

LAWS
OF THE
STATE OF DELAWARE

PASSED

AT A SESSION OF THE GENERAL ASSEMBLY,

COMMENCED AND HELD AT DOVER,

ON TUESDAY, JANUARY 1, A.D. 1895,

AND

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

VOLUME XX—PART I.

1895:
THE DELAWAREAN POWER PRINT,
DOVER, DELAWARE.

LAWS OF DELAWARE.

TITLE FIRST.

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

CHAPTER I.

OF LIMITS.

AN ACT to amend an act entitled "An act to divide South Murderkill Hundred 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 Section 2, Chapter 450, Volume 18, Laws of Delaware, be and is hereby amended by striking out the last sentence of the said section: "And be it further provided that in the election of Assessor the districts shall be represented alternately." South Murderkill Hundred divided into two election districts.

Passed at Dover, April 8, 1895.

OF THE STATE LIBRARY.

CHAPTER 2.

OF THE STATE LIBRARY.

AN ACT providing for an Addition to the State Library Building.

WHEREAS, The present building used for a State Library is entirely inadequate for the purpose for which it is used; and inasmuch as it will not hold the valuable books belonging to the State; and

WHEREAS, It is the duty of the State to preserve for the future the books in the library from destruction and decay; therefore

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

Commissioners appointed.

Addition to State House.

Cost.

Powers of Commissioners.

Contract to lowest bidder.

Accounts and report of commissioners. State Auditor.

Compensation to commissioners.

Vacancy.

May draw on State Treasurer.

SECTION 1. That John Pyle and William T. Records, John W. Jolls and H. H. McMullen, be and they are hereby nominated, constituted and appointed commissioners on the part of the State, whose duty it shall be to have erected at the end of the east wing of the State House an additional room or rooms forty feet long and the width of said east wing of the State House at a cost not to exceed the sum of ten thousand dollars (\$10,000). The commissioners hereby appointed shall have all needful power and authority therefor, including the rearrangement of the interior of the present library building as well as the building to be erected. They shall advertise for proposals for all work required for the erection of said building and rearrangement of the present building and award the contract therefor to the lowest responsible bidder or bidders, and they shall render their accounts of expenditures, together with a full report of all their proceedings, to the next General Assembly; the accounts in the meantime to be presented to the State Auditor for settlement. The acts of a majority of said commissioners shall be as valid as if agreed upon by all, and they shall be paid for their services a reasonable compensation to be allowed at the next session of the General Assembly. In case of a vacancy in the Board by a refusal to act, absence, sickness or otherwise, the Governor shall have power from time to time to fill such vacancy.

SECTION 2. That the commissioners shall from time to time have power to draw upon the State Treasurer for such sum

OF THE PASSING AND PUBLICATION OF LAWS.

or sums of money as they may deem necessary to complete the work; provided such sum or sums in the aggregate shall not exceed the sum of ten thousand dollars (\$10,000).

SECTION 3. That the State Treasurer be and he is hereby ^{Duty of State Treasurer.} authorized, empowered and directed to pay out of any moneys in the treasury not otherwise appropriated the sum authorized to be expended under the provisions of this act and present his vouchers to the committee appointed to settle with the State Treasurer in January, 1896, or to the next General Assembly.

Passed at Dover, May 8, 1895.

CHAPTER 3.

OF THE PASSING AND PUBLICATION OF LAWS.

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

WHEREAS, By Section 3 of Chapter 4 of the Revised Statutes of the State of Delaware, it is provided that private statutes (namely, such as are not of a public nature or published as such) shall be recorded in the Recorder's office in one of the counties of this State within twelve months after their passage or they shall be void ; and

WHEREAS, A number of the private and unpublished acts heretofore passed have been allowed to become void through ignorance of the aforesaid enactment; therefore, for the purpose of relieving the parties interested of the embarrassments and disappointments arising from such neglect in the premises ; 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 therein):

SECTION 1. That all unpublished acts heretofore passed that have become void on account of not being duly recorded in compliance with the provisions aforesaid and that have not by special acts been repealed or become void by lapse of ^{Certain void acts re-enacted.}

OF THE PASSING AND PUBLICATION OF LAWS.

Acts done
under void
acts made
valid.

When cer-
tified copy
of void act is
recorded.

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 for the period mentioned in the original acts, and all acts and transactions 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 recorded according to law.

Provided, that this enactment shall not take effect in the case of any act that has become void as aforesaid until a certified copy thereof, procured of the Secretary of State, shall be duly recorded in the Recorder's office of one of the counties of this State; *and provided further*, that no such copy of a voided act shall be received for record after the expiration of one year from the passage of this act.

SECTION 2. That this act shall be deemed and taken to be a public act and be published as such.

Passed at Dover, April 2, 1895.

TITLE SECOND.

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

CHAPTER 4.

OF THE LEVY COURT

A FURTHER SUPPLEMENT to an act entitled "An act authorizing the Levy Court of New Castle County to make a loan for the benefit of the Trustees of the Poor of New Castle County," passed March 30th, 1883.

WHEREAS, The trustees appointed and acting under and pursuant to the act to which this is a supplement and prior supplements thereto which have been heretofore passed have nearly concluded their labors and performed their duties as prescribed in and by said act and supplements and will shortly desire to render a final accounting of their trust; and

Trustees of
the loan for
the benefit
of Trustees
of Poor of
New Castle
County.

WHEREAS, The details of their duties may require more time to conclude than is at present allowed them and there is no person or body expressly provided to whom their accounts shall be rendered and by whom their vouchers shall be audited and such accounts passed; and

WHEREAS, There will likely remain in the hands of said trustees a sum of money which they will be unable to apply to the purchase or redemption of the bonds of New Castle county by reason of the non-maturity of said bonds (all bonds which have matured to this time having been paid and a considerable number of bonds not yet due having been paid before maturity); 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 time limited by the acts above recited shall be and the same is hereby further extended for

Time
extended.

OF THE LEVY COURT.

the further period of two years, making fourteen years altogether from the passage of the original act to which this is a further supplement, with the same powers and authority in the said trustees now acting, and, in case of the death of any of them, in the survivor or survivors of the said trustees which they now have and exercise with respect to their said trust created pursuant to said acts. And the said trustees or their survivors, or survivor, are hereby authorized and directed to pass their accounts before the Chancellor, as other trustees are now authorized and required, and the Chancellor is hereby authorized to examine, approve, audit and allow their accounts in accordance with the usual practice in such cases, and allow each of said trustees who shall have served for the full period embraced in the said trust, the sum of six hundred dollars and a proportionate part of the sum of six hundred dollars to each trustee who shall have served but a portion of the said period, and the allowances made shall be in full payment of any and all services rendered under the aforesaid trust. The said trustees are hereby authorized and directed, when their final account shall so have been passed, to turn over, transfer and pay to the Receiver of Taxes and County Treasurer of New Castle county such securities and cash as shall by said account appear to remain in their hands applicable to the said trust, * by the said Receiver of Taxes and County Treasurer by him to be held in special trust to pay or redeem so many of the bonds to which such funds in the hands of said trustees would be applicable as the said funds, balance and securities will suffice to redeem and pay, and until bonds can be secured and fall due to which said funds can be applied, the said Receiver of Taxes and County Treasurer shall deposit the sums coming into his hands in some bank or trust company at interest for the benefit of said fund and whenever said fund shall by redemption and payment of bonds as aforesaid be reduced below the sum of one thousand dollars, such fractional sum, less than one thousand dollars, shall be transferred by the said treasurer to the general fund of said county.

Same powers as heretofore.

Accounts to be passed before Chancellor.

Compensation to trustees.

At end of time to turn over trust fund to Receiver of Taxes, &c.

Fund held as special trust by Receiver of Taxes.

To be deposited at interest. Where.

SECTION 2. That all acts and parts of acts inconsistent herewith are hereby repealed.

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

Passed at Dover, March 30, 1895

* So enrolled.

TITLE FOURTH.

Of Elections.

CHAPTER 5.

OF THE ELECTION OF ASSESSORS.

AN ACT to amend Chapter 30, Volume 17, Laws of Delaware, entitled "An act to provide for the Election of Three Assessors for Wilmington Hundred."

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

SECTION 1. That Section 1 of Chapter 30, Volume 17 Section 1, Chapter 30, Volume 17, amended. of the Laws of Delaware, entitled "An act providing for the election of three assessors for Wilmington hundred," passed at Dover, April 6, 1883, be and the same is hereby amended by striking out all of said Section 1 of said act after the word "follows" in fourth line thereof and inserting in lieu thereof the following, to wit: "The first assessment district of said hundred shall consist of so much of said hundred as Assessment districts of Wilmington hundred, limits of first. is contained or comprised within the limits of the First, the Second, the Fourth and the Eighth wards of the city of Wilmington, as the said wards are now laid out, or as the said wards, or either of them, may be hereafter extended or enlarged by act of the General Assembly.

"The second assessment district of the said hundred shall consist of so much of said hundred as is contained or comprised within the limits of the Third, the Fifth, the Tenth, the Eleventh and the Twelfth wards of the city of Wilmington, as the said wards are now laid out, or as the said wards, or either of them, may be hereafter extended or enlarged by act of the General Assembly. Limits of second.

"The third assessment district of the said hundred shall consist of so much of said hundred as is contained or com- Limits of third.

OF THE ELECTION OF ASSESSORS.

prised within the limits of the Sixth, the Seventh and the Ninth wards of the city of Wilmington, as the said wards are now laid out or as the said wards, or either of them, may be hereafter extended or enlarged by act of the General Assembly."

Assess-
ments and
collections
heretofore
made.

SECTION 2. That all assessments now or heretofore made, and all collections of taxes, in any or all of the said assessment districts, are hereby made valid and legal.

Passed at Dover, April 22, 1895.

TITLE FIFTH.

Of Certain Public Officers.

CHAPTER 6.

OF THE AUDITOR OF ACCOUNTS.

AN ACT to amend Chapter 30 of the Revised Code.

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

SECTION 1. That Chapter 30 of the Revised Code of the State of Delaware be and the same is hereby amended as follows: Strike out Section 1 of said Chapter and insert in lieu thereof the following: "There shall be in the treasury department an officer styled Auditor of Accounts, who shall be appointed by the House of Representatives with the concurrence of the Senate and shall hold his office for the term of two years from the fourth Tuesday of January in the year in which he shall be appointed. In case there shall be a vacancy in the office of Auditor of Accounts during the recess of the General Assembly, whether such vacancy be occasioned by the omission of the General Assembly to appoint, or by the death, removal out of the State, resignation, inability or his failure to give bond with sureties, the Governor shall fill the vacancy by appointment to continue until the fourth Tuesday of January of the next biennial session of the Legislature."

Chapter 30.
Revised
Code
amended.

Auditor of
Accounts.

Term of
office.

Vacancy.

How filled.

Passed at Dover, April 19, 1895.

OF CONSTABLES.

CHAPTER 7.

OF CONSTABLES.

AN ACT to repeal Chapter 45, Volume 19 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 Chapter 45, Volume 19 of the Laws of Delaware, entitled "An Act providing additional Constables" be and the same is hereby repealed.

Passed at Dover, February 27, 1895.

CHAPTER 8.

OF NOTARIES PUBLIC.

AN ACT to enable 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 :

SECTION 1. That the Governor of the State of Delaware be and he is hereby authorized to appoint one additional Notary Public for Wilmington hundred, New Castle county.

Passed at Dover, March 8, 1895.

Additional
Notary
Public for
Wilmington
Hundred.

OF NOTARIES PUBLIC.

CHAPTER 9.

OF NOTARIES PUBLIC.

AN ACT authorizing the Appointment of a Notary Public for the firm of
E. I. duPont de Nemours and Company.

*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 au-
thorized to appoint a Notary Public for the firm of E. I. duPont
de Nemours and Company, in Christiana hundred, New Castle
county and State of Delaware, whose privileges and duties shall
be confined, except as provided in Section 3 of this act, to the
business of the said firm and any firm and firms bearing the
same name, and immediately or mediately succeeding said first-
named firm in the manufacture and sale of gunpowder and other
explosives.

Notary
Public for
E. I. duPont
de Nemours
& Co.

Powers
limited.

SECTION 2. That the person so appointed Notary Public
under and by authority of this act shall at the time of his
appointment be an officer or employe of the said first-named
firm; and if at any time afterwards and during the period
his commission as Notary Public would otherwise continue
in force said appointee shall cease to be an officer or employe
of said firm and shall not thereupon become an officer or
employe of any succeeding firm bearing the same name and
engaged in said business, and so with respect to any succee-
ding firm or firms bearing the same name and engaged in said
business, his commission as Notary Public shall forthwith
expire and be vacated, and the Governor shall appoint
another person in his stead as Notary Public, who shall be at
the time of his appointment an officer or employe of the
then existing firm of E. I. duPont de Nemours and Company.

Qualifica-
tion.

Vacancy.

SECTION 3. That the privileges and duties of any person
appointed Notary Public under and by authority of this act
shall extend to and include the business of the members of
the said firm of E. I. duPont de Nemours and Company and
of any firm and firms bearing the same name and immedi-
ately or mediately succeeding the said first-named firm in the
manufacture and sale of gunpowder and other explosives.

Privileges
and duties.

SECTION 4. That this act shall repeal all laws or parts of laws
in so far as inconsistent herewith and be deemed a public act.

Passed at Dover, May 6, 1895.

OF NOTARIES PUBLIC AND COMMISSIONERS OF DEEDS.

CHAPTER 10.

OF NOTARIES PUBLIC AND COMMISSIONERS OF DEEDS.

AN ACT to amend Chapter 36 of the Revised Code, of Notaries Public and Commissioners of Deeds.

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

Section 6,
Chapter 36,
Revised
Code,
amended.

Oaths of
office and
commis-
sions of
Notaries
Public and
Commis-
sioners of
Deeds to be
recorded.

Where,

Proviso,

Acts not
invalidated
by failure
heretofore
to take
official oath.

SECTION 1. That Section 6 of Chapter 36 of the Revised Code, of Notaries Public and Commissioners of Deeds, be amended by adding after the word "dollars" at the end thereof, the words following, to-wit: "The oaths or affidavits of Notaries Public to perform the duties of their office with fidelity, duly signed and certified, and also the commissions of such notaries, shall be recorded in the office of the Recorder of Deeds of the county for which they are appointed, and the like oaths or affidavits and commissions of all Commissioners of Deeds residing in other States shall be recorded in the offices of the Recorders of Deeds for the several counties of this State. *Provided*, that this section shall not take effect until six months after the passage of this act.

SECTION 2. That the official acts of any Notaries Public or Commissioners of Deeds shall not be invalidated by reason of such Notary or Commissioner having heretofore failed to be sworn to perform the duties of his office with fidelity, but such acts shall be as valid as though said officer had duly taken such oath.

Passed at Dover, May 7, 1895.

TITLE SIXTH.

Of Religion, Public Education and Health

CHAPTER II.

OF RELIGIOUS SOCIETIES.

SUPPLEMENT to Chapter 39 of the Revised Code, entitled "Of Religious Societies."

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

SECTION 1. That any society or congregation of christians heretofore incorporated under the act to which this is a supplement, or that may hereafter become incorporated under said act, may from time to time increase the number of trustees not to exceed twelve, and may decrease the number to not less than three by a vote of the society or congregation at a public meeting called for that purpose in the same manner as provided in Section 2 of the act to which this is a supplement, for the election of trustees, voting and counting the votes as provided therein.

Religious societies.

Number of trustees may be changed.

Manner.

SECTION 2. If the society or congregation shall by a plurality of votes of the members present determine to increase or diminish the number of trustees, such fact shall be certified to the Recorder of Deeds in and for the county in which such society or congregation shall have property, to be by him recorded in the deed records thereof, which certificate shall set forth the number of trustees heretofore contained in the act of incorporation and the number fixed by the meeting provided for by this act, and shall be signed by a majority of the board of trustees. The recorder shall receive the same fees now provided by law for like services.

Certificate of proceedings to be sent to Recorder.

Passed at Dover, March 13, 1895.

OF RELIGIOUS SOCIETIES.

CHAPTER 12.

OF RELIGIOUS SOCIETIES.

AN ACT to incorporate "The Delaware Baptist State Mission Society."

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):

Incorporators.	SECTION 1. That Osmer G. Buddington, Washington Jones, William H. Gregg, Spenser B. Meeser, Harry Emmons, Frank Howes, James H. Appleby, Lawrence B. Jones, S. Hickman Hewett, Samuel H. Barker, William B. Adams, Benjamin C. Howell, William H. Whitenack and John H. Muhlhausen shall be and are hereby constituted a body politic
Title.	and corporate by the name and title of "The Delaware Baptist State Mission Society"; and by that name and title they
Powers.	and their successors shall be known in law, have power to sue and be sued, to defend and be defended, in all courts; and shall be capable of acquiring and receiving, by purchase, gift, devise, bequest, or otherwise, and becoming possessed of
Property limited to \$100,000.	and holding or conveying any real or personal estate, not exceeding the value of one hundred thousand dollars in the whole; and shall have succession for a period of twenty years from and after the passage of this act, and also a common seal, with power to alter or renew the same at pleasure; and
By-Laws.	may ordain or make such regulations and by-laws as shall be necessary or convenient for the admission of members, the election of officers, the convening and government of said corporation, and for conducting its affairs; <i>provided</i> , that the said regulations and by-laws be not contrary to the constitution and laws of the United States or of this State, nor inconsistent therewith.

Funds, how used.	SECTION 2. <i>And be it enacted</i> , That the said corporation shall not use its funds for any other than missionary or educational purposes.
------------------	--

Certain property of extinct societies so vest in.	SECTION 3. <i>And be it enacted</i> , That all the property, both real and personal, belonging to or held in trust for any Baptist Church or Baptist religious society that has or shall become extinct, shall vest in and become the property of the said "The Delaware Baptist State Mission Society", and its successors and assigns; <i>and provided</i> , that nothing therein con-
---	--

OF FREE SCHOOLS.

tained shall affect the title to any Baptist Church or Baptist religious society that is held by any of the Baptist associations of the United States; *and provided further*, that this act shall not affect the reversionary interest of any person or persons in any such property. Reversionary interest not affected.

SECTION 4. *And be it enacted*, That all acts and parts of acts inconsistent with this act be and the same are hereby repealed, and this act shall be deemed a public act, and shall take effect immediately.

Passed at Dover, March 26, 1895.

CHAPTER 13.

OF FREE SCHOOLS.

AN ACT to amend an act entitled "An act Providing for the Appointment of a Superintendent of the Three Counties of this State."

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

That Chapter 67 of Volume 18 of the Laws of Delaware be amended by striking out the words "and well qualified by their mental and scholarly attainments for such office" in Section 2 thereof between the words "character" in the eighth line and "the" in the tenth line of said section, and inserting in lieu thereof the words "and shall hold a certificate of graduation from a reputable college, or an unexpired certificate of the highest grade provided for by the laws of this State, and shall have had at least two years' experience as a teacher in the public schools of this or some other State." Chapter 67, Volume 18, amended. Superintendents of free schools. Qualifications.

Passed at Dover, February 16, 1895

OF FREE SCHOOLS.

CHAPTER 14.

OF FREE SCHOOLS.

AN ACT to amend Section 5, Chapter 611, Volume 19, 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 5,
Chapter 611,
Volume 19,
amended.
Board of
Education
of Odessa
public
schools may
borrow \$400.

SECTION 1. That Section 5, Chapter 611, Volume 19, Laws of Delaware, be and the same is hereby amended by inserting the words "four hundred" between the words "thousand" and "dollars" in the third line of said section.

Passed at Dover, March 7, 1895.

CHAPTER 15.

OF FREE SCHOOLS.

AN ACT to amend Section 4, Chapter 602, Volume 19, Laws of Delaware.

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

Section 4,
Chap. 602,
Volume 19,
amended.
Teacher's
check to be
signed by
a majority
of com-
missioners.

SECTION 1. That Section 4, Chapter 602, Volume 19, Laws of Delaware, be and the same is hereby amended by striking out the word "all" in the fifth line of said section after the form of teacher's check, and inserting in lieu thereof the words "a majority of."

Passed at Dover, April 6, 1895.

OF FREE SCHOOLS.

CHAPTER 16.

OF FREE SCHOOLS.

AN ACT to amend an act entitled "Of Free Schools," being Chapter 42, Revised Code (1874).

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

SECTION 1. That Section 6, Chapter 42 of the Revised Code of 1874, be and the same is hereby amended by striking out the word "two" in first line and inserting the word "three" in lieu thereof; and by inserting after the word "district" in third and fourth lines and before the word "the" in fourth line the words "one to the auditor of school accounts;" and also by striking out the words "the other" in fourth line and inserting the words "and one" in lieu thereof.

Section 6,
Chapter 42,
Revised
Code
amended.
Three cer-
tificates of
school
meetings
to be made.
One to be
sent to
State
Auditor.

Passed at Dover, May 3, 1895.

CHAPTER 17.

OF FREE SCHOOLS.

AN ACT to improve and promote the Colored Schools in this State.

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

SECTION 1. The official bond of the treasurers of each county shall be liable for the moneys received under this act; and the said officers shall be entitled to the same commissions for the application of the moneys coming to their hands under this act as for the application of county taxes.

County
Treasurers'
liability and
compensa-
tion.

SECTION 2. That the sum of twelve thousand dollars be and the same is hereby appropriated annually from the school fund of the State, to be used solely for the purpose of paying the salaries of the teachers and meeting the other running

\$12,000 ap-
propriated
annually to
expenses of
colored
schools.

OF FREE SCHOOLS.

Divided
equally
among
counties.

expense of the colored schools of this State; said amount to be divided equally among the three counties of the State, and to be paid by the State Treasurer to the County Treasurers on or before the first day of October of each year.

\$3000 ap-
propriated
annually
for building
and repair-
ing school-
houses and
furnishing
text books
for colored
pupils.

SECTION 3. That the sum of three thousand dollars be and the same is hereby appropriated annually from the school fund of the State to be used solely for the purpose of erecting, enlarging or repairing the buildings to be used as colored school houses throughout this State and for furnishing free text books for said schools, said building and text book fund to be divided into three equal parts, one of the said parts to be applicable to school buildings and text books in New Castle county, one other of said parts to school buildings and text books in Kent county, and the remaining part to school buildings and text books in Sussex county; said sum of one thousand dollars to be paid by the State Treasurer to each of the County Treasurers on or before the first day of October of each year.

County
superinten-
dents to
have con-
trol of
colored
schools.

SECTION 4. The County Superintendents shall have the entire management, control and supervision of the colored schools of this State. The County Superintendents shall decide upon the location of the colored schools, shall adopt rules for the thorough and systematic examination of all persons who may apply to teach, and appoint only such persons as teachers as are fully qualified in point of character and scholarship to fill the places. They shall in August of each year prepare an estimate and submit it to their respective County Treasurers showing the number of schools and the location of each, the length of term and the amount of money required for and applicable to each school in their respective counties. In preparing this estimate it shall be the duty of the Superintendents to apportion to each school an equal amount from the sum coming to each county from the State appropriation of twelve thousand dollars; and furthermore, they shall equalize as nearly as possible the monthly allowance to each school in the county. The full amount collected in any county from the colored school taxes shall be expended in that county, but the length of the term of each school, and the amount to be paid from the school tax fund to each school, shall be as the County Superintendents shall respectively determine, according to the very right of the matter. The Superintendent shall draw monthly upon the County Treasurer for the money due for the running expenses of the schools; and the amount col-

To prepare
estimate of
expenses
and submit
to county
treasurer.

Colored
school taxes
to be ex-
pended in
county
where col-
lected.

Colored
school tax
collected in
Wilmington.

OF FREE SCHOOLS.

lected in Wilmington hundred as colored school tax shall be paid annually in April, by the County Treasurer of New Castle county, to the treasurer of the Board of Public Education in Wilmington.

ton hundred to be paid to treasurer of school board in Wilmington.

SECTION 5. The three County Superintendents shall act jointly as a building board, and to them shall be left the distribution and expenditure of the amount applicable as a building fund under Section 3 of this act. They shall determine where repairs and alterations shall be made, and also provide for the erection of new school buildings where deemed necessary. The amount to be appropriated in each locality and the further matter of the contribution on the part of the colored people of any part of the expense shall be fixed by them. The amounts required for building purposes shall be paid by orders drawn by the respective County Superintendents on the respective County Treasurers. The Superintendent shall, as required, order text books for the different schools by orders on the County Treasurers and the latter officers shall purchase and furnish the same, charging the cost to the building and text book fund; and such rules and regulations shall be made by the Superintendents as shall be necessary for the preservation and safe keeping of the text books from term to term.

Superintendents jointly to decide upon repairs or erection of school houses and amount to be contributed by school district.

Building expenses, how paid.

Books, how ordered.

Treasurers to purchase books.

Preservation of text books.

Each County Treasurer shall receive as a compensation for his services in disbursing the funds intrusted to his care under the provisions of this act the sum of sixty dollars per annum to be deducted from the building and text book fund. The County Superintendents shall give personal supervision to the schools, and they shall not authorize or depute other persons to discharge their duties in connection with said colored schools.

Compensation to County Treasurer.

Superintendents to give personal supervision.

In the month of June of each year the State Auditor shall settle with the County Superintendents, who shall render a full account both in the erection and repair of school houses and the support and maintenance of the colored schools.

Superintendents to settle with Auditor in June.

SECTION 6. That all acts or parts of acts inconsistent with the provisions of this act be and the same are hereby repealed.

Passed at Dover, May 7, 1895.

OF FREE SCHOOLS.

CHAPTER 18.

OF FREE SCHOOLS.

AN ACT entitled "An act providing for the purchase and display of the United States Flags in connection with Public School Buildings of the State."

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

U. S. flags
to be pur-
chased by
each school
district and
be displayed
during
school
hours.

SECTION 1. That the Board of Education or School Commissioners in the several cities and in each and every single, united or incorporated school district of this State shall and hereby are authorized to purchase a United States flag, which shall not be less than eight feet long and six feet wide, flag staff and necessary appliances therefor, and shall display said flag upon or near the public school building in said cities or districts during school hours and at such other times as to the said boards or commissioners may seem proper.

SECTION 2. That this act shall take effect immediately, and that all acts or parts of acts inconsistent with the same are hereby repealed.

Passed at Dover, January 31, 1895.

CHAPTER 19.

OF FREE SCHOOLS.

AN ACT for the Relief of School District No. 103, New Castle County.

WHEREAS, The Levy Court of New Castle county having created a new or additional district now known as District No. 103 from Districts Nos. 54, 55, 56 and 45; and

WHEREAS, The said Levy Court having no authority to grant the right to borrow money in the name of the dis-

OF FREE SCHOOLS.

trict to purchase a plot of land and erect thereon a suitable building in which to hold a public school; and

WHEREAS, It became necessary for the commissioners of said district to borrow the money and give bond for the same in their individual names; therefore

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

SECTION 1. That for the purpose of raising the funds necessary to pay the money borrowed, with the accrued interest, according to the said bond, the said school commissioners of said school district, or their successors in office, are hereby authorized, empowered and required to annually levy and collect, or cause to be collected, as now provided by law, in addition to the amount now required to be raised for general school purposes, such sums as shall be necessary to pay each annual installment on the amount borrowed, with the interest on the whole sum unpaid; *provided*, however, that in no one year the said school committee shall levy and collect, or cause to be collected, for this purpose, more than one hundred and fifty dollars.

Additional school taxes authorized to be levied and collected. Limited to \$150.

SECTION 2. That this shall be deemed and taken to be a public act.

Passed at Dover, February 16, 1895.

CHAPTER 20.

OF FREE SCHOOLS.

AN ACT to renew and re-enact an act entitled "An act to establish a Board of Education for the City of New Castle, and to incorporate the same, and for other Purposes," Passed at Dover, March 10th, 1875.

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 act entitled "An act to establish a Board of Education for the city of New Castle, and to incorporate the same, and for other purposes," passed at Dover, March 10th, 1875, and the several amendments and supple-

Act establishing Board of Education for New Castle renewed and re-enacted.

OF FREE SCHOOLS.

ments thereto, be and the same are hereby renewed and re-enacted, and the corporation thereby created, with all the privileges, rights, franchises and powers granted by said act and the several amendments and supplements thereto, shall have succession and continuance in force until revoked by the Legislature.

SECTION 2. This act shall be deemed to be a public act and for public improvement.

Passed at Dover, March 9, 1895.

CHAPTER 21.

OF FREE SCHOOLS.

AN ACT to consolidate and incorporate United School Districts Nos. 21 and 97 in 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):

Newport
public
schools in-
corporated.

Members of
Board of
Education.

Powers of
board.

Seal.

President
and sec-
retary.

SECTION 1. That from and after the passage of this act School Districts Nos. 21 and 97 in New Castle county shall, by the boundaries of said districts as now established, be consolidated and incorporated under the name and style of "Newport Public Schools," and shall be governed by a Board of Education consisting of three members, as follows, viz: Joseph W. H. Watson, Thomas D. Lynum and Francis T. Jones, who shall serve until their successors shall be elected as hereinafter provided, and that under the name and style aforesaid the said board shall be a body corporate and shall have full power and authority to establish and modify, from time to time, a system of education for the children of school age within the above-named consolidated districts; to make rules for their own government and the government of the scholars and teachers under their superintendence; to adopt a corporate seal; to elect, as soon after the passage of this act as practicable, one of their own members as president, and one as secretary and treasurer of the board.

OF FREE SCHOOLS.

The secretary and treasurer shall give bond for the faithful performance of his office in such amount as the board may deem sufficient.

Secretary and treasurer to give bond.

The board shall also have power at any time to fill such vacancies as may occur until the regular time for holding school elections in this State.

Vacancies.

SECTION 2. The first election under this act shall be held on the last Saturday in June next, 1895, at which time one person shall be elected to serve for the term of one year, one person to serve for the term of two years, and one person to serve for the term of three years, as members of the Board of Education aforesaid, and all vacancies caused by expiration of the term of office or otherwise shall be filled at the annual school election to be held thereafter at the time and according to the provisions of the school laws of the State of Delaware, and on the Monday following each annual election the Board of Education shall meet and organize as provided by Section 1 of this act.

First election

Term of office of members of board.

Time of meeting of board for organization.

SECTION 3. That the tax payers shall determine at each annual election the amount of taxes, provided it is not inconsistent with the school laws of the State, which will be necessary to be levied, in addition to the dividends now received by each of said districts out of the school fund of the State apportioned to New Castle county for the maintenance of schools in said consolidated school district, and that the Board of Education shall have all the powers conferred upon the commissioners of other districts for the collection of taxes, and shall have the right to draw the dividends due from the State as drawn by other districts consolidated in like manner.

Amount of taxes to be levied.

How determined and collected.

Other powers of board.

SECTION 4. That for the purpose of providing new and better school accommodations it shall and may be lawful for the Board of Education aforesaid to dispose of the old schoolhouse of said united district at either public or private sale, as they may think best, and to purchase a new lot and build a schoolhouse thereon, or repair and build to the schoolhouse already built; and for the payment of the same the said Board of Education is hereby further authorized and empowered to borrow any sum of money which in their discretion may be needed, provided the whole amount borrowed shall not exceed the sum of seven thousand dollars.

Old schoolhouse may be disposed of.

New lot and house may be provided.

May borrow money not exceeding \$7,000.

SECTION 5. That for the purpose of securing to the loaner or loaners the payment of the moneys so to be borrowed under

How loan may be secured.

OF FREE SCHOOLS.

Bond. the provisions of this act, with interest thereon, the Board of Education of "Newport Public Schools" is hereby further authorized and empowered to make, execute and deliver to the said loaner or loaners, the coupon or registered bonds of the said "Newport Public Schools," in such denominations Contents of, as they may think proper; which bonds shall be signed by the President of the Board of Education and sealed with the corporate seal and attested by the secretary thereof, and shall bear interest, not exceeding six per centum per annum, and shall be redeemable in one year, at the option of the board, and payable in twenty years from date.

Mortgage. The said bonds may be further secured by a general mortgage of any or all of the real estate owned by the said United School Districts Nos. 21 and 97, at the time of the execution thereof; which said mortgage shall be signed by the President of the Board of Education, sealed with the corporate seal and attested by the secretary thereof, and shall provide the right to issue *scire facias* in sixty days default of payment of any principal or interest after the same shall have become due; the said bond or bonds may be with or without warrant of attorney for the confession of judgment. Not less than two hundred dollars of said bonds shall be redeemed each year.

