William W. Tschudy, William E. Hall, J. Wesley Denny, Clarence Prettyman, Edward G. Walls, and James W. Spruance, and such other persons as are now or may hereafter be associated with them, be and they are hereby constituted a body corporate under the name and style of "The Board of Trade of the Town of Smyrna," and by that name shall have succession for twenty years, with power to sue and be sued, plead Corporators.
Corporate name.

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Powers of
corporation.
Seal.

and be impleaded in all courts of law and equity, to have and use a common seal, and the same to alter and renew at pleasure, take, hold, grant, bargain, sell, lease, and convey lands, tenements, hereditaments, goods, chattels, rights, and effects of any kind; to ordain and establish a constitution and by-laws and regulations not inconsistent with the constitution and laws of the United States or of this State, and generally to exercise and enjoy all the rights and privileges incident to a corporation aggregate except banking powers.

Constitution
and by-laws.

Business,
how man-
aged.

SECTION 2. That the business of the said corporation shall be conducted and managed by such officers and in such manner as the constitution and by-laws may direct.

Powers of
revocation.

SECTION 3. The power to revoke this act is hereby reserved to the Legislature.

Passed at Dover, March 18, 1891.

CHAPTER 229.

OF CAPE HENLOPEN CITY.

AN ACT Incorporating the Rehoboth Beach Association.

Preamble.

Whereas by amendments to the act incorporating the "Rehoboth Beach Camp Meeting Association" of the Methodist Episcopal Church, the Methodist Episcopal Church has practically abandoned control of said association, and it is now known as the Rehoboth Beach Association; and

Whereas the capital stock of said corporation was, by the provisions of said charter, to be sold at the sum of fifty dollars per share; and

Whereas no consideration was ever in fact paid for said stock, but that the said association sold some lots for the sum of fifty dollars each, and gave to the purchaser thereof a share of stock for each lot purchased, and sold other lots in said association for the same amount, and gave no shares of stock therewith, showing that the consideration was paid for the lots and the stock given away, thus violating their said charter; and

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Whereas by Section 8 of said act of incorporation the said association was authorized, for purposes of improvement and current expenses only, to levy and collect an annual tax on all the real estate within the corporation; and

Whereas they have refused and omitted to levy any tax on real estate belonging to and owned by said association, but have levied and collected all the money necessary to be raised wholly from the real estate already sold, thus making the lot owners pay for the improvement of land held by the association, and have taken the money thus collected and applied the same to the mortgage for purchase money originally given by said incorporators for said real estate, thus making the said lot owners bear the burden of said mortgage, and when the same is paid and satisfied the said real estate unsold will remain the property of the said association and under the control of the said stockholders, who never paid any consideration for said stock, or any tax on the unsold real estate, either for the purpose of improvement or otherwise, therefore

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring therein):

SECTION 1. That Chapter 27, Volume 15 of the Laws of Delaware; Chapter 355, Volume 15 of the Laws of Delaware; Chapter 27 of Volume 16 of the Laws of Delaware; Chapter 351 of Volume 16 of the Laws of Delaware; Chapter 46 of Volume 17 of the Laws of Delaware, be and the same are hereby repealed, and declared null and void, and the following substituted in lieu thereof. Certain laws repealed.

SECTION 2. That all the real estate lying and being situated within the limits of what was formerly "The Rehoboth Beach Association" (charter revoked), situated in Lewes and Rehoboth hundreds, Sussex county, and State of Delaware, shall be known as "Cape Henlopen City," and by that name shall hereafter be called and designated. Change of name.

SECTION 3. That Charles R. Jefferis, William Bright, James E. Hooper, William H. Shock, H. C. McLearn, John W. Hall, and E. J. Morris, be and the same are hereby appointed commissioners of said Cape Henlopen City for the period of one year, as hereinafter provided. That the said commissioners hereby appointed, and their successors in Commissioners. Incorporation.

OF CITIES AND TOWNS.

Name	office, to be chosen as hereinafter mentioned, shall be a body politic and corporate, in fact and in law, by the name of "The Commissioners of Cape Henlopen City," and by that
Powers and liabilities.	name may sue and be sued, implead and be impleaded, in all courts of law and equity in this State and elsewhere, and shall have power to make and use a common seal and alter and renew the same at pleasure, and for the purposes of this act, as hereinafter set forth, to purchase, take, hold, receive, and enjoy any lands, tenements, or hereditaments, in fee simple or otherwise, and also goods, chattels, rights, and credits, and to alien, grant, and dispose of the same in such manner as they may deem expedient and proper for the purposes hereinafter expressed; and also to appoint such officers and agents as shall be deemed necessary or convenient for the management of the affairs of said city, and generally to do all such acts and things as are of or shall be necessary to carry into effect the provisions of this act, as are not contrary to the laws or constitution of the United States or of this State. Immediately after the organization of the commissioners, as is provided for in Section 6 of this act, all books, papers and effects which belonged to "The Rehoboth Beach Association" shall be at once delivered to the said commissioners or their proper agent by the officer or officers of the said "The Rehoboth Beach Association" having the same in his or their custody.
Appointment of officers.	
Delivery of books and papers.	
Proviso.	<i>Provided</i> , That the provisions of this act shall not confer any banking power, or confer any right, either by license or otherwise, for the sale of intoxicating liquors within the limits of said Cape Henlopen City, but that the sale of such intoxicating liquors by any person or in any manner whatsoever is hereby expressly declared to be unlawful. The purpose of the said incorporation is the providing and maintaining a permanent seaside resort, and to furnish the necessary and proper conveniences and attractions requisite to the success of the same.
Sale of intoxicating liquors unlawful.	
Purpose of incorporation.	
Term of office of Commissioners.	SECTION 4. That the commissioners herein named shall continue in office until the third Saturday of July, A. D. 1891, and shall appoint from their number, or otherwise from the freeholders of said Cape Henlopen City, one treasurer, who shall also be collector, and three auditors of accounts, to serve until the said third Saturday of July, A. D. 1891, on which day, in that year, and on the same day in every year thereafter, there shall be held an election in said Cape Hen-
Treasurer and Auditors	
Election of officers.	

OF CITIES AND TOWNS.

lopen City, at the usual place, between the hours of four o'clock and eight in the afternoon, for the election of seven commissioners, one treasurer, who shall also be collector, and who must be a citizen of Lewes and Rehoboth hundred, and three auditors of accounts. One of said commissioners shall be elected for the term of one year, three for two years, and three for three years. Terms of office.

The said treasurer and the said auditors shall be elected annually at the time and place aforesaid, at which annual election the number of commissioners necessary to fill the places of those whose term of office will expire shall also be elected. Any vacancy, or vacancies, in whatever office, or however occasioned, shall be filled by the said commissioners until the next annual election. All officers previously elected or appointed shall continue in office until his or their successor, or successors, are duly elected and qualified. All of said officers shall be freeholders in said Cape Henlopen City, and all male freeholders therein shall be entitled to vote at any such election, and no person shall cast more than one vote at any one election. It shall be the duty of the said commissioners, at least five days before the day of holding any such election, to give public notice of the fact, by not less than five written or printed notices, posted in five or more of the most conspicuous places in said city, but failure to do so shall not prevent said election from being held, but shall render the commissioners then in office ineligible for re-election at the next election at which they would be voted for. Vacancies. Qualifications of officers. Notice of election.

SECTION 5. The said election shall be conducted by the commissioner residing in Lewes and Rehoboth hundred and two of said holding over commissioners, if that number be present, to be selected by the said commissioners, but if one or more of said commissioners be not present, then the said commissioner shall choose from the freeholders of said city who are present, one or two, as the case may require. Election, by whom conducted.

The said persons so chosen shall be judges of said election, and shall decide the legality of the votes offered and all other matters of dispute. The said commissioner shall act as inspector of the election, and shall receive and deposit in a box provided for that purpose the votes cast at such election, and whenever the said judges are unable to agree concerning any matter in dispute the said commissioner shall decide the same. Judges of election.

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Canvassing of votes, certificates, etc. When any such election shall be closed, the said officers shall publicly ascertain the results of the same and certify thereto on the book of the commissioners kept for that purpose; if the services of the commissioner cannot be procured, then the persons present and entitled to vote may proceed and elect any freeholder of said city, who may be present, in his stead. At any such election every male who shall be a freeholder in said Cape Henlopen City above the age of twenty-one years and shall have paid the tax last assessed to him, shall be entitled to vote; but all votes shall be offered in person. The officers holding any such election shall be sworn by the said commissioner and he by one of the two judges aforesaid to perform their said duties with fidelity, and shall each be entitled to receive the sum of one dollar out of the money in the treasury of said city.

Qualifications of voters.

Election officers sworn.

Organization.

Vacancies.

Duty of President.

Duty of Secretary.

Financial report

SECTION 6. The commissioners of Cape Henlopen City, at their first meeting after each election, shall choose a president and secretary from their number, who shall continue in office until their successors are duly elected; and if a vacancy shall occur in either office from any cause whatsoever, the said commissioners, at their next meeting thereafter, shall fill the same from their number as aforesaid. It shall be the duty of the said president to preside at the meetings of the said commissioners and to have the general supervision of the affairs of said Cape Henlopen City and of the persons who may be employed by the said commissioners; to receive the complaints of nuisances and violation of laws and ordinances and present the same to the said commissioners at their next meeting for their action; he shall sign all warrants on the treasurer for the payment of any money, and shall perform such other duties as may be prescribed by any ordinance or the by-laws adopted by said commissioners. The duties of the said secretary shall be such as are prescribed by the by-laws, but, in conjunction with the said treasurer, an annual report of the financial condition of said city shall be prepared, showing the receipts and expenditures, and submitted to the said commissioners, which said report shall be open to the inspection of any freeholder of said city.

Ordinances.

SECTION 7. The said commissioners shall have authority to make such regulations and ordinances for the government of said city as they may deem proper and necessary, and to provide and establish the necessary sanitary measures for the health of the citizens and residents thereof; and may cause

OF CITIES AND TOWNS.

all nuisances and obstructions that may exist within the limits of said city, wherever therein the same may be, to be removed and abated. Whenever any such nuisance or obstruction does exist and ought to be removed, the said commissioners shall give notice in writing to the person causing the same, or who is responsible for its existence, to remove or abate the said nuisance or obstruction, and if such person shall refuse or neglect so to do for the space of five days after such notice, he shall forfeit and pay the sum of ten dollars, to be recovered by the said commissioners, for the use of the said city, in the same manner as debts of like amount are recoverable.

Nuisances.

Failure to
abate nuisance.

Fine.

SECTION 8. That the roads, streets, and lanes within the limits of Cape Henlopen City shall be and they are hereby made public highways. That the said commissioners, or a majority of them, shall have the superintendence and oversight of all roads, streets, lanes, alleys, gutters, and ditches, now opened or hereafter to be opened, and shall have power and authority to cause the said roads, streets, lanes, alleys, bridges, gutters, and ditches, in said city, to be repaired, supported, and regulated, and to fill up ditches, drains and sluices, and to cause others to be cut, opened, enlarged, or repaired in any manner they may deem proper and right for the convenience, interest, and health of the citizens of said city.

Public
highways.Superin-
tendence of
roads.

That the Levy Court of Sussex County be and is hereby authorized and directed, in making the apportionment of the road tax to be paid to the overseers of roads in the various hundreds of said county, to make an order for the payment to the commissioners of said Cape Henlopen City the same sum of money as is apportioned to towns of like grade and size, to be expended by them in repairing and maintaining in proper order and condition the roads, streets, and bridges, within the limits of said city, and the said expenditure shall be under their sole direction and control, and the said commissioners shall settle with the said Levy County as overseers of roads in said county now do.

Road tax.

How to be
used.

SECTION 9. *And be it further enacted,* That the unsold real estate within the limits of said Cape Henlopen City shall, from and after the passage of this act, be vested in the commissioners of said city, subject however to the liens thereon already existing, and the said commissioners shall

Unsold real
estate, how
vested.

OF CITIES AND TOWNS.

have control and charge of the same, and are hereby authorized and empowered to sell and dispose of the said unsold real estate in such manner and upon such terms as they may deem advisable and advantageous, and to execute a good and sufficient deed or deeds in fee simple to the purchaser or purchasers for the same.

Commissioners authorized to borrow money to satisfy mortgages.

Conditions.

Form of bonds.

Sale of bonds

When issued

Levying and collection of taxes.

Additional tax.

Purpose of.

SECTION 10. That the commissioners of the said Cape Henlopen City shall have power and authority, on the faith of the said city, to borrow a sum of money not exceeding five thousand dollars, and which shall be applied, appropriated and expended for the purpose of satisfying and canceling the mortgages now standing as a lien upon said real estate, and authority is hereby given the said commissioners to issue bonds therefor at a rate of interest not exceeding six per centum per annum, the said bonds to be made payable at such time or times, not exceeding twenty years from that date, and in such manner as shall be prescribed by said commissioners, but subject, nevertheless, to redemption at the option of the said commissioners at any time prior to the time mentioned in said bonds. The form of said bonds shall be prescribed by the said commissioners, which shall be signed by the president of the said commissioners, and treasurer of said city, and sealed with the corporate seal of said corporation. That the said bonds, hereby authorized to be issued, shall not be sold for less than face value, nor shall any of said bonds be actually issued until the number necessary to satisfy and cancel one of said mortgages shall have been subscribed for and sold, when the said mortgage shall be immediately satisfied and paid.

SECTION 11. That the Commissioners of said Cape Henlopen City be and they are hereby authorized and empowered, for the purposes of improvement and current expenses only, to levy and collect a tax, not exceeding one thousand dollars in any one year, on all the real estate within the limits of said corporation, except land of said city. All taxes shall be levied, assessed and raised on the real estate in just and equal proportions. The said commissioners are further authorized and empowered at the same time, and in the same manner, to levy and collect an additional tax which shall be sufficient, together with the amount of money received from the sale of lots in any year added thereto, to pay the annual interest on the said bonds, and also to create and establish a sinking fund sufficient to redeem and cancel said bonds at

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maturity, and the amount of money thus raised shall not be used for any other purpose.

SECTION 12. That the said commissioners, after having ascertained the sum necessary to be raised on the said city for each year for the purposes mentioned in this act, shall make a true, just and impartial valuation or assessment of the real estate within said city, except as hereinbefore excepted; and shall, as soon as possible, cause a full and complete transcript of said assessment, containing the amount assessed to each freeholder, to be hung up in a public place in said city, there to remain for the space of twenty days for public inspection. The said commissioners shall, immediately upon the expiration of the said twenty days, hold a court of appeal, which shall continue open from 2 o'clock P. M. until 5 o'clock P. M. of the said day, when they shall hear and determine appeals from said assessments. Notice of the hanging up of the list and also at the same time notice of the time and place of hearing appeals shall be given by notices posted in at least five public places in said city. The decision of the said commissioners upon any appeal shall be final and conclusive. No commissioner shall sit upon his own appeal but the same shall be heard and determined by the others. After the valuation and assessment shall be examined and adjusted by the said commissioners, all taxes shall be levied, assessed and raised on the real estate thus valued and assessed in just and equal proportions. The said commissioners, before commencing to make said assessments, shall be sworn or affirmed, by some person authorized by the law of this State to administer oaths, diligently, faithfully and impartially to perform the duties herein imposed to the best of their ability, knowledge and judgment.

Assessment
of property.Transcript
to be hung
up.Court of
Appeal.

Notice.

Levying of
taxes.Oath of
Commis-
sioners.

SECTION 13. That the said commissioners, after having revised and completed the said assessment as aforesaid, and ascertained and determined, according to their best judgment the amount necessary and proper to be assessed to each freeholder of said city, and also the tax levied on the whole valuation and assessment, and the rate per hundred dollars, they, or a majority of them, shall sign said perfected list and immediately place the same in the hands of the said collector, who shall at once proceed to collect the taxes mentioned and contained in said list, and in collecting the same shall have

Delivery of
list to Col-
lector.

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Powers of Collector. the same powers as are given by law to the collector of county taxes.

Bond of Collector and Treasurer. The said collector (who by provision of this act shall likewise be the treasurer) before entering upon the duties of said combined offices, shall give bond, with sufficient surety, to the said commissioners, in the sum of one thousand dollars, conditioned for the faithful discharge of the trusts reposed in him and the payment over to his successor in office all moneys, books, and other effects of said city which may remain in his hands after the settlement of his accounts with the said auditors.

Compensation of Collector. The said collector shall receive a reasonable compensation for his services, to be determined by said commissioners.

Auditing of accounts. SECTION 14. It shall be the duty of the auditors of said city to meet the commissioners and treasurer, on the first Monday in July, annually, and then and there to audit and examine the accounts, vouchers and books of the said commissioners, and treasurer and collector, and record the result of said examinations in a book to be furnished by the said commissioners for that purpose, and shall make and exhibit a report of the financial condition and status of said city, to be hung up in some public place in said city, within ten days after said meeting.

Compensation of Auditors. The said auditors shall be allowed for their services a reasonable compensation, to be determined by said commissioners.

By-laws, rules and regulations. SECTION 15. The said commissioners shall have authority to enact such by-laws and ordinances for the good government and regulation of said city as they, or a majority of them, may deem necessary and proper; also to appoint such additional officers and employ any agents which they may deem advisable and fix the compensation to be paid each officer and agent of said city; to fix and determine the time of making said assessment, and likewise for performing the other acts herein provided for; shall fix and determine the time for holding the regular meetings of said commissioners, and provide for special meetings.

Additional officers.

Meetings.

Use of money in Treasury. SECTION 16. That the said commissioners, or a majority of them, shall have the authority to use the money in the treasury of said city for the general improvement, benefit

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and ornament of said city, as they, or a majority of them, may deem advisable and proper; but no money shall be so spent in any year until the interest on the indebtedness in said city for that year is first paid, set aside or provided for that purpose, and the said treasurer shall pay out no money except upon the written order of the commissioners or a majority of them.

SECTION 17. This act shall be deemed and taken to be ^{Public act.} a public act, and the power to alter, amend or revoke the same is hereby reserved to the Legislature.

Passed at Dover, March 19, 1891.

CHAPTER 230.

OF DOVER.

AN ACT to Incorporate the Board of Trade of the Town of Dover.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch thereof concurring):

SECTION 1. That Hiram Reedy, Daniel M. Wilson, Thos. ^{Corporators.} W. Wilson, David C. Montgomery, Amos A. Watson, William E. Smith, Charles B. Prettyman, John R. Nicholson, John Behen, Sr., Eleazer A. Marcus, George W. Baker, William T. Kellum, Thomas J. Stevenson, Edward L. Jones, Robert A. Black, Samuel B. Hancock, J. Frank Allee, Henry C. Collison, Bradford Murphy, William Saulsbury, William P. Godwin, James B. Bice, William Moncur, Dr. Thomas O. Clements, Dr. Presley S. Downs, Harry A. Richardson, Eldad L. Clarke, W. Lambert Gooding, Dr. Edward S. Anderson, John Satterfield, John H. Bateman, Manlove Hayes, Dr. Henry Ridgely, William Denney, Walter Morris, Harry McDaniel, William D. McGloughlon, John R. McGonigal, William Dyer, George A. Millington, Harry Ford, James Pennewill, Stevenson & Slaughter, Casson, Fisher & Co., James H. Hazel & Brother, T. K. Jones & Brother, and such other persons as may hereafter be associated with them, be ^{Incorporation.} and they are hereby constituted a body corporate, under the

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name and style of the Board of Trade of the town of Dover, and by that name shall have succession for twenty years, with power to sue and be sued, plead and be impleaded in all courts of law and equity; to have and use a common seal and the same to alter and renew at pleasure; to take, hold, grant, bargain, sell, lease and convey lands, tenements, hereditaments, goods, chattels, rights and effects of any kind; to borrow money, and also to issue bonds and mortgage their real and personal property to secure the payment of the same; to ordain and establish by-laws and regulations not inconsistent with the Constitution and Laws of the United States or of this State, and generally to exercise and enjoy all the rights and privileges incident to a corporation aggregate except banking powers.

Succession.
Powers.
Seal.

By-laws.

Business,
how man-
aged.

SECTION 2. The business of the said corporation shall be conducted and managed by such officers and in such manner as the constitution and by-laws may direct.

Public act.
Power of
revocation.

SECTION 3. This act shall be deemed to be a public act, and the right to revoke the same is hereby reserved to the Legislature.

Passed at Dover, February 26, 1891.

CHAPTER 231.

OF CHESWOLD.

[An Amendment to the Charter of the Town of Cheswold.]

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 8,
Chapter 650,
Volume 18,
struck out.

SECTION 1. That Section 8 of Chapter 650, Volume 18 of Laws of Delaware, be stricken out, and the following be made Section 8 of aforesaid chapter and volume in lieu thereof.

Town elec-
tion, when
and where
held.

SECTION 2. On the last Saturday in March, A. D. 1891, and on the same day of March in each succeeding year thereafter, from two till four o'clock in the afternoon, a

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town election shall be held in the schoolhouse in said town, of which all male citizens of twenty-one years of age who shall have paid their town tax last assessed them, or if they shall have become a resident in said town since last town assessment was made, and 30 days previous to the aforesaid election, and shall have paid their county and road taxes for the year current or next preceding, or if they shall have gained their majority since last assessment was made, they shall have a right to vote at such elections. The officers to be elected shall be five commissioners and two judges of election, and the judges of election so chosen, with the alderman, shall hold the next succeeding election, and so from year to year, but no person shall vote for more than one judge of election.

Qualifications of voters.

Officers to be elected.

The persons having the highest number of votes shall be declared elected, but should two or more have the highest and equal number of votes, the alderman shall give the casting vote.

Who elected

The judges of election shall be duly sworn to discharge their duties with fidelity and impartiality, and the alderman or any justice of the peace or notary public may administer such oath.

Judges, oath of, etc.

The judges of election shall keep a correct list of the names of the voters, which, with an accurate account of the election returns, they shall enter in a book procured for that purpose, said book to be deposited with the town clerk as town property.

Duty of Judges of election.

SECTION 3. That the aforesaid chapter of Vol. 18 be further amended by adding the following, which shall be Section 27 of said chapter.

Chapter 650, Volume 18, further amended

SECTION 4. That the town commissioners of the said town of Cheswold shall have full power and authority to exempt from town taxation any manufacturing plant that may be established within the limits of said town for any term not exceeding ten years.

Exemption from town taxes.

Passed at Dover, March 26, 1891.

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CHAPTER 232.

OF MILFORD.

AN ACT to allow the Town Council of Milford to Issue Bonds for certain purposes.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring therein) as follows, to wit:

Town Council of Milford to borrow money not exceeding \$40,000.	SECTION 1. That the Town Council of Milford be and are hereby authorized, empowered and directed to borrow, on the credit of said town, a sum of money not exceeding forty thousand (\$40,000) dollars, which shall be applied, appropriated and expended for the purpose of erecting water-
How used.	works and furnishing said town with an ample supply of pure water for domestic purposes and for the protection of
Water works	said town against fire; and also for the purpose of establishing a proper electric light plant, by purchase or otherwise, sufficient to properly light said town and furnish light for
Electric light plant.	private use. That the said Town Council of Milford, for the purpose of carrying into effect the provisions of this act, shall have full power and authority, and are hereby directed to issue bonds of the town of Milford of such denominations as they shall deem best, bearing interest at a rate not exceeding six per centum per annum, payable semi-annually on the first days of July and January, respectively, in each year, at the First National Bank in the said Town of Milford; the principal of such bonds shall be made payable in twenty years from the date of the issue thereof, the said Town Council reserving to itself the power and authority of redeeming said bonds or any part of them at the expiration of five years from the date of the issue of the same; <i>provided, however,</i> that if the said Town Council elect to redeem any of said bonds at the expiration of five years, as aforesaid, such election shall be effected on the first days of July and January, and in pursuance of a notice to that effect published by said Town Council of Milford for the space of thirty days in two newspapers, one published in the city of Wilmington and one in said town of Milford; and in calling said bonds for redemption and payment they shall be called consecutively, commencing with the lowest num-
Issue of bonds of Milford.	
Interest.	
Principal, when payable.	
Redemption of bonds.	
Proviso.	
Manner of redemption.	

OF CITIES AND TOWNS.

ber; the interest on all said bonds so called shall cease from the date of the redemption thereof, and said bonds when paid shall be canceled.

SECTION 2. That the said Town Council of Milford shall direct and effect the preparation and printing of the bonds authorized by this act, and shall also prescribe the form of said bonds, which shall be signed by the president of the Town Council and countersigned by the secretary, and shall be sealed with the corporate seal of said town, and be exempt from all State, county and municipal taxation. As the said bonds and coupons thereon are paid the same shall be canceled in such manner as the said council shall direct, and it is further provided that the Town Council of Milford shall place the bonds in the hands of the Board of Light and Water Commissioners, hereinafter provided for, who shall negotiate the sale and delivery of the same, and the money, the proceeds of the sale of said bonds, shall be deposited with the treasurer of the Board of Light and Water Commissioners, to be used for the purpose of carrying into effect the provisions of this act.

Printing of
bonds, etc.

How signed,
etc.

Exempt
from taxes.

Cancellation

Bonds,
placed in
whose hands

Sale of
bonds.