How executed. At least \$200 to be redeemed each year.

Additional taxes may be levied and collected. SECTION 6. That for the purpose of raising the funds necessary to be borrowed under this act, with the interest thereon, and the expenses of procuring this act, the said "Newport Public Schools" is hereby further authorized and empowered to assess, raise and collect, as now provided by law, within the said United School Districts Nos. 21 and 97, in addition to the amount authorized to be raised by the voters at any school election, and in addition to the dividends received from the State as aforesaid, such further sum or sums of money as shall be necessary and sufficient to meet the interest on the money authorized to be borrowed under this act, and to pay the principal as the same shall mature.

Act perpetual. General school law applicable. SECTION 7. That this act 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.

Passed at Dover, April 3, 1895.

OF FREE SCHOOLS.

CHAPTER 22.

OF FREE SCHOOLS.

AN ACT to authorize the Board of Public Education of Marshallton School Districts, Nos. 77, 99 and 99½, in New Castle County, to Borrow Money.

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 "The Board of Public Education of Marshallton," embracing United School Districts 77, 99 and 99½, in New Castle county, is hereby authorized and empowered to borrow money to an amount not exceeding the sum of one thousand dollars, for the purpose of paying for the erection and furnishing of the new schoolhouse in said united district, and the said board shall have full power and authority to make, execute and deliver its bond, or bond and mortgage, to secure the payment of the sum or sums so borrowed.

Marshallton school may borrow \$1000 for erecting and furnishing new schoolhouse.
Loan how secured.

SECTION 2. That this act shall be deemed and taken to be a public act.

Passed at Dover, April 29, 1895.

OF FREE SCHOOLS.

CHAPTER 23.

OF FREE SCHOOLS.

AN ACT to consolidate School Districts Nos. 99, 164 and 187 in Sussex County, 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 therein):

School Dis-
tricts Nos.
99, 164 and
187 con-
solidated.

Managed
by Board of
Education.

SECTION 1. That School Districts Nos. 99, 164 and 187, in Sussex county, as now bounded or as they may hereafter be bounded, be and they are hereby consolidated and united, and they are hereby incorporated into one consolidated district, to be governed and managed by a Board of Education, consisting of five members, to be elected as hereinafter provided.

Style of cor-
poration,
Object.

School age.

SECTION 2. 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 "Bethel Public Schools", whose design and purpose shall be the direction, management and superintendence of the education of the youth in said consolidated districts between the ages of six and twenty-one years, and generally to do all other matters and things necessary to carry into effect the provisions of this act.

Members of
Board of
Education.

Powers.

SECTION 3. That the following named citizens of the said consolidated districts, viz: John M. C. Moore, James B. Conway, William J. Hopkins, James H. Wright and Harvey L. Spicer, 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 purposes aforesaid, and as such shall have full power and authority to devise, establish and modify from time to time a plan and system of education for the youth between the ages aforesaid in the said consolidated districts, and to superintend the same; to appoint, suspend and remove teachers, and provide school houses; to make by-laws, rules and regulations for their own government and for the government of the teachers under their superintendence; to designate and elect officers of the said board, and to fill vacancies, in any manner caused, until the next election for members of the board; and to take, acquire, re-

OF FREE SCHOOLS.

ceive, hold and enjoy, for the purposes aforesaid, moneys and real and personal estate, by bargain and sale, gift, grant, contract, devise or bequest; and that they, as such body corporate, by the name and style aforesaid, may sue and be sued, plead and be impleaded, complain, answer and defend in any court of law or equity in this State or elsewhere, and have and use a common seal, with power to alter or renew the same at pleasure; and shall generally have and possess all the rights, powers, privileges and franchises incident to a corporation, and necessary and convenient for carrying out the purposes of this act.

Seal.

General powers.

SECTION 4. That the persons named as incorporators in this act shall constitute the Board of Education until the last Saturday in June, A. D. one thousand eight hundred and ninety-five, or until their successors are duly elected and qualified. The first election for members of the Board of Education shall take place on the last Saturday of June, A. D. 1895, 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 last Saturday in June annually thereafter to fill vacancies caused by the limitation to the terms of office prescribed, or in any manner whatsoever. The election shall be held in the afternoon, the polls opened at one o'clock, or within thirty minutes thereafter, and closed at four o'clock. The members shall not receive pay or emolument, nor be allowed any compensation for their services, except the secretary, who may be allowed an amount not exceeding twenty dollars in any one year, at the discretion of the board. The board shall elect one of their number president, who shall be the presiding officer of said board, and shall also elect a secretary and a treasurer, who may or may not be a member or members of said board. The offices of secretary and treasurer may be held by the same person. The board shall appoint the place of holding the annual or any special election, and give notice thereof ten days previous to the time of holding said election by handbills, under the signature of the secretary of the board, posted in five of the most public places of the said consolidated districts. A majority of the votes legally cast at said election shall be necessary to elect, and the election shall be held in conformity to the general school laws of the State and certified to as thereby required. A majority of the board shall constitute a quorum at meetings of said board.

Members of board.

First election for members of Board of Education. Terms.

Annual election on last Saturday in June. When held.

No compensation to members of Board.

Secretary may be compensated.

President and secretary of Board.

Notice of annual or special election.

Majority of votes cast to elect.

General school law to govern election and certification. Quorum.

SECTION 5. That all the property, real and personal, and

OF FREE SCHOOLS.

Property of all unpaid taxes belonging to any of the said school districts hereby consolidated, shall belong to and become vested in the said consolidated district hereby incorporated, and that the said Board of Education shall have power and authority to sell, either at public or private sale, and either for cash or upon credit, as they may deem best, and to convey by good and sufficient deed or deeds any real estate now belonging to any of the said districts hereby consolidated and to apply the proceeds of said sale or sales to the purchase of a site for and the erection of a new school building for said consolidated district. And the said Board of Education is hereby expressly empowered to purchase a site within the limits of said consolidated district and to erect thereon a suitable school building for the use of the said consolidated district; *provided*, that in case they are unable to purchase said site, and should have to appeal to the Levy Court to appoint commissioners to select a site, said commissioners so appointed shall have and are hereby given power to select a site not exceeding five acres in quantity.

SECTION 6. That it shall be lawful for the said Board of Education, and they are hereby expressly authorized and empowered to use, in the purchase of a suitable site and the erection of a school building thereon, any money or moneys that may be in the hands of any of the officers of any of the districts hereby consolidated and any taxes now unpaid, and to borrow a sum of money which, together with the surplus money and unpaid taxes and the moneys arising from the sale or sales of the real estate of the districts hereby consolidated, as hereinbefore authorized to be made, shall be equal to the entire cost of the said site and building so authorized to be erected thereon; *provided*, however, that the sum so borrowed as aforesaid does not exceed the sum of three thousand dollars, and the sum so borrowed shall be made payable in twenty equal annual installments, and be secured by bond, or bond and mortgage, bearing interest at the rate of six per centum per annum, which said bond, or bond and mortgage, shall be signed by the president of the said Board of Education and attested by the secretary, and have the common seal of the said corporation thereto affixed.

SECTION 7. That it shall be lawful for the said Board of Education to levy and collect, in like manner as school taxes are now or may hereafter be levied and collected, such sum of money as shall, in their judgment, be sufficient to carry on the schools in said consolidated districts, and also such

OF FREE SCHOOLS.

additional sum of money as will be sufficient to pay off the annual interest and installments mentioned in Section 6 of this act; *provided*, that the sum so raised for the purpose of carrying on the schools as aforesaid shall not exceed the sum of five hundred dollars in any one year. Not exceeding \$500 annually.

SECTION 8. That each member of the Board of Education, and each officer by them appointed, 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 or any member of said board, as well as by any officer authorized by law to administer oaths. Members and officers of board to take oath of office. By whom administered.

SECTION 9. That the treasurer, before entering upon the duties of his office, shall give bond to said board, with sufficient surety, for the faithful application of all moneys which may come into his hands as such treasurer. Treasurer to give bond.

SECTION 10. That this act shall be deemed and taken to be a public act.

Passed at Dover, March 6, 1895.

CHAPTER 24.

OF FREE SCHOOLS.

A SUPPLEMENT to the Act entitled "An act to establish a Board of Education for the Town of Lewes, and to incorporate the Same and for other Purposes," being Chapter 53, Volume 15, Delaware Laws.

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

SECTION 1. Every part of the original charter of said Board of Education, and of the supplements thereto, now in force, as well all and every the provisions of all and every All laws relative to Board of Education of Lewes

OF FREE SCHOOLS.

renewed
and ex-
tended for
20 years.

the acts of the General Assembly of the State of Delaware as are now in force, whereby any right, power, franchises, privilege or immunity is granted to or vested in the said corporation, be and the same are hereby extended and continued in force for the period of twenty years from and after the eighth day of March in the year of our Lord one thousand eight hundred and ninety-five, and the said corporation shall, during the said term, have, hold, enjoy and possess all and every the franchises, powers, rights, privileges and immunities which are now vested in and enjoyed by the said corporation by any law of the State of Delaware.

SECTION 2. That this act shall be deemed and taken to be a public act.

Passed at Dover, March 26, 1895.

*CHAPTER 25.

OF FREE SCHOOLS.

AN ACT to enable United School Districts Nos. 44 and 150, Sussex County, to secure a School Lot and Title to the same.

WHEREAS, It appears that United School Districts Nos. 44 and 150, of Sussex county, has no title to the land upon which the school building now stands nor to the school lot formerly used and occupied as a school lot, and that the owners of the lands refuse to sell and convey the same necessary for the needs and uses thereof; therefore

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

Com-
mis-
sioners to
select lot for
schoolhouse
and assess
damages.

SECTION 1. That Isaac N. Fooks, John C. Rodney and Thomas S. Lambden, freeholders, are hereby appointed commissioners and authorized to locate and select a site for a school lot in said school districts of not less than one nor more than two acres, the same to be so fixed and located so as to embrace or include the schoolhouse as the same is now fixed and located in said districts. And at the same time

OF FREE SCHOOLS.

and place they shall assess the damages of the owner or owners, making the same at least the cash value of the land taken, and they shall certify their award to both parties, owners and commissioners of said United School Districts, whereupon upon payment of the damages so assessed the said land so taken shall become and be the property of the said United School Districts for the purpose aforesaid.

To certify
award to
parties.

SECTION 2. That in case any such owner or owners of said lands so selected be a minor, or non-resident, or from any cause incapable of receiving, or unwilling or neglecting to receive, the said damages, the said school commissioners may deposit the same, to the credit of such owner or owners, in the Farmers' Bank of the State of Delaware, or any branch thereof, and such deposit shall operate as payment.

Damages
may be paid
into bank.
When.

SECTION 3. That the commissioners appointed by this act shall, after they have condemned or selected a site as aforesaid, have the same surveyed, a plot thereof made, representing the courses and distances, and attach or append the same to a written report to be by them made, of their proceedings, and file the same in the office of the Recorder of Deeds, there to be by him recorded.

Site to be
surveyed
and plot
made and
recorded.

SECTION 4. That the school commissioners of said United School Districts shall levy a separate and distinct tax upon all the taxables of said United Districts, and in the same manner as school taxes are generally assessed, for the purpose of paying the award for damages and the necessary expenses incurred by virtue of this act.

Damages
and ex-
penses of
new site to
be raised by
separate
tax.

SECTION 5. That the commissioners appointed by this act are hereby authorized to administer to each other the oath to perform their duty with fidelity.

Commis-
sioners may
administer
oath to
each other.

SECTION 6. That this act shall be deemed and taken to be a public act.

Passed at Dover, April 12, 1895.

OF FREE SCHOOLS.

CHAPTER 26.

OF FREE SCHOOLS.

AN ACT to create an Additional School District in Sussex County, Delaware.

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

Now school district created.

Limits.

To be numbered 138¹/₂.

General school law applicable.

First meeting first Saturday in June, 1895.

Election of commissioners.

Term of office.

Commissioners to select site and build schoolhouse not to exceed \$50.

SECTION 1. That there shall be and hereby is laid off from School Districts Nos. 71 and 138, of Sussex county, the following parts included within these lines, to wit: Beginning at the point on the Delaware Railroad south of Cannon's Station, where said railroad intersects the branch leading to the mill pond of M. W. Hearn; thence in an easterly, northerly and westerly direction, following the run of said branch until it strikes the Delaware Railroad north of said Cannon's Station; thence crossing said railroad in a westerly, southerly and easterly direction with a line which includes the farms of Burton Layton, lately deceased, James Friedef, Charles Friedef, John B. Allen, J. Wilber Allen, John T. Wootten, and lands of others, to the place of beginning, and the parts included within the said limits shall be a separate school district—that is to say, School District No. 138¹/₂ in Sussex county—and shall have and enjoy all the powers and privileges of an original school district in Sussex county, and all the laws of this State applicable to the school districts of the State generally shall apply to the said district No. 138¹/₂, so laid off.

SECTION. 2. *And be it further enacted,* That the school voters of the said district shall meet on the first Saturday in June next at the storehouse of H. C. Adams and 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 said county may lawfully do.

SECTION 3. *And be it further enacted,* That said commissioners so elected shall be authorized and empowered to select a site and build a schoolhouse for said district not to cost over three hundred and fifty dollars and for that purpose shall levy a tax over and above the amount now required by law, to

OF FREE SCHOOLS.

be raised in the following manner, to wit: One hundred dollars thereof the first year, and fifty dollars each succeeding year until said schoolhouse is paid for; and shall also be authorized and empowered to execute and deliver, as commissioners of said district, for the purpose of obtaining the money to build said schoolhouse at once, a judgment bond for the amount required, not exceeding the amount hereinbefore mentioned as the cost of said schoolhouse. Said bond to be a lien on said schoolhouse and to be payable on terms in accordance to* the provisions for the levying of the tax for the building as hereinbefore provided for, and said bond is only to be a lien against said district and not against the parties signing it as commissioners.

Manner of raising funds to meet same.
May borrow money.

How secured.

SECTION 4. *And be it further enacted*, That the Secretary of State be and is hereby directed to notify the Clerk of the Peace of Sussex county of the passage of this act.

Passed at Dover, April 19, 1895.

CHAPTER 27.

OF FREE SCHOOLS.

AN ACT for the relief of United School Districts 125 and 171 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 school committee of United School Districts Nos. 125 and 171 in Sussex county, or their successors in office, be and they are hereby directed, authorized and empowered to dispose of the old schoolhouses of the said United School Districts to the highest bidder at public sale, and to erect and build or cause to be erected and built in the place thereof and on the same lot of land and premises a suitable new school building for the use of the said United School Districts, at a cost not to exceed the sum of eight hundred dollars in addition to the moneys that may be derived from the sale of the said old schoolhouse.

May dispose of old school house and erect a new one.

Cost not to exceed \$800 in addition to proceeds of old house.

* So enrolled.

OF FREE SCHOOLS.

May borrow
not exceed-
ing \$800.

SECTION 2. That the said school committee is hereby further authorized and empowered to borrow any sum of money, not exceeding eight hundred dollars, for the purpose of carrying into execution the provisions of Section 1 of this act, and are hereby further authorized to borrow the same at one time, or at different times in different sums, of one or more individuals; *provided*, that in the whole they shall not borrow more than eight hundred dollars for the purpose aforesaid.

Loan, how
secured.

SECTION 3. 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 the interest thereon, the said committee is authorized and empowered to make, execute and deliver to the loaner or loaners the bond or bonds or a mortgage or mortgages upon any or all the real estate owned by said United Districts at the time of the execution thereof, which bond or bonds or mortgage or mortgages shall be signed by the school committee and shall be sealed by * the seal of the said United School Districts hereinafter provided for; such bond or bonds or mortgage or mortgages shall be made to become due and payable in eight equal annual instalments, and the accrued interest on the whole sum unpaid, and shall bear interest at any rate not exceeding six per centum per annum.

Payable in
eight equal
annual in-
stalments.

May collect
additional
taxes to
meet pay-
ments.

SECTION 4. That for the purpose of raising the funds necessary to pay the money authorized to be borrowed by this act, with its interest, the school committee of the said United School Districts is hereby authorized and empowered to levy, raise and collect in each year, as now provided by law, in addition to the amount required to be raised for general school purposes, such sum as shall be necessary to pay each annual instalment of the amount which shall be borrowed under this act, with the accrued interest on the whole sum unpaid.

Seal

SECTION 5. That to enable the said school committee to properly execute the bond or bonds, mortgage or mortgages, contemplated by this act, the said committee is hereby authorized and required to procure a common seal with the device "United School Districts Nos. 125 and 171 in Sussex County, Del.", thereon marked or engraved, which seal shall be affixed to the said bond or bonds, mortgage or mortgages, at the time they are executed.

* So enrolled.

OF FREE SCHOOLS.

SECTION 6. That the proceeds of the sale of the old schoolhouse now belonging to the said United School Districts shall be applied to the payment of the cost of erecting said new schoolhouse or to the payment of the money borrowed under this act. Proceeds of sale of old schoolhouse to be applied to cost of new.

SECTION 7. That this act shall be deemed and taken to be a public act.

Passed at Dover, April 23, 1895.

CHAPTER 28.

OF FREE SCHOOLS.

AN ACT [to] transfer the farm of John Soreath from School District No. 103, New Castle County, to School District No. 92, same 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 John Soreath, now situated in School District No. 103 in New Castle county, be and the same is hereby transferred from said district No. 103, and shall hereafter constitute a part of school district No. 92 in said county. Farm of John Soreath transferred from district No. 103 to district No. 92.

SECTION 2. That from and after the passage of this act the aforesaid farm shall be assessed for school purposes in the said School District No. 92 of New Castle county.

SECTION 3. That this act shall be deemed and taken to be a public act.

Passed at Dover, April 15, 1895.

OF FREE SCHOOLS.

CHAPTER 29.

OF FREE SCHOOLS.

AN ACT to transfer the farm of Helen M. Stout from School District No. 35 to School Districts Nos. 94, 126 and 127, Kent County.

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

Farm of
Helen M.
Stout
transferred
from Dis-
trict No. 35
to Districts
Nos. 94, 126
and 127.

SECTION 1. That the farm of Helen M. Stout, now in the limits of School District No. 35 in Kent county, be and the same is hereby transferred to and shall hereafter form a part of School Districts Nos. 94, 126 and 127 in Kent county aforesaid; and the said Helen M. Stout, and all and every other person or persons residing on the said lands, or who may hereafter reside thereon, shall enjoy all the advantages and privileges and shall be subject to all the duties and liabilities of taxables of said School Districts Nos. 94, 126 and 127 in Kent county, and they are hereby relieved and discharged from the same in School District No. 35 in Kent county.

SECTION 2. That this act shall be deemed and taken to be a public act.

Passed at Dover, March 4, 1895

CHAPTER 30.

OF FREE SCHOOLS.

AN ACT transferring the farm now belonging to James E. Barcus, and situate in School District No. 38, in Kent County, from said District No. 38 to School District No. 120, in said County.

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

Farm of
James E.
Barcus
transferred
from Dis-
trict No. 38
to No. 120.

SECTION 1. That the farm belonging to James E. Barcus, situate in School District No. 38, Kent county, shall hereafter be and form a part of School District No. 120, in Kent

OF FREE SCHOOLS.

county aforesaid; and all and every the persons residing on the said land and farm herein mentioned, and all persons who may hereafter reside thereon, shall enjoy all the advantages and privileges, and that the said James E. Barcus 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 District No. 120; *and further*, they are hereby relieved and discharged from the same in said district No. 38, in Kent county aforesaid.

SECTION 2. This act shall be deemed and taken to be a public act.

Passed at Dover, April 16, 1895.

CHAPTER 31.

OF FREE SCHOOLS.

AN ACT transferring the house and farm of Wm. W. Taylor from School District No. 72, in Kent County, to consolidated School Districts Nos. 22 and 99, 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 house and farm of Wm. W. Taylor, now situate and lying in School District No. 72 in Kent county, be and the same is hereby transferred to and the same shall hereafter form a part of consolidated School Districts Nos. 22 and 99, in Kent county aforesaid; and every person residing upon the premises within named, or who may hereafter reside thereon, shall enjoy all the rights and privileges and be subject to all the liabilities of taxables of said consolidated School Districts Nos. 22 and 99.

Passed at Dover, April 19, 1895.

OF FREE SCHOOLS.

CHAPTER 32.

OF FREE SCHOOLS.

AN ACT to transfer the farm of Charles E. Russell from School District No. 71 to School District No. 143, Sussex County.

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

Charles E.
Russell's
farm trans-
ferred to
District
No. 143.

SECTION 1. That the farm of Charles E. Russell be and it is hereby transferred from School District No. 71 to School District No. 143, Sussex county, and shall be subject to taxation and all other duties and shall have all the privileges pertaining to property in School District No. 143, Sussex county.

SECTION 2. This act shall be deemed and taken to be a public act.

Passed at Dover, January 31, 1895.

CHAPTER 33.

OF FREE SCHOOLS.

AN ACT to transfer the farm of Garrison F. McCabe from School District No. 167 to School District No. 128, in Sussex County.

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

Lands of
Garrison F.
McCabe
transferred
from School
District No.
167 to Dis-
trict No. 128

SECTION 1. That the house and lands of Garrison F. McCabe, now in the limits of School District No. 167 in Sussex county, be and the same are hereby transferred to and shall hereafter form a part of School District No. 128 in Sussex county aforesaid; and the said Garrison F. McCabe and all and every other person or persons residing on the said lands, or who may hereafter reside thereon, shall enjoy all the advantages and privileges and shall be subject to all the duties and liabilities of taxables of said School District

OF FREE SCHOOLS.

No. 128 in Sussex county, and they are hereby relieved and discharged from the same in School District No. 167 in Sussex county.

SECTION 2. That this act shall be deemed and taken to be a public act.

Passed at Dover, February 11, 1895.

CHAPTER 34.

OF FREE SCHOOLS.

AN ACT [to] transfer the lands of Joseph W. Veasey, situated in School District No. 18 in Sussex County, from said School District No. 18 to School District No. 88 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 belonging to Joseph W. Veasey, situated in School District No. 18, Sussex county, shall hereafter be and form a part of School District No. 88, in Sussex county aforesaid; and all and every the persons residing on said lands and farm herein mentioned, and all persons who may hereafter reside thereon, shall enjoy all the advantages and privileges, and that the said Joseph W. Veasey and the person or persons hereafter owning said lands and farm, or living on the same, shall be subject to all the duties and liabilities of taxables of said School District No. 88; *and further*, that they are hereby relieved and discharged from the same in said District No. 18 in Sussex county aforesaid.

Joseph W. Veasey's farm transferred to District No. 88.

From District No. 18.

SECTION 2. This act shall be deemed to be a public act.

Passed at Dover, February 25, 1895.

OF FREE SCHOOLS.

CHAPTER 35.

OF FREE SCHOOLS.

AN ACT to transfer the farm of Caleb M. McCabe from School District No. 119 to School District No. 31, in Sussex County.

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

Lands of
Caleb M.
McCabe
transferred
from Dis-
trict No. 119
to District
No. 31.

SECTION 1. That the house and lands of Caleb M. McCabe, now in the limits of School District No. 119 in Sussex county, be and the same are hereby transferred to and shall hereafter form a part of School District No. 31 in Sussex county aforesaid; and the said Caleb M. McCabe and all and every other person or persons residing on the said lands, or who may hereafter reside thereon, shall enjoy all the advantages and privileges and shall be subject to all the duties and liabilities of taxables of said School District No. 31 in Sussex county, and they are hereby relieved and discharged from the same in School District No. 119 in Sussex county.

SECTION 2. That this act shall be deemed and taken to be a public act.

Passed at Dover, February 26, 1895.

CHAPTER 36.

OF FREE SCHOOLS.

AN ACT to transfer the farms of John W. Layton and Luther C. Roberts from School District No. 26 to School District No. 123, in Sussex County.

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

Lands of
John W.
Layton and
Luther C.
Roberts
transferred
from Dis-
trict No. 26
to District
No. 123.

SECTION 1. That the houses and lands of John W. Layton and Luther C. Roberts, now in School District No. 26 in Sussex county, be and the same are hereby transferred to and shall hereafter form a part of School District No. 123 in

OF FREE SCHOOLS.

Sussex county aforesaid; and the said John W. Layton and Luther C. Roberts, and all and every other person or persons residing on the said lands, or who may hereafter reside thereon, shall enjoy all the advantages and privileges and shall be subject to all the duties and liabilities of taxables of said School District No. 123 in Sussex county, and they are hereby relieved and discharged from the same in School District No. 26 in Sussex county.

SECTION 2. That this act shall be deemed and taken to be a public act.

Passed at Dover, March 1, 1895.

CHAPTER 37.

OF FREE SCHOOLS.

AN ACT to transfer a part of the farm of Elizabeth W. Mathews from School District No. 40 to School District No. 43, in Sussex County, Delaware.

WHEREAS, The dividing line between School Districts Nos. 40 and 43, in Broad Creek hundred, Sussex county, Delaware, so runs across the farm of Elizabeth W. Mathews as to cut off the mansion with about 20 acres of land to School District No. 40, making the distance to attend school about twice as great as it otherwise would be if the line should be changed so as to include the whole of said farm in District No. 43; 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. 40 and 43 be and the same is hereby changed so as to include the whole of the farm of Elizabeth W. Mathews in School District No. 43, and in the county aforesaid.

SECTION 2. That from and after the passage of this act the aforesaid farm and mansion shall be assessed for school purposes in School District No. 43 in Sussex county, and is hereby released and discharged from the same in School District No. 40 in said county.

SECTION 3. That this act shall be deemed and taken to be a public act.

Passed at Dover, March 6, 1895.

Part of
farm of
Elizabeth
W.
Mathews
transferred
from Dis-
trict No. 40
to District
No. 43.

OF FREE SCHOOLS.

CHAPTER 38.

OF FREE SCHOOLS.

AN ACT to transfer the farm of Gardner R. Marvel from School District No. 42, in Sussex County, to School District No. 34.

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

Farm of Gardner R. Marvel transferred from District No. 42 to District No. 34.

SECTION 1. That the farm and premises of Gardner R. Marvel, now situated and lying in School District No. 42 in Sussex county, be and the same is hereby transferred to School District No. 34 in said county, and shall hereafter constitute a part of said District No. 34.

Hereafter to be assessed in No. 42 only.

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. 34, in Sussex county, and not in School District No. 42.

Passed at Dover, April 8, 1895.

CHAPTER 39.

OF REFORM SCHOOLS.

AN ACT to amend an act entitled "An act to incorporate the Delaware Industrial School for Girls."

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):

Levy Court of New Castle county may appropriate \$1000 annually to Industrial School for Girls.

SECTION 1. Amend an act entitled "An act to incorporate the Delaware Industrial School for Girls" by adding after the word "thereafter" in the last line of Section 7 of said act the following words: "The Levy Court of New Castle county shall have authority to make an appropriation or appropriations annually to the said corporation for the purposes of its incorporation; *provided*, however, that the appropriation shall not exceed the sum of one thousand dollars in any one year."

Passed at Dover, April 15, 1895.

OF THE PUBLIC HEALTH.

CHAPTER 40.

OF THE PUBLIC HEALTH.

AN ACT regulating the Practice of Medicine and Surgery in this State.

WHEREAS, The safety of the public may be endangered by incompetent physicians and surgeons, and due regard for public health and the preservation of human life demands that none but competent and properly-qualified physicians and surgeons shall be allowed to practice their profession; therefore,

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 established a Medical Council of Delaware, consisting of the Chief Justice of the State and of the Presidents of the two State Boards of Medical Examiners provided for in this act. Medical council established. Members of

SECTION 2. The said Council shall be known by the name and style of the "Medical Council of Delaware", and may make and adopt all necessary rules, regulations and by-laws for their own government, not inconsistent with the laws of this State or of the United States, and shall have power to locate and maintain an office within this State for the transaction of business. Two members of said Council shall constitute a quorum for the transaction of business. Style. Powers. Quorum.

SECTION 3. The said Council shall organize within ten days from the date of the organization of the two Boards of Medical Examiners, and shall elect from its own number a president and a secretary, who shall also act as treasurer, both of whom shall hold their offices for one year, or until their successors are chosen. Organization. Officers.

SECTION 4. The members of said Council shall receive, in addition to their necessary expenses, five dollars per day each for each meeting of the Council, but said per diem shall not exceed in any one year more than fifteen dollars, the same to be paid out of the fees hereinafter provided for. Compensation.

SECTION 5. The said Medical Council shall hold two stated meetings in each year, and may hold special meetings at such times as it may deem proper. It shall issue certificates for license to practice medicine and surgery to such Meetings. Shall issue certificates to practice medicine.

OF THE PUBLIC HEALTH.

applicants as have presented such diplomas as hereinafter required and successfully passed the examination hereinafter provided, and the said Medical Council shall have no powers, duties or functions except as provided for in this act.

Powers limited.

SECTION 6. That from and after the passage of this act there shall be, and continue to be, two separate Boards of Medical Examiners for the State of Delaware, one representing "The President and Fellows of the Medical Society of Delaware", and the other "The Homœopathic Medical Society of Delaware State and Peninsula".

Two boards of medical examiners.

Styles.

Member.

Terms of office.

Each board shall consist of five members, and each of said number shall serve for a term of two years from the first day of March next after appointment, with the exception of those first appointed, who shall serve as follows, namely: two of each board for one year, and three of each board for two years, from the first day of March, A. D. 1895.

Governor to appoint from lists of names submitted by societies.

The Governor shall appoint the members of said Board of Examiners, respectively, from the lists of members submitted by said medical societies residing in this State, which lists shall, within ten days from the passage of this act, and on or before the first day of every January thereafter, be transmitted to the Governor under the seal and signed by the secretary of the society so nominating.

When lists are not submitted Governor to appoint without.

Qualification of members.

From these lists of nominees, respectively, the Governor shall, within ten days after the receipt thereof, appoint two separate Boards of Medical Examiners, each board to be composed exclusively of members of the same medical society. In case of the failure of either of the said societies to submit lists as aforesaid, the Governor shall appoint members in good standing of the corresponding society entitled to nominate without other restrictions.

Vacancies.

Removals for cause.

Each one of the said appointees must be a registered physician in good standing, and shall have practiced medicine or surgery under the laws of this State for a period of not less than five years prior to such appointment.

The Governor shall fill vacancies by death or otherwise* for unexpired terms of said examiners from the lists submitted as aforesaid, and may remove any member of either of said boards for continued neglect of the duties required by this act, or on recommendation of the medical society of which said member may be in affiliation for unprofessional or dishonorable conduct.

* So enrolled.

OF THE PUBLIC HEALTH.

The Governor shall in his first appointments designate the number of years for which each appointee shall serve.

In first appointments Governor to designate term.

The appointments of successors to those members whose terms of office will expire on the first day of March of each year shall be made by the Governor during the first ten days of January of such year, upon the same conditions and requirements as hereinbefore specified with reference to the appointment of two separate Examining Boards, each to be composed exclusively of members of the same medical society, as hereinbefore provided.

Annual appointments.

SECTION 7. Said boards shall be known by the name and style of "Boards of Medical Examiners of the State of Delaware". Every person who shall be appointed to serve on either of said boards shall receive a certificate of appointment from the Secretary of State under his hand. Each of said Boards of Examiners shall make and adopt all necessary rules, regulations and by-laws, not inconsistent with the laws of this State or of the United States, whereby to perform the duties and transact the business required under the provisions of this act.

Style of boards.

Certificate of appointment from Secretary of State.

By-laws.

SECTION 8. From the fees provided by this act the Medical Council shall pay, not to exceed said income, all proper expenses incurred by its provisions; and if any surplus above said expenses shall remain at the end of any year, it shall be apportioned among said medical societies pro rata according to the number of candidates examined by each.

Expenses.

How paid.

Surplus of income, how disposed of.

SECTION 9. The first meeting of each of the examining boards, respectively, shall be held on the first Tuesday of July, 1895. At such meeting of each of the boards, respectively, an organization shall be effected by the election from their own membership of a president and secretary, for the purpose of examining applicants for certificate for license. Each of said Boards of Medical Examiners shall hold two or more stated or special meetings in each year, due notice of which shall be made public at such times and places as they may determine. At said stated or special meetings a majority of the members of either board shall constitute a quorum thereof, but the examination may be conducted by a committee duly authorized by said boards.

First meeting of each board.

Organization.

Meetings.

Quorum.

SECTION 10. Each Board of Medical Examiners, not less than one week prior to each examination, shall submit to the Medical Council of Delaware questions for thorough examinations in anatomy, physiology, hygiene, chemistry, surgery,

Questions for examination.

OF THE PUBLIC HEALTH.

obstetrics, pathology, diagnosis, therapeutics, practice of medicine and materia medica.

Candidate examined by school of his choice. The Medical Council shall select the questions for such examinations from the lists of questions submitted by the Board of Medical Examiners of the candidate's election; and should there be candidates for examination of any other school than the two designated in this act, they shall be examined by the Council and some reputable practitioner in this State of such school, by said Council to be selected, upon questions selected from standard text books on the above subjects as taught by the school selected by the candidate.

Examinations shall be in writing. **Report.** SECTION 11. Said examinations shall be conducted in writing in accordance with the rules and regulations prescribed by the respective Boards of Medical Examiners, and shall embrace the subjects named in Section 10 of this act. After each examination the Board of Medical Examiners having charge thereof shall, without unnecessary delay, act on the same. An official report of such action, signed by the president, secretary and each acting member of said Board of Medical Examiners, stating the result of examination, shall be transmitted to the Medical Council.

Medical Council to issue certificates. SECTION 12. On receiving from either of said Boards of Medical Examiners such official report of the examination of any applicant for certificate for license, the Medical Council shall issue forthwith to each applicant who shall have been returned as having successfully passed the examination a certificate to that effect.

Record to be kept. The Medical Council shall keep a record of all certificates, when and to whom issued.

Qualifications of candidates for certificates to practice medicine. SECTION 13. From and after the passage of this act any person not heretofore authorized to practice medicine and surgery in this State, and desiring to enter upon such practice, shall deliver to the Secretary of the Medical Council, upon the payment of a fee of ten (\$10) dollars, a written application for examination, together with satisfactory proof that the applicant is more than twenty-one years of age, is of good moral character, has obtained a competent common school education, and has received a diploma conferring the degree of medicine from some legally-incorporated medical college. Applicants who have received their degree in medicine after the passage of this act must have pursued the study of medicine for at least four years, including three reg-

OF THE PUBLIC HEALTH.

ular courses of lectures in different years, in some legally incorporated medical college or colleges prior to the granting of said diploma. Such proof, if required, shall be made upon affidavit. Upon making of said payment and proof, the Medical Council shall issue to said applicant an order for examination before such one of the State Boards of Medical Examiners as the applicant for certificate may select. In case of failure at any such examination the candidate, after the expiration of six months and within two years, shall have the privilege of a second examination by the same board to which application was first made, without the payment of an additional fee, but if after six months and before two years from such examination said application shall be withdrawn the said ten (\$10) [dollars] shall upon demand be returned.

Examina-
tion.Second ex-
amination.

SECTION 14. That from and after the passage of this act it shall not be lawful for any person to practice medicine or surgery in this State without having obtained a license therefor as hereinafter provided.

Unlawful to
practice
medicine
without
license as
herein
provided.

SECTION 15. The Clerk of the Peace of any of the counties of this State shall issue a license signed by the Governor and countersigned by the Secretary of State and sealed with the seal of his office, certifying that such person is authorized to practice medicine and surgery in this State, conformably to the laws thereof, to any person who shall present to him a certificate as provided in this act, or who shall have been qualified in one of the counties of this State prior to the passage of this act, and to no other person.

Clerk of
Peace to
issue license

SECTION 16. The provisions of this act shall not apply to physicians who are practitioners of any other State coming into this State in consultation with any lawful practitioner of medicine and surgery in this State.

Physicians
of other
States in
consulta-
tion ex-
cepted.

SECTION 17. Any person practicing or attempting to practice medicine or surgery within this State contrary to the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof in the Court of General Sessions of the Peace and Jail Delivery of the county wherein the offense was committed shall pay a fine of not more than five hundred (\$500.00) [dollars] nor less than one hundred (\$100.00) dollars or be imprisoned for a term of not more than one year.

Practicing
medicine
contrary to
this act mis-
demeanor.

Fine.

Imprison-
ment.

SECTION 18. That this act shall not in any way apply to dentists or to dental surgery.

Dentists not
included.

OF THE PUBLIC HEALTH.

Chapter 117,
Vol. 13, not
affected.

SECTION 19. All other acts or parts of acts regulating the practice of medicine and surgery in this State are hereby repealed ; but nothing herein contained shall in any way interfere with the operation of Chapter 117, Volume 13, Laws of Delaware, relating to revenue.

Passed at Dover, April 18, 1895.

TITLE EIGHTH.

Of the General Police.

CHAPTER 41.

GENERAL PROVISIONS RESPECTING THE POLICE.

AN ACT for the Suppression of Betting and Wagering upon Contests of Skill or Speed.

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

SECTION 1. That any person who keeps, exhibits or uses, or who is concerned in interest in keeping, exhibiting or using, any book or books, device, apparatus or paraphernalia, for the purpose of receiving, recording, or registering bets or wagers upon the result of any trial, or contest, in the State of Delaware, or elsewhere, of skill, speed or power of endurance of man or beast; and any owner, lessee or occupant of any room, house, building, enclosure, or place of any kind, who keeps, exhibits, uses or employs therein, or permits or allows to be kept, exhibited, used or employed therein, or who is concerned in interest in keeping, exhibiting, using or employing therein any book, or books, device, apparatus or paraphernalia, for the purpose of receiving, recording or registering such bets, or wagers, or of forwarding in any manner any money, thing or consideration of value for the purpose of being bet or wagered upon the result of any trial or contest as aforesaid; and every person who records or registers such bets, or wagers, or who receives, contracts, or agrees to receive any money or thing of value for the purpose, or with the intent to bet or wager, for himself or any other person or persons, such money or thing of value, or any part thereof, or the equivalent thereof,

Unlawful to keep or use book or device for recording bets.

Owner or occupant of premises guilty.

Person employed to receive or register bet guilty.

OF TAVERNS, ALE HOUSES AND VICTUALLING HOUSES.

Misdemeanor.

Conviction.

Fine.

Imprisonment.

or of any part thereof, upon the result of any trial or contest in the State of Delaware, or elsewhere, of skill, speed or power of endurance of man, or beast, shall be deemed guilty of a misdemeanor, and upon conviction thereof by the Court of General Sessions of the Peace and Jail Delivery of the State shall be fined not less than one hundred dollars, or more than two thousand dollars, and in default of the payment thereof shall be imprisoned for a term of not less than three months, or more than two years.

Passed at Dover, April 6, 1895.

CHAPTER 42.*

OF TAVERNS, ALE HOUSES AND VICTUALLING HOUSES.

AN ACT to amend Section 4 of Chapter 381, Volume 15, Laws of Delaware, now published as Section 24 of Chapter 53 of the amended Revised Code.

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

Section 4,
Chapter 381
Volume 15,
amended.

Hotel license may be assigned.

To be approved by Associate Judge.

Assignment and approval to be recorded by Clerk of the Peace.

Fee.

Effect.

SECTION 1. That said Section 24 of said Chapter 53 of the amended Revised Code be and the same is hereby amended by striking out all of said Section and substituting therefor the following: "Section 24. All licenses granted under the provisions of this act, and the amendments thereto, may be assigned to an incoming tenant, with the approval of the associate judge residing in the county in which the license is granted, and the assignee, or his attorney, shall forthwith cause an entry of the date of such approval and assignment and to whom made to be entered by the clerk of the peace for such county on the record of the original license contained in the docket provided for by Section 13 of said Chapter 53 of the said amended Revised Code. The fee to be paid to the clerk of the peace for such entry shall be one dollar to be paid by the assignee. Said assignee after the entry of said approval as aforesaid shall be held to be licensed for the same purposes for which the assignor was licensed, and subject to all the liabilities and penalties imposed upon the assignor "

Passed at Dover, February 21, 1895.

* See Chapter 43, current volume.

OF TAVERNS, ALE HOUSES AND VICTUALLING HOUSES.

CHAPTER 43.

OF TAVERNS, ALE HOUSES AND VICTUALLING HOUSES.

AN ACT to repeal the act entitled "An act to amend Section 4, Chapter 381, Volume 15, Laws of Delaware," now published as Section 24, Chapter 53 of the Amended Revised Code.

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 amend Section 4, Chapter 381, Volume 15, Laws of Delaware, now published as Section 24, Chapter 53 of the amended Revised Code", passed at the present session of the General Assembly, be and the same is hereby repealed and made absolutely null and void, and the provisions of said section be and the same are hereby restored, renewed and re-enacted with the same force and effect as that which they had, held and obtained prior to the passage of the said act hereby repealed.

Chapter 42,
Current
Volume, re-
pealed.

Passed at Dover, April 6, 1895.

CHAPTER 44.

OF FISH, OYSTERS AND GAME.

AN ACT to amend Chapter 653, Volume 19, 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 653, Volume 19, Laws of Delaware, be and the same is hereby amended by inserting in the eighth line of Section 53 of said chapter before the word "for" and after the words "Murderkill river" in said section the words "Mispillion river, Broadkill river and sound".

Oysters not
to be taken
from Mur-
derkill,
Mispillion
and Broad-
kill rivers
and sound
for planting
in Dela-
ware-bay.

SECTION 2. That said chapter be and the same is hereby further amended by adding to Section 55 of said chapter the words "and in case of the sale or disposal of the said quan-

OF DITCHES.

Not to be
sold to be
carried
away by
vessel.

tity of twelve bushels or any part thereof taken or caught from the waters of Mispillion river, Broadkiln river or Broadkiln sound, it shall not be lawful to sell or dispose of the same or any part thereof to be transported or carried away through the mouths of said Mispillion river or Broadkiln sound into the Delaware bay by any boat or vessel whether for planting or for consumption as food or for any other purpose".

Passed at Dover, February 8, 1895.

CHAPTER 45.

OF DITCHES.

A SUPPLEMENT to the act entitled "An act to incorporate The Hudson's 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):

Commis-
sioners to
lay out ex-
tension of
Hudson's
Branch
Ditch.

SECTION 1. That Ezekiel C. Frasher, John Heyd and Charles Warren, be and they are hereby appointed commissioners to go upon the lands hereinafter described and lay out an extension of Hudson's Branch Ditch, as follows:

Location.

Beginning at the point where the eastern end of said ditch is now located and following the branch or water course of Hudson's Branch to a point on said stream one hundred yards east of the bridge (crossing said stream or branch) on the State road leading from Canterbury to Milford.

Powers of
Commis-
sioners.

SECTION 2. That the said commissioners shall have the same powers, and be subject to the same restrictions and limitations as is provided in regard to the commissioners appointed under the act to which this is a supplement to lay out the said "Hudson's Branch Ditch" as the same now exists.

Passed at Dover, March 4, 1895.

OF DITCHES.

CHAPTER 46.

OF DITCHES.

AN ACT to amend and supplement the act entitled "An act to incorporate The Saint Augustine Marsh Company", passed at Dover, April 20, 1893.

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 Section 3 of the act to which this is a supplement be and the same is hereby amended by correcting the name of the first-named commissioner so that it shall read William Pierson Biggs in lieu of William Pierce Biggs. Name of Commissioner corrected.

SECTION 2. That the time for the completion of the survey and the return by the commissioners of the certificate of their proceedings, as provided in said Section 3 of the said act, be and the same is hereby extended until the expiration of one year after the passage of this act. Time for return of Commissioners extended.

SECTION 3. That this act shall be deemed and taken to be a public act.

Passed at Dover, March 4, 1895.

CHAPTER 47.

OF DITCHES.

AN ACT to amend the act entitled "An act re-incorporating The Marshy Hope Improvement Company", passed at Dover, February 21, 1861.

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 the act entitled "An act re-incorporating The Marshy Hope Improvement Company", passed at Dover, February 21, 1861, be and the same is hereby amended by striking out the words "resident in Kent" Two of Commissioners to be resident in Kent and one in Sussex.

OF DITCHES.

county" in the fourth and fifth lines of Section 4 thereof, and inserting in lieu thereof the following: "two of whom shall be resident in Kent county and one of whom shall be resident in Sussex county".

Passed at Dover, April 16, 1895.

CHAPTER 48.

OF DITCHES.

AN ACT to amend the act entitled "An act to incorporate The Beaver Dam Ditch Company, of Baltimore Hundred, Sussex County, Delaware", passed at Dover, February the 23, 1865, and re-enacted March the 25, 1885.

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 act entitled "An act to incorporate the Beaver Dam Ditch Company in Baltimore hundred, Sussex county, Delaware", passed at Dover, February 23, 1865, re-enacted March 25, 1885, be and the same is hereby amended as follows, to wit: Amend Section 3 by adding thereto and after the word "Ditch" in the tenth line in Section 3 the following: "And if in their judgment they shall deem it prudent and necessary for the draining of any of the low lands of the taxables or corporators of said ditch, they shall take on, lay off, widen, deepen or extend any new or old branch or branches or the main trunk of the said "Beaver Dam Ditch".

Beaver
Dam Ditch
Company
may extend
its branches

Passed at Dover, March 7, 1895.

OF ROADS.

CHAPTER 49.

OF ROADS.

AN ACT to amend Chapter 672, Volume 19, 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 Chapter 672, Volume 19, Delaware Laws, be and the same is hereby amended by striking out the word "four" in the ninth line of the said Section, and inserting in lieu thereof the word "ten".

Passed at Dover, March 19, 1895.

Time extended for payment of money borrowed by Road Commissioners of Red Lion hundred.

CHAPTER 50.

OF ROADS

AN ACT in relation to Roads and Highways in Brandywine Hundred.

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

SECTION 1. The qualified voters of Brandywine hundred shall, on the third day of November, A. D. 1896, elect two suitable persons as road commissioners for the term of four years, and on the eighth day of November, A. D. 1898, they shall elect one other suitable person as road commissioner for the term of four years; and thereafter they shall elect every two years road commissioners alternately for like periods to fill the vacancies of the commissioners whose terms then expire.

Election of Road Commissioners.
Term of office.

SECTION 2. That Brandywine hundred shall, for the purposes of this act, be and the same is hereby divided into three districts, as follows: The first, to be known as District Number One, shall be composed of all that district now known as the Northern Election District of Brandywine

divided into three districts.
First.

OF ROADS.

Second. hundred; the second, to be known as District Number Two, shall be composed of all that district now known as the Eastern Election District of Brandywine hundred; and the

Third. third, to be known as District Number Three, shall be composed of all that district now known as the South Election District of Brandywine hundred.

office of Road Supervisor abolished. SECTION 3. That from and after the passage of this act the office of road supervisors as now constituted by law for Brandywine hundred shall be and the same is hereby abolished and vacated; and the terms and powers of the road supervisors for said hundred, in force at the time of the passage of this act, shall be and the same are hereby terminated and ended. The following named citizens of Brandywine hundred shall be and they are hereby appointed commissioners of roads for their respective districts as set forth in Section 2 of this act: For District Number One, Thomas R. Day, for the term of four years; for District Number Two, Lewis F. Talley, for the term of two years; and for District Number Three, Wm. H. Bird, for the term of two years. The aforesaid citizens of Brandywine hundred hereby appointed commissioners of roads for their respective districts aforesaid, shall do and perform all the duties required of them by this act, and in all respects act in accordance with the provisions hereof. They shall hold office from the date of the passage of this act, as follows: Thomas R. Day, as commissioner of roads for District Number One, until the eighth day of November, A. D. 1898; and Lewis F. Talley, as commissioner of roads for District Number Two, and Wm. H. Bird, as commissioner of roads for District Number Three, until the third day of November, A. D. 1896, when their successors shall have been duly elected and qualified as provided by Section 1 of this act.

First meeting of Commissioners. The said commissioners of roads shall meet in Brandywine hundred on the second Monday of April in the present year to do and perform the duties required of them by this act. And the commissioners of roads hereafter to be elected shall meet at the times and places and perform the acts set forth by Section 4 of this act. The road supervisors of Brandywine hundred, whose offices are abolished and vacated by this act, shall settle all accounts on or before the second Monday of April in the present year; and they shall deliver to the commissioners of roads hereby appointed all books, papers, tools, goods and chattels belonging to them in their capacity as road supervisors at the date last aforesaid.

Road Supervisors to settle accounts, when.

And deliver books, &c.

OF ROADS.

SECTION 4. It shall be the duty of each of said commissioners of roads, between the date of his appointment or election to office and the second Monday in April thereafter, to estimate the amount of money that will be required during that year for the purpose of keeping the roads and bridges in his district in good repair; and in like manner every year while in office. It shall be his duty to keep the roads and highways and all bridges, not county bridges, in his district, in good repair. The three commissioners of roads shall meet in Brandywine hundred on the second Monday of April following their appointment or election and on the same day in each and every year thereafter. At such meeting they shall canvass, revise, alter and pass upon in joint session the estimates of each commissioner of roads for his respective district. They shall estimate the total sum of money that will be necessary for the repair of the roads, highways and bridges, not county bridges, within said hundred. They shall calculate the rate per centum on the individual assessment for Brandywine hundred shown on the duplicate delivered to the county tax collector, which shall have been approved by the levy court in March of the same year, which said total estimate bears to the aggregate of said assessment. They shall lay the tax rate accordingly so as to provide for the amount of said total estimate; *provided, however*, that at no time the tax rate shall exceed twenty-five cents on the one hundred dollars of such assessed valuation. They shall then make and sign a certificate of the rate and amount of tax so levied, and shall within five days after the second Monday in April, annually, deliver the same to the tax collector for Brandywine hundred, as provided in Section 12 of this act.

Commissioner to make estimate of annual cost of repairing road.

And keep road and bridges in repair.

Annual meeting of Commissioners.

Duties.

Tax rate.

SECTION 5. It shall be the duty of the commissioners of roads of Brandywine hundred appointed or elected under this act, at their meeting on the second Monday of April in each year, to appoint a suitable person as supervisor of roads for each and every school district of said hundred, who shall hold office for the term of one year. Such appointments are to be made with a view to have all political parties as nearly equally represented as possible. All supervisors under this act are required to have all dirt roads in their respective districts thoroughly repaired on or before the thirty-first day of May in each year. Any supervisor failing to repair any road, which it is made his duty by this act to keep in order, on or before the time last above specified, shall not be re-

Supervisors to be appointed.

Term of office.

All political parties represented.

Roads to be repaired prior to May 31.

Neglect of duty prevents reappointment, except.

OF ROADS.

appointed for another term without the unanimous consent of all the commissioners of roads of said hundred. At least five days before starting the work of mending and repairing the roads and highways in his district, the road supervisor thereof shall give notice of the time of starting such work, and shall also state in such notice what road and at what point thereon he will start such work. All taxpayers who may apply for work on the roads and highways as aforesaid shall receive work. Each man so applying for work shall furnish his own tools for that purpose, except tools for stone work; the road supervisor shall furnish all necessary tools for stone work. Where the dividing line between any two districts is a road or highway, the supervisors of the districts so separated shall equally divide the work of repair on such road or highway; and one-half of such road or highway, laterally, shall be kept in repair by each supervisor.

SECTION 6. The commissioners of roads shall keep an itemized account of all receipts and expenditures of money which shall come to their hands officially. They shall specify from whom and when the same was received and to whom the same was paid and for what work, material or service. The same shall be open to the public inspection of the taxpayers of the hundred at any reasonable and proper time and upon the request of any taxpayer.

They shall make return of their accounts as aforesaid to the levy court on or before the first day of March following their appointment or election. The levy court shall audit the said accounts of the said commissioners of roads not later than the fifteenth day of March in each year. The accounts when audited shall be returned to the said commissioners of roads who shall then post statements of said account as audited in five of the most prominent places in each district.

SECTION 7. The commissioners of roads shall receive as compensation the sum of two dollars per day for each day of actual service, to which they shall be required to make affidavit before a justice of the peace or notary public. The said affidavits shall be placed on record with the secretary of the board of road commissioners, as provided by Section 12 of this act.

The supervisors appointed under this act shall receive a compensation of one dollar and fifty cents per day for each day of actual service rendered.

To give 5 days' notice of time will begin work on roads.

Taxpayers applying must be employed.

Tools for working.

Roads dividing districts, how worked.

Accounts of receipts and expenditures.

Open to public inspection.

Accounts returned to Levy Court by March 1.

Levy Court to audit.

Publication

Compensation to Commissioners.

Affidavits for same.

Compensation of Supervisors

OF ROADS.

Each taxpayer who shall work at mending and repairing the roads and highways as aforesaid shall be entitled to receive as compensation the sum of one dollar and fifty cents per day for each day of actual service rendered. For each horse employed in the above-mentioned work the owner thereof shall be entitled to receive as compensation the sum of one dollar per day for each * of actual service rendered. The said commissioners of roads shall settle all claims properly approved by the supervisors of their respective districts. The said claims shall be presented to the said commissioners of roads for their action semi-annually in each year, to-wit: On the second Monday in October and April annually; *provided*, that said commissioners of roads shall have the option to settle all claims for work and material expended in opening new roads or for macadamizing old roads on the first day of each and every month.

Of laboring taxpayers.

For horse.

Commissioners to settle claims approved by Supervisors

Semi-annually.

SECTION 8. It shall be the duty of said supervisors appointed under this act, in time of heavy snow or when travel on the roads is impeded from any other cause, to employ men, teams and such other appliances as may be necessary to make the said roads or highways passable.

Snow or other impediment to be removed from road.

SECTION 9. Upon the application in writing of twelve or more resident freeholders in said hundred to the said commissioners of roads of said hundred, stating that the citizens thereof desire to borrow funds for the construction and improvement of the public roads and highways therein, it shall be lawful for the said commissioners of roads to borrow, on the faith and credit of their said hundred, such sums of money, not exceeding two per centum of the valuation of the real estate and landed property of said hundred, to be ascertained by the assessment rolls thereof for the year 1894, or of the last assessment rolls thereof preceding the date of such application to borrow money, for a term not exceeding twenty-five years, at a rate of interest not exceeding five per centum per annum, payable semi-annually, and to execute bonds therefor under their hands and seals respectively; the bonds so to be executed may be in such sums and payable at such times and places as the said commissioners and their successors may deem expedient; but no such debt shall be contracted or bonds issued by said commissioners for said hundred until the written consent shall have been obtained of the majority of the taxpayers of said hundred, or their legal representatives, appearing upon the last assessment roll thereof, as shall

How money may be borrowed for use of roads

Limit.

Terms.

How secured.

Consent of majority of taxpayers must first be given in writing.

* So enrolled.

OF ROADS.

Proof of
signatures.Duty of
Assessor.Consent
and affidavit
where
filed.

Evidence.

Eligibility
to office.Qualifica-
tion of
voters.Vacancy,
how filled.Neglect of
duty mis-
demeanor.
Fine.Jurisdic-
tion of
Justice of
Peace.Fine, how
disposed of.Tax collec-
tor to be
appointed.

represent a majority of the landed property of such hundred (including lands owned by non-residents) appearing upon the last assessment roll of said hundred; such consent shall state the amount of money authorized to be raised in said hundred, and that the same is to be expended in the repair of the dirt roads and in macadamizing the roads in said hundred. The signatures to said written consent shall be proved by one or more of the commissioners; the fact that the persons signing such consent are a majority of the taxpayers of said hundred and represent a majority of the real property of said hundred shall be proved by the affidavit of the assessor of said hundred endorsed upon or annexed to such written consent, and the assessor of said hundred is hereby required to perform such service; such consent and affidavit shall be filed in the office of the prothonotary of the Superior Court of New Castle county, and a certified copy thereof in the office of the secretary of the board of commissioners of roads of said hundred; and the same, or a certified copy thereof, shall be evidence of the facts therein contained and received as evidence in any court of this State and before any judge or justice thereof.

SECTION 10. The commissioners of roads appointed or elected under this act shall be residents of the district in which they are appointed or elected, and shall be voted for only by properly-qualified residents of the district in which they respectively reside; and in case of death, resignation or removal from the district, it shall be the duty of the remaining commissioners to appoint a suitable person residing in the district to fill the unexpired term occasioned by such vacancy.

SECTION 11. Every neglect of duty by a commissioner or supervisor under this act is declared to be a misdemeanor, and shall be punishable by a fine of (\$20) twenty dollars. Any justice of the peace of Brandywine hundred or of the city of Wilmington shall have jurisdiction to hear any complaint alleging a neglect of duty on the part of any commissioner or supervisor. Upon conviction of any commissioner or supervisor under this act, one-half of the fine imposed, when collected, shall be paid to the person upon whose complaint a conviction is had; and the other half of said fine shall be delivered to the said commissioners of roads for use in keeping the roads and highways of said hundred in repair.

SECTION 12. It shall be the duty of the commissioners of roads under this act, at their annual meeting in October, as provided in Section seven, to appoint a suitable person who

OF ROADS.

shall be a resident of Brandywine hundred, to collect the road taxes so to be levied by them, and to deposit the same * the Union National Bank at Wilmington, Delaware, to the credit of said commissioners of roads. The said collector of road taxes so appointed shall give security in double the amount of the tax levy for that year for the faithful performance of his duty. He shall receive as compensation an amount not exceeding five per cent. of the road taxes so collected by him. He shall also send to said commissioners of roads, on the last day of every month, a statement of the amount of his collections of taxes for that month. The said commissioners of roads shall have power at their meeting for organization on the second Monday in April of each year, to appoint a suitable person as secretary, whose duty it shall be to keep a record of all business done by the said commissioners of roads, and to record all certificates or other papers which it is made his duty to record by the provisions of this act. Said secretary shall receive as compensation the sum of two dollars per day for his services.

SECTION 13. The commissioners of roads in Brandywine hundred shall, whenever a new public road has been properly approved by the court and duly condemned and laid out, advertised * for proposals for making the same; and the contract shall be given to the lowest responsible bidder, if awarded. The commissioners, in such advertisement, shall retain the right to reject any and all bids. If no bids are accepted, then the work may be done by the commissioners of roads and paid for as provided in Section 7 of this act; *provided*, that in all cases where a contract is awarded as above provided, twenty-five per cent. of the contract price shall be retained until the road is completed according to the proposals and accepted as such by the said commissioners of roads.

SECTION 14. All payments made by said commissioners of roads shall be made by check drawn to the order of the party entitled to the same, and must be signed by a majority of the commissioners. The said commissioners shall have authority to set off against the amount due any taxpayer for work done by him in making or repairing roads the amount of his road tax duly levied.

SECTION 15. It shall be the duty of the receiver of taxes and county treasurer to deposit all moneys he may have collected for road purposes in Brandywine hundred, which are

* So enrolled.

OF ROADS.

now in his hands or which may hereafter come into his hands, in the Union National Bank aforesaid, to the credit of the commissioners of roads for Brandywine hundred. He shall also return to said commissioners of roads a list or schedule of all road taxes for Brandywine hundred due and unpaid on or before the second Monday of April, A. D. 1895.

Incorporated for purposes of this act.
Powers.

SECTION 16. The inhabitants and freeholders of Brandywine hundred are hereby constituted and declared to be a body corporate for the purposes of this act; and the commissioners of roads of said hundred are hereby declared to be a board fully authorized and empowered upon the compliance with the provisions of Section 9 of this act, to issue bonds as therein provided, upon the faith and credit of the people and property resident and located in said hundred. They shall have capacity to sue and to be sued in any of the courts of this State.

Annual appropriation for redemption of bonds.

SECTION 17. In the event of bonds being issued as provided by Section 9 of this act, the said commissioners of roads and their successors shall, out of the collections of the road tax for said hundred annually coming into their hands, set apart a sum equal to three per centum on the amount of the bonds so issued and outstanding at the end of each year, as a sinking fund for the redemption of the said outstanding bonds at their maturity. The said commissioners shall deposit the sum thus annually set apart as a sinking fund in the Union National Bank at Wilmington, Delaware, to the credit of the commissioners of roads of Brandywine hundred, until the amount thus set apart, together with its accretions of interest, shall amount to the principal of the bonds outstanding. The amounts thus set apart and deposited as a sinking fund shall not be withdrawn except by the unanimous vote of the board of commissioners in Brandywine hundred, which vote shall be certified to by the secretary of said board.

Where kept

Control over.

SECTION 18. This act shall be deemed and taken as a public act, and shall be published as such.

Certain act not to be affected by this act.

SECTION 19. All acts and parts of acts heretofore passed and inconsistent with the provisions of this act are hereby repealed. *Provided, however,* that nothing contained in this act shall in any manner interfere with, abridge or limit the rights, duties or liabilities which have arisen, or may arise, under an act entitled "An act to encourage the improvement of the public roads and to provide for the maintenance thereof

OF ROADS.

in New Castle county", passed at Dover, March 28th, 1887, as the same was amended April 19th, 1889.

Passed at Dover, March 30, 1895.

CHAPTER 51.

OF ROADS.

AN ACT authorizing the widening of a Road in Christiana 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 Allen Smith, George W. Morrison and Alphens Pennock be and they are hereby appointed commissioners to widen the road in Christiana hundred, New Castle county aforesaid, known as the "New Road", extending in a southwesterly direction from a point in Union street in the city of Wilmington, extended at a point near where said Union street would be intersected by Beech street in said city extended, said road passing through Elsmere and through the lands of the estate of Samuel B. Davis, the estate of Nelson Cleland, the estate of Dr. J. P. Stidham, the estate of Ann B. Foreman, lands of Newton J. Derrickson, George Leach, Thomas Taylor, lands of the estate of Thomas Walters, lands of William M. Brackin, Edward Woodward, William Frederick and Thomas Flinn, to the intersection with the road extending to Marshallton, said intersection being at a point known as "Price's Corner."

Commissioners to widen certain road.

SECTION 2. That the aforesaid commissioners shall widen said road designated in Section 1 of this act, so as to make it a road of the width of fifty feet, forty feet of which shall be a driveway and five feet space on each side for walks, paths or pavements; they shall, with the assistance of some skillful surveyor, after being duly sworn or affirmed, lay out such road widened as aforesaid, and shall cause a plot thereof to be made, representing the courses and distance thereof, and

Width of road and sidewalks.

To lay out road and have plot made, and assess

OF ROADS.

damages
and make
estimate of
cost.

shall assess the damages of every owner of land through which said road shall pass, taking into consideration all the circumstances of benefit as well as injury, and they shall make a computation of the costs of widening said road.

Plot and
return to be
filed with
Clerk of
Peace.

Levy Court
to provide
for paying
damages.

SECTION 3. That the said plot, together with the return of the said commissioners, shall be returned and filed in the office of the Clerk of the Peace in and for New Castle county, to be by him laid before the Levy Court of said county, and the said Levy Court is hereby authorized and empowered to make an appropriation for the damages thus assessed; the road when widened and opened by the road commissioners of Christiana hundred shall in all respects be a public road and all laws applicable to public roads in Christiana hundred are hereby extended and shall apply to said road.

Commis-
sioners to
be sworn.

Acts of
majority
sufficient.

Justice of
Peace may
fill vacancy

SECTION 4. That the commissioners named in this act are hereby directed, authorized and empowered, before entering upon the duties hereby assigned unto them, to administer unto each other and to the surveyor an oath to perform their duties faithfully and impartially. The acts of a majority of them shall be as valid as if concurred in by all of them; and in case of a vacancy by refusal or failure of one or more of the commissioners named in this act to serve, another or others may be appointed by any justice of the peace in and for New Castle county, upon application in writing by any three citizens, freeholders of New Castle county.

Compensa-
tion of
commis-
sioners and
surveyor.

SECTION 5. The compensation of the commissioners who shall serve as provided in this act, together with the surveyor and other persons employed, shall be such as the Levy Court Commissioners may deem proper.

SECTION 6. This act shall be deemed a public act and printed as such.

Passed at Dover, April 12, 1895.

OF ROADS.

CHAPTER 52.

OF ROADS.

AN ACT to authorize the Commissioners of Roads in Brandywine Hundred to liquidate certain Indebtedness of said Hundred.