SECTION 3. That the Town Council of Milford is authorized and required to levy upon all assessable real and leasehold estates, or houses on ground-rent in the said town, annually, a special tax sufficient to pay all the interest accruing on said bonds, and all the expenses of properly keeping up and operating said water works and electric light plant, as aforesaid, which the rents and revenues derived from the said water works and electric light plant may be inadequate to meet. Said Town Council is also authorized, empowered and directed to levy a further special tax upon the said real and leasehold estates, or houses on ground-rent in said town, annually, for the purpose of establishing a sinking fund adequate to the redemption, at or before maturity, of all the bonds which may be issued under the provisions of this act; provided that the amount to be raised for the purpose of establishing said sinking fund for the redemption of said bonds shall not exceed the sum of two thousand (\$2,000) dollars in any one year. The sinking fund provided for by this act shall be deposited in the First National Bank of Milford, and shall not be available for any other purpose; but if the Town Council shall elect to invest said fund in some safe securities until such time as it may be needed for the redemption of the bonds authorized by this act, they are hereby au-

Assessment
of special
tax to pay
interest.

Sinking fund

Proviso.

Deposit of
sinking fund

OF CITIES AND TOWNS.

thorized to do so by three-fourths of the members of Council agreeing thereto. The treasurer of the town shall give additional bond, with sufficient surety, for such sum as Council may determine and approve. It is also provided that any real or leasehold estate or houses on ground rent within the limits of said town of Milford which the Town Council may decide are not benefited by said water works and electric light shall not be subject to taxation for the purposes provided for in this act.

Bond of
Treasurer of
Milford.

Property ex-
empt from
taxation.

Board of
Light and
Water Com-
missioners.

Terms of
office.

Term of
successors.

Election.

Vacancies.

Voting.

Females
right to vote

Who eligible
to be a
member of
board.

Elections.

Organiza-
tion of board

SECTION 4. That James M. Hall, Nathan Pratt, George W. Marshall, Charles Barker and George H. Hall, be and they are hereby appointed a Board of Light and Water Commissioners for one, two, three, four and five years respectively. They shall draw lots for the different terms, the highest number to take the longest term and so on down to the lowest term as their terms shall expire. Their successors shall be elected for a period of five years at an annual election of the freeholders and ground rent leaseholders of the said town of Milford; said election to be held at the lockup in said town on the first Tuesday in March and annually on the same day thereafter; but, if a vacancy shall occur at any time before the next annual election by death, resignation, removal or otherwise, said vacancy shall be filled by the remaining commissioners until the next annual election, when the unexpired term or terms of such members shall be filled by an election in the same manner and at the same time as provided for the election of a member for five years; at said election each freeholder and ground rent leaseholder shall have one vote for every dollar and fractional part of a dollar of tax assessed to him or her respectively; and females shall have a right to vote in person or by proxy as they may prefer; and no person shall be eligible to an election as a member of the Board of Light and Water Commissioners except he be a freeholder or a ground rent leaseholder of said town. Said election shall be called by the Town Council, and be held and certified to and recorded in the same manner as the election for town officers provided in Section III of the charter of the town of Milford, and the said Board of Light and Water Commissioners shall, within ten days after the approval of this act, by a vote of the freeholders and ground rent leaseholders of said town, and annually thereafter, organize by the election of a president, secretary and treasurer from their own number, except the treasurer, who may or may not be a member of said board as

OF CITIES AND TOWNS.

may be deemed best by said commissioners. It shall be the duty of the president of the Board of Light and Water Commissioners to sign all orders on the treasurer for all bills and expenses contracted for and approved by said board for the construction, management and operating said water works and electric light plant, and shall sign all contracts and notices. It shall be the duty of the secretary to keep an accurate record of all the business transacted by the said commissioners, and shall attest all orders on the treasurer and other papers signed by the president. It shall be the duty of the treasurer to have the custody of all money arising from the sale of the bonds authorized by this act, as the same may be negotiated and sold, and of all money derived from water rents and electric lighting; he shall keep an accurate account of all money received and disbursed by him, and annually make a full report to the Town Council of the same, and at the expiration of his term turn over all money, books and papers belonging to his office to his successor. The treasurer shall also give bond for the faithful performance of his duty in such sum as the Board of Light and Water Commissioners may require, and said secretary and treasurer shall receive such compensation as the said Board of Light and Water Commissioners may allow.

Duty of
President.Duty of
Secretary.Duty of
Treasurer.Bond of
Treasurer.Compensa-
tions.

SECTION 5. The said Light and Water Commissioners are hereby authorized and empowered to do all things necessary for the location, erection, construction, equipment, and operating said water works and electric light plant, for furnishing said town of Milford with an ample supply of water and light, as aforesaid, and to purchase hose and hose carriages, and such other instruments and machines for use in the suppression of fires as to them may seem expedient, and to provide for the care and maintenance of the same, and to purchase engines, boilers, poles, and wires, and all such instruments and machines as may be necessary for the purpose of establishing an electric light plant to light the streets of said town, and for furnishing the citizens with electric illumination for private use, and to effect this object shall have power to lay pipes and to erect wires above, under, or along any of the streets, lanes, or alleys of said town, or any roads adjacent thereto, and whenever it shall be necessary or expedient for the said light and water commissioners to acquire lands for any purpose connected with said light and water supply, and such lands cannot be acquired by agreement with the owner or owners thereof and the said light and

Powers of
Light and
Water Com-
missioners.Acquiring
right to
lands, etc.,
for laying
pipes, etc.

OF CITIES AND TOWNS.

Rules and regulations as to use of light and water.

water commissioners, the same may be taken for the purpose aforesaid in the name of the said town of Milford, in the same manner and subject to the same conditions and proceedings as are now provided by law in the charter of the said town of Milford for condemning and taking lands for the purpose of laying out, opening, extending, or widening any street, road, square, lane, or alley in said town. The said light and water commissioners shall grant to all persons whomsoever the privilege of using the light and water conveyed and distributed by them in said town in such a manner and on such terms and conditions as to them may seem just and proper, and shall pass and adopt such rules and regulations touching the said light and water, its distribution through the said town and the streets thereof, the regulation of the use of water in case of fire, and the general management and control of the light and water supply as to them the said Light and Water Commissioners shall at any time seem most expedient.

Application of water rents and other revenues,

SECTION 6. That the said Light and Water Commissioners of the said town of Milford be and they are hereby directed and required to apply all the water rents and other revenues which may be derived from the water works, and the revenue from light, provided for by this act, to paying the expenses of properly keeping up and operating said works as directed by this act, and shall pay over the surplus, if any remains, to the Town Council of the said town of Milford, to be used for the redemption of said bonds in the manner provided for in this act; and if at any time the revenues shall be insufficient for conducting and operating the said light and water works before the same shall become self-sustaining, then said Light and Water Commissioners shall have authority and are hereby empowered to draft upon the said Town Council to meet such deficiency, and said Town Council shall honor the same out of the special fund which may have been laid and collected for that purpose; *provided, however,* that for the purposes of street illumination the Town Council shall pay annually to the Light and Water Commissioners the sum of fifteen hundred dollars (\$1,500), payable monthly, out of the general funds of the town.

Deficiencies in expenses, how remedied.

Proviso.

Injuring works and obstructing water, etc.

SECTION 7. That any person or persons designedly or negligently injuring the said water works, or any part thereof, or obstructing the passage of water to or from the same, or

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in any manner polluting the water required for said water works, at its source or at any point below said source, or shall designedly or negligently injure the machinery, apparatus, appliances, poles, wires, or lamps of the electric plant, shall, for every offense forfeit and pay to the Town Council of Milford a fine not exceeding one hundred dollars, to be recovered by said Council of the town of Milford, before the alderman of said town, or any justice of the peace residing in Kent or Sussex counties, and the said Town Council of Milford shall have power to impose fines and penalties for the enforcement of all such ordinances as they shall make touching the protection of the light and water works provided for by this act.

SECTION 8. That before the provisions of this act shall go into effect the sum or sums of money proposed to be borrowed or raised under this act shall be submitted to a vote of the freeholders and ground rent lease holders of the town, and be approved by a majority of the votes cast at a special election, which the said Council of Milford is hereby authorized to call at such time as it shall deem necessary, but in case the proposal to borrow the aforesaid sum of money shall not be approved by a majority of the votes cast at such special election, the Town Council shall, on the application of twenty resident freeholders of said town, call another election, provided six months shall have elapsed since any preceding election for the same purpose was held, and at every such election each freeholder or ground rent lease holder within the town of Milford, being a resident thereof, shall have a right to cast one vote for every dollar and fractional part of a dollar of tax levied against his or her real or ground rent lease hold estate at the time of holding such election, and any female, having a right to vote, may vote personally or by proxy, as she may elect. Notice of such election shall be given by the secretary of said Town Council of Milford, by public notice, posted in at least ten public places in the town of Milford, at least ten days before the time of such election.

SECTION 9. That the faith of the said town of Milford is hereby pledged for the payment of the bonds authorized to be issued under this act; and Chapter 174, Vol. 18, entitled "An act to allow the Town Council of Milford to issue bonds for certain purposes," passed at Dover, April 20, 1887, is

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Public act. hereby repealed. This act shall be deemed and taken to be a public act, and shall be published as such."

Passed at Dover, March 31, 1891.

CHAPTER 233.

OF NEWARK.

AN ACT to amend Sections 27, 35, and 38, Chapter 175, Vol. 18, Laws of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch concurring):

Section 27,
Chapter 175,
Volume 18,
amended. SECTION 1. That Section 27, Chapter 175, Vol. 18, Laws of Delaware, be and the same is hereby amended by striking out the word "six" in line four, and inserting in lieu thereof the word "five."

Section 35,
Chapter 175,
Volume 18,
amended. SECTION 2. That Section 35, Chapter 175, Vol. 18, Laws of Delaware, be and the same is hereby amended by striking out all of that section after the word "inspection," in line twelve, and inserting in lieu thereof the following: "And not less than 200 copies of said annual statement shall be published in pamphlet form for free distribution among the taxpayers of said town."
Pamphlets
of statement.

Section 38,
Chapter 175,
Volume 18,
amended. SECTION 3. That Section 38, Chapter 175, Vol. 18, Laws of Delaware, be and the same is hereby amended by striking out all of that section after the word "county" in line sixty-one, and inserting in lieu thereof the following: "And from and after the passage of this act the road commissioners of White Clay Creek hundred shall not levy or collect any road tax on or from any property situate within the limits of the town of Newark, but the Council of Newark shall meet annually, in April, and ascertain what sum of money will be necessary for the roads and streets of said town, and shall calculate the rate per centum on the assessment of the town, and shall lay the tax accordingly. And the Council shall appoint a fit person in said town to be collector of the road
Road tax.
To be laid
by council.
Collector,
bond of.

OF CITIES AND TOWNS.

tax so laid, who shall give bond and security for the faithful performance of his duty, in the name of the Council and its successors, in double the sum to be raised. On his death, resignation, or removal from the town, or from office, his official books and papers shall be delivered to his successor, if any, or if not, to the Council, together with any balance of money in his hands. And the Council of Newark shall annually, on or before the first day of September in each year, pay or cause to be paid to the road commissioners of White Clay Creek hundred the sum of three hundred dollars, which sum is to be applied by the said commissioners in the same manner as other taxes collected by them. *Provided*, That nothing in this section shall be taken to impair the right of the road commissioners of White Clay Creek hundred to collect any tax which may have been levied upon, but uncollected, from any property within the limits of the town of Newark previous to the passage of this act.

Death, resignation or removal of collector.

Council of Newark to pay \$300 to Road Commissioners.

Proviso.

Passed at Dover, April 9, 1891.

CHAPTER 234.

OF MILFORD.

AN ACT to amend Section 13, Chapter 161, Volume 18, Laws of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring), as follows:

SECTION 1. That Section 13 of Chapter 161, Volume 18, Laws of Delaware, be and the same is hereby amended by adding to the said section the following:

Section 13, Chapter 161, Volume 18, amended.

That all persons owning a dog or dogs within the corporate limits of the said town of Milford shall, on or before the first day of July in each and every year, go before the Alderman of said town and there register said dog or dogs so owned by them, and pay to the said Alderman a tax or registration of dogs. Tax.

OF CITIES AND TOWNS.

tration fee of one dollar for each male dog and two dollars for each female dog.

Tag for collar of registered dogs.

The Alderman shall furnish for each dog so registered and on which the said tax or fee has been paid, an oval brass tag of not less than one inch in width and one and one-half inches in length, with a number stamped thereon, which said tag shall be worn on a strap around the neck of said dog so registered.

Furnishing of tags.

The brass tags above mentioned shall be annually furnished to the said Alderman by the secretary of the Town Council, the cost of which tags shall not exceed ten cents each, to be paid for out of the moneys so collected as dog tax. All dogs, male or female, found running at large within the corporate limits of said town after the said first day of July, not wearing the brass tag as hereinbefore provided, shall be caught or taken up by a suitable person who shall be appointed for that purpose by the Town Council at its first meeting after organization in each year; said dogs after being caught or taken up shall be kept in some suitable place to be provided by the said Town Council for the period of two days, during which time any owner or owners can redeem said dog or dogs by having the same registered, as heretofore provided, and paying to the said Alderman, in addition to the tax or fee so paid, all expenses of taking and keeping said dog or dogs; if such dogs so caught and kept are not redeemed within the specified time, it shall be lawful for the official so catching and keeping such dogs to sell them at a price not less than the cost of registration and the expenses of taking and keeping same, or, upon inability to sell same, to kill or destroy them.

Catching of dogs without tags.

Failure to redeem.

Killing of dogs.

Money to be expended to carry this law into effect.

The Town Council are hereby authorized to expend any sum of money not exceeding the revenue derived from the registration of dogs for the purpose of carrying this law into effect, fixing the compensation of the said official for catching and keeping the dogs as aforesaid and any other expenses necessary for the proper execution of this law.

Book of registration.

The said Alderman shall keep a suitable book for such registration, and shall make settlement with the Town Council whenever called upon to do so.

Commission for collecting dog tax.

He shall be allowed ten per cent. on all moneys so received by him as dog tax, and shall pay over the remainder to the treasurer of the said town, taking his receipt for same.

OF CITIES AND TOWNS.

If there should remain any surplus of dog tax so collected after the expenses hereinbefore in this amendment provided for shall have been paid, it shall be applicable in like manner as other taxes.

On the second day of July, A. D. 1892, and on the second day of July in each and every year thereafter, or as near that date as possible, the Alderman shall furnish to the collector of town taxes a complete list of the persons having paid taxes the year preceding, with number of tag so paid for, who have not re-registered their dogs and paid the taxes for the current year, and if such persons refuse to pay the tax within ten days said dogs shall be caught or taken up and kept or redeemed, killed or destroyed, as hereinbefore provided. List of taxables, etc

SECTION 2. This act shall take effect on the tenth day of May, A. D. 1891, and shall be deemed and taken to be a public act and shall be published as such. When this act takes effect.

Passed at Dover, April 9, 1891.

CHAPTER 235.

OF LEWES.

AN ACT relating to the Town of Lewes.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring therein):

SECTION 1. That Section 1 of Chapter 114, Volume 14 of the Laws of Delaware, as amended by Chapter 535, and with said amendment published in Chapter 536, of said Volume 14 of Delaware Laws, be and the same is hereby amended by striking out all after the enacting clause down to the word "the" in line 13 of said section, and inserting in lieu thereof as follows: "That an election shall be held in Lewes, Sussex county, at the usual place of voting at the general election, on the first Saturday of January in the year of our Lord one thousand eight hundred and ninety-two, and on the first Saturday of January in every third year there- Section 1, Chapter 114, Volume 14, amended. Election of Commissioners, when held.

OF CITIES AND TOWNS.

after, for the purpose of electing four commissioners of said town, who shall serve for a term of three years, and until their successors are chosen. One of said commissioners shall be chosen by the qualified voters of each of the school districts embraced in the said town, who shall, at the time of his election, be a resident of the school district from which he is chosen."

Said section
further
amended.

Section 1, aforesaid, shall be further amended by striking out, in lines 43 and 44 of said section, the words "one year or."

Annual elec-
tions, who to
be elected.

SECTION 2. That at the election to be held on the first Saturday of January, A. D. 1892, and on the first Saturday in January in each and every year thereafter, there shall be elected a mayor of said town of Lewes, and also a treasurer, assessor and three auditors, who shall be residents of said town, and elected by the qualified voters of the town, who shall hold their respective offices for one year.

Mayor to be
member of
Board of
Commis-
sioners.

The mayor shall be *ex officio* a member of the board of commissioners and the chairman of said board, and shall have all the powers and perform all the duties conferred and imposed by Section 4 of Chapter 536 aforesaid upon the chairman of the town commissioners, and be subject to the same penalties to which the chairman of the town commissioners is subject, as provided in Section 4 of said Chapter 536 aforesaid.

Section 2,
Chapter 184,
Volume 17,
amended

SECTION 3. That Section 2 of Chapter 184, Volume 17 of the Laws of Delaware, be and the same is hereby amended by striking out the word "commissioners," in lines 9 and 10 of said section and inserting in lieu thereof the word "mayor."

Shelling of
streets.

SECTION 4. The commissioners shall have authority, and they are hereby directed and required to expend annually the sum of four hundred dollars in the application of shells to the principal streets of the town until all of said principal streets shall have been so improved.

Passed at Dover, April 21, 1891.

OF CITIES AND TOWNS.

CHAPTER 236.

OF KENTON.

AN ACT to amend the act entitled "An act to incorporate the Town of Kenton," passed at Dover, April 22, 1887.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch therein concurring):

SECTION 1. That Section 1 of the act entitled "An act to incorporate the town of Kenton," passed at Dover, April 22, A. D. 1887, be and the same is hereby amended by adding the following thereto: "That the commissioners shall also have power to locate and lay out any new street, lane, or alley, and to straighten or widen any street, lane, or alley now open, and after they shall have determined to locate or lay out any new street, lane, or alley, or to widen or straighten any street, lane, or alley now open, it shall be their duty, immediately after the survey thereof, to notify the owner or owners of the lands through or over which said street, lane, or alley is to go or extend of their determination so to do, and stating the amount of damage or compensation allowed to said owner or owners. The notice shall be in writing, giving a general description of the location of said street, lane, or alley. Should such owner or owners not be residents of said town, the notice shall be given to the tenant, and if there should be no tenant, then the said notice may be posted up on any part of such premises; and if any owner or owners shall be dissatisfied with the amount of the damages or compensation allowed by said commissioners, he, she, or they may, within ten days after said notice is received, appeal from the assessment of damage or compensation aforesaid by serving on the president of said commissioners a written notice to that effect. And said owner or owners shall, within ten days after the expiration of the ten days allowed for appealing, and upon ten days notice to the president aforesaid, make written application to the associate judge of the Superior Court, resident of Kent county, for the appointment of commissioners to hear and determine the matter in controversy, and thereupon the associate judge

Act to incorporate town of Kenton amended.

Commissioners to locate and lay out new streets and alleys.

Notice.

Form of notice.

How given.

Damages.

Appeal.

Commissioners to hear appeal.

OF CITIES AND TOWNS.

- aforesaid shall issue a commission under his hand, directed to five freeholders of said county, two of whom shall be residents of said town, commanding them to assess the damages which the owner or owners of the said lands through or over which the said street, lane, or alley is to pass or extend. The freeholders named in said commission, being sworn or affirmed, shall go upon and view the premises, and they, or a majority of them, shall assess the damages and make return in writing of their proceedings in the premises to the said associate judge, who shall deliver the said return to the commissioners of said town, which return shall be final and conclusive. Any vacancy in the commission may be filled by the associate judge aforesaid. The amount of damages so ascertained shall be paid or tendered to the person or persons entitled thereto by the treasurer of said town within one month after the same shall have been so ascertained. If the person or persons so entitled reside out of or are absent from the town during said period of one month, then the said money shall be deposited to his, her, or their credit in the Fruit Growers' National Bank of Smyrna, and thereupon the said land may be taken and occupied for the uses aforesaid. In the assessment of damages by the freeholders appointed as aforesaid, when the damages shall be increased, the costs of the appeal shall be paid by the treasurer of said town, but if said damages shall not be increased the cost of the appeal shall be paid by the party or parties appealing. The compensation to the said freeholders for their services shall be two dollars per day, which shall be taxed as part of the cost. After the damages shall have been ascertained and fixed as aforesaid, the said commissioners shall have the option to pay the damages assessed within the time aforesaid and to proceed with the said improvements or, upon the payment of costs only, may abandon the proposed improvements.
- Oath of Commissioners.
- Return.
- Vacancies in Commission
 Payment of damages.
- Cost of appeal.
- Compensation of Commissioners.
- SECTION 2. That Section 4 of said act be and the same is hereby amended by striking out the word "one" between the words "exceeding" and "hundred" and inserting in lieu thereof the word "two."
- SECTION 3. That Section 4 of said act be and the same is hereby further amended by adding the following thereto: "It shall be the duty of the collector or collectors of said town in each year to collect from the owner of each and every dog within the limits of said town a tax of one dollar for each
- Section 4 amended.
- Dog tax

OF CITIES AND TOWNS.

dog, and every person who shall harbor a dog shall be considered the owner thereof for the purpose of collecting a tax thereon."

Passed at Dover, April 27, 1891.

CHAPTER 237.

OF LAUREL.

AN ACT to amend Chapter 193, Volume 17, Laws of Delaware, passed at Dover, April 13, 1883.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch of the Legislature concurring therein):

SECTION 1. That Chapter 193, Volume 17 of the Laws of Delaware, entitled "An act to incorporate the town of Laurel," be and the same is hereby amended by striking out all of Section 2, after the word "town," in the nineteenth line thereof. Chapter 193,
Volume 17,
amended.

SECTION 2. Amend said act further by adding at the end of Section 3 thereof the following, to wit: "That in case any of the 'Board of Commissioners' so elected, as aforesaid, shall fail or refuse to serve for the whole or any part of the term for which the same shall have been elected, the two justices of the peace residing in said town of Laurel shall appoint as many commissioners in their stead, who shall be the 'Commissioners of the town of Laurel,' and who shall serve until the next annual election, with all the rights, powers and authority which are given to the 'Commissioners of the said town of Laurel' by the provisions of the said act to which this is an amendment." Section 3
amended.

Failure or
refusal of
Commis-
sioners to
serve.
How vacan-
cies to be
supplied.

SECTION 3. Amend said act further by adding at the end of Section 6 thereof the following: "That the 'Commissioners of the town of Laurel,' whether elected in accordance with the provisions of said act, or appointed as hereinbefore provided, shall publish in each of the newspapers printed in the said town of Laurel, in the last issue of said papers Publication
of statement
of receipts
and expen-
ditures.

OF CITIES AND TOWNS.

printed in the month of February in each and every year, a detailed statement of the receipts and expenditures for the past year, showing the sources from which the said revenue has been received, and the purposes and objects for which the same has been expended."

Further
amendments

SECTION 4. Amend said act further by striking out the words "three hundred and fifty," in the eighth and ninth lines of Section 8 thereof, and inserting in lieu thereof the words "five hundred."

Passed at Dover, May 5, 1891.

CHAPTER 238.

OF LAUREL.

AN ACT to amend Chapter 193, Volume 17, Laws of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 5,
Chapter 193,
Volume 17,
amended.

SECTION 1. That Section 5, Chapter 193, Volume 17, Laws of Delaware, be and the same is hereby amended by striking out the words "five hundred," in line five of said section, and inserting in lieu thereof the following: "one thousand."

Passed at Dover, May 15, 1891.

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CHAPTER 239.

OF SMYRNA.

AN ACT to amend the Charter of the Town of Smyrna.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch of the Legislature concurring):

SECTION 1. That the act entitled "An act in relation to the town of Smyrna," passed at Dover, February 25, 1859, be amended as follows: By striking out, in line five of Section 2 of said act, the words "ten o'clock in the forenoon and six" and by inserting in lieu thereof the words "two o'clock and five."

Act in relation to Smyrna amended.

And also by striking out, in the tenth line of Section 9 of said act, the words "three months" and by inserting in lieu thereof the words "thirty days."

And also by striking out, in the fourteenth line of Section 17 of said act, the word "hotel," and in the fifteenth line of said Section 17 the words "now occupied by Tilghman Foxwell," and by inserting in lieu thereof the words "alderman's office, in the town hall."

And also by inserting in the fourth line of Section 19 of said act, between the word "commissioners" and the word "the," the words following, "and the said collector when so appointed shall have the same powers in the collection of the taxes committed to him to collect as are now given by law to the collectors of county rates and levies and school taxes."

Powers of Collectors.

SECTION 2. That in addition to the powers now conferred by law upon the commissioners of the town of Smyrna, the said commissioners shall have power, whenever a majority of them shall so determine, to relieve manufacturers from the payment of town taxes on property used by them for manufacturing purposes.

Exemption of manufacturers from town taxes.

Passed at Dover, May 8, 1891.

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CHAPTER 240.

OF GEORGETOWN.

AN ACT to amend an act entitled "An act to Incorporate the Town of Georgetown," passed at Dover, March 2d, 1869.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring therein):

SECTION I. That Section III of said act be stricken out and the following inserted in lieu thereof:

Limits and
bounds of
Georgetown

Proviso

Certain lots
exempt from
taxation.

Powers of
Commissioners of
Georgetown
to exempt
from tax-
ation.

Exemption
from school
taxes.

To what ex-
emption
applies.

SECTION III. That the limits and bounds of Georgetown shall extend to the distance of three-quarters of a mile in every direction from the centre of the public square of the said town. *Provided* that all lots, pieces and parcels of land included within the limits of the town as herein set forth, exceeding one acre in quantity, shall be exempt from taxation for the uses and purposes of the said town of Georgetown, but all such lots, pieces and parcels of land, exceeding one acre aforesaid, having a dwelling thereon, shall be taxed as and for one town lot.

And further provided, that it shall and may be lawful for the Commissioners of Georgetown, aforesaid, to exempt from assessment and taxation, for the period of ten years, for municipal or town purposes, the real estate of any person or persons, or body corporate, within the limits of said town, upon which any manufactory or other industrial improvement for the employment of labor is now or may after the passage of this act be erected.

And provided further, that such real estate as before described, and having been exempt by said town Council, shall be exempt from assessment and taxation for school purposes for said period of ten years.

The said exemption to apply to all persons or coporations doing an actual annual business of ten thousand dollars, to the buildings, fixtures, machinery or attachments thereto belonging, and any adjacent land that may be necessary to their operation.

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And in the event of any question as to the amount of property so to be exempted from assessment and taxation under this act it shall be determined by the Commissioners of Georgetown. Matters to be determined.

SECTION 2. That Section VI of said chapter, as amended by Chapter 492 of Volume XVI of the Laws of Delaware, be further amended by striking out of lines thirty and thirty-one of said section the words, "three hundred," and inserting in lieu thereof the words, "four hundred and fifty." Section 6 as amended by Chapter 492, Volume 16, amended.

Passed at Dover, May 13, 1891.

CHAPTER 241.

OF SEAFORD.

AN ACT to amend Chapter 176, Volume 17, Laws of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch thereof concurring therein):

SECTION 1. That Section 6, Chapter 176, Volume 17, Laws of Delaware, be and the same is hereby amended by striking out the words "three hundred and fifty," after the word "than" and before the word "dollars" in the twenty-first line of said section, and inserting in lieu thereof the words "four hundred and fifty." Section 6, Chapter 176, Volume 17, amended.

Passed at Dover, May 14, 1891.

OF CITIES AND TOWNS.

CHAPTER 242.

OF MIDDLETOWN.

AN ACT to provide for Lighting the Town of Middletown.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Commissioners of Middletown authorized to borrow money for lighting town.

Bonds of town.

When payable.

Form of bonds.

Exempt from taxation.

Additional bond of Treasurer.

Electric plant.

Land to be used for electric plant, how acquired.

SECTION 1. That "The Town Commissioners of the Town of Middletown" shall have power and authority under and by virtue of ordinance to be passed by said commissioners, to borrow on the faith and credit of said town a sum of money not exceeding ten thousand dollars, and which shall be applied, appropriated, and expended for lighting said town; the said commissioners shall also have authority to issue bonds therefor, of such denominations as they shall deem best, bearing interest at a rate not exceeding five per cent. per annum, payable semi-annually; the principal of such bonds shall be made payable at such time, or times, not less than ten, nor more than twenty years from the date thereof, and in such manner as shall be prescribed by said commissioners. The form of said bonds shall be prescribed by said commissioners, and shall be signed by the president of the said "Town Commissioners" and the treasurer of said town, and sealed with the corporate seal of said town, and shall be exempt from all taxation.

SECTION 2. That the treasurer of said town shall, in addition to the security now required by law, give security for the proceeds of the aforesaid bonds, which proceeds shall be kept separate from the other funds of said town.

SECTION 3. That the commissioners of said town are hereby authorized and empowered to establish an electric plant and conductors, or to erect gas works and lay pipes, for the purpose of lighting said town, and whenever it shall be necessary or expedient for the said commissioners to acquire land for any purpose connected with the lighting said town, and such land cannot be acquired by agreement with the owner or owners thereof and the said commissioners, the same may be taken for the purpose aforesaid, in the name of the said town, in the same manner and subject to the same conditions and proceedings as are now prescribed by law in

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relation to the said town of Middletown for condemning and taking land for the purpose of laying out, opening, extending or widening any street, road, square, lane, or alley in said town.

SECTION 4. That the town commissioners shall have authority, to draw, from time to time upon the fund aforesaid, sufficient to meet the cost of such electric works, or gas works, with their respective appurtenances, and the said commissioners and the treasurer shall each keep a detailed account of the expenditures for the purpose aforesaid, and the commissioners shall, at the expiration of three months from the beginning of such expenditures, and again when the said works shall be fully completed, publish such account in the newspapers printed in Middletown.

Cost of
works.

Expendi-
tures.

Publication
of expendi-
tures.

SECTION 5. That the said commissioners shall have power and authority, under this act, to purchase any electric plant and appurtenances already established, at a sum or price not exceeding ten thousand dollars, and make payment for the same from the fund aforesaid.

Purchase of
electric plant

SECTION 6. That the commissioners aforesaid shall have authority to employ proper persons to operate said works so erected or purchased, and shall fix their compensation by ordinance, and in like manner shall fix the rent, or rents, which users of the lights or consumers of gas shall pay, and shall have all the powers to collect such rents as they now have to collect water rents.

Operation of
plant.

SECTION 7. That before the preceding provisions of this act shall go into effect it shall be the duty of the said town commissioners to call a town meeting, upon one month's notice, and at such meeting the borrowing of the said sum of ten thousand dollars, as aforesaid, shall be approved by a majority of the votes cast thereat; every resident of said town, who shall have paid town tax for the year in which such meeting is held, or for the preceding year, shall have the right to cast one vote for every dollar and every fractional part of a dollar of town tax aforesaid by him or her paid.

Meeting to
ascertain
sense of
voters in re-
gard to bor-
rowing
\$10,000.

Qualifica-
tion of voters

Passed at Dover, May 14, 1891.

TITLE ELEVENTH.

Of the Domestic Relations.

CHAPTER 243.

OF DIVORCES.

AN ACT to amend Chapter 75 of the Revised Statutes of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Chapter 75,
Revised
Statutes,
amended.

[SECTION 1.] That Chapter 75 of the Revised Statutes of Delaware, concerning divorce, be and the same is hereby amended by adding thereto, immediately after Section fourteen of said chapter, an additional section, to take effect from and after the passage of this act, in the words following, to wit:

Divorce of
non-resi-
dents.

SECTION 15. No divorce from the bonds of matrimony shall be decreed by the court when the cause assigned therefor in the petition occurred out of this State and the petitioner was a non-resident thereof at the time of its occurrence, unless for the same or like cause such divorce would be allowed by the laws of the state or country in which it is alleged to have occurred.

Passed at Dover, April 24, 1891.

OF THE DOMESTIC RELATIONS.

CHAPTER 244.

CHANGE OF NAME.

AN ACT to change the name of Kate Ewing and Ida May Ewing.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That the name of Kate Ewing, who was divorced from her husband, T. Ellwood Singley, and whose name was changed to Kate Ewing by an act of the General Assembly of eighteen hundred and eighty-nine, be and the same is hereby changed to Kate Singley, and the name of Ida May Ewing, the sole offspring of the marriage of the said Kate Ewing to the said T. Ellwood Singley, and whose name was changed by the act of the General Assembly aforesaid, be and the same is hereby changed to Ida May Singley. ^{Change of name.}

SECTION 2. This act shall be deemed and taken to be a public act.

Passed at Dover, February 25, 1891.

TITLE TWELFTH.

Of Titles to Real Property.

CHAPTER 245.

OF ALIENS.

AN ACT to amend Chapter 613, Volume 17, Laws of Delaware, entitled "An Act in relation to the Estates of Aliens, and to complete their title to the same."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Chapter 613,
Volume 17,
amended.

SECTION 1. That Chapter 613, Volume 17, Laws of Delaware, entitled "An act in relation to the Estates of Aliens, and to complete their title to the same," be and the same is hereby amended by striking out the words and figures "January, A. D. 1885," in the fifth line of the first section of said chapter, and inserting in lieu thereof the words and figures "February, A. D. 1891;" also by striking out the words and figures "January, A. D. 1885," in the third line of the second section of said chapter, and inserting in lieu thereof the words and figures "February, A. D. 1891."

Passed at Dover, March 19, 1891.

OF TITLES TO REAL PROPERTY.

CHAPTER 246.

OF SALES OF TRUST PROPERTY.

AN ACT to authorize sales of Trust Property in certain cases, and for other purposes.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That Chapter 208, Vol. 18, Laws of Delaware, entitled "An act concerning investments by Guardians and Trustees," be and the same is hereby amended by adding thereto the following: Chapter 208,
Volume 18,
amended.

SECTION 2. That upon petition of any trustee having the legal title to any property, real, personal, or mixed, setting forth that the sale and conversion thereof would be beneficial to the person interested in the trust, the Chancellor may, by order made thereon in his discretion, authorize and direct such trustee and sell the whole, or so much as may be proper, of such trust property, and to transfer and convey the same to the purchaser thereof, absolutely and in fee simple, freed from any trust and without liability on the part of such purchaser as to the application of the purchase money. Petition of
Trustees.

Order for
sale of
property.

Conveyance
Provided, that in cases where the sale or conversion of trust property has been or may be expressly prohibited by the instrument creating the trust, no sale or conversion shall be taken to be hereby authorized, and *provided, moreover*, that the proceeds of all sales made under the authority of this act shall be held under and subject to the same trusts as those to which the property sold was subject, and in cases where real property is to be sold the trustee thereof shall first give sufficient bond, with surety to be approved by the Chancellor, for the preservation and protection of the proceeds of such sales for the purposes of the trust, and subject to the orders and decrees of the Chancellor in the premises. Trust prop-
erty non-
alienable by
terms of in-
strument
creating
trust.
Proceeds of
sale.

Bond of
Trustee.

SECTION 3. That when stocks, bonds, or other securities of any incorporated company are transferred or assigned by trustees, guardians, or other fiduciaries, the production of a certificate from the proper public official, under the seal of his office, setting forth that such trustee, guardian, or other fiduciary has been duly appointed such, and setting forth that Transfer or
assignment
of certificate
of stock, etc

OF TITLES TO REAL PROPERTY.

such trustee, guardian, or other fiduciary has authority to direct such transfer, assignment, or reissue, shall be sufficient in law to authorize the officers of such company to transfer or reissue such stocks, bonds, or other securities to such person or persons as such trustee, guardian, or fiduciary may in writing direct, without liability on the part of any such company or its officers for the breach of trust, misconduct, or misapplication or mismanagement of property by such trustee, guardian, or other fiduciary.

Passed at Dover, May 5, 1891.

CHAPTER 247.

OF CONVEYANCES.

AN ACT to amend Chapter 617 of Volume 17 of the Laws of Delaware entitled "An act in relation to Sheriffs making deeds for lands and tenements sold by them under execution process," passed at Dover, April 17, 1883.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1,
Chapter 617,
Volume 17,
repealed.

SECTION 1. That Section 1 of Chapter 617 of Volume 17 of the Laws of Delaware, entitled "An act in relation to Sheriffs making deeds for lands and tenements sold by them under execution process," passed at Dover, April 17, 1883, be and the same is hereby repealed and stricken out, and the following inserted in lieu thereof, to wit:

Sale under
execution by
Sheriff
whose term
expires after
confirmation
but before
execution
and acknow-
ledgment of
deed.

SECTION 1. That whenever an execution for sale of lands and tenements shall be directed and delivered to a sheriff in office whose term shall expire before the confirmation of the sale made under and by virtue of the said execution, or whose term shall expire after confirmation of said sale but before the execution and acknowledgment of the deed to be made in pursuance thereof, then and in either case the sheriff making said sale shall have authority as late sheriff to make, execute and acknowledge a deed for the lands and tenements so sold to the purchaser thereof in pur-

OF TITLES TO REAL PROPERTY.

suance of said confirmation, and the deed so made, executed and acknowledged by him as late sheriff shall be good and valid in law, *provided, however*, that the deed shall be made, executed and acknowledged by him within two years from the date of the confirmation of the sale. Time of acknowledgment.

SECTION 2. That the provisions of this act shall apply to all sales which have heretofore occurred where no deed has been made, as well as to sales hereafter to be made. Retrospective effect of act.

Passed at Dover, April 3, 1891.

CHAPTER 248.

OF CONVEYANCE.

AN ACT to confirm the Title of Charles DeKay Townsend to a certain lot of land therein mentioned.

Whereas Charles DeKay Townsend is the owner and possessor of a lot of land in the city of New Castle, between Harmony and Chestnut streets, bounded northeast by land of Elizabeth Murphy, northwest by Market street, southwest by lands of Thomas L. Truss and others, and washed on its southeastern part by the tidal waters of the River Delaware. And whereas great damage and destruction hath been heretofore done to the said lot by the erosion of the waters of said river upon the fast land thereof, and the undermining and consequent falling of the walls of two brick dwelling houses formerly standing thereon, which erosion and damage are still actively going on. And whereas the Legislature by certain acts passed at Dover in February and March, A. D. 1851, granted to Elihu Jefferson, Elizabeth Murphy and James Kennedy respectively all the right, title and interest of this State to the flats lying in front of their respective lots, which comprise all the flats lying between Harmony street and the "Potter's field," except those in front of said Townsend's lot, between the Murphy and Kennedy grants aforesaid. And whereas a doubt may exist whether without legislative aid the title of said Townsend in and to the flats aforesaid so lying in front of his said lot may not be brought in question; therefore Preamble.

OF TITLES TO REAL PROPERTY.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Certain lot
and flats
vested in
Charles De
Kay Town-
send.

SECTION 1. That all the right, title and interest of the State of Delaware in and to so much of the Townsend lot aforesaid and the river flats in front thereof, as extends from the fast land for its whole breadth out into the deep waters of said river, shall be and the same is hereby vested in the said Charles DeKay Townsend, his heirs and assigns forever.

Rights and
powers of
Charles De
Kay Town-
send over
property.

SECTION 2. That it shall be lawful for the said Charles DeKay Townsend to sink piers on the water front of said lot, commencing on the shore of said river at or near high water mark, and thence to extend for the whole breadth thereof out into the deep waters of said river, subject, however, to the lawful regulation of the proper authorities in respect to the navigation, etc., of said river.

Privilege of
opening
Front street
reserved.

SECTION 3. That if at any time hereafter it shall be needful for the public convenience that Front street in said city of New Castle shall be opened for public use, the right is hereby reserved to the proper authorities of said city to lay out, open and dedicate said street to public use without compensation in damages or otherwise to the present or future owners of said lot.

Public act.

SECTION 4. This act shall be deemed and taken to be a public act.

Passed at Dover, March 27, 1891.

CHAPTER 249.

OF TRUSTEES UNDER WILL.

AN ACT to authorize the Trustees under the Will of Edwin A. Wilson to sell and convey certain real estate.

Preamble.

Whereas Edwin A. Wilson, late of the city of Wilmington and State of Delaware, deceased, being in his lifetime and at the time of his death seized in fee simple (*inter alia*) of certain real estate situated in the said city of Wilmington, to wit:

OF TITLES TO REAL PROPERTY.

All those three lots of land (Numbers 23, 24, and 36, on Joshua Heald's plot), Nos. 23 and 24, adjoining each other, described together, as follows: Beginning at the southerly side of Reed street, between Jackson and VanBuren streets, at the distance of one hundred feet from the easterly side of VanBuren street, at a corner of a lot sold to William Preston; thence with said William Preston's line southerly, parallel with VanBuren street, eighty-three feet to the northerly side of a four feet wide alley running parallel with Reed street; thence with said alley side easterly thirty-six feet to a corner of a lot sold to Joseph Pyle; thence with said J. Pyle's line eighty-three feet to the said side of Reed street, and thence therewith westerly thirty-six feet to the place of beginning, be the contents thereof what they may. And number 36, beginning at the northerly side of Dock street, between Jackson and VanBuren streets, at the distance of one hundred and eighteen feet from the easterly side of VanBuren street, at a corner of a lot sold to Jacob Heald; thence with Jacob Heald's line northerly, parallel with VanBuren street, eighty-three feet to the southerly side of the aforesaid four feet wide alley; thence with said alley side easterly eighteen feet to a corner of land sold to Edward Betts; thence with said Edward Betts' line southerly parallel with VanBuren street eighty feet to the said side of Dock street, and thence therewith westerly eighteen feet to the place of beginning; containing fourteen hundred and ninety-four feet of land, more or less, with the free use and privilege of said four feet wide alley forever. Being the same lots of land and premises which Joshua T. Heald and Hannah P., his wife, by an indenture under their hands and seals, bearing date the seventh day of June, A. D. 1858, did grant and convey in fee simple unto the said Edwin A. Wilson, which said indenture is duly recorded in the office for the recording of deeds, &c., in and for New Castle county;

And whereas the said Edwin A. Wilson died on or about the twenty-first day of February, A. D. 1859, having duly made and published his last will and testament, bearing date the thirteenth day of September, A. D. 1858, which, after his death, was duly proved and allowed and remains of record in the office of the Register of Wills in and for the said county of New Castle, in and by which he did devise the said lands (among others) to his wife, Sarah A. S. Wilson, Hanson Robinson, and Joseph A. Hunter, upon certain trusts in said will fully set forth, and did further authorize

OF TITLES TO REAL PROPERTY.

and empower the survivor of said trustees by deed to appoint other trustee or trustees from time to time, and so often as there might be a vacancy or vacancies occurring by death, resignation, incompetency, or refusal to act on the part of any trustees in said will appointed;

And whereas Hanson Robinson and Joseph A. Hunter, two of the trustees named in said will, having died, the said Sarah S. A. Wilson, the survivor, did, by deed of appointment, under her hand and seal dated the twenty-first day of January, A. D. 1891, duly appoint Robert Henry Young and William H. Bradford trustees, to fill the vacancies caused by the death of the said Hanson Robinson and Joseph A. Hunter, and the said new trustees duly accepted such appointment and have entered upon the performance of their duties thereunder;

And whereas the said lands are unimproved lots in a section of the city of Wilmington which has recently been greatly improved and is rapidly increasing in population, and a large sum of money has been expended by the trustees for taxes and municipal improvements, and no income has been derived therefrom, and it is doubted whether the trustees have power either to sell or improve the said lands;

And whereas it has been represented to the General Assembly that it would be for the best interest of said trust estate that the said unimproved lands should be sold and the net proceeds of said sale or sales should be invested by the said trustees as other moneys are invested by them under the provisions of said will;

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Deed of appointment to be recorded.

Lands vested in new trustees

SECTION 1. That upon the recording of the before recited deed of appointment, dated the twenty-first day of January, A. D. 1891, made by Sarah S. Wilson, and appointing as trustees under the said last will and testament of Edwin A. Wilson, deceased, Robert Henry Young and William H. Bradford, in lieu of Hanson Robinson and Joseph A. Hunter, deceased, and of the acceptance of said appointment, the legal title of, in, and to the before recited lands and all the other lands which were in and by the said will devised to Sarah S. Wilson, Hanson Robinson, and Joseph A. Hunter, as trustees under the will of Edwin A.

OF TITLES TO REAL PROPERTY.

Wilson, deceased, shall be and is hereby vested in the said Sarah S. Wilson, Robert Henry Young and William H. Bradford, to all intents and purposes in like manner and upon the same trusts as the same were after the death of the said Edwin A. Wilson, deceased, in the said Sarah S. Wilson, Hanson Robinson and Joseph A. Hunter, without any other or further deed or deeds of conveyance being made.

SECTION 2. That the said Sarah S. Wilson, Robert Henry Young, and William H. Bradford, trustees, as aforesaid, be and they are hereby authorized and empowered to sell, either at public or private sale, in their discretion, on such terms as they may deem expedient, any and all of the three before recited lots or tracts of land, and to make thereof a deed or deeds of conveyance in fee simple to the purchaser or purchasers thereof, without any liability on the part of the said purchaser or purchasers for the application, non-application, or misapplication of the purchase money, and the net proceeds of said sale or sales shall be held by the said trustees under and subject to the same trusts and for the benefit of the same person or persons as are provided in and by the said will and testament of Edwin A. Wilson of and concerning the said lands and premises.

Trustees
authorized
to sell lands.

Proceeds of
sale to be
held in same
trust as
lands sold.

SECTION 3. This act shall be deemed and taken to be a public act.

Passed at Dover, April 23, 1891.

CHAPTER 250.

OF TRUST ESTATES.

AN ACT in relation to Trust Estates.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That whenever any trust of real estate has been or shall hereafter be created, by deed or will duly recorded or proved within this State, and such deed or will contains provisions for the appointment by deed or instru-

Will or deed
containing
authority for
appointment
of Trustees
by surviving
Trustee or
other per-
sons.

OF TITLES TO REAL PROPERTY.

Lands
vested in
new Trustee

ment of writing of new trustees either by a surviving trustee or trustees or by any other person or persons designated in and by such deed or will, upon the due execution and acknowledgment of a deed of appointment by the proper party or parties, and its being filed for record in the office of the Recorder of Deeds in and for the county in which the land which is the subject of the trust is situated, the legal title to the lands so held in trust shall thereupon vest in such new trustee or trustees in the same manner and with the same effect, to all intents and purposes, as if such trustees had been originally appointed by the deed or will creating the trust, and no conveyance shall be necessary to vest such title.

Public act. SECTION 2. This act shall be deemed and taken to be a public act.

Passed at Dover, May 15, 1891.

CHAPTER 251.

OF THE ESTATE OF JAMES RIDDLE, DECEASED.

AN ACT for the benefit of the Estate of James Riddle, deceased.

Preamble.

Whereas the General Assembly of this State by an act entitled "An act to incorporate trustees to carry out certain provisions of the last will and testament of James Riddle, deceased," passed at Dover, March 26th, 1875, incorporated certain persons therein named as trustees to execute certain trusts under the will of James Riddle, deceased, for religious purposes, objects of charity and educational purposes;

And whereas before the organization of the said corporation one of the trustees named herein departed this life, and the vacancy was not filled within the time limited in said act for that purpose, and it was not practicable thereafter legally to organize the said corporation;

And whereas in a suit in equity in the United States Circuit Court in and for the District of Delaware concerning one of the trusts created by the will of James Riddle, de-

OF TITLES TO REAL PROPERTY.

ceased, it was held that the said corporation had not been organized, and that there was no trustee to execute the said trust, and a decree was made by the said court appointing the Security, Trust and Safe Deposit Company of the city of Wilmington to be a trustee to administer said trust;

And whereas it is the desire of the surviving trustees mentioned in the said act that the same be repealed and that the said Security, Trust and Safe Deposit Company be designated by the General Assembly as a sole trustee to execute any and all of the remaining trusts created by the said will;

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring herein):

SECTION 1. That the act entitled "An act to incorporate trustees to carry out certain provisions of the last will and testament of James Riddle, deceased," passed at Dover, March 26, 1875, be and the same is hereby repealed; and the Security, Trust and Safe Deposit Company is hereby designated and appointed sole trustee for the purpose of executing and administering any trust whatsoever created by or existing under the will of James Riddle, deceased, not otherwise provided for, and the said last named corporation is hereby vested with all power and authority necessary for due execution and administration of any such trusts, and the release or acquittance of the said corporation for any sum or sums of money bequeathed by the said James Riddle for the creation of any trust shall be a valid discharge to his executors for such sum or sums of money.

Certain acts
repealed.

Security,
Trust and
Safe Deposit
Company
appointed
Trustee.

Passed at Dover, May 7, 1891.

TITLE THIRTEENTH.

Of the Administration of Estates.

CHAPTER 252.

OF THE SALE OF LANDS BY EXECUTORS AND ADMINISTRATORS.

AN ACT to amend Chapter 90 of the Revised Statutes of the State of Delaware.

*Be it enacted by the Senate and the House of Representatives of the State of Delaware in General Assembly met*Section 5,
Chapter 90,
of Revised
Statutes,
amended.

SECTION 1. That Section 5 of Chapter 90 of the Revised Statutes of the State of Delaware be and is hereby amended by striking out the word "twenty," in the sixth line of said Section 5, and inserting in lieu thereof the word "ten."

Section 7,
of Chapter
90 aforesaid,
amended.

SECTION 2. That Section 7, of said Chapter 90, be and is hereby amended by striking out all between the word "to" and the word "orphans," in the second line of said Section 7, and inserting in lieu thereof the words, "any adjourned or regular term of the."

Section 14 of
said Chapter
90 amended.

SECTION 3. That Section 14, of said Chapter 90, be and is hereby amended by striking out the word "after," in the third line of Section 14, and inserting in lieu thereof the words, "and paid to the clerk before."

Passed at Dover, March 19, 1891.

TITLE FOURTEENTH.

Of Courts of Justice.

CHAPTER 253.

GENERAL PROVISIONS.

AN ACT for the relief of the Courts of this State.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That there shall be attached to the Superior Court, the Court of Oyer and Terminer and the Court of General Sessions of the Peace and Jail Delivery of this State, an additional officer, who shall be a skilled and competent stenographer, whose duty it shall be to attend the sessions of the said court in [the] several counties of this State, and under the orders and directions of the court to report all evidence, opinions and other matters as the court shall order. He shall be appointed by the court and subject to be removed at its pleasure, and another appointed in his place.

SECTION 2. Before entering upon his duties he shall be duly sworn as other court officers and shall give bond to the State of Delaware in the penal sum of two thousand dollars to be approved by the court for the faithful discharge of his duties. He shall receive as compensation for his services such sum as may be approved by the court, not exceeding fifteen hundred dollars per annum, the same to be paid by the State Treasurer on the draft of the Chief Justice in equal quarterly installments.