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

SECTION 1. That the Commissioners of Roads in Brandywine hundred be and they are hereby authorized to borrow, at legal rates of interest, a sum of money not exceeding six thousand dollars, for the purpose of discharging certain obligations of said hundred now overdue, and to renew the said loan or loans from time to time as shall be necessary until they shall be enabled to discharge the same from the collection of road taxes in said hundred now due or hereafter coming due.

May borrow \$6000 for paying obligations.

SECTION 2. This act shall be deemed and taken to be a public act.

Passed at Dover, April 24, 1895.

CHAPTER 53.

OF ROADS.

AN ACT to lay out a new Public Road and vacate part of an old Road in White Clay Creek 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 William T. Porter, E. Tatnall Warner, John E. Lewis, John R. Lynam and Joseph H. Caleb be and they are hereby appointed commissioners to go upon and view the premises, and determine whether there is need of a new public road in White Clay Creek hundred, New Castle county, to begin at a point in the westerly side of a public

Commissioners.

To determine whether road be needed.

Location of road.

OF ROADS.

May lay
out new
road.

Plot.

Damages.

Costs of
opening.

Return.

road running from the road leading from Wilson's shops to Ogletown to the road leading from Ogletown to Newark, said road being known as Draper's road, said point of beginning to be south of the tracks of the Philadelphia, Wilmington and Baltimore Railroad, and running thence westerly through lands of Calvin Jones and James Morrow to some point in the easterly side of a new public road now being opened through lands of James Morrow and William R. Hall; and if they, or a majority of them, shall determine that there is need of such new road, they shall, with the assistance of some skillful surveyor to be by them elected,* lay out such new 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 lands through which the said road shall pass, taking into consideration the circumstances of benefits as well as injury which accrue to each of said owners, and they shall make a computation of the costs of making and opening said road; and, if a road shall be laid out, 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 total cost thereof, setting down the several items of said costs and shall annex to their said return the plot as aforesaid.

To Clerk
of Peace.

Costs and
damages,
how paid.

SECTION 2. That 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 New Castle county, to be by him laid before the Levy Court of said county, and said road shall be opened and made, in accordance with said return, by the Levy Court and road commissioners of White Clay Creek hundred, New Castle county, and the damages and costs paid in the same manner as now provided by law in cases of public roads laid out and opened upon petition to the Court of General Sessions of the Peace and Jail Delivery in and for said county.

Commis-
sioners and
surveyor to
be sworn.

Act of ma-
jority suf-
ficient.

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 according to the best of their judgment and skill. Any of the said commissioners may administer the oath or affirmation to the

* So enrolled.

OF ROADS.

other commissioners and to the surveyor; and any act or determination of a majority shall be as valid as if all had concurred.

In case of a vacancy or vacancies in the number of the commissioners hereinbefore named from any cause, another ^{Vacancy.} or other commissioners may be appointed by any judge of the ^{How filled.} Superior Court in this State. The fees of the commissioners, surveyor and chain carriers shall be determined and paid ^{Fees.} by the Levy Court of New Castle county.

SECTION 4. That when the said new road has been laid out, made and opened for travel, thereupon all that part of the public road herein called Draper's road, lying between the southerly line of the Philadelphia, Wilmington and Baltimore Railroad and the road described herein as leading from Ogletown to Newark, shall be vacated and may be enclosed by the owner or owners of the land through which it passes. ^{Certain road created.}

SECTION 5. This act shall be deemed and taken to be a public act and printed as such.

Passed at Dover, April 24, 1895.

CHAPTER 54.

OF ROADS.

AN ACT to lay out a Public Road in West Dover Hundred, Kent County Delaware.

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

SECTION 1. That Philip D. Marvil, William Virden and James E. Boyer, three judicious and impartial freeholders of Kent county, be and they are hereby appointed commissioners ^{Commissioners.} to go upon and view the premises and determine whether ^{Duties.} there is need of a new public road in West Dover hundred, ^{Location of road.} to begin at a point in the public road leading from Pearson's Cross Roads to Marydel; the said new road to begin at a stake driven down in the edge of said public road thirty-eight feet west of outlet on the Hartnett farm, running

OF ROADS.

thence across the lands of L. F. Hartnett in a northwesterly direction, in a straight line to a stake driven down thirty-six feet from the west end of dwelling house on the Hartnett farm; running thence from said stake in a straight line in said direction to a stake driven down at the edge of woods thirty-three feet from outlet on northeast side; running thence in said direction across the lands of L. F. Hartnett and thence across Seeney lands and thence across the Daub lands and running thence across the Thomas and Daub lands, as the case may be, to where it intersects a public road leading to Davis' Cross Roads; the said new road shall intersect the said public road leading to Davis' Cross Roads at the same point where the said public road is intersected by a public road leading to Hartley.

Damages.

Cost of opening.

Return to Clerk of Peace.

Levy Court may make appropriation.

When deemed to be public road.

If they, the said commissioners, or a majority of them, shall determine that there is need of such new public road, they shall, with the assistance of a skillful surveyor by them to be selected, proceed to lay out the same, and shall assess the damages of all the owners of lands through which the same shall pass, taking into consideration all the circumstances of benefit as well as injury, and shall make a computation of the costs of opening and making said new road and shall return the same accompanied by a plot of said new road to the Clerk of the Peace in and for Kent county, to be by him laid before the Levy Court of Kent county at its next session, that the said Levy Court may make an appropriation for opening and making the same as a public road.

When the draught and return shall have been accepted and said new road adopted by the said Levy Court, the said road hereinbefore authorized to be laid out shall be deemed and taken to be a public road, and the same shall be and remain subject to the same regulations as other public roads in the county.

Commissioners and surveyor to be sworn.

Vacancy.

SECTION 2. That the commissioners and surveyor be severally sworn or affirmed, before entering upon the duties hereby assigned to them, to perform the same faithfully and impartially. The acts of a majority of the 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 of Kent county. The said commissioners may qualify each other and the surveyor for the performance of their respective duties under this act, and for such services

OF ROADS.

they shall receive such compensation as the Levy Court may deem proper.

SECTION 3. *Be it further enacted by the authority aforesaid,* That this act shall be deemed and taken to be a public act.

Passed at Dover, February 1, 1895.

CHAPTER 55.

OF ROADS.

AN ACT to lay out a Public Road in Kenton Hundred, Kent County.

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

SECTION 1. That Richard M. Cooper, John Moore, John H. Bishop, Gamaliel Garrison and William R. Smith, five Commissioners. judicious and impartial citizens of Kent county, Delaware, be and they are hereby appointed to go upon and view the premises and determine whether there is need of a new public road Location of road. to begin at a point on north side of public road running from Bethel Church to the Seven Hickories and running northward through lands of John Heitshu and along west side of lands of the P., W. & B. R. R. Co., until it reaches south side of public road running from Bethel Church to Central Mills. 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 a new public Damages. road thirty feet wide, and assess the damage, if any, and esti- Cost. mate the cost of making said road, and cause a plot to be Plot. made representing the courses and distances thereof.

SECTION 2. That the plot and report so to be made as Return to Clerk of Peace. aforesaid by the said commissioners, or a majority of them, shall be returned to the Clerk of the Peace in and for Kent county, to be by him laid before the Levy Court of said county, Laid before Levy Court. that they may make appropriation for the opening and making of the same.

OF ROADS.

SECTION 3. That the commissioners are hereby authorized to administer oaths to each other and to the surveyor by them employed.

SECTION 4. That the fees of the commissioners and surveyor and such other persons as may be employed in laying out the said road shall be the same as now provided by law for such services in laying out public roads, and shall be paid in like manner.

SECTION 5. This act shall be deemed and taken to be a public act.

Passed at Dover, February 13, 1895.

CHAPTER 56.

OF ROADS.

AN ACT to lay out a Public Road in West Dover Hundred, Kent County.

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

SECTION 1. That Owen H. Nickerson, Thomas H. Milburn and W. W. Powell, be and are hereby appointed commissioners to go upon and view the premises and determine whether there is need of a public road in West Dover hundred, Kent county, Delaware, to begin at a point in the public road leading from the village of Hartley to the Maryland line, and passing along the line between the lands of W. R. Powell and John W. Morris (and the said road to be on the lands of the said John W. Morris),* and thence across the lands of Jacob Caldwell and the Roberts heirs to a point in the public road leading from Wright's Cross Roads in a westerly direction to Sand Field and the Maryland line. And if they, or a majority of them, shall determine that there is need of such a road on the route named, 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, hav-

* See Chapter 57, current volume.

OF ROADS.

ing respect to the nature of the ground and all circumstances of public convenience, and shall cause a plot thereof to be made Plot. representing the courses and distance thereof; and they shall Damages. 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 the said owners, and they shall make a computation of the cost of opening Cost. and making said road and shall annex the same to the said plot.

SECTION 2. That the plot and return so to be made by Return to Clerk of Peace. the said commissioners shall be returned to the Clerk of the Peace of Kent county to be by him laid before the Levy Levy Court may approve return and pay damages, &c. Court of the 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 road shall be approved by the Levy Court the same shall be a public road subject to the same regulations as other public roads of Kent county.

SECTION 3. That the said commissioners and surveyor, Commissioners and surveyor to be sworn. before beginning their duties under this act, shall be severally sworn to perform the same faithfully and impartially, and either of the commissioners may administer the oath to the others and to the surveyor.

SECTION 4. That the commissioners shall receive for each day actually employed on the said road, one dollar per day; Compensation. and the surveyor shall receive for each day's actual work on the said road the sum of two dollars per day, and a reasonable compensation for making a plot of said road.

SECTION 5. This act shall be deemed a public act.

Passed at Dover, February 18, 1895.

OF ROADS.

CHAPTER 57.

OF ROADS.

AN ACT to amend House Bill No. 61,* entitled "An act to lay out a Public Road in West Dover Hundred."

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

Chapter 56,
current
volume,
amended.

That Section 1 of House Bill No. 61, entitled "An act to lay out a public road in West Dover hundred," be and is hereby amended by striking out the following: "And the said road to be on the lands of the said John W. Morris".

Passed at Dover, March 14, 1895

CHAPTER 58.

OF ROADS.

AN ACT to lay out and open a new Public Road in Mispillion Hundred, Kent County and State of Delaware.

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

Commis-
sioners.

Location
of road.

SECTION 1. That Alexander Simpson, John H. Outten and Clement A. Harrington, three judicious and impartial citizens of Mispillion hundred, Kent county and State of Delaware, be and they 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 a corner on the land of Samuel A. Tharp and known as the Walton land, and the land of Ephraim S. Toux, on the public road leading from Bethel M. E. Church to Farmington, and to run from thence in a straight line through the said lands until it intersects a private road on the said Samuel A. Tharp's land, thence down the said private road terminating at the

* See Chapter 56, current volume.

OF ROADS.

cross roads leading from Vernon to Farmington, and from Prettyman's Corner to Vernon; and if they, or a majority of them, shall determine that there is need of new public road they shall, with the assistance of a skillful surveyor, if they deem it necessary to employ one, lay out such new public road, assess the damages, if any, and estimate the cost of making said road, and cause a plot to be made representing the courses and distances thereof.

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 Kent 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.

SECTION 3. That the commissioners and surveyor, before entering upon the duties herein assigned them, shall be sworn or affirmed to perform their duties with fidelity and they are hereby authorized to administer the oath to each other.

SECTION 4. That the fees of the commissioners and surveyor, also the chain carriers, if any, shall be the same as are provided by law for similar services in laying out public roads and shall be paid by the Levy Court of Kent county.

SECTION 5. This act shall be deemed and taken to be a public act.

Passed at Dover, March 12, 1895.

OF ROADS.

CHAPTER 59.

OF ROADS.

AN ACT to lay out a new Public Road in Milford Neck, Milford Hundred, Kent County.

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

Commis-
sioners.

Duties.

Limits of
road.

Plot.

Cost.

Damages.

Return to
Levy Court.

Commis-
sioners and
surveyor to
be sworn.

Fees.

SECTION 1. That George Thomas, John W. Hall of Wm. and John R. Maloney be and they are hereby appointed commissioners to go upon and view the premises and determine whether there is need of continuing the public road known as the Needles and Thomas Road in a southeasterly course across woodland of Sarah Etta Lister to intersect the road leading from the town of Milford, *via* of Beaver Dam, to Bay Shore, near the mouth of the Mispillion river, at the corner of said Lister's field. And if the said commissioners, or a majority of them, shall determine that there is need of a new public road, a continuation of the above-mentioned road, they shall, with the assistance of a skillful surveyor by them selected, lay out and locate said new road and shall have a plot of the same showing the course and distance thereof, with estimate of costs of opening and making said public road, together with the damages to the owner or owners of the lands crossed, taking into consideration the advantages and disadvantages of the said road to said owners.

They shall also make a return of their proceedings, accompanied by a plot of the new public road and a statement and estimate of its cost, to the Levy Court of Kent county, that said Levy Court may make necessary appropriations for opening and making said public road.

SECTION 2. That the said commissioners and surveyor, before performing their respective duties under this act, shall be severally sworn or affirmed to perform the same according to their best skill and judgment. Either of said commissioners may administer the oath or affirmation to the other commissioners and to the surveyor, and any act of a majority shall be as valid as if all had concurred.

SECTION 3. The fees of the commissioners, surveyor and

OF ROADS.

chain carriers shall be the same as in the cases for like services and shall be paid by the Levy Court of Kent county.

SECTION 4. That this act shall be deemed and taken to be a public act.

Passed at Dover, March 25, 1895.

CHAPTER 60.

OF ROADS.

AN ACT to open and lay out a new Public Road in Kenton Hundred, Kent County.

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

SECTION 1. That Thomas E. Bailey, Ellsberry B. Slaughter and William S. Jones be and they are hereby appointed commissioners to go upon and view the land and premises and determine whether a new public road should be laid out in the hundred aforesaid, beginning on the south side of the public road leading from Kenton to Dover, and running thence from a point in said road about seventy yards east from the dwelling house of Samuel W. Taylor in a southwesterly direction through the land of the said Samuel W. Taylor in a direct line, thence in a direct line on the east side of the line between the lands of Francis Grunney, William H. Moore, H. K. Carrow, David S. Wilds, Joshua M. Arthurs and John H. Taylor, to a ditch near the peach orchard of David S. Wilds, and if the said commissioners shall determine that the public convenience require that the said new road shall be laid out then they shall, with the assistance of a skillful and impartial surveyor by them to be employed, lay out the said new road in such manner as to them shall seem most advantageous to the public, and shall cause a draught thereof to be made showing the new road and the land 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 circum-

OF ROADS.

stances 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.

Damages.
Costs.
Return to Clerk of Peace.
Levy Court may approve return and pay damages, &c.

SECTION 2. 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 may approve and confirm the said return and shall settle and pay the damages which may be assessed by the said commissioners and pay the legal charges of the commissioners, surveyor and other employees as other similar expenses are paid, and when the said 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.

Commissioners and surveyor to be sworn.
Vacancy.

SECTION 3. That the said commissioners, before entering upon their duties, shall be severally sworn or affirmed to perform their duties with fidelity and the surveyor to perform the service required of him faithfully and impartially according to his best 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 them all, and in case of any vacancy or vacancies in said commission another or other commissioners may be appointed by the remaining commissioners or commissioner to supply such vacancy or vacancies.

Compensation.

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 three dollars for each day employed in the service of said commissioners and reasonable compensation for preparing the draught of said new road.

Passed at Dover, April 5, 1895.

OF ROADS.

CHAPTER 61.

OF ROADS.

AN ACT to vacate a Private Road in Mispillion Hundred, Kent County.

WHEREAS, There is no need of a certain private road running through the lands of Clinton L. Williamson, situated in Mispillion hundred, Kent county; and

WHEREAS, The said private road is not now used because of other public roads which are used in its stead; therefore

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

SECTION 1. That the private road beginning at a point on the public road leading from Burrsville to Adamsville and about one-half mile north of Adamsville and running in a westerly direction over and through the lands of Clinton L. Williamson back to his woodland be and the same is hereby vacated, and that the said Clinton L. Williamson is hereby given full power and authority to enclose the lands over which said private road runs with other lands belonging to the said Clinton L. Williamson.

Certain
private
road
vacated.

SECTION 2. This act shall be deemed and taken to be a public act.

Passed at Dover, April 13, 1895.

CHAPTER 62.

OF ROADS.

AN ACT to lay out a Public Road in West Dover Hundred, Kent County.

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

SECTION 1. That Philip D. Marvel, James Clark and Elbert Parmley, three judicious and impartial freeholders of Kent county, be and they are hereby appointed commissioners to go upon and view the premises and determine whether there is need of a new public road in West Dover hundred to

Commis-
sioners.

To deter-
mine need
of road.

OF ROADS.

Location. begin at a point in the public road leading from Pearson's Cross Roads to Marydel and running thence in a south-easterly direction across the lands of Maley* Garrison. thence across the Foreacre lands, thence across the William Cosden lands, thence across the S. M. Thomas lands to where it intersects a public road that intersects a public road leading to Dover.

Damages. If they, the said commissioners, or a majority of them, shall determine that there is need of such new public road, they shall, with the assistance of a skillful surveyor by them to be selected, proceed to lay out the same, and shall assess the damages of all the owners of lands through which the same shall pass, taking into consideration all the circumstances of benefit as well as injury, and shall make a computation of the costs of opening and making said new road, and shall return the same, accompanied by a plot of said new road, to the Clerk of the Peace in and for Kent county, to be by him laid before the Levy Court of Kent county at its next session, that the said Levy Court may make an appropriation for opening and making the same as a public road. When the draught and return shall have been accepted by the said Levy Court, the said road hereinbefore authorized to be laid out shall be deemed and taken to be a public road, and the same shall be and remain subject to the same regulations as other public roads in the county.

Costs.

Plot.

Return to Clerk of Peace.

Levy Court

Commiss- SECTION 2. That the commissioners and surveyor be severally sworn or affirmed before entering upon the duties hereby assigned to them to perform the same faithfully and impartially. The acts of a majority of the 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 of Kent county. The said commissioners may qualify each other and the surveyor for the performance of their respective duties under this act, and for such services they shall receive such compensation as the Levy Court may deem proper.

Vacancy.

Compensation.

SECTION 3. *And be it further enacted by the authority aforesaid,* That this act shall be deemed and taken to be a public act.

Passed at Dover, April 18, 1895.

* So enrolled.

OF ROADS.

CHAPTER 63.

OF ROADS.

AN ACT to lay out a new Public Road in South Murderkill Hundred, Kent County.

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

SECTION 1. That Eben Hughes, Samuel B. Cooper and Peter Clark, three judicious and impartial citizens and free-holders of Kent county, be and they are hereby appointed commissioners, who are authorized, empowered and directed to go upon and view the premises and determine whether a new public road should be laid out, beginning at a point in the public road leading from Sandtown to Whiteleysburg, near Andrew Fecker's dwelling; thence across the lands of the said Andrew Fecker, lands occupied by William Hughes, lands of Benjamin and Samuel Sylvester, and lands of John W. Bright, connecting and terminating with the road to Goldsboro, near the dwelling of the above-named John W. Bright, a distance of a about a mile; and if the said commissioners, or a majority of them, 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, lay out the said new road, and shall have a plot of the same prepared, showing the courses and distances thereof; shall assess damages, if any, having due regard to all the circumstances of benefit as well as injury, and they shall make a computation of the cost of opening and making said new road and return their proceedings, accompanied by the plot aforesaid, to the Clerk of the Peace in and for Kent county, to be by him laid before the Levy Court of Kent county, that the said Levy Court may make the necessary appropriations for opening and making the same as a public road. When the draught and return shall have been accepted by the said Levy Court, the said road hereinbefore described and authorized to be laid out and made 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 the said road.

SECTION 2. That the said commissioners and the surveyor selected by them under this act, shall be severally

OF ROADS.

sworn or affirmed faithfully and impartially to perform the several duties required of them under this act before they enter upon the same respectively; said oath or affirmation may be administered by any person authorized to administer oaths or affirmation within this State, or the said commissioners may administer the same to each other and also to the surveyor.

Vacancy. In case of the death of any of the commissioners, or the refusal to act, or any other inability to act, another or other commissioner or commissioners may be appointed to fill such vacancy or vacancies by any justice of the peace of Kent county. The acts of a majority of the commissioners shall be as good and valid as if concurred in by all of them and their fees and those of the surveyor shall be fixed by the Levy Court.

SECTION 3. That this act shall be deemed and taken to be a public act.

Passed at Dover, April 22, 1895.

CHAPTER 64.

OF ROADS.

AN ACT to lay out 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.

Duties.

Location of road.

SECTION 1. That Daniel Short, Samuel B. West and William A. Phillips, three judicious and impartial citizens and freeholders of Sussex county, be and are hereby appointed to go upon and view the premises and determine whether there is need of a new public road in the hundred and county aforesaid, beginning at a point on the public road leading from Concord to Millsboro, near Charles H. Jones' store, on lands of James C. Connaway; thence through lands of James C. Connaway, lands of Noah H. James, lands of Branson D. James and lands of Benjamin H. Elliott, to its terminus at

OF ROADS.

the public road leading from the State road by the school house in United Districts Nos. 44 and 150, and if they, or a majority of them, shall determine that there is need of such new road, they shall, by the assistance of a skillful surveyor to be by them employed, after being duly sworn or affirmed (and they are hereby empowered to swear or affirm each other and the surveyor) proceed to lay out said road, and make or cause to be made a plot of said road, giving the courses and distances; and shall make an estimate of the cost of laying out and opening the same and assess the damages to the owner or owners of the land through which the same shall pass, if in their judgment they are entitled.

Commissioners and surveyor to be sworn.
Plot.
Costs.
Damages.

SECTION 2. That the estimate and plot made as aforesaid 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; and when said court shall approve or adopt said road it shall be a public road and be maintained as other public roads are maintained in said county.

Return.
Levy Court may approve return.

SECTION 3. That the pay of the commissioners, chain carriers and surveyor shall be such as the Levy Court may deem proper. But no damage shall be paid by the county.

Fees.
No damage to be paid by county.

Passed at Dover, February 7, 1895.

CHAPTER 65.

OF ROADS.

AN ACT to lay out a new Public Road in North West Fork Hundred in Sussex County, Delaware.

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

SECTION 1. That John Emory Richards, Edmond T. McCaulley and Thomas W. Willin, three judicious and impartial citizens and freeholders of North West Fork hundred, Sussex county and State aforesaid, be and they are hereby appointed to go upon and view the premises and determine whether there is need of a new public road to begin at a

Commissioners.
Duties.
Limits of road.

OF ROADS.

point in a public road leading from the town of Greenwood to Bridgeville in Sussex county, Delaware, thence in a southerly direction through the lands of the heirs of David S. Myer, deceased, Loxley R. Willey, D. F. Ball and Wellington Pattin, to intersect with the public road leading from the town of Bridgeville, county and State aforesaid, to Federalsburg, Maryland, at a point near the Delaware Railroad Station in Bridgeville; 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 damages, if any, and estimate the cost of making said road and cause a plot to be made with a return to the Levy Court of said county, that they may make appropriations for opening the same as a public road.

Damages.

Cost.

Plot.

Return.

Commissioners and surveyor to be sworn.

SECTION 2. That the commissioners and surveyor by them employed be sworn or affirmed by each other before entering upon their duties hereby assigned, to perform them faithfully and impartially.

SECTION 3. That this act shall be deemed and taken to be a public act.

Passed at Dover, March 22, 1895.

CHAPTER 66.

OF ROADS.

AN ACT to open 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 :

Commissioners.

Duties.

Location of road.

SECTION 1. George H. West, Joshua James and John I. Betts, three judicious and impartial citizens of Baltimore hundred, Sussex county, be and they are hereby appointed commissioners to go upon and view the lands and determine whether there is need of a public road in Baltimore hundred, to begin at the public road near the residence of Meyers B. Steele, thence on the line between the lands of Thomas R.

OF ROADS.

Steele and heirs of Hetty E. Evans, dec.,* to the lands of Thomas N. Steele and across the said Thomas N. Steele's land to the county road leading from Thomas Short's to Millville, distance of road about $\frac{3}{4}$ * of a mile in length. If the commissioners, or a majority of them, shall determine that there is need of a new public road 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, 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 damages of every owner of said lands, taking into consideration all the benefit as well as injury which will accrue to 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, which report shall 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.

SECTION 2. That 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, shall lay the same before the Levy Court. The Levy Court may make appropriations for the same as a public road; and when the draught and return shall have been approved by the Levy Court and the road opened by their direction the said new road shall in all respects be a public road in Sussex county.

SECTION 3. That the commissioners be sworn or affirmed before entering upon their duties assigned them to perform the same faithfully and impartially.

SECTION 4. That the pay of the commissioners, surveyor and chain carriers shall be such as the Levy Court may deem proper.

Passed at Dover, April 22, 1895.

* So enrolled.

TITLE NINTH.

Regulations Concerning Trade.

CHAPTER 67.

OF LEGAL HOLIDAYS.

AN ACT making Saturdays throughout the year, from and after the first day of June in the year eighteen hundred and ninety-five, half holidays in the City of Wilmington for Banking and Trust Company purposes.

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

Saturdays
after 12
o'clock M.
legal holi-
day in Wil-
mington for
banking and
trust com-
pany pur-
poses.

SECTION 1. That every Saturday from and after the first day of June, in the year eighteen hundred and ninety-five, which under existing laws shall not become a legal holiday in its entirety, shall be a legal holiday in the City of Wilmington from and after twelve o'clock noon, for Banking and Trust Company purposes.

Negotiable
paper, when
due or
presentable

SECTION 2. That all bills of exchange, notes, checks, drafts or other instruments negotiable by the laws of this State, whether made before or after the passage of this act, which become due and payable, or presentable for payment or acceptance, in the City of Wilmington, on such half-holiday Saturday, but shall not be paid or accepted before twelve o'clock noon, on that day, shall be deemed and taken in said city to become due and payable, or presentable for payment or acceptance, on the secular day next succeeding such half-holiday Saturday; *provided*, that any person, firm, corporation or company, bank or trust company, in the said City of Wilmington, receiving for collection any bill of exchange, note, check, draft or other instrument, due and payable, or presentable for payment or acceptance on such half-holiday Saturday, shall incur no liability by not presenting for payment or acceptance on that day such bill of exchange, note, check, draft or other instrument.

Provided,

OF LEGAL HOLIDAYS.

SECTION 3. That for the purpose of holding liable any party to any bill of exchange, note, check, draft or other instrument, which shall not have been paid or accepted before twelve o'clock noon on such half-holiday Saturday, demand of payment or acceptance thereof may be made on the secular day next succeeding such half-holiday Saturday, and in case of non-payment or dishonor of the same in anywise, protest may be made and notice given and all other things done in the same manner as if such bill of exchange, note, check, draft or other instrument became due and payable, or presentable for payment or acceptance, on such succeeding secular day; and the rights and liabilities of all persons concerned therein shall be the same as in other cases of like instruments legally proceeded with; *provided*, that nothing herein contained shall be so construed as to render void any demand, notice or protest made or given, as heretofore, at the option of the holder, nor shall the same be so construed as to vary the rights or liabilities of the parties to any such instruments heretofore executed.

SECTION 4. That whenever the secular day next succeeding a half-holiday Saturday shall be a legal holiday, bills of exchange, notes, checks, drafts or other instruments due and payable or presentable for payment or acceptance on such half-holiday Saturday shall, for the purposes of this act, be deemed and taken to become due and payable, or presentable for payment or acceptance on the day next succeeding such legal holiday; and bills of exchange, notes, checks, drafts or other instruments due and payable or presentable for payment or acceptance on such legal holiday shall also be deemed and taken, for the purposes of this act, to become due and payable or presentable for payment or acceptance on the day next succeeding such legal holiday.

SECTION 5. That all acts or parts of acts inconsistent herewith be and the same are hereby repealed.

Passed at Dover, April 26, 1895.

OF COPARTNERSHIP.

CHAPTER 68.

OF COPARTNERSHIP.

AN ACT concerning the Dissolution of Partnerships and Appointment of Receivers.

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

How copartnership may be dissolved.

Petition to Chancellor.

Receiver appointed.

Affidavit to petition.

Receivers and managers, bond of.

Powers.

To be under the control of the Chancellor.

SECTION 1. That upon the dissolution of any solvent or insolvent copartnership, having its principal place of business in the State of Delaware, and upon the joint petition to the Chancellor of the State of Delaware of all of such partners or of all the survivors of such copartnership, and the legal representatives of all deceased partners, setting forth that they are not able to agree upon a method of winding up the affairs of such copartnership, or that there is danger of the assets of such copartnership being wasted by or inequitably distributed among the creditors of such copartnership, the Chancellor shall appoint a receiver, or receiver and manager, for such copartnership. Such petition shall be accompanied by the affidavit of one or more of such petitioners, that the statements therein contained, so far as they relate to the acts of the said petitioners, are true, and so far as they relate to the acts of any other person, are believed to be true.

SECTION 2. Receivers, or receivers and managers, so appointed as aforesaid, shall, upon giving bond in a sum and with surety or sureties to be approved by the Chancellor, be invested with all the usual powers, rights, authority, privileges and immunities of receivers over the assets, credits, property, books and effects of such dissolved copartnership, and shall also have such additional authority and powers in the management of such copartnership business, in the collecting of debts due such copartnership, by suit or otherwise, and in the winding up of such copartnership's affairs as the Chancellor shall deem expedient, and shall either originally, or from time to time, order and appoint such receivers or receivers and managers, shall, pursuant to the orders and directions of the Chancellor, proceed to wind up the affairs of such dissolved copartnership, and shall apply so much as may be necessary of the assets of such copartnership, after the payment of the expenses and costs of the petition of the

CONCERNING STREET RAILWAY EQUIPMENTS.

receivership, and of the winding up of such copartnership's business to the payment of the debts of such copartnership, according to the rules of law and equity applicable thereto. ^{Application of funds.}
 The residue of such assets, if any, after the payment of said debts, costs and expenses, shall be distributed under the order and direction of the Chancellor, among the partners, or the legal representatives of such dissolved copartnership. ^{Residue of assets.}

SECTION 3. That when a receiver, or a receiver and manager, shall have been appointed under this act, and all the creditors of such dissolved copartnership, exclusive of creditors having mortgage liens upon unsold lands belonging to such copartnership, shall have been paid and satisfied in full, the Chancellor shall, upon the petition of all the petitioning partners, or of their legal representatives, order the termination of such receivership, and the discharge of such receiver, or receiver and manager, and shall further order the restoration of all the undistributed assets, personal or real, legal or equitable, of such copartnership, to such partners, their heirs, executors, administrators and assigns. ^{Termination of receivership.} ^{Restoration of undistributed receipts.}

SECTION 4. This act shall take effect from its passage.

Passed at Dover, February 21, 1895.

CHAPTER 69.

CONCERNING STREET RAILWAY EQUIPMENTS.

AN ACT to amend an act entitled "An act to secure Manufacturers and Owners of Railroad Equipments and Rolling Stock in making conditional sales and certain contracts for the lease thereof."

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 secure Manufacturers and owners of railroad equipments and rolling stock in making conditional sales and certain contracts for the lease thereof," passed at Dover, February 7th, 1883, be and the same is hereby amended by inserting after the word "railroad" and before the word "equipment" in the first line of ^{Contract for lease or conditional sale of equipment or rolling stock of street rail- way valid.}

OF RETAILERS OF GOODS AND PEDDLERS.

said act (as printed in Vol. 17 of Delaware Laws) the words "and street railway"; and in the future editions of the Laws of the State of Delaware which shall be published the said act shall be printed as herein amended.

Passed at Dover, February 18, 1895.

CHAPTER 70.

OF RETAILERS OF GOODS AND PEDDLERS.

AN ACT to amend Chapter 661, 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 661,
Volume 18,
amended.

Unlawful to
falsely ad-
vertise
goods for
sale.

SECTION 1. That Section 1, Chapter 661, Vol. 18, Laws of Delaware, be and the same is hereby amended by striking out in the second line of said Section the words "corporate limits of the City of Wilmington", and insert in lieu thereof the words "State of Delaware."

Passed at Dover, February 12, 1895.

OF RETAILERS OF GOODS AND PEDDLERS.