Passed at Dover, May 7, 1891.

OF COURTS OF JUSTICE.

CHAPTER 254.

GENERAL PROVISIONS.

AN ACT to authorize the payment of certain Expenses incurred by order of the Courts of this State:

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Expenses of
necessaries
for jurors
impanelled
and confined
how paid.

Other
necessary
expenses.

SECTION 1. Whenever in the trial of criminal causes it shall be deemed by the court necessary that the jury impaneled shall be furnished with actual necessities during their confinement in the jury-room and the same be ordered by the court, the expense thereof shall be paid for by orders upon the county treasurer, under the seal of the court, and this provision shall include such expenses as have been heretofore ordered by the court and are yet unpaid. *And further,* that any other necessary expenses connected with the sitting of the court shall be paid for in like manner.

Passed at Dover, April 27, 1891.

CHAPTER 255.

OF THE SUPERIOR COURT AND COURT OF GENERAL SESSIONS OF THE PEACE AND JAIL DELIVERY.

AN ACT to fix the time for holding the Superior Court and Court of General Sessions of the Peace and Jail Delivery 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:

Time of
holding
court in sev-
eral counties

SECTION 1. That the Superior Court and Court of General Sessions of the Peace and Jail Delivery in and for Sussex county shall be held on the first Monday in April and the first Monday in October; in Kent county on the third Monday in April and the third Monday in October; and in New Castle county the Court of General Sessions of the

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Peace and Jail Delivery shall be held on the first Monday in February, on the third Monday after the commencement of the April term in Kent, on the third Monday in September and on the third Monday in November; and the Superior Court in and for New Castle county shall be held on the first Monday in February, on the fourth Monday after the commencement of the April term in Kent, on the third Monday in September, and on the fourth Monday in November.

Provided that the provisions of this act shall not take effect or go into operation until after the April terms of said courts in Sussex and Kent counties, and the May terms of said courts in New Castle county in the present year 1891, but the April terms of said courts in Sussex and Kent counties, and the May term of said courts in New Castle county in the present year, 1891, shall be held at the times fixed by law for the holding of the same prior to the passage of this act.

Proviso.
When act to
go into
effect.

SECTION 2. All acts or parts of acts inconsistent with or supplied by this act be and the same are hereby repealed.

Inconsistent
acts repealed

Passed at Dover, March 19, 1891.

CHAPTER 256.

OF THE ORPHANS' COURT.

AN ACT to change the time of holding the Court of Chancery and Orphans' Court.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. Amend Section 1 of Chapter 216, Volume 17, Pamphlet Laws, by striking out the words "fourth Monday in September" in the fourth and fifth lines of Section 1 and insert in lieu thereof the words "second Monday in September."

Section 1,
Chapter 216,
Volume 17,
amended.

Passed at Dover, February 18, 1891.

OF COURTS OF JUSTICE.

CHAPTER 257.

OF THE ORPHANS' COURT.

AN ACT in relation to the Orphans' Court.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 7,
Chapter 96,
Revised
Statutes,
amended.
Guardian-
ship, how
long to
continue.

SECTION 1. That Section 7 of Chapter 96 of the Revised Statutes be and the same is hereby amended by striking out the words, "or marriages," at the end of the first clause of said section, and inserting in lieu thereof the words, "Provided that the guardianship of the person of any female minor shall continue only until her marriage.

Passed at Dover, April 24, 1891.

CHAPTER 258.

OF THE ORPHANS' COURT.

AN ACT to authorize the Clerk of the Orphans' Court of the State of Delaware, in and for Kent County, to note on the record of all satisfied recognizances in said Orphans' Court the fact of such satisfaction, and for other purposes.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Clerk of the
Orphans'
Court of
Kent county
authorized
to enter sat-
isfaction in
certain re-
cognizances.

SECTION 1. That the Clerk of the Orphans' Court of the State of Delaware, in and for Kent county, be and he is hereby authorized and empowered to note on the record of all recognizances in said Orphans' Court, from the year 1822 to the year 1890, both years inclusive, which have been fully paid to and satisfied by all the persons interested therein, the fact of such payment and satisfaction.

Satisfaction,
how desig-
nated.

SECTION 2. That the Clerk of said Orphans' Court be and he is hereby also authorized and empowered to mark on the index to recognizances in said Orphans' Court the letter S, in

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red ink, before the name of every recognizor in recognizances which have been fully paid to and satisfied by all the persons interested therein.

SECTION 3. That the Clerk of said Orphans' Court be and he is hereby also authorized and empowered to associate with him some competent attorney, to be by him selected, who shall aid and assist him in the performance of the duties required to be done under the provisions of this act.

Clerk to
associate at-
torney to
assist him.

And when the said duties shall be fully completed and ended, the Clerk of said Orphans' Court, and the attorney who shall be associated with him, shall make and sign a certificate to that effect, and shall present the same to the Levy Court of Kent county, which said court shall thereupon pay them a just and reasonable compensation for the services performed in pursuance of the provisions of this act.

Certificate
of comple-
tion of work.

Compensa-
tion, how
paid.

SECTION 4. It shall be the duty of the Clerk of the Orphans' Court of Kent county hereafter to enter upon the index to recognizances in said court the letter S, in red ink, against the name of any person on said index against whom any recognizance may have been recorded when and as soon as the same shall be fully satisfied and paid. The clerk of said court shall not be entitled to any compensation for entering the letter S as required by this section.

Duty of
Clerk of the
Orphans'
Court to
mark satis-
fied judg-
ments.

Clerk of
Orphans'
Court not to
be compen-
sated for
such satis-
factions.

Passed at Dover, May 15, 1891.

TITLE SIXTEENTH.

Of Civil Actions in General.

CHAPTER 259.

OF ACTIONS.

AN ACT for the Protection of the Owners of Stallions.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Colts liable
for service of
sire.
Proviso.

SECTION 1. That from and after the passage of this act each and every colt in this State shall be liable for the service of the stallion, its sire. *Provided, however,* that in any and all cases where the pedigree or qualities of the stallion is misrepresented by its owner or agent, then the foal shall not be liable for the service as aforesaid.

Description
and pedigree
of stallion to
be posted.

SECTION 2. And in order for the owner or owners of any stallion or stallions to avail themselves of the benefits of this act, it shall be necessary for such owner or owners to have printed and posted, at ten of the most public places in the county in which the said stallion or stallions are to stand or travel, a full description and pedigree of his or their stallion or stallions, and to exhibit a copy to the owner of any mare or mares about to be served by such stallion or stallions. After sixty days from the day the foal was dropped, and a refusal to pay by the then owner of the mare and colt, it shall be the duty of the owner of the stallion, the sire of such colt, to bring his action for the service of the stallion, as per agreement. And if the justice of the peace shall be satisfied of the correctness of the claim and give judgment in favor of such owner, he may at once take out execution on such

When ac-
tion can be
brought.

Duty of
justice of
the Peace

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judgment, and when so executed the lien shall revert back ^{Lien.} to the day of the foaling of such colt, and shall be a paramount and prior lien on such colt to any other execution or mortgage.

Passed at Dover, May 11, 1891.

CHAPTER 260.

OF WITNESSES AND EVIDENCE.

AN ACT to amend Chapter 550, Vol. 14, Laws of Delaware, entitled
"An act for the Protection of Women."

*Be it enacted by the Senate and House of Representatives
of [the State of] Delaware in General Assembly met:*

SECTION 1. That Chapter 550, Vol. 14, Laws of Delaware, entitled "An act for the Protection of Women," be <sup>Chapter 550,
Volume 14,
amended.</sup> and the same is hereby amended by adding the following:

SECTION 8. That it shall and may be lawful for husband <sup>Husband
and wife to
testify in
certain cases</sup> and wife to testify in all civil actions in which either or both are or may be parties to the suit.

Passed at Dover, April 15, 1891.

OF CIVIL ACTIONS IN GENERAL.

CHAPTER 261.

OF SHERIFFS.

AN ACT to enable Isaac Wootten, late Sheriff of Sussex County, to amend his return on Execution No. 269 to April Term, 1883.

Mistake in
return to
writ of ven-
ditioni ex-
ponas, No.
269, April T.
1883.

Whereas Isaac Wootten, late Sheriff of Sussex county, did under and by virtue of a certain writ of *Venditioni Exponas* to sell lands, being No. 269 to April term, eighteen hundred and eighty-three, at suit of William H. Holloway vs. John M. Layton, administrator of Walter E. Jefferson, deceased, sell the lands of said deceased to Richard W. Jefferson and Ebe D. Quillen, and the purchase money was duly paid by said purchasers and applied to the parties entitled thereto; and whereas the said sheriff, through inadvertence, has returned the lands unsold, which mistake cannot be corrected under the rules of the Court,

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Isaac Woot-
ten, late
Sheriff,
authorized
to amend re-
turn to writ.

Isaac Woot-
ten, late
Sheriff, to
make deed
or deeds.

That Isaac Wootten, late sheriff of Sussex county, be and he is hereby empowered and authorized to amend his return on the said execution of *Venditioni Exponas* to sell lands, being No. 269 to April term of the Superior Court, eighteen hundred and eighty-three, in conformity with the sale of lands duly made under said writ. And it is further enacted, that the said Isaac Wootten, as late sheriff, shall execute and deliver to the said purchasers a deed or deeds for said lands, which shall be as good and valid as if executed upon a proper return of said execution.

Passed at Dover, April 10, 1891.

OF CIVIL ACTIONS IN GENERAL.

CHAPTER 262.

OF LIEN OF TAXES.

AN ACT to amend an act entitled "An act in relation to the Lien of Taxes," (15 Del. L., p. 614).

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That the act entitled "An act in relation to the Lien of Taxes" be and the same is hereby amended in the manner following, to wit: Certain act amended.

By striking out the twelfth and thirteenth lines of Section 1 of said act, and inserting in lieu thereof the words:

"any real estate upon which such tax lien shall exist is sold by an order of the Orphans' Court directing an executor or administrator to sell the same to pay the debts of a deceased person, or is sold by virtue of an execution process, such tax lien shall be transferred." Lien of taxes on land sold by order of the Orphans' Court transferred.

Passed at Dover, April 17, 1891.

CHAPTER 263.

OF MECHANICS' LIEN.

AN ACT to further amend Chapter 145, Volume 16, Laws of Delaware, entitled "An act in relation to Mechanics' Liens."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That Chapter 145, Volume 16, Laws of Delaware, entitled "An act in relation to Mechanics' Liens," as amended by Chapter 679, Volume 18, Laws of Delaware, be and the same is hereby amended by adding the following: Chapter 145, Volume 16, as amended by Chapter 679, Vol. 18, amended.

"SECTION 9. That it shall and may be lawful for any person or persons, having performed any work or labor to any

OF CIVIL ACTIONS IN GENERAL.

Who may obtain a lien on building, etc. amount less than one hundred dollars in or for the erection, alteration or repair of any house, building, bridge, or structure, in pursuance of any contract, expressed or implied, with the owner or reputed owner of such house, building, bridge, or structure, or with any contractor who shall have contracted for the erection, alteration or repair of any house, building, bridge, or structure, or any part thereof, to obtain a lien upon such building, house, bridge, or structure, and upon the ground upon which the same may be situated or erected, subject however to the following restrictions, limitations and qualifications, that is to say: that no person or persons having done or performed any work or labor in or about the erection, alteration or repair of any house, building, bridge, or structure, shall be allowed to file any statement of his claim as hereinafter provided until after the expiration of twenty days from the time of the last work or labor done or performed by him, but in order to avail himself of the benefits of this section he shall file his claim within ten days after the expiration of the twenty days aforesaid, and any person or persons entitled to the benefits of this section shall file his claim under oath, within the time above specified, with any justice of the peace of the county wherein such house, building, bridge, or structure shall be situated. The said statement shall set forth the names of the party claimant, the owner or reputed owner of the building, house, bridge, or structure, and also of the contractor and the kind of work or labor done, and whether the contract was with the owner or his agent, or with the contractor, the sum claimed to be due, the time when said work was commenced and finished, the location of such house, building, bridge, or structure, and the ground upon which the same is situated, and a description sufficient to identify the same.

When claim may be filed.

How and when claim is to be filed.

Contents of statement.

Proceedings "Immediately upon the filing of any such claim the justice of the peace with whom the same is filed shall issue a summons, as in other civil cases, to the owner and contractor or owner, as the case may be, and directed to any constable of the county; *provided* that the time for the defendants' appearance shall not be more than three days from the date of the summons, and not more than two adjournments shall be had, and then only from day to day. If the defendant or defendants shall fail to appear at the time appointed, or after a hearing the justice shall be satisfied of the correctness of the claim, he shall give judgment as in other cases, and

Appearance.

Rendering of judgment.

OF CIVIL ACTIONS IN GENERAL.

upon the payment of cost and a demand for a transcript he shall furnish the same, which may be entered in the Superior Court of the county in which the said house, building or structure is situated, and when so entered, if within two days from the date of the transcript,* shall become a lien on such house, building, bridge, or structure, and upon the ground upon which the same is erected, and shall relate back to the day when such work or labor was commenced, and shall take priority accordingly. Any and all transcripts taken and entered in the Superior Court under this section shall contain a description of the property upon which it is to become a lien, and shall conform to the description set forth in the plaintiff's statement. All costs and charges shall follow the judgment and shall be the same as are now authorized by law in civil cases before justices of the peace; *provided, however*, that it shall be the duty of every contractor, when so required, to give ample security to the owner of any house, building, or structure being altered, erected or repaired by him to save such owner harmless from the provisions of this act.

Transcript.

Entry of and
lien.Relating
back of lien.Transcript,
contents of.Cost and
charges.

Proviso.

Security by
contractors.

Passed at Dover, April 10, 1891.

CHAPTER 264.

OF MECHANICS' LIENS.

AN ACT to amend the act entitled "An act to further amend Chapter 145, Volume 16, Laws of Delaware, entitled 'In relation to Mechanics' Liens,'" passed at Dover, April 10, 1891.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That the act entitled "An act to further amend Chapter 145, Volume 16, Laws of Delaware, 'in relation to mechanics' liens,'" passed at Dover, April 10, 1891, be and the same is hereby amended by striking out the word "transcript" where the same occurs in lines 4 and 5 of page 6 of the enrolled copy of said act, by inserting in lieu thereof the word "judgment."

Act to fur-
ther amend
Chapter 145,
Volume 16,
amended.

Passed at Dover, May 15, 1891.

* See Chapter 264, current volume.

TITLE EIGHTEENTH.

Of the Limitations of Actions.

CHAPTER 265.

OF LIMITATIONS OF PERSONAL ACTIONS.

AN ACT to amend Section 4 of Chapter 123 of the Revised Code, as amended and republished 1874.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 4,
Chapter 123,
Revised
Code,
amended.

SECTION 1. That Section 4 of Chapter 123 of the Revised Code, as amended and republished in 1874, be and the same is hereby amended by inserting in the fifth line of said section, between the word "court" and the word "collector," the words "Register in Chancery."

Passed at Dover, April 23, 1891.

TITLE TWENTIETH.

Of Crimes and Punishments.

CHAPTER 266.

OF OFFENSES AGAINST THE LIVES AND PERSONS OF INDIVIDUALS.

AN ACT to provide a Safeguard Against Accidents from the use of Firearms.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That from and after the passage of this act no person or persons shall keep a gallery or booth or other convenience for the purpose of target shooting or other trials of skill by the use of firearms within the borders of any town or city, or within three hundred yards of any road or public passway, within the State, or at any place of public resort, unless said gallery or booth or other convenience shall be enclosed with walls not less than ten feet in height and not less than four inches in thickness, sufficient to prevent ball or shot from said firearms from escaping from or passing through said gallery or booth.

Shooting gallery or booth, when it may not be kept.

Structure of gallery or booth.

SECTION 2. That no person apparently under the influence of intoxicating liquor, insane, or otherwise incapacitated, shall be allowed by such keeper to participate in said target shooting or other trials of skill by the use of firearms in such gallery, booth, or other convenience.

Who not allowed to engage in target shooting.

SECTION 3. Every person offending against the provisions of this act shall be deemed guilty of a misdemeanor

OF CRIMES AND PUNISHMENTS.

Offending
against the
provisions of
this act, mis-
demeanor.

and upon conviction thereof shall be fined not less than fifty and not exceeding two hundred dollars, at the discretion of the court, one-half of which shall go to the person informing and the other half to the school fund of the State, and in default of the payment of said fine shall be imprisoned for a term of not less than one nor more than three months.

Passed at Dover, April 14, 1891.

CHAPTER 267.

OF OFFENSES AGAINST PRIVATE PROPERTY.

AN ACT for the Protection of Private Property.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Persons
having care
or use of cer-
tain animals
misusing
them.

Penalty.

Arrest of
offender.

Hearing.

SECTION 1. That if any person having the care, custody, possession, or use of any horse, gelding, mare, colt, ass, or mule, under or by virtue of a contract with the owner or legal proprietor thereof to hire the same, shall so ride, or drive, or negligently and carelessly use or care for the same as to kill or to cause the death of or do injury or damage to such horse, gelding, mare, colt, ass, or mule, whereby the owner or legal proprietor thereof is deprived of the use of the same, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than ten dollars or more than two hundred dollars, said fine to be paid the owner of such horse, gelding, mare, colt, ass, or mule as restitution money, and shall pay all costs of prosecution, and may also, in the discretion of the court, be imprisoned for a term not exceeding one year.

SECTION 2. The sheriff, any constable, or other conservator of the peace, the owner or proprietor of such property, his agents or employes, or any other person or persons whom he or any of them may call to his assistance, shall have authority to arrest such offender, either with or without warrant, and take him before any justice of the peace or mayor or city judge of a city in the county where the offense is

OF CRIMES AND PUNISHMENTS.

committed, that he may, upon a hearing, if the proof shall be sufficient to warrant the same, give bail with proper security for his appearance at the Court of General Sessions of the Peace and Jail Delivery of the county. If the bail be not given when so required he shall in default thereof be committed to the county prison.

Bail.
Commit-
ment.

SECTION 3. All acts or parts of acts inconsistent with this act be and the same are hereby repealed.

Inconsistent
acts repealed

Passed at Dover, April 27, 1891.

CHAPTER 268.

OF OFFENSES AGAINST PRIVATE PROPERTY.

AN ACT in relation to the Larceny of Money.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That hereafter, when money is the subject of larceny, and the same be metal, the denomination of which is unknown, it shall be sufficient to allege in any indictment, sundry coins of the aggregate value of ——— dollars; and if the same be paper money, the kind of which is unknown, it shall be sufficient to allege in any indictment, certain paper money of the aggregate value of ——— dollars.

Larceny of
money, how
alleged in
indictment.

Passed at Dover, April 21, 1891.

OF CRIMES AND PUNISHMENTS.

CHAPTER 269.

OF OFFENSES AGAINST PRIVATE PROPERTY.

AN ACT for the protection of Registered Banded and "Homing" Pigeons.

Preamble. Whereas certain owners of registered, banded and "homing" pigeons, commonly called carrier pigeons, have been and are now subjected to great loss and inconvenience because of the willful entrapping, shooting, stealing and inconsiderate detaining of such pigeons; and whereas such owners deeming it proper and necessary that they should have some protection in this behalf; therefore

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Unlawful to
kill certain
pigeons.

SECTION 1. That from and after the passage of this act it shall be unlawful for any person in this State to entrap, shoot, kill, steal, or in any way detain a registered, banded, or "homing" pigeon, or pigeons, commonly called carrier pigeons.

Conviction.

SECTION 2. That upon the conviction of any such person or persons, before any justice of the peace in this State, a fine not less than five dollars, nor more than fifty dollars, shall be imposed by said justice, together with the costs of prosecution, and such person or persons shall be committed to the custody of the sheriff for thirty days, unless such fine and costs be sooner paid. Also that restitution shall be made to such owner or owners of such pigeon or pigeons, as hereinbefore described.

Fine.

Restitution.

Name of bill

SECTION 3. This shall be called or known as the Kerbin Pigeon Bill.

Passed at Dover, April 10, 1891.

OF CRIMES AND PUNISHMENTS.

CHAPTER 270.

OF CONSIGNMENTS OF FRUITS.

AN ACT in relation to the Consignees of Fruit and other Produce.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

SECTION 1. That if any person who may be engaged in selling fruit or other produce upon commission shall receive any such fruit or produce and shall sell the same or any part thereof and shall refuse or neglect for the space of ten days after such sale and after demand made by the consignee thereof to render to such consignee an account of such sale or sales together with the proceeds arising therefrom, he shall be deemed guilty of a misdemeanor, and upon conviction thereof in the Court of General Sessions of the county where such person resides or transacts business shall be fined not less than twenty nor more than one hundred dollars, and may be imprisoned for a term not exceeding one year.

Sale of fruit and other produce by commission merchants. Neglect to account.

Misdemeanor.

Fine.

Imprisonment.

Passed at Dover, May 14, 1891.

CHAPTER 271.

OF FORGERY.

AN ACT to amend Chapter CXXIX, Section 3, Revised Code.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That Section 3 of Chapter 129 of the Revised Code be and the same is hereby amended by striking out all of said section after the word "imprisonment" in the thirty-fourth line thereof and inserting and adding the following words: "for a term not exceeding five years."

Section 3 of Chapter 129, Revised Code, amended.

Passed at Dover, April 30, 1891.

OF CRIMES AND PUNISHMENTS.

CHAPTER 272.

OF OFFENSES AGAINST DECENTY.

AN ACT to suppress persons from soliciting for immoral purposes or sexual intercourse on any of the streets or alleys of any city or incorporated town in this State within one mile of the limits thereof.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Procuration
in cities or
towns.

SECTION 1. That from and after the passage of this act it shall be unlawful for any person to act in any manner as a procurer or procuress in soliciting or enticing any person, male or female, for immoral purposes or sexual intercourse, on any of the streets, lanes or alleys of any city or incorporated town in this State, or within one mile of the limits thereof.

Violation.

Common
nuisance.

Fine.

To whom
fine is to be
paid.

SECTION 2. That if any person shall be found guilty of violating any of the provisions of Section 1 of this act, he or she shall be deemed guilty of a common nuisance, and upon conviction thereof before the alderman or committing magistrate of the city or town wherein or near which said offense is committed, he or she shall be fined not less than ten or more than fifty dollars, together with the costs of prosecution, for each and every offense, and in default of payment of said fine shall be committed by said alderman or committing magistrate aforesaid to the jail of the county where the offense was committed until such fine and costs are paid. One half of the fine to be paid to the informer and the other half to go into the treasury of the city or town in or near which the said offense is committed.

Passed at Dover, March 27, 1891.

OF CRIMES AND PUNISHMENTS.

CHAPTER 273.

OF OFFENSES AGAINST PUBLIC POLICY.

AN ACT to prevent any Life Insurance Company or agents thereof, doing business in Delaware, from making or permitting any distinction or discrimination in favor of individuals between insurance of the same class and equal expectations of life in the amount or payment of premiums or rates charged for policies of life or endowment insurance, and providing a penalty for violation thereof.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That no Life Insurance Company doing business in this State shall make or permit any distinction or discrimination in favor of individuals between insureds of the same class and equal expectation of life in the amount or payment of premiums or rates charged for policies of life or endowment insurance, or in the dividends or other benefits payable thereon, or in any other of the terms and conditions of the contracts it makes; nor shall any such company, or agent thereof, make any contract of insurance or agreement as to such contract other than as plainly expressed in the policy issued thereon, nor shall any such company or agent pay or allow or offer to pay or allow, as inducements to insurance, any rebate of premium payable on the policy or any special favor or advantage in the dividends or other benefit to accrue thereon, or any valuable consideration or inducements whatever not specified in the policy contract of insurance.

Discrimination of Life insurance companies.
Contracts and agreements outside of policy for rebates, etc.

SECTION 2. Any Life Insurance Company, its agent or agents, violating Section One of this act, shall be guilty of a misdemeanor, and upon conviction thereof the offender or offenders shall be sentenced to pay a fine of five hundred dollars on each and every violation where the amount of insurance is twenty-five thousand dollars or less, and for every additional twenty-five thousand dollars insurance or less there shall be an additional penalty of five hundred dollars.

Violation.
Misdemeanor.
Fine.

Passed at Dover, February 15, 1891.

OF CRIMES AND PUNISHMENTS.

CHAPTER 274.

OF OFFENSES AGAINST PUBLIC POLICY.

AN ACT to amend Chapter 683 of Volume 18, Laws of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Title of cer-
tain act
amended.

SECTION 1. That the title to the act entitled "An act to prevent the illegitimate use of the insignia of the Grand Army of the Republic," passed at Dover, March 13, 1889, be and the same is hereby amended by adding at the end of said title the words "or of the Union Veteran Legion."

Act
amended.

SECTION 2. That Section 1 of said act be and the same hereby is amended by inserting in the second line of said section after the word "Republic" and before the word "within" the words "or of the Union Veteran Legion," and by striking out of the fourth and of the fifth lines of said section the words "of the said order" and inserting in both lines in lieu thereof the words "of either of the said orders."

Passed at Dover, February 19, 1891.

CHAPTER 275.

OF EMBEZZLEMENT.

AN ACT to prevent Commissioners and Clerks of School Districts from Misappropriating Funds belonging to the School Districts.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Misappro-
priation of
funds by
school
officers.
Misde-
meanor.

SECTION 1. That from and after the passage of this act, if any commissioner or clerk of any school district in the State of Delaware shall misappropriate any funds in his hands belonging to the school district in which he is such commissioner or clerk, he shall be deemed guilty of a misde-

OF CRIMES AND PUNISHMENTS.

meanor, and upon conviction thereof, by indictment, he shall ^{Penalty.} be fined not less than twenty dollars nor more than five hundred dollars, together with the costs of prosecution, and upon failure to pay such fine and costs he shall be imprisoned not less than three months nor more than two years.

SECTION 2. The provisions of this act shall be deemed ^{Effect of act.} and taken to be cumulative, and shall not affect or impair the individual liability of any such commissioner or clerk in any civil suit which may be brought against them or either of them.

Passed at Dover, April 27, 1891.

CHAPTER 276.

OF OFFENSES AGAINST PUBLIC POLICY.

AN ACT to prevent Tampering with Legislative Proceedings.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That whosoever shall willfully add to, alter, deface, erase, obliterate, mutilate, blot, blur, steal, hide, conceal, destroy or misplace, with intent to conceal, any bill pending before either branch of the General Assembly of this State, or any committee thereof, or any joint committee of the two houses, shall be guilty of felony, and ^{Tampering with bills before Legislature.} upon conviction thereof shall pay a fine of not less than one ^{Fine.} hundred nor more than five thousand dollars and costs of prosecution, shall be publicly whipped with not less than ^{Whipping.} ten nor more than thirty lashes, and shall also be imprisoned ^{Imprisonment.} not less than one nor more than ten years.

And whosoever shall in like manner add to, alter, deface, erase, obliterate, mutilate, blot, blur, steal, hide, conceal, destroy, or misplace, with intent to conceal, any act passed by the said General Assembly, shall be guilty of a like offense, and shall be punished in like manner. ^{Tampering with acts passed by Legislature.}

OF CRIMES AND PUNISHMENTS.

"Bill,"
meaning of
word.
"Act,"
meaning
of word.

SECTION 2. A bill, within the meaning of this act, shall be taken as pending from the time of its introduction until enrolled and signed by the speakers of both houses. It shall then be and be taken as and for an act.

Construction

SECTION 3. Alterations or amendments made in the regular course of proceedings shall not be construed as a violation of the first section of this act.

Not to pre-
vent either
House from
punishing
for contempt

SECTION 4. Nothing herein contained shall be construed to prevent or limit either house from punishing for contempts according to parliamentary usage, nor shall any such punishment for contempts be construed to prevent or limit prosecutions under the first section of this act.

Passed at Dover, May 13, 1891.

CHAPTER 277.

OF GENERAL PROVISIONS CONCERNING CRIMES AND PUNISHMENTS

AN ACT to amend Chapter 692, Volume 18 of the Laws of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Chapter 692,
Volume 18,
amended.

SECTION 1. That Chapter 692, Volume 18 of the Laws of Delaware, be and the same is hereby amended by striking out the words, "less than two years, nor," in the twenty-first line thereof.

Passed at Dover, April 17, 1891.

OF CRIMES AND PUNISHMENTS.

CHAPTER 278.

OF GENERAL PROVISIONS CONCERNING CRIMES AND PUNISHMENTS.

AN ACT to provide employment at hard labor for certain classes of persons in New Castle County Jail.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. It shall and may be lawful for any Court in New Castle county having competent jurisdiction in the matter of assaults, drunkenness, disorderly conduct and vagrancy; to sentence any person or persons convicted of any of the above offenses to imprisonment at hard labor in addition to the other penalties prescribed by law; *provided, nevertheless*, that such imprisonment at hard labor for drunkenness, disorderly conduct and vagrancy shall not exceed sixty days.

Sentence of imprisonment at hard labor for certain offenses in New Castle county.

SECTION 2. It shall be the duty of the Levy Court of New Castle county, after the passage of this act, from time to time to furnish as many perches of stone, of a character suitable for being broken into road macadam, as the Sheriff of New Castle county shall require. Such stone shall be delivered in the jail yard, there to be broken by such persons who shall have been sentenced to imprisonment at hard labor under the provisions of Section 1 of this act.

Furnishing of stone for New Castle Jail.

SECTION 3. Eight hours shall constitute a day's work at hard labor, and such hard labor shall be performed between the hours of eight o'clock in the morning and five o'clock in the evening. No prisoner sentenced under this act shall be exempt from said labor except through physical inability, properly certified to the sheriff by the jail physician. Should any prisoner or prisoners prove refractory and stubborn and refuse to work or to perform his or their work in a proper manner, the sheriff shall have power to place such prisoner or prisoners in solitary confinement, there to be kept on bread and water until he or they shall submit to perform his or their tasks and obey his orders.

Eight hours a day at hard labor.

Exemption.

Refractory or stubborn prisoners.

SECTION 4. The said Levy Court shall provide teams sufficient to haul away from the jail yard all stone which shall

Removing broken stone

OF CRIMES AND PUNISHMENTS.

have been broken into size sufficient for road macadam, so as to keep the yard free from the accumulation of such material. Such material so taken away shall be deposited on such of the county roads as the said Levy Court may from time to time direct. The Levy Court shall further furnish to the sheriff, on his requisition, stone-hammers, suitable for breaking stone, to be used by the prisoners. The sheriff shall keep or cause to be kept an exact account of each load of stone deposited, and of each load of broken stone taken away, and shall transmit the same on the first of each month to the Clerk of the Peace of New Castle county, to be by him laid before the said Levy Court at its ensuing meeting.

Hammers.

Accounts of Sheriff.

Duty of Sheriff.

SECTION 5. It shall be the duty of the Sheriff of New Castle county to receive all persons who may be sentenced under the provisions of Section 1 of this act, and to keep them at hard labor as herein provided.

Who liable to penalties of this act.

SECTION 6. That all beggars and vagabonds who roam about from place to place, without any lawful business or occupation, sleeping in out-houses, barns, market places, sheds, or in the open air, and not giving a good account of themselves, shall be deemed vagrants, and liable to the penalties of this act.

Passed at Dover, March 26, 1891.

CHAPTER 279.

OF GENERAL PROVISIONS CONCERNING CRIMES AND PUNISHMENTS.

AN ACT to amend the act entitled "An Act to provide employment at hard labor for certain classes of persons in New Castle County Jail.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 4 of certain act amended.

SECTION 1. Amend Section 4 of said act by inserting after the word "county," in the sixth line of said section, the words "or hundred," and by inserting after the word "roads," in the sixth line of said section, the words "or otherwise disposed of."

Passed at Dover, May 15, 1891.

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on
in
to
or
ff
id
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in

MISCELLANEOUS.

CHAPTER 280.

OF UNIFORMITY OF LEGISLATION.

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d
p

AN ACT to provide for the appointment of Commissioners for the pro-
motion of Uniformity of Legislation in the United States.

*Be it enacted by the Senate and House of Representatives
of the State of Delaware in General Assembly met:*

SECTION 1. That within thirty days after the passage of this act the Governor shall appoint three commissioners, who are hereby constituted a board of commissioners by the name and style of "Commissioners for the Promotion of Uniformity of Legislation in the United States." It shall be the duty of said board to examine the subject of marriage and divorce, insolvency, the form of notarial certificates, descent and distribution of property, acknowledgment of deeds, execution, and probate of wills, and other subjects; to ascertain the best means to effect an assimilation and uniformity in the laws of the States, and especially to consider whether it would be wise and practicable for the State of Delaware to invite the other States of the Union to send representatives to a convention to draft uniform laws to be submitted for the approval and adoption of the several States, and to devise and recommend such other course of action as shall best accomplish the purpose of this act.

Governor to
appoint 3
Commis-
sioners to
promote
uniformity
of Legisla-
ture.

Passed at Dover, April 15, 1891.

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l.
s

OF PEACH YELLOWS.

CHAPTER 281.

OF HORTICULTURE.

AN ACT to Encourage Horticulture.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

\$300 appropriated to Peninsula Horticultural Society

SECTION 1. That the sum of three hundred dollars annually is hereby appropriated to the Peninsula Horticultural Society, which sum shall be paid to the president of said society by warrant drawn by the Governor, and duly attested by the Secretary of State, upon the State Treasurer, and the receipt of the president of said society, attested by its secretary, shall be a sufficient voucher.

Passed at Dover, May 14, 1891.

CHAPTER 282.

OF PEACH YELLOWS.

AN ACT concerning Peach Yellows.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Governor to appoint Peach Commissioners.

Terms of office.

Vacancies.

SECTION 1. Within twenty days after the passage of this act the Governor shall appoint in each hundred in Kent and Sussex counties, except Duck Creek and Kenton hundreds in Kent county, three judicious, intelligent and substantial freeholders and peach growers as "Peach Commissioners" for their respective hundreds. One of said commissioners shall be appointed for one year from the first of May, A. D. 1891; one for two years from the first of May, A. D. 1891; and one for three years from the first of May, 1891; and until his successor shall be duly appointed. Upon a vacancy occurring by any cause it shall be filled by a new appointment for the unexpired term. When a full term expires by

OF PEACH YELLOWS.

its own limitation it shall be filled by an appointment for three years; and so on successively.

SECTION 2. It shall be the duty of said commissioners, on the application of five peach growers of the hundred, to make two careful and searching examinations and inspections of all peach trees within the respective hundreds during each year. The first shall be made between the fifteenth of April and the fifteenth of May; and the second between the fifteenth of July and fifteenth of August in each year; *provided* that the first examination and inspection may be made any time prior to the first of June, A. D. 1891.

Duty of Commissioners.

Inspection of trees, when made.

SECTION 3. The said commissioners shall mark, or cause to be marked, every tree, wherever found, having the disease known as "the yellows," and immediately notify the owner thereof in writing. The notices shall give the number of trees so diseased, and their location, with reasonable certainty. If the owner resides in the hundred, the notice shall be delivered to the owner himself if at home; but if not, it shall be sufficient to fasten it to the front door of the mansion house or dwelling. But where the owner does not reside in the hundred and there is a tenant in occupancy, the notice may be served upon him in the same manner and with like effect as if he were the owner; and where there is neither owner nor tenant in possession, the notice shall be fastened to the front door as above required, and a copy shall also be mailed to his address.

Marking of trees.

Notice to owners, to whom delivered.

SECTION 4. Every owner shall, as soon as practicable, after such notice has been given as aforesaid, pull up, remove and destroy every tree so diseased, so that not a vestige thereof shall remain. If the notice be given on or before the first of June, the trees shall be pulled up and destroyed prior to the fifteenth of July following; and if after the first of June and prior to the fifteenth of August, they shall be pulled up and destroyed not later than the fifteenth of October following.

Duty of owners.

Pulling up of trees.

SECTION 5. Trees so ordered to be pulled up and destroyed may be used for firewood.

Trees may be used.

SECTION 6. That any owner who, after being notified as aforesaid, shall neglect or refuse to pull up and destroy such diseased trees within the time specified, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not

Neglect or refusal to pull up trees a misdemeanor. Fine, etc.

OF PEACH YELLOWS.

less than ten nor more than fifty dollars; and besides shall be liable in damages to any adjacent owner who may suffer loss on account of such neglect or refusal.

Visits to
orchards.

SECTION 7. Immediately after the fifteenth of July and the fifteenth of October in each year, the said commissioners shall again visit each and every orchard in which they had found diseased trees, to see whether or not they have been pulled up and destroyed; and if they have not, the said commissioners shall forthwith hire men and teams to have it done, and as soon as done they shall prosecute all delinquents for their neglect or refusal to comply with the law.

Pulling up
trees by
Commis-
sioners.

Expenses,
etc., how
paid.

SECTION 8. The expenses which may be incurred by the commissioners in pulling up and destroying diseased trees as aforesaid, as well as the pay of the commissioners themselves, shall be paid out of the State treasury on warrants drawn thereon by the commissioners, and accompanied by a certificate of the clerk of the peace of the proper county that a full and itemized account of such expenses and of their time has been filed in his office.

Pay of Com-
missioners.

Proviso.

Report of
Commis-
sioners.

SECTION 9. For every day necessarily and properly employed in the discharge of the duties imposed by this act, each commissioner shall be paid the sum of two dollars, and for a half day so employed, one dollar, to be paid as provided in Section eight, immediately preceding. *Provided*, That before drawing their warrants for their pay they shall also file with the clerk of the peace a report of their inspection and work. This report shall state the number of orchards visited, the whole number of trees, and the number of those diseased and destroyed.

Evidences of
yellows.

SECTION 10. Without excluding other symptoms or evidence of "the yellows," the presence of the small willowy twigs or water shoots and premature fruit shall be conclusive proof of the existence of the disease.

This act to
be a protec-
tion to Com-
missioners
acting under
it.

SECTION 11. For anything lawfully done by the said commissioners, or any other person authorized by them, this act shall be a complete protection, and may be pleaded in bar in any action brought against them.

Fees not to
be charged.

SECTION 12. The commissioners shall not be charged any fee for their commissions hereby authorized to be issued to them.

OF CLAIMS AGAINST THE STATE.

SECTION 13. In case the commissioners shall at any time find trees affected with "yellows," and evidently undergoing a thorough course of remedial treatment, with indications of success, they may, in the exercise of their judgment, suspend condemnation of such trees until the next examination. Suspension of condemnation, when

SECTION 14. Chapter seven hundred, Volume eighteen of the Laws of Delaware is hereby repealed. Chapter 700, Volume 18, repealed.

SECTION 15. This act shall take effect from and after October 1, 1891, but shall not apply to New Castle county, nor to Duck Creek or Kenton hundreds in Kent county.

Passed at Dover, May 6, 1891.

CHAPTER 283.

OF PAYMENT OF CLAIMS AGAINST THE STATE.

AN ACT in relation to the Payment of Claims against the State.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

SECTION 1. That from and after the first day of July A. D. 1891, no claim against the State of Delaware for printing shall be allowed by any committee appointed by the Legislature, nor by any other committee by whomsoever appointed, unless such claim is accompanied by the written order or approval of the proper officer authorizing the same. Claims against State for printing.

SECTION 2. That from and after the first day of June, 1891, it shall not be lawful to pay any newspaper for more than two insertions of any executive proclamation unless specially authorized by the proper authority to do so. Advertising executive proclamations.

Passed at Dover, May 15, 1891.

OF CLAIMS AGAINST THE STATE.

CHAPTER 284.

OF CLAIMS.

AN ACT for the Payment of Claims against the State.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Claims directed to be paid.

That the State Treasurer be and he is hereby authorized and directed to pay the following claims:

John W. Fenimore, for serving requisition,	\$ 274 23
C. F. Thomas & Co., for stationery, bookbinding, &c.,	1,963 45
Harvey B. Vandegrift, for serving requisition, in addition to amount of \$232, paid per Herbert	318 00
Joseph Burchenal, for law books for the General Assembly and attendance upon the courts, &c.,	214 20
Clarke & McDaniel, for rubber bands, books, pens, &c., for superintendent of free schools,	12 40
Levi Golt, for services as page of the court,	16 00
A. N. Raub, for preparing report, &c.,	37 90
James Frasher, for services as bailiff to the court,	32 00
James W. Wise, for services as bailiff to the court,	32 00
Peter L. Cooper, Jr., for postage stamps and other expenses as superintendent of free schools,	30 00
Clarke & McDaniel, for toilet paper and bronze fixtures,	16 00
L. Irving Handy, for postage stamps, &c., as superintendent of free schools,	41 90
Freeman & Weber, for printing, various items,	390 32
Milford Chronicle, for printing, various items,	175 18
A. Z. Roberts, for printing, various items,	62 35
Theodore Townsend, for printing, various items,	27 23
Sussex Journal, for printing, various items,	595 74
Jas. H. Ward, for postage stamps, &c., as superintendent of free schools,	32 26
Sussex Journal, for printing, various items,	16 25
Sussex Countian, for printing, various items,	30 79
Wesley Webb, for printing, various items,	46 48
Arthur Boyle, for repairs to State House,	5 00
Henry C. Conrad, as actuary of colored schools,	90 39

OF CLAIMS AGAINST THE STATE.

	Claims, etc.
J. G. Gray, for stamps, &c., as superintendent of free schools,	58 72
N. H. Hutchins, for serving requisitions,	353 89
R. H. Van Dyke, for type writer, &c., for Secretary of State,	154 70
James Greenlee, for serving requisitions,	103 75
Frie Presse, for printing, various items,	93 12
Star Publishing Co., for printing, sundry items,	98 40
Thomas Jones, for work and material in repairing State House	61 73
The News Publishing Co., for printing, sundry items,	646 80
Thomas Cox, for repairing lock and making keys for State House,	6 00
George White, for moving safes from State Treasurer Herberts' office to depot,	20 00
Wm. P. Godwin, for hauling and putting safes in State Treasurer's office at Dover,	20 00
Review Publishing Co., for printing, sundry items,	31 40
The Sussex Republican, for printing, sundry items,	65 10
James S. Godwin, for hauling books, furniture and stationery,	7 75
C. R. Ferguson & Son, for recorders, bible-stand and plush covers for same,	4 00
William Hunter, for loading safes at Herbert's office,	5 00
The Delaware Democrat, for printing, sundry items,	300 00
Herman Bessey, for stamps, &c., as superintendent of free schools,	45 50
Robert D. Hoffecker, for printing, sundry items,	132 00
Clayton Call, for printing, sundry items,	4 75
State Sentinel, for printing, sundry items,	72 85
Sunday Republic, for printing, sundry items,	56 00
James Kirk & Son, for printing, sundry items,	7 75
J. D. Deane, for engrossing bank certificates,	10 00
Every Evening, for printing, sundry items,	147 65
Delaware Staats Zeitung, for printing, sundry items,	100 00
James Kirk & Son, for printing, and binding reports,	116 68
James Kirk & Sons, for printing, and binding Adjutant General's Report,	160 25
William Mann Co., for registration of births and deaths,	23 30
Delawarean, for printing, sundry items,	662 35

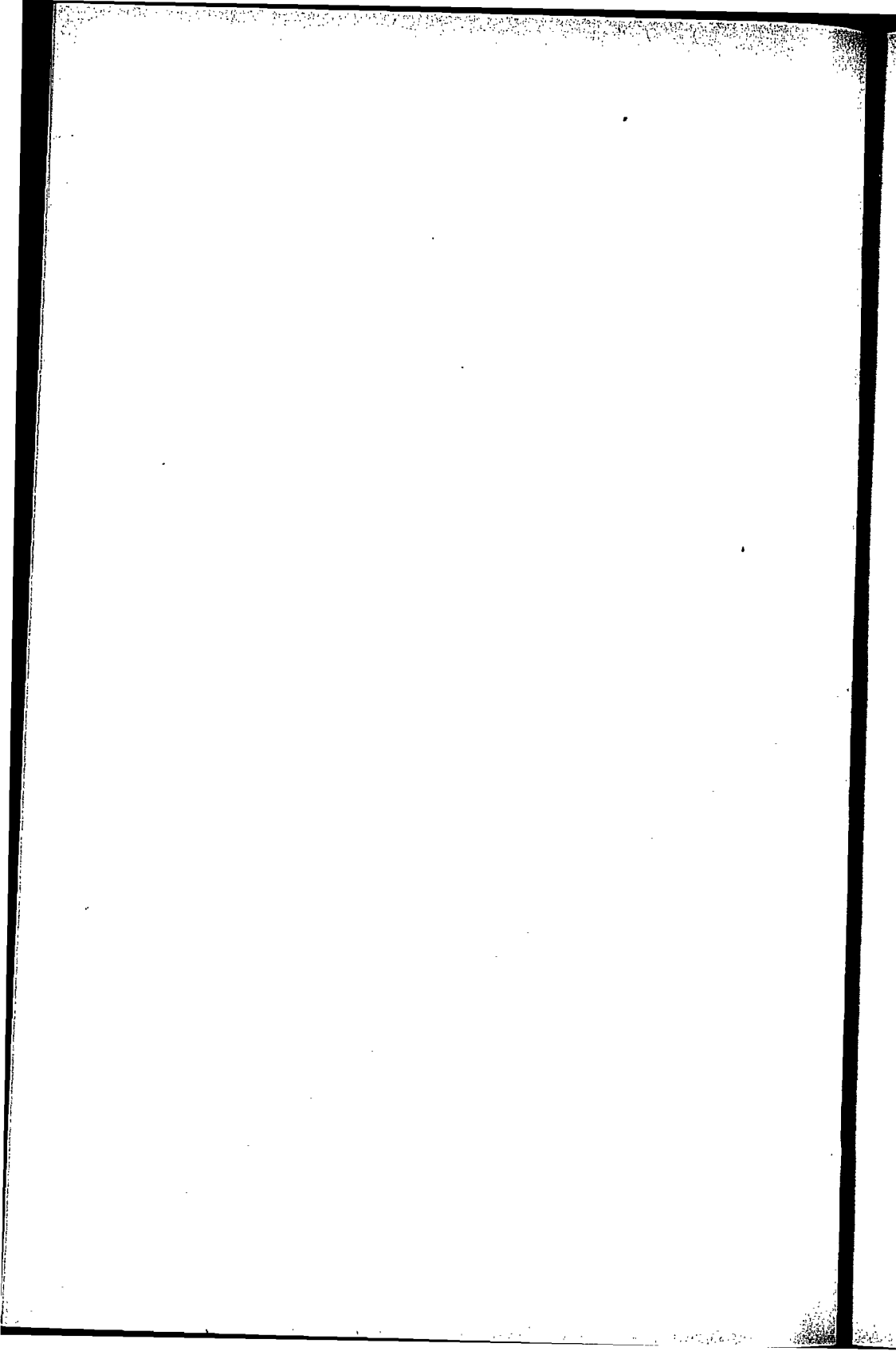
OF CLAIMS AGAINST THE STATE.

Claims, etc.	J. G. Gray, for stamps for use as superintendent of free schools,	5 00
	Stevenson & Slaughter, for coal and sundry goods for State House,	527 61
	Detre & Blackburn, for furnishing stationery, &c., for the General Assembly,	1,471 39
	G. Winneberger & Son, for roller top desk for State Treasurer,	95 00
	James H. Hughes, for engrossing bills,	5 50
	T. K. Jones & Bro., for water-closets, urinals, &c.,	422 72
	George P. Jarrell, for gas-fittings, globes, &c.,	35 25
	Thomas B. Giles, for attendance upon Legislative Committee,	7 00
	Laurel Gazette, printing, sundry items,	5 00
	Delaware Democrat, for printing, sundry items,	424 83
	James H. Boyce, for attendance upon Legislative Committee,	7 20
	C. F. Thomas & Co., for 500 letter heads, &c.,	5 00
	John M. Houston, for attendance before Legislative Committee,	9 30
	Cowgill Drug Co., for paper, hanging paper, &c.,	102 13
	Journal Printing Co., for printing, sundry items,	960 96
	T. K. Jones & Bro., for sundry items for State House,	68 74
	Sussex Journal, for printing notice of election for a convention,	14 60
	Delaware City News, for printing, sundry items,	45 00
	James H. Boyce, for reports and expenses attendant upon his office,	622 55
	Freeman & Weber, for printing, sundry items,	7 50
	Clarke & McDaniel, for stationery,	30 76
	Republican Printing Co., for printing, sundry items,	113 69
	C. W. Kenney, for printing, sundry items,	34 60
	State Sentinel, for printing notice of election for convention,	14 80
	Joseph C. White, for printing, sundry items,	24 84
	Milford Chronicle, for printing, sundry items,	15 00
	Peninsular News and Advertiser, for printing notice of election for a convention,	15 00
	C. H. Sentman, for printing, sundry items,	8 00
	Sussex Republican, for printing, sundry items,	16 20
	J. L. Ford, for team (Rep. Hutson),	2 50
	C. H. Sentman, for printing, sundry items,	2 25
	Every Evening Company, for printing, sundry items,	27 38

OF CLAIMS AGAINST THE STATE.

James Kirk & Son, for printing and binding,	360	17	Claims, etc.
Dover Gas Company, for gas consumed from —			
— 26, 1889, to May 14, 1891,	342	95	
Robert Hoffecker, for Auditors' notice,		70	
W. Y. Swiggett, for serving requisitions,	975	00	
J. F. Saulsbury, for binding and indexing 18th Volume Delaware Laws,	340	00	
Delaware Democrat, for printing notice of election for a convention, &c.,		16	20
Detre, Blackburn & Co., for enrolling paper,		19	50
J. L. Ford, for team for Senators Hall and Williams,		9	00
William P. Godwin, for work on State House and other State property,	232	02	
A. E. Sanborn and George T. Brown, for drawing registration act,	500	00	
Journal Printing Co., for printing notice of election for convention and Auditor's notice,		18	51
Robert H. Van Dyke, for engrossing bills,		54	00
James Kirk & Son, for printing, sundry items,	275	45	
The Index, for printing bills for the Assembly and sundry other items,	814	75	
Smyrna Record, for printing, sundry items,		14	75
E. Haman, for ice during the session of Assembly,		20	00
Frank E. Herbert, for transcribing new system of bookkeeping,	500	00	
Joseph McDaniel, for serving requisition,	438	12	
R. R. Kenney, for rent of armory, &c.,	275	00	
I. W. Sirman, for envelopes, paper, &c.,		4	50
Dover Machine Works, for plumbing, &c.,		68	82
I. N. Fooks, for postage stamps, &c.,		48	25
Laurel Gazette, for printing, sundry items,		23	10
Bowen Bro. & Co., for printing, sundry items,		54	75
Abram Vandegrift, for printing, sundry items,	265	00	
News Publishing Co., for printing notice of election for convention, &c.,		20	00

Passed at Dover, May 15, 1891.