CHAPTER 71.

OF RETAILERS OF GOODS AND PEDDLERS.

AN ACT to prevent bogus sales within the State of Delaware, being a Supplement to Chapter 68 of the Revised Code of 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. From and after the passage of this act every person, association of persons, firm or corporation engaged in and desiring to continue engaged in the business of selling goods, wares and merchandise as the property of, or as having been the property of an insolvent or bankrupt, or of the assignee of an insolvent or bankrupt, or of any person, association of persons, firm or corporation, induced or compelled by any means whatsoever to sell or dispose of such goods, wares and merchandise, for the purpose of disposing of surplus stock, or of quitting or discontinuing his or their business; or as goods, wares and merchandise damaged by fire, water or through the happening of any accident, or as goods, wares and merchandise, purchased or obtained at any sale held under or by virtue of any execution process or of any order issued by or under the authority of any Court, shall annually, on or before the first day of June, take out a license to engage in, prosecute, follow and carry on the said business, for which he, she or they shall pay for the use of the State the sum of two hundred dollars to the Clerk of the Peace of the county in which such person, association of persons, firm or corporation is engaged and desires to continue engaged in said business or occupation, and any such person, association of persons, firm or corporation shall, on or before the said first day of June annually, before taking out said license, file with the said Clerk of the Peace a true statement of the aggregate cost value of all such goods, wares and merchandise which such person, association of persons, firm or corporation shall have sold in said business and occupation during the year immediately preceding the date of taking out said license, the said statement shall be verified by the oath or affirmation of such person, one member of such firm, or association of persons, or the president or other presiding officer of such corporation, the said oath or affirmation to be taken before any person who by the laws of this State is duly authorized

Retailers of damaged goods, or of goods of insolvent or one forced to dispose of stock, or wishing to discontinue business.

Must take out license.

Fees.

Statement of cost of goods sold during previous year to be filed.

Verified by oath.

By and before whom taken.

*The original bill contains the enacting clause as printed above in brackets, but it does not appear in the enrolled copy.

OF RETAILERS OF GOODS AND PEDDLERS.

to administer the same, that the aggregate cost value of such goods, wares and merchandise sold as aforesaid, does not exceed the sum named, and such person, association of persons, firm or corporation shall pay to the Clerk of the Peace for the use * State in addition to the above-named sum of two hundred dollars, the sum of ten cents for each one hundred dollars of the value of such goods, wares and merchandise so sold. The license shall authorize the selling of goods, wares and merchandise only at one place and only for one year from the said first day of June. In case any person, association of persons, firm or corporation desires to engage in, follow and carry on the said business and occupation, he, she or they, not having been engaged in said business and occupation continuously the year immediately preceding such person, association of persons, firm or corporation shall, before commencing said business and occupation, take out a license for the six months thence next ensuing, first paying to the said Clerk of the Peace, for the use of the State, the sum of two hundred dollars, and at the expiration of the said six months he, she or they shall obtain another license which shall be valid until the first day of June following, upon his, her or their filing with the said Clerk of the Peace a true statement, verified by oath or affirmation as aforesaid, of such person, of one member of such association of persons, or firm, or of the president or other presiding officer of such corporation, of the cost value of all the goods, wares and merchandise which he, she or they shall have sold in said business and occupation the preceding six months; and every such person, association of persons, firm or corporation shall pay an equivalent tax as aforesaid, rated in proportion to the time during which said last-mentioned license shall be valid. If any person, association of persons, firm or corporation shall be engaged in, prosecute, follow or carry on within the limits of this State the said business of selling goods, wares and merchandise as aforesaid, without obtaining at the times above mentioned a proper license therefor and without paying the tax aforesaid, he, she or they, and the individuals composing such firm or association of persons, and each of them, and the president and directors, and each of them, of such corporation, for every such offence shall be deemed guilty of a misdemeanor, and upon conviction thereof by indictment, besides being liable to the payment of the license and the tax aforesaid, shall forfeit and

* So enrolled.

OF RETAILERS OF GOODS AND PEDDLERS.

pay a fine of not less than two hundred dollars and not more than five hundred dollars, and in default of the payment of such fine shall be imprisoned for a term of not more than one year.

Fine.

Imprisonment.

SECTION 2. No license issued under the provisions of this act shall be assignable, transferable or capable of being acted under by any other person, association of persons, firm or corporation than the person, association of persons, firm or corporation to whom such license shall be issued; and no license issued for carrying on business in a certain store, house or building shall be used for carrying on business in any other store, house or building in case of discontinuance of business in the store, house or building for which such license shall be issued; *provided, however*, that the person or persons to whom such goods, wares or merchandise may pass, by reason of the operation of intestate laws of this State, or by virtue of the provisions of last will and testament, in case of the death of the person or persons to whom such license shall be issued, shall be entitled to use and carry on business under the license for the term for which it may be issued.

License not transferable

Nor to be used in any place except for where issued

Except to legal representative in case of death.

SECTION 3. No person, association of persons, firm or corporation engaged, or about to be engaged, in the sale of any goods, wares or merchandise within the State of Delaware, shall falsely, with intent to deceive the buying public, advertise or otherwise falsely represent at any sale engaged in or to be engaged in by such person, association of persons, firm or corporation, is or will be an insolvent's, bankrupt's, assignee's or manufacturer's sale, or the sale of any agent, or representative of any insolvent, bankrupt, assignee, or manufacturer, or that any goods, wares or merchandise offered or exposed, or to be offered or exposed for sale, or exhibited, are or were in whole or in part the property of any insolvent, bankrupt, assignee or manufacturer, or any person, association of persons, firm or corporation, induced or compelled by any means whatsoever, to sell or dispose of any such goods, wares or merchandise for any purpose or with any intent whatever, or that such goods, wares or merchandise were in whole or in part damaged by fire, water, or through the happening of any accident, or were purchased or obtained at any sale, held under or by virtue of any execution process, or of any order issued by or under the authority of any court, or shall make or issue, or shall cause to be made or issued, any false advertisement or representation, pertaining, concerning

False advertisement or representations.

OF RETAILERS OF GOODS AND PEDDLERS.

or relating to any goods, wares or merchandise which are or are to be offered or exposed for sale or exhibited in the said State by such person, association of persons, firm or corporation. If any person, association of persons, firm or corporation shall falsely advertise, or otherwise falsely represent, in any manner as aforesaid, he, she or they and the individuals composing such association of persons, or firm, and each of them, and the president and directors, and each of them, of such corporation, for every such offence shall be deemed guilty of a misdemeanor, and upon conviction thereof by indictment shall pay a fine of not less than one hundred nor more than one thousand dollars, and in default of the payment of such fine shall be imprisoned for not less than one month nor more than one year at the discretion of the court; and upon the trial of any person for the violation of the provisions of this act the intent to deceive the buying public shall be presumed where proof is made of a public or false advertisement or representation.

Misdemeanor.
Fine.
Imprisonment.
Evidence of intent to deceive.

SECTION 4. All acts and parts of acts inconsistent with this act are hereby repealed.

Passed at Dover, May 9, 1895.

TITLE TENTH.

Of Corporations.

CHAPTER 72.

OF CORPORATIONS.

AN ACT to amend the act entitled "An act in relation to Foreign Corporations doing business in this State", passed at Dover, April 28, 1893.

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 foreign corporations doing business in this State", passed at Dover, April 28, 1893, be and the same is hereby amended by adding at the end of Section 1 of said act the following, viz: "*Provided, however*, that no such corporation as aforesaid shall, within the limits of this State, by any implication or construction, be deemed to possess the power of discounting bills, notes, or other evidence of debt, of receiving deposits, of buying gold or silver bullion or foreign coin, of buying and selling bills of exchange, or of issuing bills, notes, or other evidences of debt upon loan for circulation as money, anything in its charter or articles of incorporation to the contrary thereof notwithstanding.

(Chapter 703,
Volume 19,
amended.

Foreign
corporations not
permitted
to do a
banking
business.

"*And provided further*, That all certificates to be hereafter issued by the Secretary of State under the provision of this act shall expressly set forth the limitations and restrictions contained in the preceding proviso".

Certificate
of Secretary
of State to
specify said
restriction.

Passed at Dover, April 19, 1895.

OF CORPORATIONS.

CHAPTER 73.

OF CORPORATIONS.

AN ACT relative to Bonds, Undertakings, and other Obligations with Surety or Sureties, to the acceptance as Surety or Guarantor thereupon of Companies qualified to act as such, and to provide a uniform System of procedure by and Standard of Qualifications for such Companies.

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

Surety company may become surety in any case.

And may be sufficient alone whether such case requires one or more sureties.

And also when freehold or resident surety is required.

Foreign surety company must be authorized by its charter to enter surety other than insurance policies.

And must comply with laws of this State.

Foreign companies must have paid up

SECTION 1. Whenever any bond, undertaking, recognizance or other obligation is by law or the charter, ordinances, rules or regulations of any municipality, board, body, organization or public officer, required or permitted to be made, given, tendered or filed with surety or sureties, and whenever the performance of any act, duty or obligation, or the refraining from any act, is required or permitted to be guaranteed, such bond, undertaking, obligation, recognizance or guarantee may be executed by a surety company qualified to act as surety or guarantor as hereinafter provided; and such execution by such company of such bond, undertaking, obligation, recognizance or guarantee shall be in all respects a full and complete compliance with every requirement of every law, charter, ordinance rule or regulation that such bond, undertaking, obligation, recognizance or guarantee shall be executed by one surety or by one or more sureties, or that such sureties shall be residents or freeholders, or either or both, or possess any other qualification and shall be accordingly accepted and treated.

SECTION 2. That such company to be qualified to so act as surety or guarantor under this act, must be authorized under the laws of the State wherein incorporated, and under its charter to guarantee the fidelity of persons holding places of public or private trust, and to guarantee the performance of contracts other than insurance policies, and to execute bonds and undertakings required or permitted in actions or proceedings or by law allowed; must comply with the requirements of the laws of this State applicable to such company in doing business therein; and if incorporated under the laws of any other State than this State it must have a paid-up, unimpaired and safely-invested capital of at least two hundred and fifty thousand dollars; must have good and available assets in

OF CORPORATIONS.

excess of its liabilities, which said liabilities, however, for the purposes of this act shall be taken to be its capital stock, its outstanding debts and a premium reserve at the rate of fifty per centum of the current annual premium on all outstanding risks in force; must file with the Insurance Commissioner of this State a certified copy of its charter or act of incorporation, a written application to be authorized to do business under this act, and a statement signed and sworn to by its president, or one of its vice-presidents, and its secretary, or one of its assistant secretaries, stating the amount of its paid-up cash capital, particularizing each item of investment, the amount of the current premium on existing bonds upon which it is surety, the amount of liability for unearned portion thereof, estimated at the rate of fifty per centum of the current annual premiums, stating also the amount of its outstanding debts of all kinds, and such further statement, similarly verified, as may by the laws of this State be required of such company in transacting business therein, and if such company be organized under the laws of any other State than this State it must, in addition thereto, appoint an attorney in this State on whom process of law can be served and file in the office of the Insurance Commissioner a written statement, duly signed and sealed, certifying such appointment, which shall continue until another attorney is substituted; and must have at least one hundred thousand dollars invested in good interest-bearing or dividend-paying securities of the character in which it is allowed under the laws of the State wherein incorporated to invest its capital, or in which like companies under the laws of this State are allowed to invest their capital, which said securities shall be in value at or above par and deposited with or held by the Insurance Commissioner or other corresponding officer of the State where such company is incorporated, in trust for the benefit of the holders of the obligations of such company; *provided*, that any company incorporated under the laws of any other State than this State, doing business in this State under the provisions of this act, must have on deposit with the State Treasurer of Delaware good interest-bearing and dividend-paying securities worth at par and market value at least ten thousand dollars, to be held for the benefit of the holders of the obligations of such company, said securities deposited with said State Treasurer shall remain with him in trust to answer any default of such company as surety upon such bond, undertaking, recognizance or other obligation established by final judgment upon which execution

capital of \$250,000.

Must file with Insurance Commissioner copy of charter, application to do business and statement of paid-up capital.

Items of statement.

Foreign corporation must appoint an attorney on whom process may be served.

Must have \$100,000 invested in interest-bearing securities and held by Insurance Commissioner of State where incorporated.

Foreign corporation must have \$10,000 in securities deposited with State Treasurer of this State to be held in trust for those interested and subject to execution process at suit of such party.

OF CORPORATIONS.

Income from said securities to be collected by said surety company.

Securities may be withdrawn and others substituted.

Securities exempt from attachment.

Company must have 30 days' notice of sale under process.

Surety company of this State not affected by this act.

may lawfully be issued against said company, said State Treasurer and his successors in office being hereby directed to so receive and thereafter retain such deposit under this act in trust for the purposes hereof, such company, however, at all times to collect the interest, dividends and profits upon such securities and from time to time to withdraw said securities or portions thereof substituting therefor others of equally good character and value to the satisfaction of the State Treasurer, and such securities and substitutes therefor shall at all times be exempt from and not subject to levy under any writ of attachment; *and further*, shall not be subject to any process against such company without at least thirty days' notice to said company, specifying the time, place and manner of such sale and the process under which and purposes for which said securities are to be sold, accompanied by a copy of such process; *and provided further*, that nothing herein contained shall be construed to in any way disqualify any trust company now or hereafter to be incorporated under the laws of this State and duly authorized by its charter to act as sole surety from becoming such sole surety in any case where, by law or otherwise, a bond, undertaking, obligation, recognizance or guarantee shall or may be required or permitted.

Certificate from Insurance Commissioner authorizing to act as surety.

No power hereby granted except to act as surety.

Certificate of Insur.

SECTION 3. Upon production of proof to the Insurance Commissioner of this State by any company organized under the laws of any other State than this State that it possesses the qualifications by this act required and that it has in all respects complied therewith, he shall issue to such company and to each of its agents in this State a certificate that it is authorized to become and be accepted as sole surety on all bonds, undertakings and obligations, required or permitted by law, or the charter, ordinances, rules and regulations of any municipality, board, body, organization or public officer, which said certificate shall be *prima facie* evidence of such company's right to do business in this State; *provided, however*, that no such company as aforesaid, by virtue of this act, shall within the limits of this State, by implication or construction, be deemed to possess the power to act in the capacity of executor, administrator, guardian, trustee, receiver, assignee, or agent, or in any other capacity than that of surety, anything in its charter or articles of incorporation to the contrary hereof notwithstanding; *and provided further*, that all certificates issued by the Insurance Commissioner of this State under the provisions of

OF CORPORATIONS.

this act shall expressly set forth the limitations and restrictions contained in the preceding proviso. ance Commissioner to specify said restrictions.

SECTION 4. That such company shall also annually, in the month of January, file with the Insurance Commissioner a statement similar to that hereinbefore in Section 2 of this act provided for, and such further statement as may be by the laws of this State required of such company, in transacting business therein, and shall also furnish him with a certificate from the officer with whom the deposit in Section 2 of this act specified is required to be made, describing such securities so deposited and the manner in which they are held by him and stating that he is satisfied that such securities are fully worth the amount so required to be deposited, and also shall furnish the Insurance Commissioner with such other information, touching its condition and credit, as he may require, signed and sworn unto as in said Section 2 provided. Annual statement to be filed. Certificate of securities deposited in other State to be filed. Other information.

SECTION 5. That any such surety company may at any time surrender to the Insurance Commissioner said certificate of qualification, and shall thereafter cease to engage in the said business of suretyship and indemnity; such company shall thereupon be entitled to the release and return of its said securities deposited as aforesaid in the manner following: said company shall file with said commissioner a statement in writing, under oath, giving the date, name and amount of all its then existing obligations of suretyship or indemnity in this State, setting down the facts of each case, and said commissioner after an examination of the facts, shall require said company to file with the Treasurer a bond to the State in the penalty of not less than ten thousand nor more than twenty thousand dollars, executed by said company and two or more responsible freeholders of this State, or a responsible surety company qualified as aforesaid, conditioned for the prompt fulfillment by said company of all its said outstanding obligations of suretyship or indemnity, and stipulating that the makers of said bond may be joined as defendants to any action upon any of the aforesaid obligations of suretyship or indemnity of said company, and that if judgment in such action be rendered against said company it may at the same time be rendered and enforced against the makers of said bonds without further or other action against same, and such bond shall stand for the security and benefit of all persons interested in said outstanding obligations of suretyship and indemnity; upon approving and filing such bond said treasurer shall deliver said securities to said company. May discontinue business. When. Bond with surety to be filed with State Treasurer. Condition of bond

OF CORPORATIONS.

Surety company may become bailee of money and assets of party for whom surety is entered.

SECTION 6. It shall be lawful for any party of whom a bond or undertaking is required to agree with his sureties for the deposit for safe keeping of any and all moneys and other depositable assets for which such sureties are or may be held responsible with a trust company, safe deposit company or bank authorized by law to transact business as such in this State, if such deposit is otherwise proper, in such manner as to prevent the withdrawal of such moneys and assets or any part thereof, except with the written consent of such sureties, or an order of the court, made on such notice to them as such court may direct.

Surety may be released from further liability on surety bond; how.

Order of court.

Court's control of trustee, &c., for whom surety was entered.

May order trustee, &c., to account.

SECTION 7. The surety or the representatives of any surety upon the bond of any trustee, committee, guardian, assignee, receiver, executor or administrator or other fiduciary may apply by petition to the court wherein said bond is filed or which may have jurisdiction of such trustee, committee, guardian, assignee, receiver, executor or administrator, or other fiduciary or to a judge of said court, praying to be relieved from further liability as such surety, for the acts or omissions of the trustee, committee, guardian, assignee, receiver, executor or administrator or other fiduciary, which may occur after the date of the order relieving such surety, to be granted as herein provided for; and to require such trustee, committee, guardian, receiver, assignee, executor or administrator or other fiduciary, to show cause why he should not account and such surety be relieved from any such further liability as aforesaid, and such principal be required to give a new bond; and thereupon upon the filing of such petition, the court or a judge thereof, shall issue such order returnable at such time and place and to be served in such manner as such court or judge may direct, and may restrain such trustee, committee, guardian, assignee, receiver, executor or administrator or other fiduciary from acting except in such manner as it may direct to preserve the trust estate and upon the return of such order to show cause if the principal in the bond account in the due form of law,* and file a new bond duly approved, then such court or judge must make an order releasing such surety filing the petition, as aforesaid, from liability upon the bond for any subsequent act or default of the principal; and in default of such principal thus accounting and filing such new bond, such court or judge must make an order directing such trustee, committee, guardian, assignee, receiver, executor or administrator, or other fiduciary to account in due form of

* So enrolled.

OF CORPORATIONS.

law and that if the trust fund or estate shall be satisfactorily accounted for and delivered or properly secured, such surety shall be discharged from any and all further liability as such for the subsequent acts of omissions * of the trustee, guardian, committee, assignee, receiver, executor or administrator or other fiduciary, after the day of such surety, being so relieved and discharged and discharging such trustee, committee, guardian, assignee, receiver, executor or administrator or other fiduciary.

SECTION 8. No company having signed any such bond, undertaking or obligation shall be permitted to deny its corporate power to execute such instrument or incur such liability, in any proceeding to enforce liability against it thereunder. Company having become surety may not deny its corporate power to do so.

SECTION 9. Nothing in this act shall be construed as conferring any power or right upon such companies to guarantee titles to real estate. Titles to real estate not to be guaranteed.

SECTION 10. All laws or parts of laws in conflict herewith are hereby repealed.

SECTION 11. This act shall take effect and be in force from and after the first day of July, A. D. 1895.

Passed at Dover, May 6, 1895.

CHAPTER 74.

OF CORPORATIONS.

A FURTHER SUPPLEMENT to an act to incorporate the New Castle County Mutual Insurance Company, passed at Dover, February 8th, 1849, and renewed by an act passed February 20th, 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 thereof concurring):

SECTION 1. That the corporation created by the act to which this is a supplement shall be and the same is hereby May insure against lightning

* No enrolled.

OF CORPORATIONS.

whether
fire ensues
or not.

May do any
insurance
business.

authorized to insure against loss or damage to property by lightning, whether fire ensues or not, and such insurance may be either by separate policy of insurance or by a condition included in, endorsed on, or annexed to any policy of insurance against loss by fire, issued or to be issued by the said company; and the said company is further hereby authorized to transact any kind of insurance business which any other insurance company is legally authorized to transact in this State.

SECTION 2. This act shall be deemed and taken to be a public act.

Passed at Dover, February 5, 1895.

CHAPTER 75.

OF CORPORATIONS.

A FURTHER SUPPLEMENT to the act entitled "An act to incorporate the Farmers' Mutual Fire Insurance Company of St. Georges and Appoquinimink Hundreds in New Castle County", granting to said Company power to insure real and personal Property against loss or damage by Lightning.

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 the Farmers' Mutual Fire Insurance Company of St. Georges and Appoquinimink Hundreds in New Castle County", passed January 31st, 1849, as amended by the act passed January 22d, 1869, and by the act passed March 16th, 1877, and by the act passed March 4th, 1881, be and the same is hereby amended as follows:

Authorized
to insure
against
lightning.

In addition to the power heretofore granted to said company to insure against loss or damage by fire, real and personal property in any part of the State of Delaware and in the Eastern Shore counties of the State of Maryland, the said company is hereby authorized and empowered to insure against loss or

OF CORPORATIONS.

damage by lightning, real and personal property, within the geographical limits above named.

SECTION 2. That this act shall be deemed and taken to be a public act, and that it shall be published among the laws of this State.

Passed at Dover, March 19, 1895.

CHAPTER 76.

OF CORPORATIONS.

AN ACT to incorporate "The Sussex Mutual Insurance 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 Elihu J. Morris, Dr. William P. Orr, ^{Corporators} Ebe W. Tunnell, William T. Records, Charles C. Stockley, F. C. Maull, Charles Atkins, H. P. Cannon, Henry A. Houston, and all other persons who may hereafter associate with them, shall be a corporation by the name of "The Sussex Mutual Insurance Company", for the purpose of insuring ^{Style.} ^{Objects.} their respective dwelling houses, stores, barns, shops and other buildings, household furniture, merchandise and other property against loss or damage by fire or by lightning, and by that name may sue and be sued, plead and be impleaded ^{May insure against fire or lightning} in all courts of law and equity in this State and elsewhere, shall have all the legal incidents of a corporation aggregate, ^{Powers.} and also the power to purchase and hold real estate, the clear yearly rental value of which shall not exceed five thousand dollars, and the same to dispose of from time to time as may seem for the interest of said corporation, and the said corporation may have and use a common seal, at their pleasure ^{Seal.} alter or renew the same, and may make such by-laws, rules ^{By-laws.} and regulations and the same to alter, or amend, or repeal, as they and their successors shall deem proper and expedient for the government and conducting the affairs and business

OF CORPORATIONS.

of said corporation, *provided* the same shall not be repugnant to the constitution and laws of this State or of the United States; and by that name shall have continuance and succession for the term of twenty years from and after the passage of this act. *And further provided*, that this act shall not be construed to confer banking powers.

Continued
for 20 years.
No banking
powers.

First
directors.

Vacancy.

Meetings to
be held in
Lewes.

SECTION 2. The persons named in the first section of this act shall be the first directors of the corporation hereby created. Any vacancy occurring in the board by death, resignation, refusal to serve or otherwise, may be filled by the remaining members of the board until the first annual meeting. The meetings of the said corporation shall be held and the business of the corporation shall be carried on and conducted in the town of Lewes, in the county of Sussex, State of Delaware, at such place as shall be designated by a resolution of the board of directors.

When
business
may begin.

SECTION 3. The company hereby incorporated shall go into operation whenever in the judgment of the board of directors application for insurance to said board of directors will warrant it.

Directors.
Annual
election.
Terms.

Vacancies.

How filled.

Hour of
annual
meeting.
Notice of
meeting.

Officers.

SECTION 4. The affairs of said company shall be conducted by a board of nine directors who shall be elected at the annual meeting on the third Wednesday in January, three for one year, three for two years, and three for three years, and until others are chosen in their stead at each annual meeting held on the third Wednesday in January, and annually thereafter three directors shall be elected to serve for the period of three years and until their successors are chosen in their stead. Directors elected at and after the annual meetings shall be members of the company. Vacancies occurring in the board of directors, after the first annual meeting, by death, resignation, refusal to serve, ceasing to be a member, or otherwise, may be filled by the remaining members of the board, to continue until the next annual meeting, when any such vacancy shall be filled by the members of the company by election for the residue of the unexpired term. The annual meetings of the company shall be held between the hours of 12 o'clock M. and 4 o'clock P. M., at the office of the company, and prior notice of each of such meetings shall be given by advertisement in one or more newspapers in this State for at least two weeks. The directors may choose a president, vice-president, secretary, treasurer, surveyors, appraisers, and other necessary agents. The

OF CORPORATIONS.

vice-president shall have such powers as may be conferred ^{Powers.} and shall discharge such duties as may be enjoined by the by-laws of the corporation. A majority of the directors ^{Quorum.} shall form a quorum, but a smaller number may make insurance. Before discharging any of their duties the directors shall be sworn or affirmed that they will discharge said ^{Oath of office.} duties with fidelity, and such oath or affirmation shall be certified by the officer administering it, and be recorded on the books of the corporation. The president and vice-president shall be chosen from the directors, and the ceasing to be a director shall vacate the office. None of the other officers or agents provided for by the charter shall be required to be directors.

SECTION 5. The elections shall be by ballot, and by plu- ^{Election by ballot.} rality of votes, and the result shall be certified by the judges who shall be three members who are not directors. The right to vote shall be according to the following regulations: Every member of the company shall be entitled to one vote, ^{Qualification to vote.} and in addition thereto shall be entitled to one vote for each dollar of interest paid on his premium note held by said company in excess of one dollar. No person shall be entitled to vote at any election who is in arrears with the payment of his interest on said notes held by said company.

SECTION 6. The directors may settle rates of insurance, the sum to be insured, the amount of deposit notes, the form ^{Powers of directors.} of policy, and all other matters necessary to effect the objects and purposes of this act, subject to the by-laws and also to the control of the members by a general resolution.

SECTION 7. To procure insurance, application shall be ^{Application for insurance.} made as required by the by-laws, stating truly the description of the property, which shall be valued by a director or some person duly authorized by the company, and the insurance shall be subject to the terms and conditions expressed in the policy or endorsed thereon.

SECTION 8. Every person who shall become a member of the corporation by insuring therein shall execute to the com- ^{Premium notes.} pany a note or bill obligatory for such sum, being a per centage on the amount insured, as a director shall require in proportion to the risk, payable in whole or in part at any time when it shall be necessary for losses or incidental expenses, and for the purpose of raising a contingent fund to pay losses ^{Premiums.} and expenses he may be required to pay interest thereon annually in advance; but such payments and all payments

OF CORPORATIONS.

With-
drawal of
member-
ship.

Failure
to pay
premium.

Contingent
fund may
be invested.

Transfer
of insured
property.

Insurance
vacated
unless
policy
transferred
within 60
days.

Premium
note lien on
property
insured.

Company
may sue
member if
in default
of payment
30 days after
notice of
assessment.

made by the insured shall be entered to his credit on the company's books, and shall be applicable to his liabilities as a member, and on his withdrawal or ceasing to be a member the deposit note or bill and all unappropriated interest thereon shall be surrendered and paid back to him at the next annual meeting. If interest be not paid when due the insurance shall be suspended until it is paid, without removing the liability of the delinquent as a member of the company. But any person who shall not pay his interest for one year after the same shall be payable shall be deemed to have withdrawn and in such case his note or bill obligatory shall be taken to be cancelled, but such person shall not receive any part of any unappropriated interest which he may have paid thereon, but the same shall be deemed to be forfeited to the company; but the directors, upon special application within one year after such default, may relieve from such forfeiture. The directors may loan or invest any portion of the contingent fund not presently needed.

SECTION 9. When any property insured shall be alienated in anywise, whether by operation of law or act of the party, the said insurance shall be vacated unless the policy shall within sixty days thereafter be transferred, with the consent of the company endorsed thereon, and the alienee may be required to execute another deposit note or bill and he shall thereupon be a member of the company, and any such policy may be adjusted either as to rate and amount on the request of either of * the company or the alienee, otherwise it will not need renewal.

SECTION 10. Every member of this company shall be bound to pay for losses sustained and for the necessary expenses of the company in proportion to the amount of his deposit note or bill and the company shall have a lien on all property insured in the nature of a mortgage to the amount of the deposit note or bill, which shall continue until all losses and expenses which have accrued or been sustained during the time whilst he was a member of the company shall be fully paid and satisfied. Suits at law may be maintained by the corporation against any of its members for the collection of such note or bill or any assessment thereon or for any liability to the company, and suits may be maintained and prosecuted by any member against the corporation, for loss or damage by fire or by lightning, if payment be withheld ninety days after notice duly given of such loss, and no

* See enrolled.

OF CORPORATIONS.

member not a party to the suit shall on that account be an incompetent witness.

SECTION 11. The directors shall, after receiving notice of any loss or damage by fire sustained by any member and ascertaining the same, or after any judgment recovered against the company for such loss or damage, settle and determine the sums to be paid by the several members thereof as their respective proportions of such loss which shall be paid first out of the contingent interest fund, secondly by calling for a part or the whole of the deposit notes and bills, and finally if the whole of the deposit notes and bills shall be insufficient at any time to pay losses the sufferers insured shall receive a proportionate dividend of said amount and in addition thereto a sum to be assessed on all the members of the company ratably, but not exceeding one dollar on every hundred dollars insured to them respectively, and no member shall ever be required to pay for any loss occasioned by fire or by lightning at any one time more than one dollar on every hundred dollars insured in said company in addition to the amount of his deposit note or bill and the interest paid or due thereon, nor more than the amount for any such loss after his said note or bill shall have been paid in and expended.

SECTION 12. Any call upon the deposit notes or bills and any additional assessment as aforesaid upon the members shall be payable to the treasurer in thirty days. The directors may appoint a collector for the purpose of collecting the same and if any member for the space of thirty days after demand shall neglect or refuse to pay the sum so assessed upon him as his proportion of any loss as aforesaid, the directors may declare his insurance suspended until paid, and may also sue for and recover the whole amount of his deposit note or bill and unpaid interest or any additional assessment or both, with costs of suit; the amount thus collected shall go to the credit of the party paying it, and if any balance remain it shall be returned to him after the next annual meeting when said policy shall be vacated and be discharged from the company.

SECTION 13. This act shall continue in force for twenty years and no longer unless renewed, and the Legislature hereby reserves the power of revocation.

SECTION 14. This act shall be deemed and taken to be a public act, and shall be published with other public acts passed at this session of the Legislature.

Passed at Dover, April 16, 1895.

OF CORPORATIONS.

CHAPTER 77.

OF CORPORATIONS.

AN ACT to incorporate the "Kent and Sussex Mutual Fire and Marine Insurance Company of Milford, 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):

Corporators	SECTION 1. That William T. Watson, Dr. George W. Marshall, William I. Simpson, John W. Hering, Thomas A. Watson, James H. Deputy, George H. Hall, Joseph E. Holland and J. S. Willis, and all other persons who may hereafter associate with them in the manner herein prescribed,
Style.	shall be a corporation by the name of the "Kent and Sussex Mutual Fire and Marine Insurance Company of Milford, Delaware", for the purpose of insuring dwelling houses, stores, barns, shops and other buildings, furniture, merchandise and all other property, real and personal (plate, jewelry and paintings excepted), on land or water, against loss by fire, tornadoes, lightning and any other element or elements;
Purpose.	and by that name shall have perpetual succession, and all powers incident to a corporation aggregate; and the said corporation shall have and possess all the powers and privileges which are granted by acts of the General Assembly of this State to the Kent County Mutual Fire Insurance Company, subject to the same restrictions and limitations therein imposed, but it shall not be lawful for the said company to make insurance on the lives of persons or to engage in banking operations.
Powers same as Kent Co. Mutual Insurance Company.	
Life insurance and banking not permitted.	

First directors.	SECTION 2. The persons named in the first section of this act shall be the first directors of the corporation hereby created. The meetings of the said corporation shall be held, and the business of the corporation shall be carried on and conducted in the town of Milford at such place as shall be designated by said board of directors.
Place of business.	