RESOLUTIONS.

CHAPTER 285.

Joint Resolution notifying the Governor that the General Assembly is organized and ready for business.

Resolved by the Senate and House of Representatives [of the State of Delaware] in General Assembly met:

That a joint committee of both Houses be appointed to wait upon the Governor and inform him that the two Houses of the General Assembly are organized and ready to receive any communication he may see proper to make.

Committee to notify the Governor of the organization of the two Houses.

Adopted at Dover, January 6, 1891.

CHAPTER 286.

Joint Resolution to arrange for the Inauguration of the Governor-elect.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

That a committee of two on the part of the Senate and a committee of three on the part of the House of Representatives be appointed to arrange for the inauguration of the Governor-elect, and that said committee shall have power to appoint a committee of citizens to aid them, and make all necessary arrangements for said inaugural ceremonies.

Appointment of a committee to make arrangements for inaugural ceremonies.

Adopted at Dover, January 6, 1891.

RESOLUTIONS.

CHAPTER 287.

Joint Resolution in relation to Adjournment.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Adjourn-
ment.

That when the two Houses adjourn it be to meet on Monday, January twelfth, eighteen hundred and ninety-one, at 5 o'clock P. M.

Adopted at Dover, January 6, 1891.

CHAPTER 288.

Joint Resolution.

Committee
to settle with
State Treas-
urer and ex-
amine ac-
counts of
Auditor.

Resolved, That a joint committee be appointed to settle with the State Treasurer and examine the accounts of the State Auditor.

Adopted at Dover, January 12, 1891.

CHAPTER 289.

Joint Resolution in reference to Refurnishing the Corridors of the State House.

Clerks of the
two Houses
to have the
corridor of
the State
House re-
furnished.

Resolved, That the clerks of the two Houses are hereby directed to have the corridors of the State House refurnished with suitable oil-cloth or cocoa matting.

Adopted at Dover, January 12, 1891.

RESOLUTIONS.

CHAPTER 290.

Joint Resolution.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

That a committee of two on the part of the Senate and three on the part of the House of Representatives be appointed to draft rules to govern the intercourse between the two Houses. Committee to draft rules for General Assembly.

Adopted at Dover, January 13, 1891.

CHAPTER 291.

Joint Resolution.

Whereas both houses of the General Assembly are now organized and ready to act upon any business that may be brought before them; and Preamble.

Whereas former Legislatures have been kept in session thirty days longer than necessary because bills of a public and private nature had not been sent in;

Resolved, That all persons are most earnestly and respectfully requested to send their business in immediately, that the General Assembly may act upon it, and adjourn *sine die*, and thus save expense to the State. Request for business to be brought before Assembly..

Adopted at Dover, January 13, 1891.

RESOLUTIONS.

CHAPTER 292.

Joint Resolution.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Committee
to whom
Governor's
message,
etc., may be
referred.

That a special committee be appointed to whom the message of the Governor and accompanying documents should be referred.

Adopted at Dover, January 13, 1891.

CHAPTER 293.

Joint Resolution in relation to Adjournment.

Adjourn-
ment.

Resolved, That when the two Houses adjourn it be to meet on Monday next, January 19, at 5.30 o'clock P. M.

Adopted at Dover, January 13, 1891.

CHAPTER 294.

Joint Resolution convening the two Houses to open and publish the Returns of the Vote for Governor.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Convening
of the two
Houses to
open and
publish re-
turns of vote
for Governor

That the members of the Senate and the members of the House of Representatives assemble in the hall of the House of Representatives at 6 o'clock P. M., this day, the 19th inst., to be present at the opening and publishing, according to the con-

RESOLUTIONS.

stitution of this State, of the returns of the election held in the several counties of the State on the Tuesday next after the first Monday in November last for Governor, and that two tellers be appointed, to wit: one on the part of the Senate and one on the part of the House of Representatives, to make a list of the votes cast as the same shall be published from said returns.

Adopted at Dover, January 19, 1891.

CHAPTER 295.

Joint Resolution convening the two Houses of the General Assembly in Joint Session for the purpose of attending the Inauguration of the Governor-elect.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

That the two houses convene in joint session in the hall of the House of Representatives at 11.30 o'clock A. M., on Tuesday, January 20, A. D. 1891, for the purpose of attending the Governor-elect while the oaths of office are administered to him.

Inauguration of Governor.

Adopted at Dover, January 20, 1891.

CHAPTER 296.

Joint Resolution authorizing the Custodian of the State House to have water put in the room of the Governor.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

That the custodian of the State House be and he is hereby authorized to have water put in the room of the Governor, to connect with the Water Works of the town of Dover.

Water to be put in Governor's room

Adopted at Dover, January 21, 1891.

RESOLUTIONS.

CHAPTER 297.

Joint Resolution appointing Auditor of Accounts.

Resolved by the House of Representatives [of the State of Delaware] (by and with the concurrence of the Senate):

Appointing
Auditor of
Accounts.

That John P. Dulaney be and he is hereby appointed Auditor of Accounts.

Adopted at Dover, January 21, 1891.

CHAPTER 298.

Joint Resolution appointing State Treasurer.

Resolved by the House of Representatives of the State of Delaware (by and with the concurrence of the Senate):

Appointing
State Treasurer.

That Wilbur H. Burnite be and he is hereby appointed State Treasurer.

Adopted at Dover, January 21, 1891.

CHAPTER 299.

Joint Resolution in relation to paying the Society for the Prevention of Cruelty to Children \$600.00.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

\$600 to be
paid to Soci-
ety for Pre-
vention of
Cruelty to
Children.

That the State Treasurer be and he is hereby directed to pay unto the treasurer of the Delaware Society for the Prevention of Cruelty to Children, in aid of the objects of said society, the sum of six hundred dollars.

Adopted at Dover, January 21, 1891.

RESOLUTIONS.

CHAPTER 300.

Joint Resolution to Refurnish the Secretary of State's Office.

Resolved, That a joint committee of one on the part of the Senate and two on the part of the House be appointed to re-furnish the office of Secretary of State.

A committee of three to re-furnish the office of the Secretary of State.

Adopted at Dover, January 21, 1891.

CHAPTER 301.

Joint Resolution.

Resolved by the Senate and House of Representatives [of the State of Delaware] in General Assembly met:

That a committee of one on the part of the Senate and two on the part of the House of Representatives be appointed to investigate the ventilation of the two Houses with a view to the improvement of the same.

Committee to investigate ventilation of the two houses.

Adopted at Dover, January 22, 1891.

CHAPTER 302.

Joint Resolution appointing a Committee of two on the part of the House and one on the part of the Senate, to Settle with the Secretary of State.

Resolved by the House of Representatives, with the concurrence of the Senate:

That a committee of two on the part of the House and one on the part of the Senate be appointed to settle with the Secretary of State.

Appointing a committee to settle with the Secretary of State

Adopted at Dover, January 27, 1891.

RESOLUTIONS.

CHAPTER 303.

Joint Resolution in Relation to Taxation.

A joint committee to consider and report on the subject of taxation.

Resolved, That it is the sense of this General Assembly that a measure should be passed equalizing taxation in this State, and that there be a joint committee of two on the part of the Senate and three on the part of the House appointed to take into consideration this subject, with power to report by bill or otherwise.

Adopted at Dover, January 28, 1891.

CHAPTER 304.

Joint Resolution in relation to the Oleomargarine Traffic.

Original package decision.

Whereas the so-called original package decision of the United States Supreme Court largely nullifies many State laws relative to the oleomargarine traffic; and

Dairy industry in peril.

Whereas the great dairy industry of the country is indispensable to our agriculture and is in imminent peril under the said decision; therefore

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

A law to give the State control of the oleomargarine traffic. A copy to be sent to the Senators and Representatives in Congress.

That we most earnestly petition the Congress of the United States to pass a law restoring the control of this traffic to the States as has been done in the matter of the liquor traffic.

Resolved further, That a copy of this resolution be sent to our Senators and Representative in Congress.

Adopted at Dover, January 29, 1891.

RESOLUTIONS.

CHAPTER 305.

Joint Resolution to defray the Expenses of the Inaugural Ceremonies.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

That the sum of two hundred and forty-one dollars and seventy-seven cents is hereby appropriated to defray the expenses of the Inaugural Ceremonies, and that William T. Hutson, of the Legislative Committee on said ceremonies, be authorized to draw a draft on the State Treasurer for the same.

\$241.77 appropriated to defray expenses of inaugural ceremonies.

Adopted at Dover, Jahuary 30, 1891.

CHAPTER 306.

Joint Resolution in relation to a Monument marking the position of the Fifth Regiment of Maryland Volunteers at the Battle of Antietam.

Whereas Company I, of the Fifth Regiment of Maryland Volunteers, of the military forces of the United States during the war of rebellion, was composed principally of citizens of this State, who as such were duly credited to the quota of this State under a call of the President of the United States for troops; Preamble.

And whereas the said company and regiment took an active and conspicuous part in the battle of Antietam;

And whereas the survivors of said company and other members of the said regiment have caused to be constructed and erected upon said battlefield a monument marking the position of said regiment at said battle, and in commemoration of the members of said company and regiment who there fell in defense of the Union;

RESOLUTIONS.

And whereas a large part of the cost of the construction and erection of said monument still remains unpaid and the assistance of this State in that behalf has been invoked; therefore

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

\$200 appropriated for erecting monument to Company I, Fifth Regiment of Maryland Volunteers.

That the sum of two hundred dollars be and the same is hereby appropriated for the purpose of aiding and defraying the cost of constructing and erecting said monument, and shall be paid by the State Treasurer on the warrant of the Governor of this State, out of any unexpended funds in the Treasury.

Adopted at Dover, February 4, A. D. 1891.

CHAPTER 307.

Joint Resolution to pay William Hunter Forty-seven Dollars and Fifty Cents.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Speakers of the two Houses to draw on the State Treasurer in favor of Wm. Hunter for \$47.50.

That the Speakers of the respective bodies are hereby authorized and directed to draw an order on the State Treasurer in favor of William Hunter for the sum of forty-seven dollars and fifty cents for cleaning the State House and preparing it for the session of the General Assembly.

Adopted at Dover, February 6, 1891.

RESOLUTIONS.

CHAPTER 308.

Joint Resolution to pay for Engrossing Certificates of Election.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

That the Speakers of the respective bodies are authorized and directed to draw a draft on the State Treasurer in favor of J. D. Deane, for the sum of ten dollars, for engrossing the certificates of election of Robert J. Reynolds as Governor.

State Treasurer to pay \$10 to J. D. Deane for engrossing certificates of election of the Governor.

Adopted at Dover, February 9, 1891.

CHAPTER 309.

Joint Resolution.

Resolved, That a copy of the "Sunday Star," published in Wilmington, be furnished weekly to each of the Senators and Representatives of the General Assembly.

Sunday Star to be furnished Legislature.

Adopted at Dover, February 9, 1891.

CHAPTER 310.

Joint Resolution.

Whereas it appears by the report made to the Governor by the Trustees of the Delaware State Hospital for the Insane that the sum of fourteen thousand dollars appropriated by joint resolution, adopted at Dover, April 26, 1889, for the annual use and support of the said hospital will be inadequate for such support; therefore

Preamble.

RESOLUTIONS.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Additional
sum of \$4000
appropri-
ated to Del-
aware State
Hospital for
the Insane.

That the additional sum of four thousand dollars be and the same is hereby appropriated to meet any deficiency in said annual appropriation.

Adopted at Dover, February 10, 1891.

CHAPTER 311.

Joint Resolution.

Divorce
Committee.

Resolved, That the Senate be requested to appoint a committee of two to act in conjunction with House committee on the applications for divorces and attend the sessions of said committee.

Adopted at Dover, February 10, 1891.

CHAPTER 312.

Joint Resolution appointing a Joint Committee of two on the part of the Senate and three on the part of the House to settle with the State Treasurer, Auditor of Accounts, Secretary of State and Clerks of the Senate and House of Representatives.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Committee
to settle the
accounts of
State Treas-
urer, etc.

That a joint committee of five be appointed on the part of the General Assembly to consist of the following: Two members of the Senate, Messrs. Ross and Richardson, and the following three members of the House of Representatives, Messrs. Rickards, West and Higgins, whose duty it

RESOLUTIONS.

shall be to meet at Dover on the third Tuesday of January, 1892, for the purpose of settling the accounts of the State Treasurer, and receiving the reports of the Auditor of Accounts for the current year.

Resolved, That it shall be the duty of said committee, after their settlement with the State Treasurer, as aforesaid, to cause a statement of such settlement under their hands, or the hands of a majority of them, to be published in two (2) newspapers printed in the State for the space of one month from the time of effecting the same.

Resolved, That said committee shall have full power and authority to audit the accounts of the Clerk of the Senate and of the Clerk of the House of Representatives for superintending the printing of the Journals of the Houses of the Legislature during the present session and for making indexes thereto. Also, the accounts of the Secretary of State for superintending the printing of the acts of the present session and for indexing the same, and make such allowance for the said services as they may think just and proper, which said allowances shall be paid by the State Treasurer upon orders drawn by the chairman of the said committee in favor of said clerks and said Secretary of State respectively.

Resolved, That the said committee shall receive the same compensation as is allowed by law to the members of the General Assembly, to be paid by the State Treasurer, upon orders drawn by the chairman of the said committee, out of any money in the hands of the said State Treasurer not otherwise appropriated, and the chairman of said committee shall have authority to draw orders for the incidental expenses arising out of the session of said committee, to be paid in like manner.

Adopted at Dover, February 11, 1891.

RESOLUTIONS.

CHAPTER 313.

Joint Resolution authorizing the appointment of a joint committee in relation to that part of the Governor's Message referring to the mortgage in favor of the State of Delaware against the Junction and Breakwater Railroad Company.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Committee to take into consideration Governor's message in relation to railroad mortgage.

That a joint committee of five, three on the part of the House, and two on the part of the Senate, be appointed in relation to that part of the Governor's Message referring to the mortgage in favor of the State of Delaware against the Junction and Breakwater Railroad Company.

Adopted at Dover, February 11, 1891.

CHAPTER 314.

Joint Resolution.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Committee to have State Treasurer's office repapered and refurnished.

That a committee of one on the part of the Senate and two on the part of the House be appointed to have the office of the State Treasurer papered and fitted with suitable furniture.

Adopted at Dover, February 12, 1891.

RESOLUTIONS.

CHAPTER 315.

Joint Resolution appropriating \$800 to the Contingent Expenses of the Office of Secretary of State.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

That the sum of eight hundred dollars be and the same is hereby appropriated and made payable to David T. Marvel, Secretary of State, to defray the contingent expenses of his office for the present and ensuing year, and that he is required to present his accounts and vouchers to the General Assembly of this State at its next session for settlement.

Appropriating \$800 for contingent expenses of the office of Secretary of State.

Adopted at Dover, February 12, 1891.

CHAPTER 316.

Joint Resolution in relation to Adjournment.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

That when the two Houses adjourn it be to meet on Monday next, 16th inst., at 5.30 o'clock P. M.

on To adjourn to a day fixed.

Adopted at Dover, February 12, 1891.

RESOLUTIONS.

CHAPTER 317.

Joint Resolution assenting to the terms and purposes of an act of Congress relating to the more complete endowment and support of the Colleges for the Benefit of Agriculture and the Mechanic Arts.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Assent of
Legislature
to grants of
money for
more com-
plete endow-
ment of Col-
leges for
benefit of
Agriculture
and Me-
chanic Arts.

That the assent of the Legislature of the State of Delaware is hereby given to the grants of money and the purposes for which said grants of money were made under an act of Congress, approved August 30, 1890, entitled "An act to apply a portion of the proceeds of the public lands to the more complete endowment and support of the colleges for the benefit of agriculture and the mechanic arts," established under the provisions of an act of Congress, approved July second, eighteen hundred and sixty-two.

Board of
Trustees of
Delaware
College to
receive and
expend
moneys.

That the Board of Trustees of Delaware College and their successors in office are hereby authorized to receive and expend such moneys as may come to this State under the provisions of said act first mentioned.

Notice of
assent.

That the Governor of the State is hereby authorized and instructed to give due notice of such assent to the Government of the United States.

Adopted at Dover, February 12, 1891.

CHAPTER 318.

Joint Resolution ordering the Biennial Report of the State Board of Education to be printed.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

That the Committee on Printing be and is hereby empowered and authorized to have printed 1,000 copies of the

RESOLUTIONS.

Biennial Report of the State Board of Education; three hundred of the same for the use of the Senate, and seven hundred for the use of the House of Representatives.

Printing and
distribution
of biennial
report of the
State Board
of Education

Adopted at Dover, February 12, 1891.

CHAPTER 319.

Joint Resolution.

Joint resolution appointing a joint committee of one on the part of the Senate and two on the part of the House in relation to the State's property known as the "Jump Property."

Committee
of 3 in rela-
tion to the
"Jump
Property."

Adopted at Dover, February 18, 1891.

CHAPTER 320.

Joint Resolution.

Whereas the better element of all political parties are clamoring for ballot reform that will check bribery and prevent intimidation;

Preamble.

And whereas the life of our republic depends upon the purity and sacredness of the ballot, every safeguard should be thrown around it, the strongest and best fortification of our government is a secret and an untrammelled ballot expressing the sentiments of a free people;

And whereas the Governor in his inaugural address advises that a joint committee be appointed to consider all such measures, and wisdom abounds in a multitude of council;

RESOLUTIONS.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Joint committee to consider bills in relation to ballot law.

That a joint committee of three on the part of the House and three on the part of the Senate be appointed to act in conjunction with the committee of Revised Statutes of both Houses to consider all the bills that have been or may be presented having in view the alteration of our present ballot laws.

Adopted at Dover, February 18, 1891.

CHAPTER 321.

Joint Resolution in relation to the Legislative Committee Resolution.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Authorizing Clerks to fill certain blanks.

That the Clerk of the Senate and the Clerk of the House are hereby authorized to insert the names of the Legislative Committee appointed by the respective houses of the General Assembly in the blanks left for that purpose in the House joint resolution authorizing the appointment of said committee, which has been adopted and concurred in by the respective houses.

Adopted at Dover, February 20, 1891.

RESOLUTIONS.

CHAPTER 322.

Joint Resolution in relation to Adjournment.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

When the two Houses adjourn it will be to meet again on Tuesday, the 24th inst., at 10 o'clock A. M. To adjourn to a day fixed

Adopted at Dover, February 20, 1891.

CHAPTER 323.

Joint Resolution.

Resolved by the Senate and House of Representatives [of the State of Delaware] in General Assembly met (two-thirds of each branch concurring therein):

That both Houses shall not receive any new business to be acted upon after the twentieth day of March, 1891. New business not to be received after Mar. 20

Adopted at Dover, February 23, 1891.

CHAPTER 324.

Joint Resolution.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

That a joint committee of five be appointed, two on the part of the Senate and three on the part of the House of Representatives, to take into consideration and report upon all resolutions relating to State printing. Joint committee of the General Assembly in relation to State Printing.

Adopted at Dover, February 26, 1891.

RESOLUTIONS.

CHAPTER 325.

Joint Resolution.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Water rent
for State
House
increased.

That the State Treasurer be and he is hereby authorized and directed to pay to the order of the President of the Town Council of the town of Dover, for the benefit of the Dover Water Works, annually the sum of one hundred dollars (\$100), the said sum to be in lieu of the sum of forty dollars (\$40) now paid, in lieu of all water charges for the use of the State.

Adopted at Dover, February 27, 1891.

CHAPTER 326.

Joint Resolution in relation to the Governor's Room.

Be it resolved by the Senate and House of Representatives [of the State of Delaware] in General Assembly met:

Committee
to paper
Governor's
room and re-
pair furni-
ture.

That a joint committee of one on the part of the Senate and two on the part of the House be appointed to paper the Governor's room and repair the furniture.

Adopted at Dover, February 27, 1891.

RESOLUTIONS.

CHAPTER 327.

Joint Resolution in relation to the Bond of Ex-State Treasurer, William Herbert.

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 instructed to cause judgment to be entered upon the official bond of William Herbert, the late State Treasurer, and to take such other steps as are proper.

Secretary of State to cause judgment to be entered on official bond of late State Treasurer.

Adopted at Dover, March 2, 1891.

CHAPTER 328.

Joint Resolution in relation to the appointment of a committee to make arrangements for the General Assembly to visit Washington, D. C., March 3d, 1891.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

That a joint committee, consisting of one upon the part of the Senate and two on the part of the House, be appointed to make arrangements for the General Assembly to visit Washington, D. C., March 3d next, 1891.

Committee to make arrangements for visiting Washington

Adopted at Dover, March 2, 1891.

RESOLUTIONS.

CHAPTER 329.

Joint Resolution.

Preamble. Whereas this General Assembly has received information, apparently reliable, that securities belonging to the State are not to be found, and moneys which ought to have been paid over to the present State Treasurer by his predecessor had not been paid; therefore

Resolved by the Senate and House of Representatives [of the State of Delaware] in General Assembly met:

Committee to investigate condition of Treasury, securities, etc.

That a committee of five, two on the part of the Senate and three on the part of the House of Representatives, be appointed to inquire into and investigate the condition of the treasury of this State, and to discover whether the certain moneys and property thereof are safely and securely kept, where and in whose hands they may be, and what measures, if any, are necessary to protect the interests of the State with regard thereto, and that such committee shall have authority to send for persons and papers and shall report the facts to this General Assembly as soon as possible.

Adopted at Dover, March 2, 1891.

CHAPTER 330.

Joint Resolution.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Adjournment.

That when the two Houses adjourn it be to meet again on Monday, March the 9th, 1891, at 5.30 o'clock P. M.

Adopted at Dover, March 5, 1891.

RESOLUTIONS.

CHAPTER 331.

Joint Resolution.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

That the Senate Committee on Cities and Towns and the House Committee on Revised Statutes be made a joint committee for the consideration of all subjects relating to the Levy Courts of the several counties, and that the said joint committee be authorized to send for persons and papers and to employ counsel.

Certain committees to consider subjects relating to Levy Court.

Adopted at Dover, March 10, 1891.

CHAPTER 332.

Joint Resolution.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

That the Legislature meet this evening (March 10th) at 8 o'clock, in the hall of the House of Representatives, to give audience to the Hon. Chas. B. Lore, Dr. Raub, and others on behalf of Delaware College.

Legislature to meet to give audience to certain persons on behalf of Delaware College

Adopted at Dover, March 10, 1891.

RESOLUTIONS.

CHAPTER 333.

Joint Resolution.

Preamble. Whereas the Legislature did, by a joint resolution, appropriate, on the twenty-first day of February, A. D. 1861, the sum of two hundred and fifty dollars for the erection of a monument and the enclosure thereof over the remains of Joseph Hazlett, deceased, who was twice Governor of this State;

And whereas a brick wall was then erected which by the course of time has crumbled and fallen;

And whereas it is desirous that the same shall be repaired; therefore,

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Repairs to
monument
to Joseph
Hazlett.

That Robert H. Davis and James H. Deputy be and they are hereby appointed to cause said wall to be repaired, and that they draw upon the State Treasurer for any sum not exceeding one hundred and fifty dollars necessary to defray the expenses thereof.

Adopted at Dover, March 13, 1891.

CHAPTER 334.

Joint Resolution.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Committee
to paper and
put in order
Auditor's
room.

That the joint committee appointed on the part of the Senate and House to have the Governor's room papered are hereby authorized and instructed to have the Auditor's office papered and put in order also.

Adopted at Dover, March 13, 1891.

RESOLUTIONS.

CHAPTER 335.

Joint Resolution accepting the invitation to visit Delaware College.

Whereas the Trustees of Delaware College have extended ^{Preamble.} an invitation to the General Assembly to visit Delaware College and examine into its needs; and

Whereas said college is a State institution, largely owned and controlled by the State; and

Whereas the trustees of said institution are asking the State to make an appropriation for the purpose of repairing and extending the buildings of said college; and

Whereas it is proper and right for the members of the General Assembly to act and vote intelligently upon said application; therefore

Be it resolved by the House of Representatives [of the State of Delaware] with the concurrence of the Senate:

That the General Assembly do hereby accept the invitation to visit said college, and appoint Tuesday, the 24th inst., as the time when the members of the General Assembly shall visit the college. ^{Accepting invitation to visit Delaware College}

Adopted at Dover, March 17, 1891.

CHAPTER 336.

Joint Resolution accepting the Appropriation and Trusts made and imposed by an act of Congress, approved March 2, 1891, and authorizing the Governor to receive the sum of money credited to the State of Delaware in pursuance of the provisions of said act.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

That the State of Delaware hereby accepts the sum of money appropriated by the act of Congress, approved March

RESOLUTIONS.

Acceptance of appropriation to pay direct tax levied and collected by act of Congress of Aug. 5, 1861

Governor of State authorized to receive money.

2, 1891, entitled "An act to credit and pay to the several States and Territories and the District of Columbia all moneys collected under the direct tax levied by the act of Congress, approved August fifth, eighteen hundred and sixty-one," and the trusts therein and thereby imposed, in full satisfaction of all claims against the United States on account of the levy and collection of said tax. And the Governor of this State is hereby authorized to receive said money for the use and purposes in said act of March 2, 1891, mentioned and prescribed.

Adopted at Dover, March 17, 1891.