When to begin business.	SECTION 3. The company hereby incorporated may organize by the election of officers on or before the second Tuesday of June next following the passage of this act and shall go into operation whenever in the judgment of the board of directors applications for insurance shall be made to the said board of directors sufficient to warrant it; and it
-------------------------	--

OF CORPORATIONS.

shall be lawful for the said directors with or without a new survey, as they shall judge proper, to insure property already insured in any other company, and to admit persons so insured as members of this company. May insure property already insured in another company.

SECTION 4. The affairs of said company shall be conducted by a board of nine directors, three of whom shall be elected annually, at the annual meeting of the members of said corporation on the first Tuesday in January in each year, to serve for the period of three years and until others are chosen in their stead, except that at the annual meeting next succeeding the passage of this act there shall * nine directors elected, three of whom shall be elected for one year three for two years, and three for three years, and until said annual meeting the persons named in the first section of this act shall be the directors of the corporation hereby created. Number of directors. Annual election. Terms. First directors.

The annual meeting of the company shall be held at eleven o'clock in the forenoon at the office of said company, in the town of Milford, and prior notice of each of such meetings shall be given by advertisement in one or more newspapers in this State for at least two weeks. Hour of annual meeting. Notice.

The directors may choose a president, vice-president, secretary, treasurer, surveyors, appraisers and other necessary agents; may fill vacancies in their own body by appointment to continue until the next annual meeting, when any such vacancy shall be filled by the members of the company by election for the residue of the unexpired term. Officers. Vacancies.

The officers shall have such powers as may be conferred and shall discharge such duties as may be enjoined by the by-laws of the corporation. A majority of the directors shall form a quorum, but a smaller number make insurance. Before discharging any of their duties the directors shall be sworn or affirmed that they will discharge said duties with fidelity, and such oath or affirmation shall be certified by the officer administering it, and be recorded on the books of the corporation. The president, vice-president, secretary and treasurer shall be chosen from the directors, and the ceasing to be a director shall vacate the office. None of the other officers or agents provided for by the charter shall be required to be directors. Quorum. Oath of office. Qualifications of officers.

SECTION 5. The directors of the said corporation may make such by-laws, rules and regulations, and alter, amend By-laws.

* So enrolled.

OF CORPORATIONS.

or repeal the same, as they and their successors shall deem proper and expedient for the governing and conducting of the affairs and business of said corporation.

SECTION 6. This act shall be deemed a public act and shall be published with other public acts passed at this session of the Legislature.

Passed at Dover, April 24, 1895.

CHAPTER 78.

OF CORPORATIONS.

AN ACT to incorporate "The Laurel Loan and Trust 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 therein):

Corpora-
tors.

Style.

Powers.

Seal.

By-laws.

Banking
powers
forbidden.

SECTION 1. That Andrew J. Horsey, Dr. William E. Wolfe, Thomas C. Horsey, William T. Records and such other persons as may hereafter become stockholders in the company hereby incorporated, their successors and assigns, be and they are hereby created a corporation by the name of "The Laurel Loan and Trust Company", and by that name shall have perpetual succession, with power to sue and be sued, to plead and be impleaded, complain, answer and defend in all courts of law and equity, to purchase, take, hold, and enjoy lands, tenements and hereditaments wheresoever situate, and goods, chattels and effects whatsoever and wheresoever the same may be, and the same to grant, convey, sell, mortgage, lease, dispose of, manage, loan, invest, and otherwise dispose of at pleasure, to have and use a common seal, and the same to alter and renew at pleasure, to ordain by-laws not inconsistent with the laws of this State or of the United States, and generally to use, exercise and enjoy all the powers, rights, privileges and franchises incident to a corporation except banking powers.

OF CORPORATIONS.

SECTION 2. That said corporation is hereby created for and is authorized and empowered to receive, hold and enjoy for its own use, benefit and behoof, on deposit, or in trust and as security for any person or persons, natural or artificial, moneys, securities, property and estates of every description, real, personal and mixed, of whatever kind and nature, and the same to loan, invest and reinvest, purchase, collect, adjust, settle, manage, assign, lease, convey, grant, bargain, sell and dispose of in such manner, for such price and upon such terms as may be agreed upon between the said corporation and the parties contracting with it; to receive upon deposit for safe keeping, upon such terms as may be agreed upon or as may be prescribed in the by-laws, money, jewelry, plate, stocks, bonds, deeds and other little* papers, wills, and any and all other valuable personal property of every description and kind; to receive from executors, administrators, guardians, public officers, receivers, assignees, trustees and other fiduciaries, moneys at interest or otherwise as may be agreed upon; to rent safes, vaults and other receptacles for any such property, to accept and execute trusts of all and every description; to become assignees, to collect the income, make investments and to assume the managements or agency of any property which may be committed or transferred to said corporation with its consent by any person or persons, natural or artificial, or by any public officer or any court of record; to accept and execute the office and appointment of trustee, receiver, assignee, guardian, executor, administrator or other fiduciary of any kind and nature whatever, whether such office or appointment is made or conferred by any person or persons, natural or artificial, or by any public officer or officers or any court of record having power to make the appointment, to act as agent for registering, issuing, and countersigning the certificates of stocks, bonds or other obligations of any corporation, association, municipality, school district, county or State, and may receive and manage any sinking fund therefor on such terms as may be agreed upon; may guarantee the validity and performance of any contract or agreement and the fidelity of persons holding places of responsibility and trust and indemnify fully against all losses that may be occasioned by any want of such fidelity, and may become surety for any person or persons for the faithful performance of any trust, office, duty, contract or agreement, and may become sole surety in any and all cases where one

Objects of
corporation
and nature
of business.

May be-
come surety

* So enrolled.

OF CORPORATIONS.

or more sureties are required for the faithful performance of any trust or office, or for the faithful performance or payment of any recognizance, suit, judgment, order or decree entered or to be entered of any court of record, and it shall and may be lawful for any judge, officer or court to approve said corporation as sole surety in all such cases, and in such cases the officers and affairs of said corporation shall be subject to examination and its property and effects shall be liable as in this act provided; and the said corporation is hereby further authorized to stipulate and provide for indemnity and compensation for the person or persons for whom it shall become liable and to enforce any contract, pledge or other security made or given for that purpose, as may be equitable and just, and for its care, management and trouble and the exercise of any of its powers hereby given or for the performance of any of the duties which it may undertake or be called upon to perform or the assumption of any responsibility, the said corporation shall be entitled to have, be allowed and receive a just and reasonable compensation.

Deposits
exempt
from at-
tachment.

The deposits made with said corporation shall be exempt from all attachment in the same manner as are the deposits of banks and like institutions.

Books for
subscription
to capital
stock.

Capital
stock.

May be
increased.

Stock, how
certified, &c.

First board
of directors.

When
business
may be
commenced.

Meetings,
annual.

Special.

SECTION 3. The corporators named in Section 1 of this act, or any three of them, shall have power and are hereby authorized to open books and secure subscriptions to the capital stock, at such times and places as they may deem expedient, which capital stock shall consist of two hundred and fifty shares of the par value of one hundred dollars each, aggregating the sum of twenty-five thousand dollars. The majority of the stockholders may, however, increase the said capital stock from time to time to any amount not exceeding two hundred thousand dollars. The said stock shall be certified, held and assigned according to the provisions of the by-laws. The subscribers may elect a board of directors to serve until the ensuing annual meeting or until their successors shall be duly elected. When two hundred and fifty shares shall have been subscribed, but active business shall not, however, be commenced until twenty-five thousand dollars shall have been paid in on the capital stock.

SECTION 4. There shall be annual meetings of the stockholders on the first Monday of June in each and every year, and special meetings of stockholders may be called by the president in manner to be provided by the by-laws. At

OF CORPORATIONS.

meetings of stockholders all questions shall be decided by a ^{Votes.} majority of votes to be cast in person or by proxy, each share of stock being entitled to one vote.

SECTION 5. The affairs and business of said corporation shall be managed by a board of directors of not less than ^{Board of directors.} seven nor more than thirteen, a majority of whom shall be ^{Qualifi-} citizens of the State of Delaware, and all of whom shall be ^{cations.} stockholders, and if any director shall cease to be a stockholder, his office shall thereupon become vacant; such director shall be elected by the stockholders at their annual meeting by ballot and by a majority of votes cast, according to the provisions of Section 4 of this act. They shall continue ^{Terms.} in office until the next annual meeting or until their successors are duly elected. A failure to elect annually shall not dissolve the corporation. Any vacancy happening in the ^{Vacancy.} board shall be supplied by the other directors.

SECTION 6. The principal office of the said corporation shall be in the town of Laurel, but branch offices and agen- ^{Principal office in Laurel.} cies may be established elsewhere.

SECTION 7. The directors shall choose from among their ^{Officers.} number a president and vice-president and shall elect a secretary and treasurer, and employ such other officers, agents and servants as may be necessary, and may secure their ^{Bond of fidelity.} fidelity by bond or otherwise as they shall judge proper. They shall adopt such by-laws for the government of the ^{By-laws.} affairs and business of said corporation as they may deem proper, and set out therein the duties of such officers, agents and servants and fix their compensation. They may also ^{Dividends.} declare such dividends of profits of the corporation from time to time as they may deem proper; *provided*, that no dividends shall be declared when the capital stock would thereby be impaired.

SECTION 8. That in all cases when application shall be made to any court or register of wills, or other officer for the appointment of any trustee, receiver, assignee, guardian, executor, administrator, depositary, or other fiduciary, it shall and may be lawful for such court or register or other officer to appoint said corporation, with its consent, as such trustee, receiver, assignee, executor or administrator, depositary, or fiduciary, and the accounts of said corporation shall be regularly settled and adjusted before the proper tribunal or officer and upon such settlement and adjustment all proper, legal, usual and customary charges, costs and expenses shall

OF CORPORATIONS.

Security
not re-
quired
further
than its
capital
stock and
property.

be allowed to said corporation for its care and management of the trusts and estates aforesaid, and the said corporation, as such trustee, receiver, assignee, guardian, executor, administrator, depository, or fiduciary, shall be subject to all orders or decrees made by the proper tribunal or officer under the laws of this State, and whenever said corporation shall be appointed a trustee, receiver, assignee, guardian, executor or administrator, depository, or other fiduciary, it shall not be required to give any security, but the capital stock of said corporation as paid in shall be taken and considered as the only security required by law for the faithful performance of its duties, and shall, together with its property and effects, be absolutely liable in case of any default whatever.

Not re-
quired to
convert
securities.

SECTION 9. That said corporation, unless so directed by deed or will, or by order of a proper court, or required so to do for payment of debts, expenses or pecuniary legacies, shall not be required to convert into cash or change any investments in stocks, loans or other securities, which may come into its possession whilst acting in any of the aforesaid official or fiduciary capacities, if, in its discretion, such conversion would be disadvantageous.

Interest on
trust funds
to be ac-
counted for.

Exception.

SECTION 10. Upon any sum, not less than one hundred dollars, which shall be collected and received by said corporation in its capacity as trustee, guardian, depository or receiver, under the order of any court, a reasonable interest shall be allowed of not less than four per centum per annum, which interest shall continue to accrue until all the moneys so received shall be duly expended and paid over or distributed; *provided*, that said corporation is authorized, whenever it so desires, to deposit the same in any bank, trust or safe-deposit company, or savings institution, in which case it shall only be required to allow such an amount of interest as it shall actually receive thereon.

Surplus
income of
infant ward
to bear
interest.

SECTION 11. When the annual income of an infant of whose estate the said corporation shall be guardian shall exceed the sum allowed, or which may be sufficient for the education, maintenance and support of said infant, such surplus income shall be accumulated by the said corporation for the benefit of such infant by adding interest annually on the whole as new principal, the interest so to be allowed and added upon such accumulation in no case to be less than four per centum per annum.

OF CORPORATIONS.

SECTION 12. That whenever and so often as it shall be deemed necessary, or upon the application of the said corporation, the Chancellor, or the Orphans' Court in and for either of the counties of this State, may appoint a suitable person to investigate the affairs and management of said corporation, who shall make a written report of such investigation, showing the manner in which its investments are made, the character thereof and the security afforded to those by or for whom its engagements are held, and the expense of such investigation shall be defrayed by said corporation, or the Chancellor or the said court may require the officers of the said corporation to appear and be examined under oath or affirmation as to the security afforded.

Management may be investigated.

SECTION 13. That this shall be deemed and taken to be a public act, and the power to revoke or alter this act is hereby reserved to the Legislature. For certifying this act the Secretary of State shall demand and receive for the use of the State the sum of twenty dollars, and the said corporation shall pay to the Secretary of State the cost or expense of publishing this act in the laws.

To pay State tax on certified charter and pay cost of printing in public laws.

Passed at Dover, May 7, 1895.

CHAPTER 79.

OF CORPORATIONS.

AN ACT for the further renewal of the Charter of the "Home for Aged Women".

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. The charter of the "Home for Aged Women", a corporation and body politic of this State, and all and every the provisions of the several acts of the General Assembly of this State, now in force, whereby any right, power, franchise, privilege or immunity is or was granted to, or vested in the said corporation, be and the same are

Charter re-enacted and continued for 20 years.

OF CORPORATIONS.

re-enacted, renewed, extended and continued in force for the term of twenty years from and after the passage of this act; and the said corporation shall, during the said term, have, hold, enjoy and possess all and every the franchises, powers, rights, privileges and immunities heretofore vested in said corporation by any law of this State.

SECTION 2. This shall be a public act and shall be published as such. The Legislature reserves the right to alter or revoke the said charter.

Passed at Dover, January 24, 1895.

CHAPTER 80.

OF CORPORATIONS.

AN ACT to amend the charter of "St. Michael's Day Nursery and Hospital for Babies".

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 charter of incorporation of "St. Michael's Day Nursery and Hospital for Babies", granted by the associate judge of New Castle county, and duly recorded in the recorder's office in and for said county, be and the same is hereby amended by adding thereto the following: "That the said corporation shall have power to accept and execute the office and appointment of guardian of any minor child under ten years of age, whether such office or appointment be conferred or made by any person or persons, or by the Orphans' Court of the State of Delaware, or any other court of record, or justice of the peace of the State of Delaware, with all the powers and duties of such guardianship as provided by law.

May become guardian of minor under ten years.

SECTION 2. That the corporation is hereby authorized and empowered, with the consent of the managers of the corporation, to take and receive into its custody, care and control any child under the age of ten years, who may be

Child under ten years may be committed to its care.

OF CORPORATIONS.

committed or bound to it by any person, or by any court of record or justice of the peace of the State of Delaware pursuant to any law of the State of Delaware, and every court of record and justice of the peace of the State of Delaware is hereby authorized and empowered to commit or bind to said corporation, with the consent of the managers of said corporation, any child under the age of ten years which by any law of the State of Delaware may be committed or bound to any orphan asylum, charitable or other organization or institution in the State of Delaware for the care of children.

SECTION 3. That the Levy Court of New Castle county is hereby authorized and empowered to make an appropriation annually out of the funds of said county to the said corporation in aid of the objects of said corporation. Appropriation to by Levy Court of New Castle Co.

SECTION 4. That this act shall be deemed and taken to be a public act and shall be published as such.

Passed at Dover, March 14, 1895

CHAPTER 81.

OF CORPORATIONS.

AN ACT to incorporate the "Diamond State Protective Association of New Castle County, 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 1. That James M. Shakespeare, Irvan L. Ball, Samuel U. Morrison, William J. Stroud, Arnold Naudain, Jr., Jonathan C. Springer, William Chandler, Samuel S. McCoy, John Huggins, W. Frank Ball, Ellis P. Hicks, Edward Woodward, Pusey Pennock, James Brown, 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 "Diamond State Protective Association of New Castle County, Delaware", and they and their successors are ordained and declared a Corporators

OF CORPORATIONS.

body 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 court of law or equity in this State, with the right to make and use a common seal, and at their pleasure to alter and renew the same, and to have and enjoy all the rights incident to a corporation aggregate under the laws of this State; *provided*, that the clear value of the real estate or securities held by them shall at no time exceed the sum of two thousand dollars and that no banking powers shall be conferred by this act.

Objects to prevent or detect larceny. SECTION 2. The objects of this association are to provide effective means for the recovery of stolen property, and for the detection, apprehension, arrest and conviction of any person or persons who shall be guilty of the larceny of any horse, gelding, mare, colt, filly or mule, cattle of any kind, sheep, swine, poultry, or any goods and chattels of the value of five dollars (\$5.00) and upwards belonging to the members of this association.

Officers. SECTION 3. The officers of the said association shall be a president, secretary and treasurer, and such other officers as said association may deem necessary, who shall be elected annually or otherwise as the rules and by-laws of the corporation may direct. The president, secretary and eleven other members of said association shall constitute the board of directors of said association; seven members of said board shall constitute a quorum.

Jurisdiction. SECTION 4. The jurisdiction of this association shall embrace the hundreds of White Clay Creek, Mill Creek and Christiana and such parts of any adjoining hundreds as may hereafter be decided upon by the members; *provided*, it shall not embrace any part of Wilmington hundred.

By-laws. SECTION 5. The corporation, when convened by due notice given to the members, shall have power and authority to make, ordain and establish such rules, by-laws and ordinances, relating to the concerns of the corporation, as they may deem necessary and proper; *provided*, that no rule, by-law or ordinance shall be valid if inconsistent with the constitution and laws of this State or of the United States.

SECTION 6. This act shall be deemed and taken to be a public act, and the Legislature reserves the right to alter, repeal or revoke the same.

Passed at Dover, April 26, 1895.

OF CORPORATIONS.

CHAPTER 82.

OF CORPORATIONS.

AN ACT to incorporate "The Silverbrook Cemetery 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 company incorporated by and under this act is formed for the purpose of establishing and main- Object.
taining a public cemetery in Christiana hundred near the limits of the City of Wilmington. That Henry White, James F. White, John H. Peoples, Alfred D. Peoples, Henry C. White and William F. Smalley, Jr., and such other per- Corporators
sons as may hereafter become stockholders in the company hereby incorporated and their successors or assigns, be and they are hereby constituted a corporation and body politic under the name, style and title of "The Silverbrook Cemetery Company", and by said name shall have perpetual suc- Style.
cession and shall have the power and capacity to sue and be sued, to plead and be pleaded * in all courts of law and equity Powers.
and to purchase, take, own and hold by contract, deed, devise, bequest, gift, assignment, or otherwise howsoever, real and personal estate of every kind and the same to grant, sell, alien, convey and dispose of in such manner and upon such terms and conditions as said company or its successors shall think proper; to enter into any and all contracts necessary or proper to be in the conduct of its business and declare dividends of the profits of said company, to ordain by-laws not repugnant to the constitution or laws of this State or of the By-laws.
United States; to exercise and enjoy all the franchises incident to a corporation, and generally to do all and singular Privileges.
those matters and things which shall appertain to the well being and ordering of said company and to the proper conduct of its business and affairs as a cemetery company.

SECTION 2. The corporators named in Section 1 of this act, or a majority of them, shall have power and are hereby authorized to open books and secure subscriptions to the cap- Books for
ital stock of said corporation at such times and places as they subscription.
may deem expedient, which capital stock shall consist of six hundred shares of the par value of one hundred dollars per Capital
share each, making a total capital of sixty thousand dollars. stock.

* So enrolled.

OF CORPORATIONS.

May be increased. The majority of the stockholders may, however, increase the capital stock in their discretion from time to time to any amount not exceeding one hundred thousand dollars; *provided, however,* that thirty thousand dollars of capital stock shall be subscribed and fully paid for before commencing business.

When business to be commenced. SECTION 3. The principal office of said company shall be in the City of Wilmington where its annual meeting shall be held on the third Monday in January of each year. All stockholders meetings may be called by the president in manner to be provided by the by-laws. At meetings of the stockholders all questions shall be decided by a majority of the votes cast either in person or by proxy, each share of stock being entitled to one vote.

Principal office in Wilmington. Meetings. How called. Qualifications to vote. SECTION 4. The affairs and business of the corporation shall be managed by a board of directors, not less than five nor more than eleven, who shall be stockholders, to be elected by the stockholders at each annual meeting. They shall be chosen by ballot and by a majority of votes cast according to the provisions of the third Section of this act, and shall continue in office until the next annual meeting or until their successors are duly chosen. Any vacancy in the board of directors shall be supplied by the other directors. A failure to elect annually shall not dissolve the corporation. The directors, until the first annual meeting after the passage of this act, shall be elected at a meeting of the stockholders convened by the incorporators herein named.

Directors. How chosen. Terms. Vacancy. First directors. SECTION 5. The directors shall elect one of their number president whose duties shall be prescribed by the by-laws. The directors may also appoint a secretary and treasurer and appoint such other officers, servants and agents as may be necessary.

Officers and agents. SECTION 6. All lots of ground sold by the said company shall be exclusively used for burial lots; and the estate of the proprietors respectively in their respective lots shall be of qualified inheritance—that is to say, the same shall descend as real estate to heirs; and the cemetery grounds, with the buildings, improvements and appurtenances shall be exempt from taxation and shall not be levied upon or taken by execution or other process of law or equity; and the said lots so sold shall be held subject to the by-laws and regulations of said company; *provided,* that no burial lot shall be aliened or devised so as to vest any right in the alienee or devisee without the approval of said board of directors.

Title of members to property.

Exempt from taxation and execution.

All alienations subject to approval of company.

OF CORPORATIONS.

The certificates of burial lots, according to the form prescribed by the board of directors, signed by the president and attested by the secretary, shall be valid and sufficient. Certificates
 The records and record books of the said company that shall be kept under the constitution and by-laws of the said company shall be competent evidence in any court of law or equity; and copies of said records and of entries in said books certified by the secretary shall also be competent evidence in such courts. Records evidence.

SECTION 7. That no street, road, lane, alley or walk shall be opened, made or laid out through said public cemetery or through any adjoining land which may be added to said cemetery by said company, except by and with the consent of the board of directors; and the entire regulation and management of said cemetery shall be under the exclusive control of said board of directors. No road, &c., to be opened through grounds.

SECTION 8. That any person who shall deface, mutilate, injure or destroy any fence, shrub, vine, tree, grave, grave-stone, tomb, monument or any other natural object or work of art belonging to, in or about said cemetery shall be guilty of a misdemeanor and upon conviction thereof shall forfeit and pay a fine of not less than fifty dollars and may also be imprisoned for any period not more than three months at the discretion of the court. Injury to property.
Misdemeanor.
Fine.
Imprisonment.

SECTION 9. This act shall be deemed and taken to be a public act, and the corporation hereby created a corporation for public improvement and the power of revocation is hereby reserved to the legislature.

Passed at Dover, May 9, 1895.

OF CORPORATIONS.

CHAPTER 83.

OF CORPORATIONS.

AN ACT to incorporate the "Bethel, Laurel and Sharptown Telephone 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):

SECTION 1. That Joshua H. Marvil, John M. C. Moore, William Thomas Moore, George K. Phillips, Andrew J. Horsey, Allien A. W. Robinson, Wm. H. Knowles, Thomas J. Sauerhoff and their associates, or persons who shall become stockholders, be and the same are hereby made a body politic and corporate by the name and style of the "Bethel, Laurel and Sharptown Telephone Company", and by the said name they and their successors shall and may have perpetual succession and shall be in law capable of suing and be * sued, pleading and being impleaded in all courts and jurisdiction whatsoever, and also contracting and being contracted with, relative to the business and objects of said corporation as hereinafter declared, and they and their successors may have a common seal and may change and alter the same at pleasure, and they and their successors aforesaid shall have power to lease in fee or purchase in fee simple such real estate as may be necessary for carrying on the business of the said corporation.

SECTION 2. That the corporation created by Section 1 of this act is hereby authorized and empowered to locate, construct, maintain and operate a telephone or telegraph line or both between the towns of Bethel and Laurel in the county of Sussex in the State of Delaware and also to extend the same to the State line of Maryland in the direction of Sharptown, with power likewise to locate, construct, maintain and operate such other telephone or telegraph lines, or both, within the said county of Sussex as the directors of the said corporation may from time to time deem advisable, and in the location and construction of any such lines the said corporation is expressly authorized and empowered to locate, construct and maintain the same as well over and across private property as along the public highways in the said county, and the said corporation is hereby fully invested with all the

* So enrolled.

OF CORPORATIONS.

rights and powers in this behalf necessary to enable it to effect the purpose contemplated by its creation; *provided, however,* that if any such lines be located along the public highways, as in this Section is expressly authorized, they shall be located and maintained near the outer limits thereof and so as not to impede or interfere with the proper use of such highways for public travel; *and provided further,* that when such lines shall be located and maintained over and across private property compensation shall be made to the owner or owners of such property, as is hereinafter provided, if the said owner or owners shall consider himself damaged thereby and demand compensation.

Near outer limits of highways.

Compensation to owners of private property.

SECTION 3. The capital stock of said company shall be \$1000.00 to be divided into 100 shares of \$10.00 each, which said capital stock may be increased to a sum not exceeding \$15,000.00 either at one time or from time to time, as the directors shall determine; and the directors of said company shall have power to issue the additional stock in shares of the same par value as those of the original stock and to dispose of the same at such time and in such manner as the directors may determine.

Capital stock.

May be increased.

SECTION 4. The management and control of the "Bethel, Laurel and Sharptown Telephone Company" shall be vested in the persons named in first Section of this act, until the period herein fixed for the regular election of directors, who shall choose a president, treasurer and secretary. And the stockholders of said company shall meet annually on the first Monday in April, in the town of Bethel, or such other place as they may determine upon, and elect five directors for said company, all of whom shall be stockholders, who shall select from their number a president and also a treasurer and secretary for said company, who may or may not be directors of said company. The notice for said election and the manner of conducting the same shall be provided for in the by-laws of said company; and in all the elections each share of stock shall entitle the holder to one vote, every stockholder being entitled to as many votes as he holds shares of stock.

First directors.

Officers.

Annual election.

Officers.

Notice of election.

Qualifications to vote.

SECTION 5. Said company shall procure certificates or evidences of stock for all the shares of said company, and shall deliver one such certificate, signed by the president and countersigned by the secretary and sealed with the common seal of said corporation, to each person for each share or shares of stock as by him or her respectively owned, which

Certificates of stock.

How issued

OF CORPORATIONS.

How trans- certificate of stock shall be transferable at his or her pleasure
ferred. in person or by attorney duly authorized in the presence of
the president or secretary, in a book to be kept by the said
corporation for that purpose.

Meetings of SECTION 6. The board of directors of said company shall
directors. meet at such times and places as shall be provided in the
Quorum. by-laws of said company, three of whom shall be a quorum,
who, in the absence of the president, may choose a chairman
and shall keep a minute of their transactions fairly entered
in a book; they shall have full power to fix all salaries to
Powers of employes, and to fix the rates for the use of said telephone or
directors. telegraph lines which this corporation is empowered to erect
May fix and control; and to enact by-laws for the proper regulation
charges for use of lines. and government of said corporation, and generally to do
By-laws. such other matters, acts and things as by this act and the
by-laws of this corporation they are authorized to do.

Dividends. SECTION 7. The board of directors may declare dividends
not exceeding six per cent. per annum, or so much of the
net profits of the company as shall appear to them advisable,
Semi- on the first Monday in January and July of each year, which
annually. shall be paid to the stockholders on demand ten days after
the same shall have been declared.

DAMAGE TO SECTION 8. If any person shall wilfully or maliciously
property of do or cause to be done any act or acts whatever, whereby
company. any pole, wire, battery, or any matter or thing appertaining
to the same shall be obstructed, injured or destroyed, the
Misdemeanor. person or persons so offending shall be guilty of a misde-
meanor, or may be indicted thereof in the Court of General
Sessions of the Peace and Jail Delivery in and for the county
Conviction. in which said offence was committed, and on conviction
thereof shall be punished by fine not exceeding \$500.00, or
Fine. imprisonment not exceeding one year, or both in the discre-
Imprisonment. tion of the court; *provided*, that such criminal prosecution
shall not in any way impair the right of said company to full
Action for compensation in damages by civil suit.
damages.

Directors to SECTION 9. That said corporation shall have the right to
regulate charges charge all persons using its lines or delivering messages for
transmission thereover such reasonable sums for the service
as its board of directors shall provide.

Use of SECTION 10. Whenever any of the lines hereinafter
private property. authorized to be constructed shall be located and constructed
over and across private property, if the owner or owners

OF CORPORATIONS.

thereof shall consider himself, herself or themselves damned thereby, and shall demand of the said corporation compensation therefor, it shall and may be lawful (in the event that the said corporation and such owner or owners shall be unable to agree on the amount of such compensation) for the said owner or the said corporation to apply, by petition, to the associate judge of the Superior Court of the State of Delaware residing in the county of Sussex, stating the facts, and thereupon the said judge shall appoint five freeholders of the said county to view the premises and ascertain and determine the amount of damages sustained by such owner. The said freeholders so appointed, having first been duly sworn or affirmed to perform their duties with fidelity, shall view the premises and determine the amount of damages sustained by such owner, and they, or any three of them, shall make a return in writing, under their hands, stating the amount of damages which said owner has sustained. Said return shall be approved by the said court or judge unless either party shall, within five days, make application for the appointment of another set of freeholders, and said second set of freeholders shall, if appointed, have and exercise the same powers as those first appointed, and their award, or the award of any three of them, shall be final and conclusive.

Compensation.

How determined.

Commission to determine.

Oath.

Return.

Approval.

Second commission.

SECTION 11. That this act shall be deemed and taken to be an act for public improvement, and the power to alter, amend or revoke the same for any misuse or abuse of the rights hereby conferred is hereby reserved to the Legislature.

Passed at Dover, April 3, 1895.

OF RAILROADS.

CHAPTER 84.

OF RAILROADS.

A BILL entitled AN ACT to authorize and permit the Queen Anne's Railroad Company to extend its Railroad through the State of Delaware, from certain points herein designated, and to confer upon it certain other powers and privileges.

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):

WHEREAS, The Queen Anne's Railroad Company is a corporation duly incorporated under the general laws of the State of Maryland by articles of incorporation heretofore filed and recorded in the office of the Secretary of the State of Maryland; and

WHEREAS, By an act of the General Assembly of the State of Maryland, passed at the January Session, 1894, Chapter 268, additional powers were conferred on said railroad company; and

WHEREAS, Said railroad company has been duly organized by the election of a board of seven directors, of which William H. Bosley is the president, consisting of John S. Gittings, William G. McCormick, Frank Ehlen, Wilmer Emory, B. Palmer Keating, William H. Bosley and W. B. Oliver; and

WHEREAS, The said railroad is desirous of extending the line of its railroad from Denton, Caroline County, Maryland, in a southeasterly direction to the State line between the States of Delaware and Maryland, and thence easterly across the State of Delaware according to the route hereinafter designated.

SECTION 1. *Be it enacted, therefore,* That the said Queen Anne's Railroad Company, of which William H. Bosley is the President and John S. Gittings, William G. McCormick, Frank Ehlen, Wilmer Emory, B. Palmer Keating, William H. Bosley and W. B. Oliver are the directors, be and it is hereby created, made and recognized as a body politic and corporate, by the said name, style and title of the Queen Anne's Railroad Company, and by such name, style and title shall have perpetual succession and be capable of suing and being sued, of pleading and being impleaded in any court of

Directors.

Incor-
porated.
Style.

Powers.

OF RAILROADS.

law or equity in this State or elsewhere, and of receiving taking, holding, and operating in its corporate name and character, any real or personal property, necessary and useful in the construction and maintaining of said railroad.

SECTION 2. That the said corporation is hereby authorized and empowered to survey, locate, construct, maintain and operate by steam, electricity, compressed air, or other motive power, a railroad of double or single track, commencing at a point on the line dividing this State from the State of Maryland, where the intended line of railroad of the said corporation in the State of Maryland, extended in a southeasterly direction from Denton in Caroline County in said last-mentioned State, would intersect said dividing line, and extending thence across the State of Delaware in an easterly direction, either by way of Bridgeville and Georgetown, or by way of Greenwood and Ellendale, to Milton, and thence to Lewes or some point within one mile thereof, in the county of Sussex and State last aforesaid.

SECTION 3. The said corporation, by its agents, officers and employees, for the purpose of surveying and locating the route of the said railroad may enter upon and pass through any private property, without unnecessary injury to said premises and may locate the roadway for their said railroad not more than sixty-five feet in width, and to procure sand, gravel, wood and other materials therefrom, and to obtain the right and title to the same and to the land upon which said roadway is to be located, and to an amount of land for depot purposes not exceeding three acres for any one depot, as hereinafter provided.

SECTION 4. That whenever any land, earth, sand, gravel or other materials necessary to be taken, occupied and used in the construction of the said railroad, cannot be procured or purchased of the owner thereof, by agreement between him and said company, the latter may apply to the Superior Court of Sussex County, or to any judge thereof in vacation, first giving the other party or owner at least five days' notice in writing of the intended application, if within the State; and if said other party or owner be unknown or without the State, then such notice shall be published at least once five days prior to the intended application in some newspaper published in Georgetown, Sussex county, and set up upon the premises; and the said Judge or court shall appoint five judicious and impartial freeholders to view the premises and

May locate and construct railroad and use any motive power.

Location.

In making survey and locating road may enter private property.

Width of roadway.

May take private property.

How private property may be taken.

Proceeding.

Notice.

When owner out of State.

Commissioners to assess damages.

OF RAILROADS.

assess the damages which the owner or owners will sustain by reason of the said railroad passing through it and in taking, occupying and using the same.

To be sworn.

Notice to owners of land and president of company.

Report.

Appeal from same.

Damages always to equal cash value of land or other property taken.

Property to vest in company when damages paid.

Fees.

Paid by company.

Location of principal office.

Meetings.

The said freeholders shall be sworn or affirmed before some judge, justice of the peace, or notary public, 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 this State, or by advertisement in some newspaper published in Sussex county ten days prior to the meeting, if such owner be unknown or without the State, and the same to the president of the said 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 the Superior Court of Sussex county, but if either party be dissatisfied with the damages so assessed, such party may, on application to the prothonotary of the Superior Court in and for 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, which shall be returned in writing to said Superior Court, and shall be final; *provided*, always, that the minimum amount of damages awarded in any case shall be the actual cash value of the land, earth, sand, gravel or other materials so to be taken, used and occupied as aforesaid, whereupon the damages so assessed, being paid by the said company to the party entitled, or into said court for his, her or their use, whether they be under any disability or unknown, or in or out of this State, the title of and to the lands 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 said freeholders and prothonotary in all such proceedings shall be fixed by the said court, and shall in all cases be paid by the said company.

SECTION 5. That the principal office of said company shall be located in Baltimore city, in the State of Maryland, or in such other place in the said State of Maryland, or in the State of Delaware, as shall be provided by the by-laws of the said Queen Anne's Railroad Company; and that the times, places and other regulations concerning meetings of

OF RAILROADS.

the stockholders and directors, and the election of the officers and directors of the said company, shall be fixed and regulated by the by-laws of the said railroad company. Elections.

SECTION 6. The said corporation is hereby authorized and empowered to make and use a common seal, to alter and change the same at pleasure, and to adopt all such by-laws, rules and regulations as they may deem necessary, and to alter and change the same, to regulate the numbers, titles and duties of their officers, the time and manner of their election and procuring and taking of subscriptions, the issuing of stock and bonds, and the payment of dividends, and the whole management and control of their business in the construction and maintenance of the said road; *provided* the said by-laws do not conflict with the laws of this State or the United States. Seal. By-laws. Officers. Stocks and bonds. Dividends.

SECTION 7. That the said corporation is hereby authorized and empowered with the consent of a majority in amount of all its stockholders, expressed by appropriate resolution adopted at any regular or special meeting thereof, to issue from time to time its bonds or other evidences of indebtedness for such sum as may be necessary for the construction, maintenance and operation of its railroad, not exceeding, however, in the aggregate the sum of fifteen thousand dollars per mile and to mortgage the said railroad, with all the rights, privileges and franchises of the said corporation, and all its property, real and personal, within this State, to secure the payment, principal and interest, of such bonds or other evidences of indebtedness. May borrow money on bond or mortgage. Limit.

And said corporation is likewise authorized and empowered to issue upon proper subscription and payment therefor in such installments and at such times as its board of directors shall determine, certificates of capital stock, which shall consist of ten thousand shares of fifty dollars each, which shall be in addition to the number of shares authorized to be issued by the laws of the State of Maryland. Capital stock, certificates of. Amount.

But it shall not be lawful for this said corporation to lease its railroad property and franchises within this State, nor to merge or consolidate the same with that of any other corporation without the express authority of the Legislature of this State first had and obtained. May not lease its lines or merge with another company.

SECTION 8. That it shall be the duty of said corporation, if in the location of its said railroad within this State it be necessary to cross any navigable stream, to construct, main-

OF RAILROADS.

To construct drawbridge over moving stream and care for same.

Approaches to road by public or private driveway.

tain and keep in repair a suitable drawbridge across the same, and to provide at all times for proper attendance thereat, so that the navigation thereof shall not be obstructed; and it shall also be the duty of the said company to construct and keep in repair good and sufficient approaches to and passages across said railroad where any public road shall intersect and cross the same, so that the passage of carriages, horses, persons and cattle along the said roads shall not be impeded; and likewise, when the said railroad shall intersect any farm, to provide and keep in repair a suitable passage for the use of said farm.

Bridges.

May cross public or private driveway, and other railways, at, under, or above grade.

Compensation to other railroad company when crossing their track.

How ascertained.

When crossing at grade to erect and maintain signal station and watchman.

Right of way in moving trains.

Construction of crossings so as not to obstruct other road

SECTION 9. The said company is hereby authorized to erect and maintain necessary bridges over any stream or pond of water which said road may cross and may also cross any public or private roadway without obstructing travel upon the same; and the said company is hereby authorized and empowered to cross the tracks of any and all other railroad companies lying between its termini and which the line of its road may cross; such crossings to be either at grade or over such track or tracks or by substantial bridging or trestling or under the same by substantial tunnel or other proper work or works for the purpose as may be determined upon by the president and directors of the Queen Anne's Railroad Company. And if the president and directors shall not be able to agree with any other railroad company whose track or tracks shall be crossed as aforesaid as to the amount of compensation or damages to be paid for the said easement of crossing, then the Queen Anne's Railroad Company shall have the right to condemn said easement in accordance with the provisions of Section 4 of this act; *provided, however*, that if the line of road of any other railroad company shall be crossed by the railroad authorized by this act at grade, it shall be and is hereby made the duty of said Queen Anne's Railroad Company, at its own expense, to erect a suitable signal station and keep a competent watchman on duty at every such crossing; and the trains of the company owning or operating the railroad so crossed at grade shall have precedence and priority of movement over the trains of the said Queen Anne's Railroad Company; *and provided further*, that if the said crossings shall be either under or over grade they shall be so constructed at the expense of the said last-named railroad company as not to interfere with the free and safe passage of trains under or over the same by the company or companies operating the railroad so crossed.

OF RAILROADS.

SECTION 10. And the said Queen Anne's Railroad Company is hereby authorized to acquire, own and operate steam-boats and other vessels for the conveyance of passengers and freight upon the water in connection with its railway operation and traffic, and to pledge, mortgage or guarantee debts upon the property so acquired, and to acquire, own and operate hotels, pavilions, parks or pleasure grounds for the accommodation of the public, provided the land held for such purposes shall not exceed one hundred acres in any one tract or lot.

May own steam or sailing vessels.

May borrow money on mortgage or otherwise.

Other property may be owned.

SECTION 11. That the rights, powers, privileges and franchises conferred and granted by this act are so conferred and granted expressly upon condition that the work of construction of its railroad herein authorized within this State shall be actually and bona fide commenced, and at least the sum of twenty thousand dollars in cash be expended therein, within fifteen months. And further, that said railroad shall be completed and put in operation within three years from and after the passage of this act, or on failure to observe and comply with any one of said conditions, this act together with all rights, powers, privileges and franchises conferred thereby, and also the said corporation thereby created, shall cease, terminate and become wholly inoperative, null and void. And the Legislature expressly reserves the right and power at all times to regulate and control the rates and charges for transportation of persons and property on and over the line of railroad which may be constructed under authority of this act; and likewise reserve the right and power of revocation of this act for any non-use, misuse or abuse of the corporate power, privileges and franchises which it confers.

Construction to be commenced, when.

To be completed within three years.

Otherwise forfeiture of privileges.

Rates to be controlled by Legislature.

Act may be revoked.

SECTION 12. There shall be a board of directors for the government of the corporation hereby created of twelve, exclusive of the president, one-third of whom shall be residents of the State of Delaware.

Directors.

One-third residents of Delaware.

Passed at Dover, February 26, 1895.

OF RAILROADS.

CHAPTER 85.

OF RAILROADS.

AN ACT to incorporate the Dover and Milford Railway 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):

- SECTION 1. That William T. Watson, William M. Prouse, Robert W. Reynolds, Clark M. Mensch, John W. Taylor, Alexander M. Daly, Edgar H. Brancroft, Delaware T. Hollis, Charles W. Lord, William T. Smithers and William C. Frear, be and they are hereby appointed commissioners to procure and caused to be opened, at such time and place as a majority of them shall deem proper, a suitable book for subscriptions to the capital stock of the "Dover and Milford Railway Company", and may permit such persons to subscribe in said book for such number of shares of said capital stock as a majority of said commissioners may deem proper.
- SECTION 2. That as soon as one hundred shares of the said capital stock shall have been subscribed for, the persons subscribing therefor and such others as shall at any time become shareholders in said company, their successors and assigns, shall be and they are hereby declared to be incorporated by the style and title of "Dover and Milford Railway Company", and by that name shall have perpetual succession, and by that name shall have power and capacity to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in any and all courts and places whatsoever, whether in this State or elsewhere, in all manner of actions, suits, complaints, pleas, causes, matters and demands whatsoever; and shall have power to purchase, lease, take, own and hold by contract, deed, devise, bequest, gift, assignment, or otherwise, estate, real, personal or mixed, of every kind, and the same to grant, mortgage, sell, lease, alien, convey and dispose of in such manner and on such terms and conditions as the said company or its successors shall think proper; to enter into any or all contracts necessary or proper to be made in the conduct of its business; to consolidate or merge with any corporation or corporations heretofore or hereafter created, the consolidated company
- Corporators
- To open books for subscriptions to stock.
- When incorporated.
- Style.
- Perpetual concession.
- Powers.
- May purchase and hold property.
- And alienate same.
- Make contracts.
- May merge with other company.

OF RAILROADS.

having such name as may be agreed upon between said company at the time of merger, and having all the rights and privileges possessed by any of the companies so merged, the right of merger being hereby conferred upon any company so wishing to consolidate that does not possess it; to declare dividends out of the net profits of the company; to have a common seal; to ordain by-laws for the government of the said company; to exercise and enjoy all the franchises incident to a corporation, and generally to do all and singular those matters and things which appertain to the well being and ordering of said company; *provided*, that no authority herein given shall be so constructed as to authorize the exercise of banking powers.

Dividends.

Seal.

By-laws.

(General powers.

No banking powers.

SECTION 3. That the object and purpose of the corporation hereby created is to construct, maintain and operate a railway from a point on the Delaware Railroad at or near Dover to and into the town of Milford, or to any intermediate point or points in said route; and for the purpose of securing such construction, maintenance and operation the company hereby created is authorized and empowered to construct, operate and maintain a railway between the points and over the streets, roads and routes hereinafter named; the cars or carriages of said railway to be moved or propelled by horses, by electricity, by cable motor, or by any improved motive power (other than steam) which the said company may, in its discretion, at any time adopt; the right being hereby given to said company to erect, construct, operate and maintain such devices, contrivances 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.

Object to construct and operate railway.

Terminal.

Motive power.

SECTION 4. The railway of said company shall be located and constructed along the following routes, viz: Beginning at a point on the Delaware Railroad at or near the Dover station to and into the town of Milford, or to any intermediate point or points within Kent county; and for locating, constructing, and maintaining the railway of the said company it shall have power to use and occupy any county bridge, and so much of any street, avenue, public road or turnpike as may be determined by said directors, or, if deemed expedient by the directors of said company, it may use and occupy for a right of way lands other than a public road, the right to use which has previously been acquired by gift, lease, purchase, or as is hereinafter provided; *provided*,

Route.

May use county bridge, streets and roads, &c.

May acquire private property.

OF RAILROADS.

Consent of
authorities
to be ob-
tained.

Crossing of
steam rail-
way not to
be at grade
nor inter-
fere with
operation of
road crossed

Single
or double
track.

May con-
tract with
other com-
pany for
transfer
and car-
riage of cars
and passen-
gers, or fur-
nishing of
power, &c.

Agreement
for merger
must be
ratified by
majority of
stock-
holders.

Construc-
tion to be
commenced
within six
months and
to be in
operation
within
three years
thereafter.

however, that before said company shall enter upon any bridge, street, avenue or public road for the purpose of laying or constructing its railways, as herein authorized, it shall obtain the consent of the authorities having the care thereof, who are hereby authorized to grant such consent, and shall be subject to such provisions and regulations respecting so much of the streets, avenues or public roads as shall actually be occupied by the tracks of the company, and for two feet on each side thereof, as may be imposed by said authorities at the time of granting consent for the occupation of said bridge, street, avenue or public road; *and provided further*, that if the railway to be constructed under authority of this act shall be so located as to cross the tracks of any steam railroad now being operated, such crossings shall not be at grade, but such shall be by either overhead or undergrade crossing, which, if undergrade, shall be so constructed as not to interfere with the use of the road so crossed, or if overhead shall be at such elevation as will not impede the free and safe passage of engines and trains on the road so crossed.

The railway to be constructed under this act, or any part thereof, may be laid with a single or double track, or at any time be altered from one to the other, as the directors may from time to time deem expedient, together with all sidings, turnouts, switches, turntables, poles, wires, cables, motors, dynamos, chains, contrivances and appliances necessary for the proper working of said railway. The corporation hereby created, and any other railway company now in operation, or which may be operated hereafter, may contract the one with the other, for the transfer and carriage of the cars and passengers of the company hereby incorporated over the tracks of said other company or companies, or any part thereof, and to make such other agreements as to furnish power, equipment, service, appliances and other necessities as may be mutually agreed upon. Any agreement for lease, or merger, to be legal, valid and binding, must first be ratified by a vote of a majority of the stockholders of both companies; *provided, however*, that the construction of the railway herein authorized shall be commenced within six months after the passage of this act, and it shall be completed, equipped and in operation within three years thereafter, otherwise this act shall become void, and all the rights, privileges and franchises herein granted shall wholly cease and determine; *provided, however*, that if the aforesaid rail-

OF RAILROADS.

way be laid with a double track only one of said tracks, together with the necessary sidings and turnouts, shall be laid or constructed upon any public street or highway; and *provided, further*, that whenever the said railway shall cross any county bridge, the aforesaid railway company shall widen such bridge to the extent of the width of the track or tracks laid thereon, the expense of which shall be borne entirely by said company.

If double track be laid one only to be on public street or highway.

If county bridge be crossed must be widened by company.

SECTION 5. That the capital stock of said company shall be three hundred and fifty thousand dollars, divided into seven thousand shares of the par value of fifty dollars each, with the privilege of increasing said capital stock, by vote of the stockholders at an annual or special meeting or meetings, to such amount as they may from time to time determine upon, provided it does not at any time exceed four hundred and fifty thousand dollars. The said company shall have power to borrow money, and to issue its obligations therefor in the form of notes, bonds or otherwise, with the privilege of securing the payment of such of its obligations as it may desire so to secure by mortgage or mortgages of the said railway or any part thereof, or any part of its estate, real or personal, or of its corporate rights and franchises held under this act or any supplement thereto.

Capital stock.

May be increased.

Limit.

May borrow money and secure same

SECTION 6. That the business and concerns of said company shall be managed by a board of directors, consisting of not less than three nor more than nine members, who shall be elected by the stockholders from their own number at such times and in such manner as may be provided by the by-laws, and who shall continue in office until their successors are duly chosen; any director ceasing to be a stockholder shall cease to be a director. The board of directors shall elect from their own number a president, and shall have power to elect such other officers, agents or servants as it may deem for the welfare of said company, determining their duties, fixing their compensation, and requiring, when in their judgment it may be desirable, security for the due and faithful performance of their duties. A majority of the whole number of directors shall constitute a quorum for the transaction of all business. Any vacancy in the board of directors, or in the office of president, shall be filled by appointment made by a majority of the whole board of directors.

Directors.

Officers.

Quorum.

Vacancy.

SECTION 7. That as soon as convenient, after one hundred shares of the capital stock of said company shall have been

First meeting to be called, when.

OF RAILROADS.

subscribed for, the said commissioners, or a majority of them, shall call a meeting of the persons so subscribing for the purpose of organizing said company by the election of a board of directors, the number of which shall be determined by said meeting, and the adoption of by-laws. Said meeting shall be held at such time and place as a majority of said commissioners shall determine, and notice of the time and place of such meeting shall be mailed to each subscriber at least one week prior to said meeting. At said meeting a board of directors shall be elected by ballot, who shall continue in office until their successors are duly chosen in accordance with the by-laws, and by-laws for the regulation and government of said company shall be adopted. At said meeting any three of the commissioners shall act as judges of election, and each subscriber shall be entitled, in person or by proxy, to one vote for each share of stock they have subscribed for. As soon as convenient after their election, the board of directors shall meet for the election of a president and such other officers as they may determine upon, and for the transaction of such other business as may be brought before them.

SECTION 8. There shall be an annual meeting of the stockholders of the said company for the purpose of electing a board of directors and transaction of such other business as may properly be brought before it, which meeting shall be held at such time and place as the by-laws may prescribe. Special meetings of the stockholders may from time to time be called and held pursuant to the provisions of the by-laws. At all stockholders' meetings each stockholder shall be entitled, in person or by proxy, to one vote for each share of stock held by such stockholder. At any stockholders' meeting, whether special or annual, subject to the provisions of the by-laws, any by-law or by-laws may be altered, amended or repealed, or any new by-law or by-laws adopted by a majority of all the votes cast; *provided*, that notice of the intention to alter, amend or repeal such by-laws or adopt such proposed new by-law or by-laws be given in the call for said stockholders' meeting. The by-laws shall prescribe the proportion of the stock of the company that shall constitute a quorum of stockholders' meetings, and all other things relating to the government of said company not specifically provided for in this act.

SECTION 9. That the board of directors may from time to

OF RAILROADS.

time make and declare dividends of the net profits of the business of the said company, or of such portion of such profits as said board may deem proper.

SECTION 10. 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 of Kent County in term time, or any judge of the same in vacation shall, upon application by the company, appoint five commissioners, who shall be freeholders, to 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 or agent in charge of the premises. The commissioners being sworn or affirmed to perform their duties with fidelity, shall assess fairly and impartially the damage of such owner or owners to be sustained by their 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 assessments under 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 Kent county, and paying to the owner or owners of the premises as assessed as aforesaid, or depositing the same to the credit of such owner or owners in the Farmers' Bank in the State of Delaware at Dover, shall become entitled to hold, use and enjoy the said premises exclusively to it, its successors and assigns forever; *provided*, that either party being dissatisfied with the damage so assessed may, on application to the prothonotary of Kent county within sixty 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 damage 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 as before provided; and if the damages are reduced, the owner shall refund the amount diminished. The cost of the inquisition shall be paid by the

Use of private property: how acquired.

Commissioners to be appointed.

Duties.

Return.

Appel from amount of damages assessed.

Costs.

OF RAILROADS.

Work of
company
not to be
delayed
by appeal.

unsuccessful party. The work of the 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 the commissioners, the title to 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.

May supply
town with
electric
light with
permission
of the
authorities.

May use
streets, &c.,
for this
purpose.

May man-
ufacture
electricity.

Milford
excepted.

Damage to
property
of company.

Misde-
meanor.

Conviction.

SECTION 11. That the corporation hereby created shall have power to supply any or all of the towns on the line of its railway, hereinbefore provided for, with artificial light from electricity, and to this end, after having first obtained permission from the proper authorities of the towns so desired to be lighted by electricity as aforesaid, said corporation is hereby expressly invested with ample power and authority to erect the necessary poles, wires and other conductors for the proper distribution of electricity, and of introducing the same into buildings of the towns aforesaid; and the said corporation is also expressly authorized and empowered to enter upon any public street, alley, lane or highway by and with the consent of the proper authorities of the towns aforesaid, for the purpose of erecting any such poles, wires or other conductors, and for the building, constructing and operating of any such railway, and to repair, alter and inspect the same, doing as little damage as possible to such streets, lanes or alleys, and repairing the injury that may be done to the same as speedily as possible, and securing the citizens from accident and danger whilst so erecting the said poles, wires or other conductors, and building, constructing and operating the said railway. The said corporation hereby created shall also have full power and authority to construct and maintain the necessary buildings and introduce therein the proper machinery for the manufacture of electricity. *Provided, however,* that the provisions of this Section shall not apply to the town of Milford.

SECTION 12. And if any person shall wilfully or maliciously do or cause to be done any act or acts whatsoever, whereby any building, construction, machinery or works of said company, or if any wire or other conductor of electricity shall be stopped, obstructed, injured, destroyed, cut, broken, tampered with, or otherwise interfered with, such person or persons so offending shall be considered guilty of misdemeanor and upon indictment and conviction by the Court of General Sessions of the Peace and Jail Delivery in and for Kent county, shall be punished by a fine not exceeding two hundred

OF RAILROADS.

dollars (\$200), or imprisoned not exceeding one year, or both, in the discretion of the court; *provided, however*, that such criminal prosecution shall not in any wise impair the right of said company to a full compensation in damages by a civil suit. Imprisonment.
Suit for damages.

SECTION 13. That this act shall be deemed and taken to be an act for public improvement, and is declared to be a public act, and the power to revoke, alter or amend the same is hereby reserved to the Legislature.

Passed at Dover, March 4, 1895.

CHAPTER 86.

OF RAILROADS.

AN ACT to change the day of the annual meeting of The Wilmington and Northern 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):

SECTION 1. That The Wilmington and Northern Railroad Company is hereby authorized and empowered from time to time at any meeting of its stockholders to change the day for holding the annual meeting and election of said company to such other day as shall be deemed advisable. Date of holding annual meeting may be changed.

SECTION 2. That this act shall be deemed and taken to be a public act.

Passed at Dover, April 2, 1895.

OF RAILROADS.

CHAPTER 87.

OF RAILROADS.

AN ACT to amend an act entitled "An act to incorporate the Wilmington and New Castle Electric Railway Company", passed at Dover, March 21st, 1893.

WHEREAS, The provisions of an act entitled "An act to incorporate the Wilmington and New Castle Electric Railway Company", passed at Dover, March 21st, 1893, have in some respects proved so onerous and impracticable and requires said company to perform such conditions as to render the building of the line of electric railway therein provided for so expensive that capital cannot be obtained to construct the same; and

WHEREAS, The building of said line for the benefit of the citizens of the City of New Castle and the people living along the line of the proposed railway is most desirable; 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 therein):

SECTION 1. That Section 5 of said act be and the same is hereby amended by inserting after the word "vice-president" in line 11 of said Section the words "and may appoint some suitable person or persons, from among themselves or otherwise for"; and further amend said Section 5 by striking out in line 8 thereof the words "the first Monday in July", and inserting in lieu thereof the words "some day to be fixed and determined by the by-laws of said company".

SECTION 2. That the said act be and the same is hereby further amended by striking out all of Sections 6, 8, 9 and 14 thereof, and by changing the numbering of Sections 10, 11, 12 and 13 to Sections 8, 9, 10 and 11 respectively and inserting as a new Section 6 the following:

"Section 6. It shall be the business of said corporation to locate, construct, operate and maintain a railway for the carriage of passengers and freight for compensation, in the City of New Castle and in South Wilmington and the intervening district, and the said company is hereby authorized to locate, construct, operate and maintain a railway the motive

OF RAILROADS.

power of which shall be electricity, cable motor or any improved motive power other than steam, which said company may in its discretion at any time adopt with the right to erect, construct, operate and maintain such devices, contrivances, machinery and appliances as are necessary to render said motive power effective in moving or propelling the carriages or rolling stock of the company; and said company is authorized to locate, construct, operate and maintain a line of such railway beginning at a point at or near the Delaware River in the City of New Castle, and thence running through and along such street or streets as may be selected by the company, to the street known as Wilmington street, being the main road from Wilmington to New Castle; thence through and along the said Wilmington and New Castle road or partly by said public road and partly by such other route as the directors of the said company may determine, to the City of Wilmington, and thence through South Wilmington by such street as permission may be obtained to use from the Wilmington city authorities, to and across the Christiana River to connect with any line or lines of railway which may be operated in the City of Wilmington. The railway authorized hereby to be constructed may be laid with either single or a double track and the same may at any time be altered from one to the other as the directors shall deem expedient; and the said company is moreover authorized to extend its line by a branch from its main line to the works of the Lobdell Car Wheel Company, and beyond their works to a point on the Delaware River at or near the mouth of the Christiana river, and, if they shall deem expedient, to build, construct, operate and maintain another line from the main line of said railway to a point at or near Farnhurst Station, near the public almshouse of New Castle county. And the said company is hereby authorized and empowered to enter into such contracts with the Wilmington City Railway Company, respecting the use, occupation, maintenance and operation and the furnishing of power, equipment and appliances to and for the line and properties of the said companies, and the transfer and carriage of cars and passengers as shall be mutually satisfactory and agreed upon by and between this company and the said company; and with the consent of the majority of the stock of both companies to be expressed in a resolution adopted at a meeting of the stockholders of the respective companies, this company and the said company may merge, combine and consolidate, such consolidated company at the time of merger, combination or

Motive power.

Route.

Single or double tracks.

Extension of line

May make certain contracts with Wilmington City Railway Co.

Merger with same

OF RAILROADS.

consolidation, adopting the name of either of said companies as shall be agreed on at such time, and the rights, powers, immunities and privileges possessed by either of the companies at such time shall be continued to the consolidated or combined company, and said companies or either of them may at such time issue such and so much common or preferred stock and obligations and secure the same as may be provided in the contract entered into between them for such combination, merger or consolidation.

Acquisition
of private
property.

To conform
to estab-
lished
grades.

Use and
care of
streets.

Consent of
authorities.

Use of
county
bridges.

of public
road.

And in case it is deemed expedient by the directors for any of the purposes aforesaid, to use and occupy any land other than the public road, the title to such land shall be acquired as is hereinafter directed; *and provided further*, that the said railway shall be conformed as near as may be to the grades which now are or hereafter may be established for any streets or roads over which the same shall be located and shall not interfere with the proper and free access to culverts, water and gas pipes along lines where its tracks shall be laid; *and provided further*, that the said company, if it shall use any public street or highway of the City of Wilmington, shall be required to pave within its rails and for the space of three feet on each side thereof and keep the same in good repair, and where it shall occupy any of the streets or avenues of the said City of New Castle, the said streets and avenues shall be replaced in as good a condition and filled in or paved with the same material within the rails and for the space of three feet on each side thereof as the same shall be found when occupied or used by the company; *and provided further*, that such other streets, avenues or highways, within the said City of New Castle may be occupied or used by the said company for the construction, operation and maintenance of street railways as has been or shall be consented to by the City Council of the City of New Castle by a resolution of that body, or by other proper authority which shall exist and have jurisdiction in said matter from time to time.

The said the Wilmington and New Castle Electric Railway Company shall have power to cross all county bridges along the route aforesaid; *provided*, it shall not interfere with or impede public transit or public traffic further than is absolutely necessary in the construction and operation of its line; and in the use of any public road between the cities of New Castle and Wilmington, the said company shall construct its line along the side of such public road in such manner as to interfere as little as may be with public travel.

OF RAILROADS.

And it is likewise further expressly provided, that if the railroad to be constructed under authority of this act or (in case of consolidation or merger under the authority conferred by this section) any railroad which may be constructed by the consolidated company, shall be so located as to cross any railroad track now or then constructed and existing which is owned or operated by any railroad company using steam as a motive power, such crossing shall not be at grade, but shall be by either an overhead or undergrade crossing, which, if undergrade, shall be so located and constructed as not to disturb the roadbed so intersected, or, if overhead, shall be at such an elevation as not to impede or interfere with the free and safe passage of engines and trains on the tracks so crossed. In case, however, the road hereby authorized to be constructed shall cross any spur track or turnout from any steam railroad which spur track or turnout shall be used simply to connect any of the lines of such steam railroad with business or manufacturing establishments contiguous thereto, such spur tracks or turnouts may be crossed at grade, and such crossings shall be so effected as not to interfere with the free and proper use of the track or tracks so crossed; *provided further, however*, that before any street, bridge, causeway, or public road shall be occupied by the said company the consent of the authorities having jurisdiction over the said streets, bridges, causeways or public roads shall be obtained, and the company shall comply fully with any and all restrictions imposed by said authorities. *And provided further, however*, that the said company shall not locate or construct its line upon any street or road so as to parallel the line of any other railway company now constructed or which hereafter may be constructed before this company shall so locate or construct its line".

Steam rail-
way not to
be crossed
at grade.

Exception.

Consent of
authorities.

Other roads
not to be
paralleled.

SECTION 3. Further amend said act by adding to new Section 8, the following: "If any subscriber to or holder of the capital stock shall refuse or neglect to pay any installment on the stock subscribed for or held by him or her for thirty days after the time appointed for the payment thereof by the directors, the directors may either declare such stock forfeited and sell the same for the benefit of the corporation or may in the name of the corporation sue for and recover from such delinquent subscriber or holder the sum remaining unpaid, with costs and lawful interest thereon, and no holder of such stock shall, during the time any installment shall be

Failure for
30 days to
pay install-
ment on
stock.

OF RAILROADS.

due and unpaid, be entitled to vote at any meeting of the stockholders or to receive any dividends on the stock.

Original act
re-enacted

Also add as a new Section 12. That the act to which this act is an amendment be and the same is hereby revised, renewed and re-enacted.

Main line
to be com-
pleted
within two
years.

That this act and the act to which this act is an amendment is and shall be deemed and taken to be an act for public improvement and a public act and published as such. The power to alter, amend or revoke this act, for cause, is hereby reserved to the Legislature; and it is hereby expressly provided that the same shall become null and void and of no effect unless the building of the main line of said railway shall be completed from the place of beginning in the City of New Castle to the Wilmington city line, on or before the expiration of two years from the passage of this amendatory act.

Passed at Dover, April 12, 1895.

CHAPTER 88.

OF RAILROADS.

AN ACT to amend the act entitled "An act to incorporate the Chester and Wilmington Electric Railway Company", Chapter 715, Volume 19, Delaware Laws.

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 herein):

Time for
construc-
tion ex-
tended.

SECTION 1. That the act entitled "An act to incorporate the Chester and Wilmington Electric Railway Company" be and the same is hereby amended by extending the time for the completion of said railway to the seventeenth day of January, A. D. 1897.

When to be
completed.

SECTION 2. That said Chester and Wilmington Electric Railway shall be built and completed by the seventeenth day of January, A. D. 1897.

SECTION 3. This shall be a public act.

Passed at Dover, April 27, 1895.

OF RAILROADS.

CHAPTER 89.

OF RAILROADS.

A SUPPLEMENT to an act entitled "An act to incorporate the Wilmington and Brandywine Springs Railway 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):

SECTION 1. That the rights, privileges and franchises granted by the act to which this act is a supplement, are hereby continued in full force, and shall not cease or be forfeited; *provided*, that the railway authorized by such act, to which this act is a supplement, shall be built and in operation on or before the first day of May, A. D. 1897, otherwise such act shall become void, and all the rights, privileges and franchises therein granted shall wholly cease and determine. Original act continued in force. When railway to be completed and in operation.

SECTION 2. That the corporation created by the act to which this is a supplement is hereby authorized to extend its line from any point within the hundreds named in Section 4 of said act, to the town of Hockessin. May extend line to Hockessin.