CHAPTER 337.

Joint Resolution in relation to Reports of State Officials.

Preamble.

Whereas some of the reports required by law to be made to the General Assembly and to the Governor by State officials are submitted after having been printed at heavy expense to the State;

And whereas it is deemed unwise and unnecessary to print the reports of some of the said State officials, and it is believed to be in the interest of economy that the General Assembly should designate what reports should be printed; therefore

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Reports to be submitted to General Assembly in manuscript.

That all reports made by State officials to the Governor, to the General Assembly, or to the Legislative Committee, except messages from the Governor, shall be submitted in manuscript and not to be printed unless the General Assembly or the Legislative Committee may direct.

Adopted at Dover, March 19, 1891.

RESOLUTIONS.

CHAPTER 338.

Joint Resolution.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

That the sum of three hundred and five dollars and twenty-five cents (\$305.25) be and the same is hereby appropriated out of the treasury of the State of Delaware to pay the bill of John Wanamaker for furniture; said bill being contracted by the committee appointed by the Legislature to refurnish the office of Secretary of State, and the State Treasurer is hereby authorized and directed to pay the same.

Appropriation of \$305.25 for furniture in Secretary of State's office

Adopted at Dover, March 19, 1891.

CHAPTER 339.

Joint Resolution authorizing Wilbur H. Burnite, State Treasurer, to enter satisfaction of the judgments confessed upon the Official Bond of William Herbert, ex-State Treasurer.

Whereas it has been ascertained that the amount due the State of Delaware by William Herbert, ex-State Treasurer, is the sum of thirty-seven thousand three hundred and ninety-seven dollars and thirty-four cents (\$37,397.34); therefore

Preamble.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

That Wilbur H. Burnite, State Treasurer, be and he is hereby authorized and directed to enter satisfaction of the judgments confessed upon the official bond of William Herbert, ex-State Treasurer, upon payment to him of the said sum of thirty-seven thousand three hundred and ninety-seven dollars and thirty-four cents (\$37,397.34) and the costs on said judgments.

Wilbur H. Burnite, State Treasurer, authorized to enter satisfaction on judgment on official bond of William Herbert ex-State Treasurer.

Adopted at Dover, March 20, 1891.

RESOLUTIONS.

CHAPTER 340.

Joint Resolution to pay Thomas Byrd \$15 for work on State House.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

State Treas-
urer to pay
Thomas
Byrd \$15.

That the State Treasurer be and he is hereby authorized and directed to pay to Thomas Byrd the sum of fifteen dollars for work on the State House.

Adopted at Dover, March 20, 1891.

CHAPTER 341.

Joint Resolution in relation to the Delaware State Hospital for the Insane.

Preamble.

Whereas the buildings belonging and appertaining to the Delaware State Hospital for the Insane have by their now nearly two years' use and occupation as a State Hospital for the Insane been found to be inadequate to the proper accommodation of all the indigent insane of the State and of such other insane as may seek the care and custody of the asylum;

And whereas it is fitting and proper that the institution should be made a credit to the State and in every respect rendered adequate and fully equipped for the noble and humane purpose for which it is intended; now therefore

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

\$30,000 ap-
propriated
for grounds
and build-
ings for Del-
aware State
Hospital for
Insane.

That the sum of thirty thousand dollars be and the same is hereby appropriated for the purpose of extending the grounds by purchase of adjacent property, erecting new buildings, extending, repairing and refitting the buildings now belonging to the State Hospital for the Insane; and that the State Treasurer be and he is hereby directed to pay said sum of thirty thousand dollars upon orders drawn by the president

RESOLUTIONS.

of the Board of Trustees of the Delaware State Hospital for the Insane and attested by the secretary of said board.

And be it further resolved, That the sum of twenty thousand dollars be and the same is hereby appropriated for the use and support annually of the State Hospital for the Insane, in accordance with Section 4 of the act of the General Assembly entitled, "An act in relation to a State Hospital for the Insane," passed at Dover, April 25, 1889." \$20,000 appropriated annually for support of said hospital

Adopted at Dover, March 27, 1891.

CHAPTER 342.

Joint Resolution relative to the Tax on the Shares of Banks.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

That a joint committee, consisting of five on the part of the Senate and nine on the part of the House of Representatives, be appointed to take into consideration that portion of the State Treasurer's Report relative to the claim of the State for unpaid taxes due from the banks within the State. Committee to consider unpaid taxes due from banks.

Adopted at Dover, April 7, 1891.

RESOLUTIONS.

CHAPTER 343.

Joint Resolution respecting the Tax upon the Shares of Banks.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Settlement
of unpaid
taxes with
National
Banks.

That the attorneys heretofore employed by the State to collect the taxes due the State from the banks within the State are hereby authorized and empowered to accept and receive from the National Banks of the State, as a settlement in full of all taxes due up to the first day of July, 1891, the sum of forty-seven thousand dollars, the said sum to be paid within ten days from the date of the passage of this resolution.

Settlement
with State
Banks.

And the said attorneys are further authorized and directed to settle with the State Banks upon the same basis.

Tax of banks

It being understood that from July 1, 1891, the said banks shall pay the tax as provided by the act of April 8, 1869.

Adopted at Dover, April 7, 1891.

CHAPTER 344.

Joint Resolution in relation to the Insane Department of Sussex County.

Preamble.

Whereas under and by virtue of Section 11 of Chapter 553 of Volume 18 of the Laws of Delaware, entitled "An act in relation to a State Hospital for the Insane," passed at Dover, April 25, 1889, the State Board of Trustees of the Insane were authorized and empowered to take, receive and hold the building in Sussex county known as the insane department for that county, and the Board of Trustees of the Poor of Sussex county were thereby authorized and empowered to grant and convey to the said Board of Trustees

RESOLUTIONS.

of the Insane Hospital the buildings and appurtenances aforesaid for the sum of eight thousand dollars; and

Whereas the State Board of Trustees of the Insane have, by resolution of their board, expressed their willingness to take, hold and receive the buildings in Sussex county, known as the insane department, and the Board of Trustees of the Poor of Sussex county have also expressed their willingness to grant and convey to the said Board of Trustees of the Insane Hospital the said buildings and appurtenances at and for the sum of eight thousand dollars;

And whereas no provision having been made in said act or otherwise for the payment of the said sum of eight thousand dollars, it is now right and proper that such provision should be made; therefore

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

That as soon as the State Treasurer shall receive from the State Board of Trustees of the Insane a certificate, under the hand of their president and attested by their secretary, that the "Board of Trustees of the Poor of Sussex county" have granted and conveyed to the Board of Trustees of the Insane Hospital the said building and appurtenances, he shall then and thereupon pay to the Board of Trustees of the Poor of Sussex county the aforesaid sum of eight thousand dollars, with interest from said April 25th, A. D. 1889. *Provided,* however, That the sum so paid to the Trustees of the Poor of Sussex county shall be first applied to the payment of their bonded permanent and fixed indebtedness before any portion thereof is applied to the payment of the current expenses of the institution.

Certificate of conveyance of certain property to Board of Trustees of Insane Hospital.

\$8,000 to be paid. Proviso.

Proceeds to be applied to bonded and permanent indebtedness.

Adopted at Dover, April 8, 1891.

RESOLUTIONS.

CHAPTER 343.

Joint Resolution respecting the Tax upon the Shares of Banks.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Settlement
of unpaid
taxes with
National
Banks.

That the attorneys heretofore employed by the State to collect the taxes due the State from the banks within the State are hereby authorized and empowered to accept and receive from the National Banks of the State, as a settlement in full of all taxes due up to the first day of July, 1891, the sum of forty-seven thousand dollars, the said sum to be paid within ten days from the date of the passage of this resolution.

Settlement
with State
Banks.

And the said attorneys are further authorized and directed to settle with the State Banks upon the same basis.

Tax of banks

It being understood that from July 1, 1891, the said banks shall pay the tax as provided by the act of April 8, 1869.

Adopted at Dover, April 7, 1891.

CHAPTER 344.

Joint Resolution in relation to the Insane Department of Sussex County.

Preamble.

Whereas under and by virtue of Section 11 of Chapter 553 of Volume 18 of the Laws of Delaware, entitled "An act in relation to a State Hospital for the Insane," passed at Dover, April 25, 1889, the State Board of Trustees of the Insane were authorized and empowered to take, receive and hold the building in Sussex county known as the insane department for that county, and the Board of Trustees of the Poor of Sussex county were thereby authorized and empowered to grant and convey to the said Board of Trustees

RESOLUTIONS.

of the Insane Hospital the buildings and appurtenances aforesaid for the sum of eight thousand dollars; and

Whereas the State Board of Trustees of the Insane have, by resolution of their board, expressed their willingness to take, hold and receive the buildings in Sussex county, known as the insane department, and the Board of Trustees of the Poor of Sussex county have also expressed their willingness to grant and convey to the said Board of Trustees of the Insane Hospital the said buildings and appurtenances at and for the sum of eight thousand dollars;

And whereas no provision having been made in said act or otherwise for the payment of the said sum of eight thousand dollars, it is now right and proper that such provision should be made; therefore

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

That as soon as the State Treasurer shall receive from the State Board of Trustees of the Insane a certificate, under the hand of their president and attested by their secretary, that the "Board of Trustees of the Poor of Sussex county" have granted and conveyed to the Board of Trustees of the Insane Hospital the said building and appurtenances, he shall then and thereupon pay to the Board of Trustees of the Poor of Sussex county the aforesaid sum of eight thousand dollars, with interest from said April 25th, A. D. 1889. *Provided,*

Certificate of conveyance of certain property to Board of Trustees of Insane Hospital.

\$8,000 to be paid. Proviso.

Proceeds to be applied to bonded and permanent indebtedness.

however, That the sum so paid to the Trustees of the Poor of Sussex county shall be first applied to the payment of their bonded permanent and fixed indebtedness before any portion thereof is applied to the payment of the current expenses of the institution.

Adopted at Dover, April 8, 1891.

RESOLUTIONS.

CHAPTER 345.

Joint Resolution appointing a Committee to make biennial settlement with the Attorney General and State Librarian.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Committee
to settle with
Attorney
General
and State
Librarian.

That a joint committee, consisting of two on the part of the Senate and three on the part of the House, be appointed to make biennial settlement with the Attorney General and with the State Librarian, as required by law.

Adopted at Dover, April 8, 1891.

CHAPTER 346.

Joint Resolution relative to the Publication of the Revised Code, as amended, with Additional Laws.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Revision of
Statutes of
State.

That an edition of the laws of this State shall be published under the superintendence of the Secretary of State, to consist of the laws in the Revised Code of said State as they have since been amended or may be amended at the present session of the Legislature, together with such additional laws of a public and general nature as have been enacted since the publication of said code, and which may be enacted at the present session of the Legislature. In this edition the laws shall be arranged under proper titles, and the classification of the chapters under the different titles shall correspond, as far as practicable, with the classification of the Revised Code. All acts and clauses not in force shall be omitted, unless the publication is rendered necessary by connection with the other matter. If there be in different acts a clause substantially the same, proper to be published, it

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need not be published in relation to each act, but it may be connected with each by a statement. Acts relating to particular counties, if of a permanent nature, and the same have heretofore been printed, shall be published. Acts of incorporation, and other acts of a private nature, passed since the publication of the Revised Code, even though such acts have heretofore been printed, shall be omitted, unless such acts conflict with, alter or amend the provisions of said Revised Code; and, in the latter case, such provisions shall be published as they are altered or amended. The said Secretary of State shall have power to change the number of any chapter or section of said laws as now published, whenever the said change is rendered necessary by the repeal or alteration of other sections or chapters, in order to make said chapters or sections follow each other in numerical order. There shall be an alphabetical index to the edition. The said edition shall be in octavo, and two thousand copies shall be printed and bound.

Power of
Secretary of
State.

Index

Form and
number of
volumes.

Adopted at Dover, April 9, 1891.

CHAPTER 347.

Joint Resolution for the appointment of a joint committee of the two Houses to take into consideration the Bills in relation to the General School Laws of this State now pending in the General Assembly.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

That a joint committee, consisting of two on the part of the Senate and three on the part of the House be appointed for the purpose of taking into consideration the bills in relation to the general school laws of this State now pending in the General Assembly.

Committee
to consider
bills in rela-
tion to gen-
eral school
laws.

Adopted at Dover, April 9, 1891.

RESOLUTIONS.

CHAPTER 348.

Joint Resolution in relation to the Delaware State Hospital for the Insane.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Additional
\$5,000 ap-
propriated
to State
Insane
Hospital.

That in addition to the sum of twenty thousand dollars heretofore appropriated by this General Assembly for the use and support annually of the State Hospital of the Insane, in accordance with Section 4 of the act of the General Assembly entitled "An act in relation to a State Hospital for the Insane," passed at Dover, April 25th, 1889, the further sum of five thousand; in addition to said sum of twenty thousand dollars, be likewise appropriated for the use and support of said hospital, so that the aggregate sum so appropriated shall amount to the sum of twenty-five thousand dollars annually.

Adopted at Dover, April 15, 1891.

CHAPTER 349.

Joint Resolution to pay Kent County for the use of a County Sewer by the State.

Preamble.

Whereas the sewer pipes now made use of for the sewage from the State House were laid by order of the Levy Court of Kent county, at a cost to said county, exceeding in amount the sum of two hundred dollars (\$200.00); now therefore,

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

State Treas-
urer author-
ized to pay
county \$100.

That the State Treasurer be and he is hereby authorized and directed to pay to the County Treasurer of Kent county

RESOLUTIONS.

the sum of one hundred dollars (\$100.00), for the use of said county, as a compensation for the permanent use of said county sewer for the sewage of the State House.

Adopted at Dover, April 15, 1891.

CHAPTER 350.

Joint Resolution authorizing the State Treasurer to pay the Janitor of the State House.

Be it 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 authorized to pay to the janitor of the State House, for his services for the quarter commencing January 8, 1891, and ending April 8, 1891, the sum of fifty dollars (\$50), and that he be authorized to pay the said janitor at the rate of fifty dollars per quarter until his successor be appointed.

Pay of Janitor of State House.

Adopted at Dover, April 21, 1891.

CHAPTER 351.

Joint Resolution.

Whereas the ex-State Librarian, in his endeavor to supply the missing volumes and to complete the sets of Judiciary Reports of the State Library, has expended the funds of the library for the current year; and

Preamble.

Whereas the present Librarian has received bills against

RESOLUTIONS.

the library approximating one hundred dollars (\$100), and he has only a balance of thirty some dollars on hand; therefore

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

\$125 appro-
priated to
State
Library.

How to be
expended.

That the State Treasurer be empowered and authorized to pay to the Librarian the sum of one hundred and twenty-five dollars (\$125); one hundred of the same to be expended under the provisions of Section 10, Chapter 6, Vol. 17 of the Laws of Delaware, for the purchase of Judiciary Reports, and twenty-five dollars to go to the contingent fund of the library, provided for under Section 8 of said act, the same to be drawn in the manner provided in said Section 10.

Adopted at Dover, April 30, 1891.

CHAPTER 352.

Joint Resolution in Relation to Adjournment.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Adjourn-
ment.

That when the two Houses adjourn to-day (Thursday, April 30) it be to meet on Monday next, May 4, at 10.30 A. M.

Adopted at Dover, April 30, 1891.

RESOLUTIONS.

CHAPTER 353.

Joint Resolution.

Whereas what is known as the Eisenbrey Bill has become a law, and therefore all appropriations for the support of the National Guard of Delaware, except \$2,400 per annum, has been withdrawn; and

Preamble.

Whereas there has been purchased and accumulated in the last four years at least forty thousand dollars' worth of military property, a large part whereof is in store and unissued to the several organizations;

And whereas there are no funds appropriated out of which the proper officer can store, protect and preserve the same; therefore,

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

That a committee of three on the part of the House and two on the part of the Senate be appointed to take into consideration the necessity of some law or action that will secure to the State the proper protection and care of said property and continuance of said National Guard, and said committee is hereby authorized and directed to visit the city of Wilmington, and elsewhere if necessary, to fully inform themselves as to what is necessary and proper to be done to protect and store said property and preserve said organization, and is hereby given power to report by bill or otherwise not later than Wednesday next.

Committee to consider storing and safekeeping of military property.

Adopted at Dover, May 4, 1891.

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CHAPTER 354.

Joint Resolution authorizing the Secretary of State to publish the act Providing for an Election for or against a Constitutional Convention.

Preamble.

Whereas the provisions of the act providing for the holding of an election on May 19, 1891, are not known to the citizens and electors of the State; and

Whereas it is necessary that the provisions of said act be properly understood; therefore

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Secretary of State authorized to publish said act

That the Secretary of State be and he is hereby authorized and directed to immediately have said act published in five (5) newspapers in each county of this State.

Adopted at Dover, May 5, 1891.

CHAPTER 355.

Joint Resolution for the relief of the Baltimore and Philadelphia Railroad Company.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Certain joint resolutions re-adopted for two years.

That the joint resolution concerning the Baltimore and Philadelphia Railroad Company, adopted at Dover, April 25, 1889, being Chapter 761, Volume 18, Laws of Delaware, be and the same is hereby readopted and all the provisions thereof continued as a part of this resolution for the period of two years from the first day of April, A. D. 1891, during which time, viz: from the first day of April, A. D. 1891, to the first day of April, A. D. 1893, the State Treasurer is hereby authorized, empowered and directed to

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receive of and from the Baltimore and Philadelphia Railroad Company, in lieu of all State taxes, the sum of twenty-five thousand dollars (\$25,000) per annum in manner following, viz: The sum of twelve thousand five hundred dollars (\$12,500) thereof on the first day of October, A. D. 1891; the further sum of twelve thousand five hundred dollars (\$12,500) on the first day of April, A. D. 1892; the further sum of twelve thousand five hundred dollars (\$12,500) on the first day of October, A. D. 1892, and the further sum of twelve thousand five hundred dollars (\$12,500) on the first day of April, A. D. 1893.

State Treasurer to receive from B. & P. R. R. Co. \$25,000 per annum.

How paid.

Adopted at Dover, May 6, 1891.

CHAPTER 356.

Joint Resolution.

Be it 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 directed to pay unto the treasurer of the Delaware Society for the Prevention of Cruelty to Animals, in aid of the objects of said society, the sum of two hundred and fifty dollars.

\$250 appropriated to the Society for the Prevention of Cruelty to Animals.

Adopted at Dover, May 7, 1891.

CHAPTER 357.

Joint Resolution.

Whereas it has come to the notice of the Senate and House of Representatives that House Bill No. 358 has been materially changed, thereby increasing the effect of the bill as it passed the two houses of this General Assembly; therefore

Preamble.

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Committee
to investi-
gate the
tampering
with a cer-
tain bill.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Power of
committee.

That a joint committee, consisting of three members of the House and two members of the Senate, be appointed to investigate the alteration and report the result of the investigation to the two houses.

That the committee shall have power to subpoena witnesses and compel the production of all papers they may deem necessary and to administer oaths and affirmations.

Adopted at Dover, May 7, 1891.

CHAPTER 358.

Joint Resolution in relation to a Reunion of the Members of the General Assembly.

Committee
to make ar-
rangements
for reunion
of General
Assembly.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

That a committee of two upon the part of the Senate and three upon the part of the House be appointed to make arrangements for a reunion of the members of the General Assembly at Cape Henlopen City, during the coming summer.

Adopted at Dover, May 8, 1891.

CHAPTER 359.

Joint Resolution in relation to Adjournment.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Adjourn-
ment sine
die.

That both Houses of this General Assembly will adjourn *sine die* on May 15, A. D. 1891, at 12 o'clock, noon.

Adopted at Dover, May 8, 1891.

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CHAPTER 360.

Joint Resolution for the Relief of the State Library.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

That, to provide more room in the library for books of great value and of immediate use, which, with like works, constantly accumulating, are now almost without any proper accommodation upon the shelves of said library, the Librarian be and he is hereby directed to transfer from the library to the upper rooms of the State Capitol all such books and documents now in the library and hereafter to be received into the same, as are or shall be of little practical use, and so arrange them upon shelves as that they can be readily used; and that the reasonable expense of such removal and shelving and securing the said books and documents shall be allowed and paid by the State Treasurer, after his personal examination of the work and satisfaction with it, out of any money in the State [treasury] not otherwise appropriated. The State Treasurer shall make report to the Legislature at its next session of his action hereunder.

Certain books in State Library to be removed to other rooms, etc.

Cost, how paid.

Report of State Treasurer.

Adopted at Dover, May 11, 1891.

CHAPTER 361.

Joint Resolution upon the death of Hon. J. Turpin Moore.

Resolved by the House of Representatives with the concurrence of the Senate:

That we have learned with profound regret of the death of Hon. J. Turpin Moore, one of Delaware's most respected and worthy citizens.

Respecting the death and burial of Hon. J. Turpin Moore.

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Resolved, further, That as a mark of respect and esteem we will in a body attend his funeral at Laurel, to-morrow, the 12th inst.

Adopted at Dover, May 11, 1891.

CHAPTER 362.

Joint Resolution in relation to Essie Cathcart, an Idiot.

Preamble. Whereas, under and by virtue of the act entitled "An act to provide for the idiotic children of the State of Delaware," passed at Dover, February 22, 1861, Essie Cathcart was, on the 20th day of June, A. D. 1861, placed in the Pennsylvania Institute for Feeble-minded Children, at Elwyn, Pennsylvania, as a feeble-minded child, who might be benefited by admission into said institute;

And whereas the said Essie Cathcart still remains in said institute, although she has long since ceased to be a child, and is now hopelessly and incurably idiotic, and if suffered to remain in said institute she will prevent others being sent who might be benefited thereby; therefore

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Removal of
Essie Cath-
cart.

That the superintendent of the Delaware State Hospital at Farnhurst is hereby authorized and directed to visit the said Pennsylvania Institute and remove the said Essie Cathcart therefrom and place her in the Delaware State Hospital at Farnhurst.

Expenses,
how paid.

Resolved, That the State Treasurer pay the expenses of removing the said Essie Cathcart from the Pennsylvania Institute to the Delaware State Hospital at Farnhurst out of any moneys in the treasury and not otherwise appropriated.

Adopted at Dover, May 14, 1891.

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CHAPTER 363.

Joint Resolution in regard to printing the School Bill known as "The Free Text Books Bill."

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, as follows:

That the Secretary of State be and he is hereby authorized to have one thousand copies of House bill No. 114, known as "The Free Text Books Bill," printed and bound at once in the least expensive manner possible consistent with durability, and when the same shall have been printed and delivered to him he shall deliver the same to the Auditor of Accounts, whose duty it shall be to immediately mail to each clerk of a school district and to every secretary of consolidated districts in this State one copy of said bill, and to each member of the present General Assembly five copies thereof, and he shall keep the remainder after he has distributed the copies required by this resolution, and shall mail or give the same to all persons who shall apply for them, either in person or by letter, and who in his discretion are entitled thereto.

Secretary of State to have "Free Text Book Bill" printed

To deliver to Auditor.

Distribution

That upon the presentation of the account for printing and binding the bill hereby authorized to be printed and bound, duly certified to and approved by the Secretary of State, the State Treasurer be and he is hereby authorized and empowered to pay the said account out of any moneys not otherwise appropriated in the State Treasury.

Cost of printing and binding, etc., how paid.

Adopted at Dover, May 14, 1891.

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CHAPTER 364.

Joint Resolution authorizing the State Treasurer to collect the rents of and make necessary repairs to certain property belonging to the State, and to collect interest due the State from Sussex County.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

State Treasurer authorized to collect rents of certain property.

That the State Treasurer be and he is hereby authorized and directed to demand, receive and collect of and from the several tenants and occupants of the property now belonging to the State of Delaware and purchased by the State of Delaware from the late Dr. Isaac Jump, any rents which may be due from said tenants or occupants, or which may hereafter become due from them.

Repairs.

Resolved further, That the State Treasurer be and he is hereby authorized and empowered to cause to be made and done all necessary and proper repairs to the houses and fences on said property and to pay for the same out of any moneys belonging to the State of Delaware.

State Treasurer to collect interest due from Sussex county.

Resolved further, That the State Treasurer be and he is hereby authorized and directed to demand, collect and receive from Sussex county any interest which may be due and owing, or which may hereafter become due and owing, from the said county to the State of Delaware.

Adopted at Dover, May 14, 1891.

CHAPTER 365.

Joint Resolution to pay the Clerks of the Peace for Distributing Ballots for the Constitutional Convention Election.

Preamble.

Whereas the bill authorizing the payment of the Clerks of the Peace of the several counties for preparing and having printed tickets for the election for or against a constitu-

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tional convention contains no provision for the payment for that service; therefore

Be it 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 authorized to pay to the Clerks of the Peace for all legitimate expenses in distributing said tickets. Pay of Clerks of the Peace.

Adopted at Dover, May 14, 1891.

CHAPTER 366.

Joint Resolution authorizing the Collection of any Claims this State may have against the United States.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

That James L. Wolcott shall have full authority for the State of Delaware to apply for and collect any claim the said State may have against the United States and to execute receipts or acquittances for the same; *provided, however,* that the same shall be done without any expense to or future claim upon the said State. And to this end he is hereby authorized and empowered to employ, at his own expense, such person or persons as he may deem necessary to ascertain and secure the payment of such claims. As a compensation for his services the State Treasurer shall pay him twenty-five per cent. on all such claim or claims which existed prior to the year A. D. 1860, and fifteen per cent. on all such claim or claims which accrued between the first day of January, A. D. 1860, and the first day of January, A. D. 1880. There shall accompany the payment of any moneys which may be paid into the State Treasury under this resolution a statement showing the period to which it belongs, and the State Treasurer shall thereupon immediately draw a draft for the payment of the commissions on the amount or amounts collected. Collection of certain claims against the United States. Proviso. Compensation. Statement to accompany payment.

Adopted at Dover, May 15, 1891.

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CHAPTER 367.

Joint Resolution to rescind the joint resolution entitled "Joint resolution in relation to Adjournment sine die.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Joint resolution in relation to adjournment sine die rescinded.

That the joint resolution entitled "Joint resolution in relation to adjournment *sine die*" be and the same is hereby rescinded, and that the session is hereby extended to and until twelve o'clock, noon, Saturday, May 16, next.

Adopted at Dover, May 15, 1891.

CHAPTER 368.

Joint Resolution appointing Directors on the part of the State for the Farmers' Bank of the State of Delaware.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Directors of Farmers' Bank appointed.

That the following named persons be and they are hereby appointed Directors of the Farmers' Bank of the State of Delaware and its branches on the part of the State, agreeably to the act of the General Assembly in such case made and provided.

Names of Directors.

For the principal bank at Dover: Peter K. Meredith, John W. Casson and George H. Gildersleve.

For the branch at Wilmington: Henry C. Conrad, James Bradford and William Bowe.

For the branch at New Castle: James T. Eliason, David Boulden and David W. Elkinton.

For the branch at Georgetown: Samuel H. Messick, Chas. W. McFee and William B. Tomlinson.

Adopted at Dover, May 15, 1891.

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CHAPTER 369.

Joint Resolution in relation to Postage Stamps and Stationery for the use of Members of the General Assembly.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

That each member of the Senate and House of Representatives of the State of Delaware shall hereafter be entitled to receive from the person authorized to furnish stationery for the General Assembly, postage stamps, wrappers, and the usual articles of stationery, at the cost price thereof, to the value of twenty dollars, and no more, and the speaker of each house to the value of twenty-five dollars, and no more.

Stationary, stamps, etc., for members of General Assembly.

And it shall be the duty of the person authorized to furnish stationery to keep a true and accurate account of all postage stamps, wrappers, and stationery which he may so deliver to the several members and the speakers, and to see that no member or speaker shall receive more than he is entitled to under this resolution.

Account of stationery and stamps, etc., furnished.

Adopted at Dover, May 15, 1891.

CHAPTER 370.

Joint Resolution in relation to Printing and Distributing of the Registration and Ballot Laws of the State of Delaware.

Whereas radical changes have been made at our present session in the laws relating to general and special elections in this State, which changes it is of the highest importance that our people should fully understand at an early date; therefore

Preamble.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

That for the purpose of affording to our voters the means

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of fully acquiring the information upon the subject which it is essential for them to obtain,

Publication
of ballot bill,
State regis-
tration act,
and other
election laws

The Secretary of State be and he is hereby directed to col-
late and have published in pamphlet form, at as early date as
possible, an act entitled "An act to provide for secrecy and
purity of the ballot," and an act entitled "An act to pro-
vide for the registration of voters," and such other laws as
relate to the general and special elections of the State. He
shall have published of said pamphlets five hundred copies
for Sussex, Kent and the county of New Castle outside of
the city of Wilmington.

Provision
concerning
city of Wil-
mington.

He shall also have published for distribution among the
voters of the city of Wilmington five hundred copies of a
pamphlet containing all the laws in the other pamphlet, and
together with them an act entitled "An act to provide for
the registration of voters in the City of Wilmington," and
all other laws relating to the subject of general, special and
municipal elections in the city of Wilmington.

Preface and
index.

He shall publish in said pamphlet a preface, containing
full instructions as to the operation and requirements of said
laws, and he shall also publish therein a full and complete
index to the contents of each.

Copies for
distribution

He shall also have published an equal number of said,*
which he shall retain in his possession and at the proper
time distribute among the election officers and the voters in
the counties of Sussex, Kent, the county of New Castle out-
side the city of Wilmington, and in the city of Wilmington,
for use by them on election day.

Adopted at Dover, May 15, 1891.

* So enrolled.

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CHAPTER 371.

Joint Resolution in relation to Repairs for the State House.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

That Peter C. Gruwell, State Librarian, be authorized to place hoods over the windows of the lower story of the State House, and to place screens in the windows of the several offices of the State House, the cost of the same not to exceed forty dollars, and the State Treasurer is hereby authorized to pay for the same on the presentation of bills approved by the said State Librarian.

Hoods and
screens for
windows of
State House

Adopted at Dover, May 15, 1891.

CHAPTER 372.

Joint Resolution in relation to the Report of the Insurance Commissioner.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

That Isaac N. Fooks, the Insurance Commissioner, be and he is hereby authorized and empowered to have printed and bound three hundred copies of the Insurance Report made to the present session of the General Assembly, and that he be also authorized to prepare, or cause to be prepared, copies of the annual statements of all the companies doing the business of insurance in this State for the year ending December 31, 1890, and tabulated statements setting forth the assets, liabilities, income, and expenditures, and other information showing the business condition and standing of said companies.

Printing of
insurance
report

Resolved, That the Insurance Commissioner be and he is hereby authorized to contract for the printing and binding of the said number of copies, and the Governor is hereby

Contract for
printing and
binding of
report.

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Payment. authorized, upon the certificate of the said Insurance Commissioner that said printing and binding is done to his acceptance, and also upon his certificate stating the price and the several items of charge, to draw an order on the State Treasurer for the payment of said printing and binding according to said contract.

Compensation of Insurance Commissioner. *Resolved*, That the State Treasurer be and he is hereby authorized and directed to pay to the said Isaac N. Fooks, Insurance Commissioner, the sum of eight hundred dollars for preparing said annual and tabulated statements, and for superintending the printing of said insurance report, upon the completion and printing of the same.

Adopted at Dover, May 16, 1891.

TITLES OF ACTS OF INCORPORATION

EXCLUDED FROM PUBLICATION

BY ACT OF FEBRUARY 17, 1866.

CHAPTER 373.

An Act continuing the Wilmington Savings Fund Society.

Passed at Dover, January 28, 1891.

CHAPTER 374.

An Act to incorporate the George H. McCall Company.

Passed at Dover, February 5, 1891.

CHAPTER 375.

An Act to extend and re-enact the act entitled "An Act to incorporate the Grand Lodge, Knights of Pythias, of the State of Delaware," passed at Dover, February 7, 1871.

Passed at Dover, February 5, 1891.

CHAPTER 376.

An Act to renew, extend and continue the act entitled "An Act to incorporate St. Peter's Beneficial Society, of New Castle, Delaware."

Passed at Dover, February 10, 1891.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 377.

An Act to extend the act entitled "An Act to incorporate Golden Rule Lodge, No. 17, of the Independent Order of Odd Fellows, at Milton, Sussex county, Delaware."

Passed at Dover, February 10, 1891.

CHAPTER 378.

An Act to re-incorporate Delaware Lodge, No. 1, Independent Order of Odd Fellows, of Wilmington, Delaware.

Passed at Dover, February 10, 1891.

CHAPTER 379.

An Act to incorporate the "George W. Bush & Sons Company."

Passed at Dover, February 10, 1891.

CHAPTER 380.

An Act to incorporate the Liberty Steam Fire Engine Company, No. 9, of the city of Wilmington, Delaware.

Passed at Dover, February 12, 1891.

CHAPTER 381.

An Act to incorporate the "Delaware Construction Company."

Passed at Dover, February 12, 1891.

CHAPTER 382.

An Act to incorporate "The Standard Pharmacy."

Passed at Dover, February 17, 1891.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 383.

An Act to incorporate Hockessin Castle, No. 15, K. G. E.

Passed at Dover, February 18, 1891.

CHAPTER 384.

An Act to re-incorporate Friendship Lodge, No. 22, I. O. O. F.

Passed at Dover, February 18, 1891.

CHAPTER 385.

An Act for the renewal of the charter of the "City Building and Loan Association."

Passed at Dover, February 18, 1891.

CHAPTER 386.

An Act for the renewal of the charter of the Clyde Steamship Company.

Passed at Dover, February 19, 1891.

CHAPTER 387.

An Act to incorporate The Adams Milling and Manufacturing Company.

Passed at Dover, February 19, 1891.

CHAPTER 388.

An Act to incorporate Chippewa Tribe, No. 28, Improved Order of Red Men, of the town of Milton, Sussex county, State of Delaware.

Passed at Dover, February 20, 1891.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 389.

An Act to incorporate the Brandywine Springs Improvement Company."

Passed at Dover, February 24, 1891.

CHAPTER 390.

An Act to re-incorporate Mechanics' Lodge, No. 4, of the Independent Order of Odd Fellows of the State of Delaware.

Passed at Dover, February 24, 1891.

CHAPTER 391.

An Act to incorporate the Brandywine Land Company.

Passed at Dover, February 24, 1891.

CHAPTER 392.

An Act to incorporate "The J. Miller Thomas Company."

Passed at Dover, February 25, 1891.

CHAPTER 393.

An Act to incorporate Reynolds Encampment, No. 3, of the Independent Order of Odd Fellows of the State of Delaware.

Passed at Dover, March 10, 1891.

CHAPTER 394.

An Act to revive and re-enact and amend the act entitled "An act to incorporate the Harrington Library Association," passed at Dover, February 6, 1883.

Passed at Dover, March 10, 1891.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 395.

An Act to incorporate Washington Camp, No. 3, Patriotic Order Sons of America.

Passed at Dover, March 10, 1891.

CHAPTER 396.

An Act to incorporate the Delamore Real Estate Company.

Passed at Dover, March 10, 1891.

CHAPTER 397.

An Act to incorporate the Wilmington Wheel Club.

Passed at Dover, March 10, 1891.

CHAPTER 398.

An Act to re-incorporate the Wilmington Mills Manufacturing Company.

Passed at Dover, March 10, 1891.

CHAPTER 399.

An Act entitled an act to amend an act entitled an act to incorporate the "Stone & Hudson Supply Company."

Passed at Dover, March 10, 1891.

CHAPTER 400.

An Act to incorporate Brandywine Castle, No. 11, of the Knights of the Golden Eagle, of Delaware.

Passed at Dover, March 10, 1891.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 401.

An Act to renew, extend and continue the act entitled "An act to incorporate Washington Lodge, No. 5, of the Independent Order of Odd Fellows, of the State of Delaware.

Passed at Dover, March 12, 1891.

CHAPTER 402.

An Act to re-incorporate Fairfax Lodge, No. 8, of the Independent Order of Odd Fellows, of the State of Delaware.

Passed at Dover, March 12, 1891.

CHAPTER 403.

A further supplement to an act to incorporate the Peninsular Agricultural and Pomological Association, passed at Dover, January 22, 1875.

Passed at Dover, March 12, 1891.

CHAPTER 404.

An Act to incorporate the "Deadwood and Delaware Smelting Company."

Passed at Dover, March 13, 1891.

CHAPTER 405.

An Act to incorporate the "Provident Ice Company."

Passed at Dover, March 13, 1891.

CHAPTER 406.

An Act to amend and renew the Charter of the Farmers' Mutual Fire Insurance Company of Mill Creek hundred.

Passed at Dover, March 17, 1891.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 407.

An Act to revive the act entitled "An act to incorporate Clayton Lodge, No. 4, of the Knights of Pythias of the State of Delaware," passed at Dover, January 14, 1869.

Passed at Dover, March 17, 1891.

CHAPTER 408.

An Act to re-enact and amend the act entitled "An act to incorporate the Atlantic and Carribean Steam Navigation Company," passed at Dover, March 31, 1881.

Passed at Dover, March 19, 1891.

CHAPTER 409.

An Act to incorporate the Dover Button Manufacturing Company.

Passed at Dover, March 25, 1891.

CHAPTER 410.

An Act to incorporate the "Wilmington Steamboat Company."

Passed at Dover, March 26, 1891.

CHAPTER 411.

A Supplement to the act incorporating and re-incorporating the "Farmers' Mutual Fire Insurance Company of the State of Delaware," and amending and renewing the Charter.

Passed at Dover, March 27, 1891.

CHAPTER 412.

An Act of incorporation entitled an act to incorporate Jefferson Council, No. 10, Order of United American Mechanics, located in the city of Wilmington, Delaware.

Passed at Dover, March 27, 1891.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 413.

An Act to incorporate Eureka Conclave, No. 5, Heptasophs, or Seven Wise Men.

Passed at Dover, March 31, 1891.

CHAPTER 414.

An Act to revive the act entitled "An act to incorporate Union Lodge, No. 3, of the Independent Order of Odd Fellows, of the State of Delaware, at Georgetown.

Passed at Dover, March 31, 1891.

CHAPTER 415.

An Act to incorporate the Wilmington and Brandywine Real Estate Company.

Passed at Dover, April 2, 1891.

CHAPTER 416.

An Act relating to The McCullough Iron Company.

Passed at Dover, April 3, 1891.

CHAPTER 417.

An Act to incorporate the "Young Men's Christian Association, of Wilmington, Delaware."

Passed at Dover, April 7, 1891.

CHAPTER 418.

An Act to incorporate the John T. Dickey Company.

Passed at Dover, April 7, 1891.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 419.

An Act to incorporate "The Architectural and Supply Company of Wilmington."

Passed at Dover, April 7, 1891.

CHAPTER 420.

An Act to incorporate the Newark Real Estate Improvement Company.

Passed at Dover, April 7, 1891.

CHAPTER 421.

An Act to incorporate "The Delaware Hosiery Company."

Passed at Dover, April 7, 1891.

CHAPTER 422.

An Act to incorporate the Marshallton Building and Loan Association, of Marshallton, New Castle county, Delaware.

Passed at Dover, April 7, 1891.

CHAPTER 423.

An Act to revive, renew and continue the charter of Damon Lodge, No. 12, K. of P., of Middletown, Delaware.

Passed at Dover, April 7, 1891.

CHAPTER 424.

An Act to incorporate "The City Real Estate and Investment Company."

Passed at Dover, April 8, 1891.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 425.

An Act entitled "An act for the incorporation of the West End Improvement Company."

Passed at Dover, April 8, 1891.

CHAPTER 426.

An Act to incorporate the Robert Emmet Literary Association of the city of Wilmington, Delaware.

Passed at Dover, April 8, 1891.

CHAPTER 427.

An Act to incorporate Ivanhoe Castle, No. 21, Knights of the Golden Eagle, of Delaware."

Passed at Dover, April 8, 1891.

CHAPTER 428.

An Act to incorporate "Delaware Castle, No. 12, Knights of the Golden Eagle, Delaware City," situated at Delaware City, Delaware.

Passed at Dover, April 8, 1891.

CHAPTER 429.

An Act to incorporate Kadosh Commandery, No. 25, Ancient and Illustrious Order of Knights of Malta, of the State of Delaware.

Passed at Dover, April 8, 1891.

CHAPTER 430.

An Act to incorporate the "New Castle Manufacturing Company."

Passed at Dover, April 9, 1891.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 431.

An Act to incorporate "The Peninsular Land and Loan Company."

Passed at Dover, April 9, 1891.

CHAPTER 432.

An Act to incorporate "The Guarantee Real Estate Company."

Passed at Dover, April 9, 1891.

CHAPTER 433.

An Act to incorporate the "Gordon Heights Club."

Passed at Dover, April 10, 1891.

CHAPTER 434.

An Act to incorporate Washington Camp, No. 5, Patriotic Order Sons of America.

Passed at Dover, April 10, 1891.

CHAPTER 435.

An Act to incorporate "Riverview Land Company."

Passed at Dover, April 14, 1891.

CHAPTER 436.

An Act to incorporate Christine Encampment, No. 12, Independent Order of Odd Fellows, of Delaware.

Passed at Dover, April 14, 1891.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 437.

An Act to incorporate "The Real Estate Development Company."

Passed at Dover, April 14, 1891.

CHAPTER 438.

Supplement to an act to incorporate the Enterprise Real Estate Improvement Company.

Passed at Dover, April 14, 1891.

CHAPTER 439.

An Act to incorporate Washington Camp, No. 2, Patriotic Order Sons of America.

Passed at Dover, April 14, 1891.

CHAPTER 440.

An Act to incorporate the Minqua Iron and Supply Company.

Passed at Dover, April 15, 1891.

CHAPTER 441.

An Act to incorporate Greenwood Lodge, No. 39, of the Independent Order of Odd Fellows, of Greenwood, in the State of Delaware.

Passed at Dover, April 15, 1891.

CHAPTER 442.

An Act to incorporate the Grand Lodge Shield of Honor of Delaware.

Passed at Dover, April 16, 1891.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 443.

An Act to incorporate Milton Council, No. 14, Order of United American Mechanics, at Milton, Delaware.

Passed at Dover, April 16, 1891.

CHAPTER 444.

An Act to incorporate the Union Temperance Benevolent Society, of Laurel and vicinity.

Passed at Dover, April 16, 1891.

CHAPTER 445.

An Act to incorporate Asylum Lodge, No. 23, of the Independent Order of Odd Fellows, of Wilmington, Delaware.

Passed at Dover, April 16, 1891.

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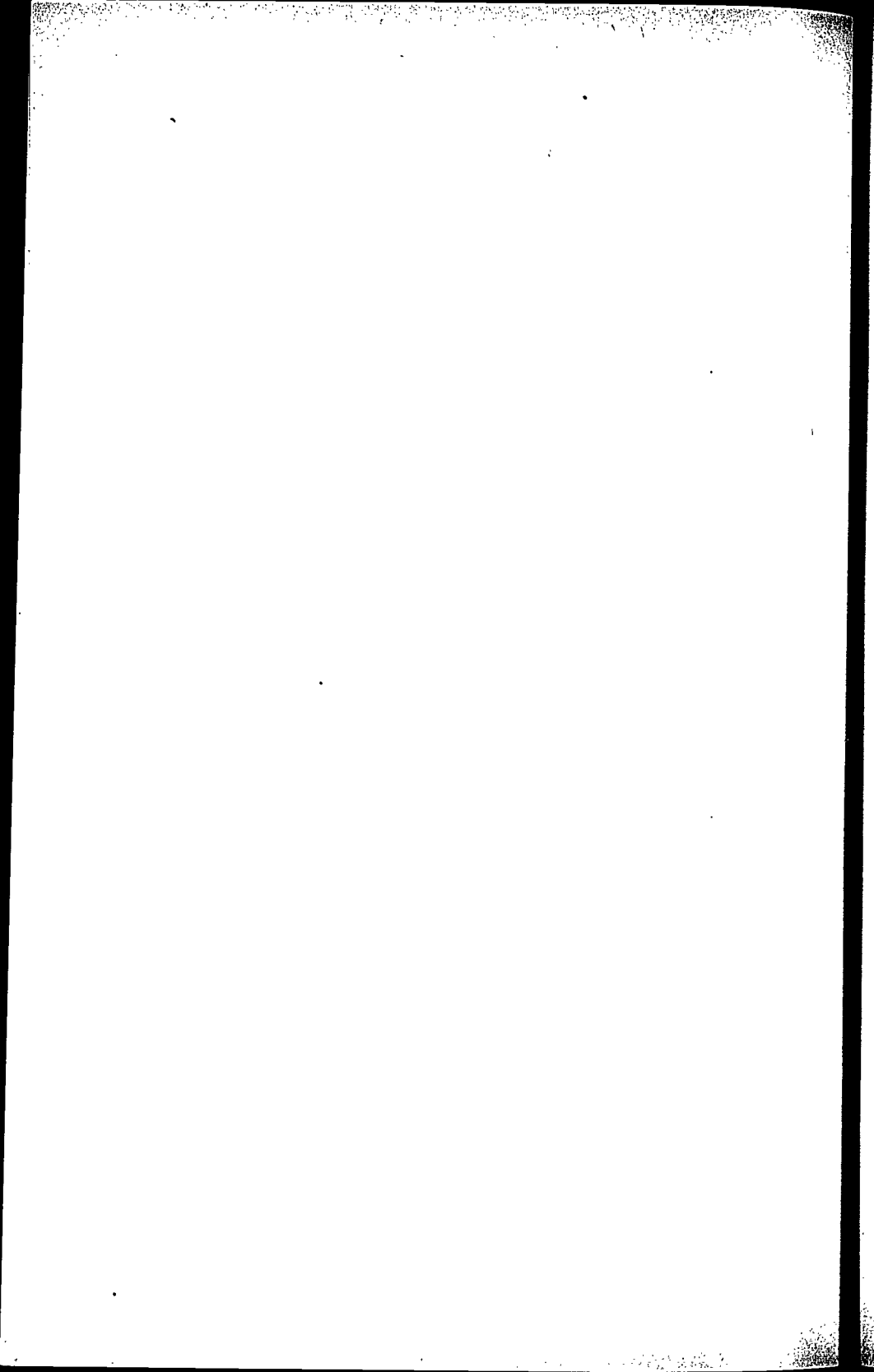
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SECRETARY'S OFFICE,

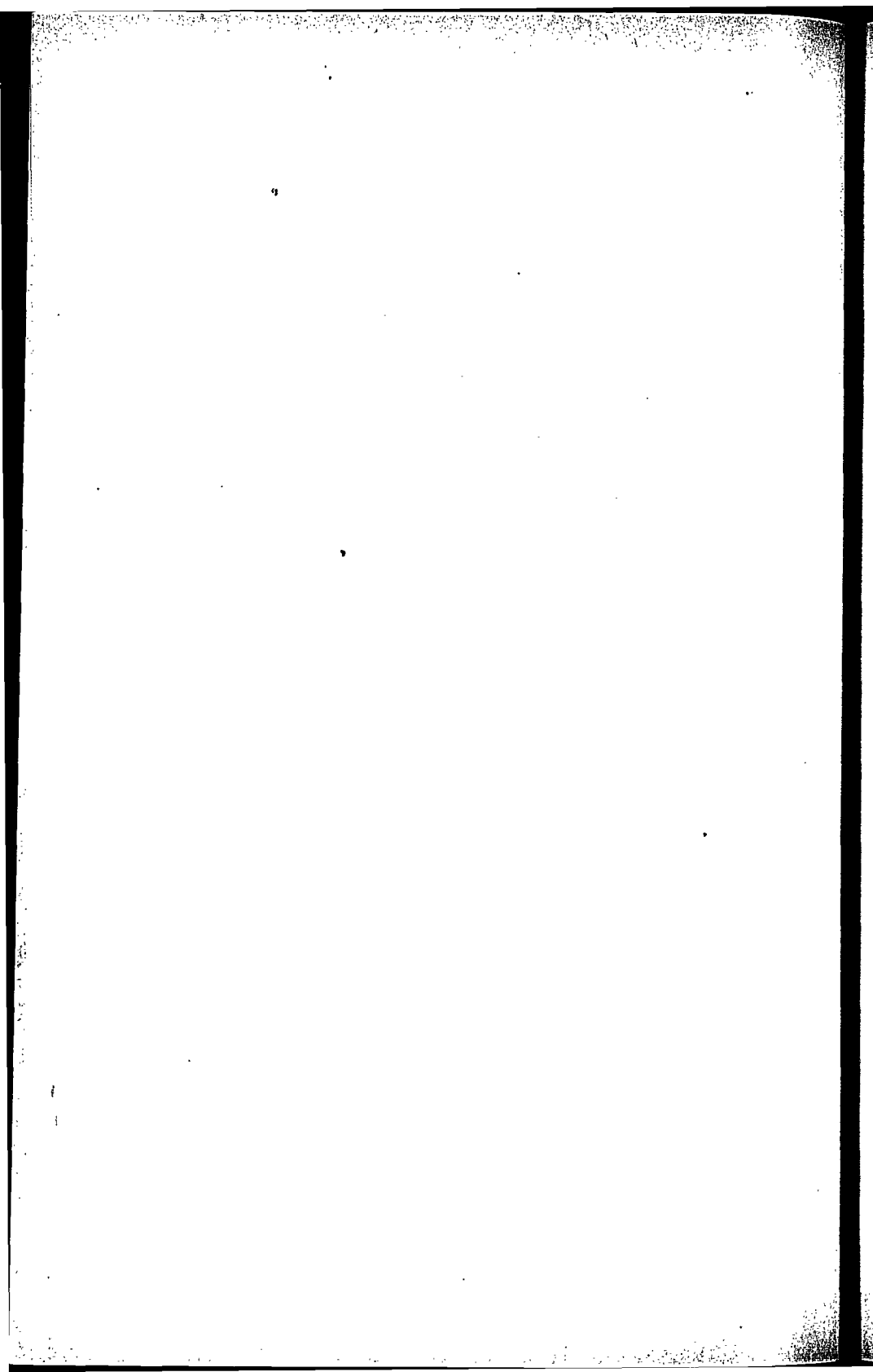
DOVER, August 15, 1891.

In obedience to directions of Chapter 4 of the Revised Code, entitled "Of the Passing and Publication of Laws and of Journals," I have collated with and corrected by the original rolls now in this office and caused to be published this edition of the Laws of Delaware, passed by the General Assembly at the regular biennial session commenced on Tuesday, the sixth day of January, A. D. 1891.

The words between brackets throughout the work are inserted to supply omissions in the original rolls. Words and sentences noted with asterisks are printed as they appear on the rolls.

DAVID T. MARVEL,

Secretary of State.



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