SECTION 3. That the corporation created by the act to which this is a supplement, when it shall have completely built and constructed its line, beginning its construction at Brandywine Springs and building it towards Wilmington, is hereby authorized to build and extend its railway from the point at which such railway intersects the boundary line of the City of Wilmington to, through and along Greenhill avenue to its intersection with Sixth street, thence through and along Sixth street and to such point on French street or Walnut street between Fourth and Sixth streets as its directors may determine upon, which shall be the terminus of said railway; but before entering upon any streets of the City of Wilmington consent shall be first obtained of the authorities for the time being having the control of the streets of the said city on such terms and conditions as they may impose and require. May use streets of Wilmington. Route. Terminus. Consent of authorities of Wilmington.

SECTION 4. That the following conditions shall also be conformed to by said corporation as to so much of its railway as may be within the City of Wilmington, otherwise its privilege of using any street of said city shall be forfeited,

OF RAILROADS.

Construction and
care of rail-
way in city
of Wil-
mington.

Paving
streets
along line.

Neglect.

Failure to
operate
lines.

Forfeiture.

Cars not to
stand on
streets or
highways.

Acceptance
of condi-
tion of
authorities
to be in
writing and
signed.

viz: That the rail to be used shall be a full-grooved rail and be so laid that the top of the rail shall conform to the height of the street paving and be of the same guage as the city railway tracks now laid in said city; that any unpaved street occupied by the railway of said corporation shall be paved by the said corporation, at its own expense, between the rails and for the distance of three feet on each side thereof, with such materials and in such manner as shall be ordered by the authorities having control of said streets; that before any paved street shall be occupied by the railway of said corporation, the said corporation shall pay or refund to the said city, through said authorities, the cost of paving materials on line of said railway on said street between the rails and for the distance of three feet outside of the same, and as much more as may be displaced, and to repave the same as aforesaid; that the said company shall be required to keep the pavements in good repair within the rails of their tracks and for the distance of three feet on each side thereof and shall not interfere with the proper and free access to the culverts, sewers and water and gas pipes in the said city, and in case of the neglect or refusal of said company to do such paving or repaving the authorities having control of the city streets shall have the right to do such paving or repaving and suspend the company's rights to run its cars until the costs thereof are paid; that if the said company neglects to run cars upon its railway for the space of one year continuously the said company shall thereupon forfeit all the privileges, rights and immunities it has acquired in the use or possession of the highways or streets on which cars are not so run, and in such case the city authorities having control of the public streets may cause the said road to be removed from such highways or streets, and to sell or dispose of the material thereof, and after paying all expenses accruing therefrom, to pay the balance, if any, to the legal representatives of the said company; that the said company shall in no case allow cars to stand upon the public streets or highways of the city, but shall provide depot accommodations for the same, within the building lines at the terminal point of said railway; and the consent granted by the city authorities shall not vest in said railway company and powers, rights or privileges until the said company shall have signed and filed with said authorities a formal acceptance, in writing, of the provisions thereof and complied with the terms and conditions thereof.

Section 2 of SECTION 5. That Section 2 of the act to which this is a

OF RAILROADS.

supplement, be and the same is hereby amended by striking out all of said Section between the word "business" in the twenty-first line of said Section as printed and the word "to" in the twenty-eighth line of said section. original act amended.

SECTION 6. That all the cars used in operating the said railway shall make continuous runs between the Brandywine Springs and its terminal point in the City of Wilmington, so that the whole of said line shall be operated and equal facilities afforded to the public; and should the track of any railway operated by electricity be crossed by the line of this company, the crossing shall be made, constructed, maintained and operated so as not to interfere with the passage of the cars of the line so crossed, and the expense of making and maintaining said crossing shall be paid by the company desiring such crossing to be constructed and the priority of right of way thereover shall be attached to the company first occupying the ground covered by said crossing, and if watchmen, signal men or switchmen be required by city authorities having authority over said crossings the same shall be selected by such company and their wages as well as all other costs and expenses rendered necessary by such crossing shall be paid, advanced and liquidated by the company for whose benefit the said crossing is to be or shall be made. Whole of line to be operated. Not to interfere with lines crossed. First company to have right of way. To pay expenses of watchman &c., at crossings.

SECTION 7. That this act shall be deemed and taken to be a public act.

Passed at Dover, May 1, 1895.

CHAPTER 90.

OF RAILROADS.

AN ACT to incorporate "The Elsmere and Wilmington Electric Railway Company".

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):

SECTION 1. That Edwin H. Gayley, Wilmer J. Ellison, William B. Johnson, Frank D. Lackey and Daniel W. Tay- Corporators

OF RAILROADS.

lor and such other persons as may hereafter become stockholders in the company hereby incorporated, their successors and assigns, be and they are hereby constituted a corporation and body politic by the name of "The Elsmere and Wilmington Electric Railway Company", and by that name shall have perpetual succession, with power to sue and be sued, to plead and be impleaded, complain, answer and defend in all courts of law and equity, to acquire, purchase, take, lease and hold and enjoy all such estates and property, real, personal and mixed, as may come into its possession under contract or by order of its board of directors, or in the course of its dealings and business, having the same rights, powers and privileges and subject to the same duties with respect thereto as any individual holder, whatsoever the same may be and wheresoever situate, and the same to invest, manage, collect, adjust, settle, grant, convey, sell, loan, lease, pledge, mortgage and otherwise dispose of at its pleasure, to lease and operate its own lines or the lines of other companies, to have and use a common seal and the same to alter and renew at pleasure, and generally to use, exercise and enjoy all the powers, rights, privileges and franchises incident to a corporation, except banking powers, which are proper and necessary to the transaction of the business of the corporation hereby created.

SECTION 2. The corporators named in Section 1 of this act, or a majority of them, shall have power and are hereby authorized to open books and secure subscriptions to the capital stock, at such times and places as they may deem expedient, which capital stock shall consist of two thousand shares of the par value of fifty dollars each, making a total capital of one hundred thousand dollars. The majority of the stockholders may, however, increase the capital stock in their discretion from time to time by such amounts as shall be proper and for the best interest of said company; *provided* such capital stock shall not at any time exceed the sum of seven hundred thousand dollars; such original capital stock, or the stock, if increased any, be in the whole, common or in part common and in part preferred stock, as the said company may from time to time determine, and may be issued in settlement of contracts of said company. The said company may issue its obligations and secure the payment of such of its obligations as it may desire by mortgage or mortgages of the said railway, and any part thereof, or of any part or all of the estate, real or personal, together with all corporate rights and franchises held by it, howsoever

OF RAILROADS.

acquired. The subscribers of said capital stock, or their assigns, may meet at any time after ten per cent. of the original capital stock shall have been subscribed for and fully paid in, and elect from three to nine directors who shall constitute the board and serve until the ensuing annual meeting or until their successors shall be duly elected.

First meeting of stockholders.
First directors.

SECTION 3. The principal office of the said company shall be in the City of Wilmington, where its annual meeting shall be held, at which meeting its directors shall be chosen by ballot and by a majority of votes cast, the stockholders being entitled to one vote for each share of stock held either in person or by proxy. They shall continue in office until the next annual meeting or until their successors are duly chosen. Any vacancy happening in the board shall be supplied by the other directors.

Principal office and place of annual meeting.
Directors.
Vacancy.

SECTION 4. The directors shall choose from among their number a president and vice-president, and shall elect a secretary and treasurer, and employ such other officers, agents and servants as may be necessary, and may secure their fidelity by bond or otherwise as they shall judge proper. They shall adopt such by-laws for the government of the affairs and business of said company as they may deem proper, not inconsistent with the laws of this State. They may call for the payment of the stock subscribed in such manner, at such times, and in such installments as they shall deem expedient. The directors shall declare dividends of so much of the net profits of the company as they shall deem expedient from time to time, which dividends shall be paid to the stockholders on demand ten days after the same shall have been declared; *provided*, that no dividend shall be made but out of the net profits of the company.

Officers.
By-laws.
Payment of stock.
Dividends.

SECTION 5. If any subscribers to or holder of the capital stock shall refuse or neglect to pay any installment on stock subscribed for or held by him or her for thirty days after the time appointed for the payment thereof, the directors may either declare such stock forfeited and sell the same for the benefit of the corporation, or may in the name of the corporation sue for and recover from such delinquent subscriber or holder the sum remaining unpaid, with costs and interest thereon, and no holder of such stock shall during the time any installment shall be due and unpaid be entitled to vote at any meeting of the stockholders or to receive any dividend on the stock.

Neglect for 30 days to pay stock called for.

OF RAILROADS.

To construct railway.	<p>SECTION 6. It shall be the business of said corporation to locate, construct, operate and maintain a railway for the carriage of passengers and freight for compensation from the village or settlement known as Elsmere in Christiana hundred, New Castle county, to such point on Maryland avenue or Lancaster avenue or Union street or to any intermediate point where the railway line of any other city railway may be met or crossed and by such route as the directors of said company may determine; and the said company is hereby authorized and empowered to make, enter into and enforce any and all such contracts with any other such company with which its lines may connect or over which it may desire its cars to run respecting the use, occupation, maintenance and operation and the furnishing of motive power, equipment and appliances to and for the lines and properties of any or either of such companies and the transfer, moving, handling or carriage of cars and passengers as may be mutually satisfactory and from time to time agreed upon between them; 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 other than steam which said company may 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. The railways, or any part of the same, to be constructed, may be laid either with single or double track, and the same may at any time be altered from 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 the said directors, for the proper working of said railway and for the purpose of locating, constructing, operating and maintaining the said railway with all its sidings, turnouts, switches, poles, wires, cables and connections as aforesaid; the said company having first obtained the consent of the authorities having jurisdiction thereof and under direction of such authorities shall have power to use and occupy so much of any street, avenue, highway, turnpike or public road of New Castle county for the purposes aforesaid as may be necessary, or if deemed expedient by the directors, may for the purposes aforesaid use or occupy any land other than a public road, the title to said lands being first acquired as hereinafter directed;</p>
Termini.	
Route.	
Contracts with other companies.	
Motive power.	
Single or double tracks.	
Consent of authorities.	
Use of streets, &c.	
Use of private property.	

OF RAILROADS.

provided, that said railway shall be conformed as near as may be to the grades which now are or hereafter may be established for any street, road, highway or turnpike over which the same shall be located. *And it is hereby further expressly provided*, that if the railway to be constructed under the authority of this act shall be so located as to cross the line of any steam railroad which is operated by any railroad company, the crossing of said track shall not be at grade, but shall be so made by either an overhead or undergrade crossing that it shall not impede or interfere with the free and safe passage of the engines and trains on the road crossed; *and provided further*, that the line of railway hereby authorized to be constructed shall be begun within nine months from the passage of this act and the line hereby authorized shall be completed within two years from the passage of this act, otherwise this act shall be and become void and of no effect, and all rights hereunder shall cease and determine. *And provided further*, that the said corporation shall have full power and authority from time to time to enter into such contracts and agreements respecting the use, occupation, maintenance and operation and furnishing power, equipment, and appliances of and to its lines and the lines of other companies, and the transfer of cars and passengers as shall be mutually satisfactory and agreed upon.

To conform to established grades.

Steam railway not to be crossed at grade.

To be begun within nine months and completed within two years.

May contract with other companies.

SECTION 7. 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 judges of the same in vacation, shall upon application by the company, appoint 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

Use of private property, how acquired.

Commissioners.

Duties.

OF RAILROADS.

Return.	shall certify their proceedings, with their assessments, 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 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; <i>provided</i> , 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 an assessment shall have been recorded as aforesaid, sue out a writ of <i>ad quod damnum</i> , 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 aforesaid before provided, and if the damages be reduced the owners shall refund the amount diminished.
To be recorded.	
Payment of damages.	
Appeal.	
Costs.	The costs of the inquisition shall be paid by the unsuccessful party. The fee of a commissioner shall be two dollars per day, to be paid by the company, and to a juror two dollars per day and three cents per mile going and returning. The work of said company shall not be delayed by such application for a writ of <i>ad quod damnum</i> , 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. 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.
Fees of commissioner.	
Of juror.	
Work not delayed by appeal.	
Title to premises.	
Vacancy in commission.	
Damage to property of company.	SECTION 8. If any person or persons shall wilfully damage or obstruct the said railroad, or any part thereof, or hinder or delay the building of the same, or hinder or delay the passage of cars over the same, or damage any of the works or property of the said company, such person or persons shall be liable to the company in a civil action for double the damages sustained and shall moreover be guilty of a misdemeanor and on indictment and conviction thereof shall be fined not
Civil action for damages.	
Misdemeanor.	

OF RAILROADS.

exceeding three hundred dollars at the discretion of the ^{Fine.} court.

SECTION 9. This act is hereby declared to be an act for public improvement, and shall be deemed and taken to be a public act, and the power to revoke the same at any time for any abuse or misuse of the franchises hereby granted is hereby expressly reserved to the Legislature.

Passed at Dover, May 1, 1895.

CHAPTER 91.

OF RAILROADS.

A SUPPLEMENT to an act entitled "An act to incorporate 'The Gordon Heights Railway Company,'" passed at Dover, May 2nd, 1893.

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 Gordon Heights Railway Com-
pany" shall be and it is hereby authorized to locate, extend, construct, operate and maintain a branch line of railway from any point on its present line to any point selected by its board of directors in the Delaware and Pennsylvania State line, by such route as said board shall select after careful survey, and shall have power to increase its capital stock to such amount, from time to time, as may be determined on by issuing such amounts of common or preferred stock, or both, as may be deemed proper; *provided*, that said increase of capital stock shall not exceed the sum of seven hundred thousand dollars; and with respect to the said branch hereby authorized to be located and constructed the said corporation shall have and exercise all the rights and privileges, and be subject to all the duties and responsibilities which did or shall belong to or devolve upon said corporation with respect to the railway originally located, constructed and maintained under the provisions of the act to which this is a supplement.

May extend
branch to
point in
Pennsyl-
vania line.

May in-
crease
capital
stock.

Not to
exceed
\$700,000.

Passed at Dover, May 6, 1895.

OF THE CITY OF WILMINGTON.

CHAPTER 92.

OF THE CITY OF WILMINGTON.

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 13th, 1883, and amended May 5th, 1891, Chapter 215, Volume 19, 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 herein concurring):

Chapter 215,
Volume 19,
amended.

Discount
on paying
bill if paid
within
60 days.

Interest
added after
90 days.

To be col-
lected out
of property
after 1 year.

Act retro-
active.

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, and amended May 5, 1891, Chapter 215, Vol. 19, Laws of Delaware, be and the same is hereby amended by inserting between the word "owner" and the word "and" in the fortieth line of said amended Section the following: "And if any account liened or assessed in the manner aforesaid is paid within sixty days after the date of the presentation of the bill of such assessment to the owner or agent of the property a discount of (5%) five per cent. will be allowed on the face of the bill so presented; and upon all assessments paid after sixty days and on or before ninety days after presentation of the bill the face of the bill shall be payable; and upon all assessments not paid within ninety days after the date of the presentation of the bill as aforesaid, interest at the rate of six per cent. (6%) per annum shall be charged from ninety days after the date of such assessments as aforesaid until the same is paid in full; and that the said section be and the same is hereby further amended by striking out the words "within sixty days" in the fortieth and forty-first lines of said amended section and inserting in lieu thereof the words "At the end of one year".

SECTION 2. The board of directors of the Street and Sewer Department are hereby authorized to apply the provisions of this act to any and all assessments heretofore made for curbing and paving now existing and uncollected; *provided*, that nothing in this Section shall operate or be construed to invalidate any assessment or the lien thereof.

Passed at Dover, March 26, 1895.

OF THE CITY OF WILMINGTON.

CHAPTER 93.

OF THE CITY OF WILMINGTON.

AN ACT in relation to the Liens entered against Property for curbing and paving Sidewalks or Streets and the construction of Sewers.

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 the board of directors of the Street and Sewer Department of the City of Wilmington, or their successors, shall by resolution from time to time, as occasion may require, cancel and satisfy of record at any meeting of said board of directors, any and all liens entered against abutting property for the paving or curbing of any footway, sidewalk or street, as well as liens entered for the construction of any public sewer or drain, upon the presentation by the owners or agents of any property lienied for purposes aforesaid, of evidence of previous payment to the proper municipal authorities of the City of Wilmington for the whole number of feet contained in the street line of the property of such owners respectively, of any curbing or paving in front or alongside of, or the drainage from said property.

SECTION 2. Upon the absence of evidence of any previous payment for liens as aforesaid, the said board of directors are hereby authorized, in their discretion, to cancel and satisfy of record, any and all liens entered subsequent to the passage of the Sewer Lien Law, April 29th, A. D. 1891, against abutting property, where the property so lienied has been and is draining into a public sewer previous to and at the time of the entry of the lien, as aforesaid; *provided, however,* that it shall not be lawful to cancel any sewer assessment or lien made or entered against unimproved land (without buildings or building) abutting a natural water course used for sewage (excepting a natural stream), unless such cancellation be by payment in the usual manner made and provided.

SECTION 3. That all the public acts and doings of the board of directors of the Street and Sewer Department of Wilmington, so far as the same applies to the cancellation of any account lienied (under the jurisdiction or control of said

Lien for paying to be satisfied upon production of evidence of payment.

Lien may be satisfied without evidence of payment where property drained into a public sewer prior to lien.

Not to apply to unimproved land.

Doings of directors of Street and Sewer Department made valid.

OF THE CITY OF WILMINGTON.

department) shall be and the same are hereby confirmed, established and declared to be valid and effectual.

SECTION 4. That this act shall repeal all laws or parts of same so far as they may be inconsistent herewith.

Passed at Dover, March 26, 1895

CHAPTER 94.

OF THE CITY OF WILMINGTON.

AN ACT to amend an act entitled "An act to establish a Board of Water Commissioners for the City of Wilmington, 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):

Public bath house may be constructed near water works.

Expenses, how borne.

Two patrol officers may be appointed to prevent the pollution of the waters of the Brandywine.

Jurisdiction.

SECTION 1. The Board of Water Commissioners for the City of Wilmington are hereby authorized and empowered, at such time as they shall deem proper, to construct, erect and maintain a public bath house at or near the city water works on the Brandywine river, the cost of such bath house and expense of maintenance to be included in and paid as one of the operating expenses of the water works for the year in which such cost or expense is incurred.

SECTION 2. That for the better protection of the water of the Brandywine river and its tributaries, the Board of Water Commissioners for the City of Wilmington are hereby given power and authority to appoint two patrol officers who shall be vested with police powers and who shall be under the control and subject to the rules and regulations of the Board of Water Commissioners. Their jurisdiction shall extend to the State line within which they shall have authority to make arrests for any violation of the State laws in regard to the pollution of streams.

Passed at Dover, March 28, 1895.

OF THE CITY OF WILMINGTON.

CHAPTER 95.

OF THE CITY OF WILMINGTON.

AN ACT to amend an act entitled "An act amendatory of 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 branch therein concurring):

SECTION 1. That Section 1 of an act entitled "An act amendatory of the charter of the City of Wilmington", passed at Dover, February 7th, 1887, being Chapter 177, Volume 18, Laws of Delaware, be and the same is hereby amended by striking out all of said section after the word "sum" in the eleventh line and inserting in lieu thereof the following: "not exceeding two thousand dollars annually to the Washington Fire Company, No. 7, for the use of their chemical engine".

Chapter 177,
Volume 18,
amended.

Not ex-
ceeding
\$2000 to be
appro-
priated to
the Wash-
ington Fire
Co., No. 7.

Passed at Dover, April 13, 1895.

CHAPTER 96.

OF THE CITY OF WILMINGTON.

AN ACT to vacate certain Roads and 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 concurring):

SECTION 1. That those parts or portions of "The Townsend Road" commencing at its intersection with the westerly side of Buttonwood street and Lobdell street, and extending in a westerly direction to its intersection with Market street at "A" street excepting such portion of said road as may be within the lines of "A" street as laid out on the plans of Wilmington, be and the same is hereby vacated, and the

Portion of
Townsend
road
vacated.

Owners of
adjacent
land may

OF THE CITY OF WILMINGTON.

enclose
same.

Proviso.

owners of the fee of the land over which or through which the said road hereby vacated runs or passes, are hereby authorized to enclose and hold the same; *provided*, that no portion of the said road hereby vacated shall be closed until "A" street shall be opened for public travel.

Duncan
avenue
vacated.
Owners of
adjacent
land may
enclose
same.

SECTION 2. That Duncan avenue, extending from "G" street to the Christiana River, be and the same is hereby vacated, and the owners of the fee of the land over which or through which the said avenue hereby vacated runs or passes are hereby authorized to enclose and hold the same.

Portions of
"G" street
vacated.

Owners of
adjacent
land may
enclose
same.

SECTION 3. That "G" street from its intersection with Christiana avenue easterly toward the Delaware River, be and the same is hereby vacated, and the owners of the fee of the land over which or through which the said road hereby vacated runs or passes are hereby authorized to enclose and hold the same.

Passed at Dover, April 13, 1895.

CHAPTER 97.

OF THE CITY OF WILMINGTON.

AN ACT in relation to "D" Street in the City of Wilmington.

WHEREAS, The board of directors of the Street and Sewer Department did on the sixth day of March, A. D. 1888, pass a resolution that "D" street from Market street causeway to Christiana avenue, in the City of Wilmington, shall be sixty feet wide, and its centre line shall be parallel with that of "C" street and four hundred and seventy feet southerly therefrom, thereby reducing the width of said street five feet on each side thereof; and it having since been ascertained that this act of changing the width of said street should have been done through and by an act of the Legislature of the State of Delaware; 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 concurring therein):

SECTION 1. That "D" street in the City of Wilmington

OF THE CITY OF WILMINGTON.

shall be sixty feet wide from Market street causeway to Christiana avenue, with the centre line of said street parallel to and at the distance of four hundred and seventy feet south-erly from the centre line of "C" street.

Change in
"D" street
by Street
and Sewer
Depart-
ment made
valid.

SECTION 2. That 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 13, 1895.

CHAPTER 98.

OF THE CITY OF WILMINGTON.

Entitled AN ACT appointing a Commission to consider the question of Municipal Government so far as it relates to the City of Wilmington, defining the duties and powers of said Commission.

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

SECTION 1. That Daniel W. Taylor, William D. Mullen, Alfred D. Warner and John S. Rossell, citizens and taxpayers of the City of Wilmington, be and they are hereby constituted and appointed a commission to consider the question of municipal government so far as it relates to said city. It shall be the duty of said commission to carefully investigate said question and submit to the General Assembly at its next session a full report of such investigation, with recommendations respecting any changes in the existing system of government for said city that may be deemed right and proper.

Com-
mission.

To consider
question of
municipal
govern-
ment for
Wilmington.

Report to
General
Assembly
with recom-
mendations
for change.

SECTION 2. That in case of a vacancy in said commission the remaining members shall fill such vacancy by appointment from among the citizens and taxpayers of said city.

Vacancy
in com-
mission.

SECTION 3. That the members of said commission shall receive such compensation for their services and shall be

Compensa-
tion.

OF THE CITY OF WILMINGTON.

allowed such amount for their expenses as the General Assembly shall consider just and proper.

Passed at Dover, April 24, 1895.

CHAPTER 99.

OF THE CITY OF WILMINGTON.

A FURTHER SUPPLEMENT to "An act to provide for Public Parks for the use of the citizens of Wilmington and its vicinity", passed March 13th, 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 herein concurring):

Mayor and Council of Wilmington may borrow not exceeding \$50,000 for purchase of additions to parks.

SECTION 1. That the Mayor and Council of Wilmington are hereby empowered, under an ordinance or ordinances of the City Council to be passed with the concurrence of two-thirds of all the members thereof, to borrow a sum or sums not exceeding in the aggregate fifty thousand dollars to be applied and expended under the charge of the Board of Park Commissioners of the said city in the purchase or acquisition, in the manner authorized by the act to which this is a supplement, of lands to be used as additions to said parks.

Bonds, how issued.

SECTION 2. 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 9th, 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.

Not less than \$15,000 to be used in any one year.

SECTION 3. That the amounts to be appropriated in pursuance of Section 4 of the act to which this is a supplement shall not be less than fifteen thousand dollars for any one fiscal year.

Passed at Dover, April 27, 1895.

OF THE CITY OF WILMINGTON.

CHAPTER 100.

OF THE CITY OF WILMINGTON.

AN ACT to vacate Brobson's Lane 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 a lane situated in the City of Wilmington extending from Pennsylvania avenue to Eleventh street and known as Brobson's lane shall be vacated when Scott street extending from Pennsylvania avenue to Eleventh street in said city shall be opened and free for travel. Brobson's lane to be vacated when Scott street is opened.

SECTION 2. The lane when vacated shall belong to and become the property of the respective owners of real estate adjacent thereto, each of the said owners having respectively the ownership therein the width of his front to the middle line of said lane. Owners of adjacent lands to enclose same.

Passed at Dover, April 27, 1895.

CHAPTER 101.

OF THE CITY OF WILMINGTON.

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 branch concurring):

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: Beginning at a point where the northeasterly boundary line of the City of Wilmington intersects the northerly side of Wooddale avenue extended at right angles to Thirty-second street, as laid down on the city map; thence northeasterly along the northerly side of Wooddale avenue extended at right angles with Thirty-second Boundaries of Wilmington extended. Territory included.

OF THE CITY OF WILMINGTON.

street as aforesaid, twelve hundred and twenty feet (1220) to a point; thence southeasterly by a line measured at right angles to the first-described line, crossing the Philadelphia and Wilmington Turnpike road at a point about six hundred and thirty feet (630) east of the present city line at intersection of Market street and Eastlawn avenue, to a point where it intersects the present city line at or near the Philadelphia, Wilmington and Baltimore Railroad; thence northwesterly along said present city line by its various courses to the place of beginning.

Jurisdiction of city authorities extended to new territory.

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.

Assessment of taxes.

SECTION 3. The real estate by this act added to and included within the city limits, and all persons now or hereafter residing 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* the real estate by this act added to and included within the city limits and all persons now or hereafter residing 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, however*, 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-quarter the

For 5 years municipal taxes to be at one-fourth rate.

For ensuing five years at one-half rate, and thereafter at full rate.

To be part of Ninth ward and of Third assessment district.

rate of taxation on city property generally and for the ensuing five years thereafter at one-half rate and thereafter at full rate. The new territory hereby added to the said City of Wilmington shall be a part and parcel of the Ninth ward thereof, and a part of the Third assessment district of the City of Wilmington for the purpose of assessment and collection of taxes for county purposes.

SECTION 4. All acts or parts of acts inconsistent with the provisions of this act be and the same are hereby repealed.

Passed at Dover, April 29, 1895.

OF THE CITY OF WILMINGTON.

CHAPTER 102.

OF THE CITY OF WILMINGTON.

AN ACT to further amend Chapter 188 of Volume 18 of the Laws of Delaware and also to authorize "The Mayor and Council of Wilmington" to borrow a certain sum of money for public improvements 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 herein):

SECTION 1. That the act entitled "An act in relation to the streets and sewers of the City of Wilmington", passed at Dover, April 20, 1887, being Chapter 188 of Volume 18 of the Laws of Delaware, as amended by an act entitled "An act to amend Chapter 188 of Volume 18 of the Laws of Delaware", passed at Dover, April 19, 1889, being Chapter 659 of Volume 18 of the Laws of Delaware, be and the same is hereby amended as follows:

By striking out of Section 5 of said Chapter 188 of Volume 18 of the Laws of Delaware as amended as aforesaid the following words and figures therein occurring after the word "exceed" in the fifty-seventh line of said Section 5, to-wit: "One hundred and twenty thousand dollars (\$120,000) for the fiscal year one thousand eight hundred and eighty-nine and ninety (1889-1890), and the increase shall not for any succeeding fiscal year be greater than five per centum additional upon the aggregate amount for the fiscal year preceding", and inserting in lieu thereof the words and figures, "one hundred thousand dollars (\$100,000) for the current and ordinary expenses of the said department for any one fiscal year".

SECTION 2. *And be it further enacted by the authority aforesaid,* That the Mayor and Council of Wilmington shall have power and they are hereby directed to borrow the sum of two hundred and fifty thousand dollars (\$250,000) and to issue bonds of said city for the payment thereof with interest, said payment to be made at such times and in such manner as the City Council of the said City of Wilmington shall by ordinance prescribe and appoint, and the said sum of two hundred and fifty thousand dollars (\$250,000) shall, in the discretion of the Board of Directors of the said Street and

Chapter 188,
Volume 18,
as amended
by Chapter
659, Volume
18, amended

Annual ap-
propriation
to the Street
and Sewer
Depart-
ment by the
City
Council.

Mayor and
Council
shall bor-
row \$250,000
and issue
bonds for
same.

OF THE CITY OF WILMINGTON.

To be expended in improvements of streets and sewers. Sewer Department of the said City of Wilmington, be appropriated, applied and expended by the said board for the following public improvements, that is to say: For the opening, widening, paving and improvement of streets, avenues, lanes or alleys in the said City of Wilmington and for the construction of sewers and water ways in said city.

To be borrowed in portions as the directors of the Street and Sewer Department may direct, not exceeding \$125,000 in one year. SECTION 3. 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 said 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 one hundred and twenty-five thousand dollars (\$125,000) in any one year and the same 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 over the said work and the expenditure of money necessary with respect thereto. All moneys borrowed as aforesaid for the purposes hereinbefore mentioned shall be placed on special deposit by the said Board of Directors of the Street and Sewer Department of the said City of Wilmington, 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 upon and about the improvements provided for in this act.

How kept on deposit.

How applied.

Payment, how provided for. SECTION 4. 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 for in the act passed at Dover, February 9, 1855, entitled "An act to provide a sinking fund for the City of Wilmington", and the various amendments and supplements thereto.

No reduction to be made in regular appropriation of Council till department receives installment of new loan. SECTION 5. That no reduction in the amount now payable by the Council to the Board of Directors of the Street and Sewer Department of the said City of Wilmington for their current and ordinary expenses as now provided by law shall take place before the said department receives such installment of the money directed to be borrowed by this act as it may properly demand.

SECTION 6. That all acts or parts of acts inconsistent with the provisions of this act be and the same are hereby repealed.

Passed at Dover, April 30, 1895.

OF CITIES AND TOWNS.

CHAPTER 103.

OF CITIES AND TOWNS.

AN ACT authorizing "The Commissioners of the Town of Middletown" to borrow Four Thousand Dollars to complete the well and Two Thousand Dollars to pay on the outstanding indebtedness of said Town.

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 Commissioners of the Town of Middletown" shall have power and authority under and by virtue of an ordinance to be passed by the said commissioners to borrow, on the faith and credit of said town, the sum of four thousand dollars to complete the well for supplying the said town with water, and the additional sum of two thousand dollars to pay on the outstanding indebtedness of said town, and none of the six thousand dollars shall be appropriated to any other purpose.

Passed at Dover, February 11, 1895.

CHAPTER 104.

OF CITIES AND TOWNS.

AN ACT to amend an act entitled "An act to amend an act entitled 'A supplement to the act entitled an act to incorporate the Town of St. Georges'", passed at Dover, March 6th, 1877.

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

SECTION 1. That Chapter 198 of Vol. 17, Laws of Delaware, passed at Dover, April 20th, 1883, entitled "An act to amend an act entitled 'A supplement to the act entitled an act to incorporate the town of St. Georges'", passed at Dover, March 6th, 1877, be and the same is hereby amended by striking out of the twelfth line of Section 1 of said Chap-
Chapter 198, Volume 17, amended.
 Road commissioners of Red Lion hundred to pay to Council of

OF CITIES AND TOWNS.

St. Georges ter 198, after and following the word "pay" and before the
 one-half of word "of" the words following, to-wit: "the whole", and
 road taxes collected in inserting in lieu thereof the words "one-half."
 said town.

Passed at Dover, March 19, 1895.

CHAPTER 105.

OF CITIES AND TOWNS.

AN ACT to amend Section 18 of Chapter 152, Volume 15 of the Laws of Delaware, entitled "Of the City of New Castle".

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):

Chapter 152,
 Volume 15,
 amended.

In city of
 New Castle
 discount on
 city and
 school taxes

After Jan.
 1 interest
 to be added.

SECTION 1. That Section 18 of Chapter 152, Volume 15 of the Laws of Delaware, entitled "Of the City of New Castle", be and the same is hereby amended by adding to said section the words following, to-wit: "Upon all city or school taxes (so to be collected) paid before the first day of September, there shall be an abatement of five per cent.; on all said taxes paid after the first day of September and before the first day of December, there shall be an abatement of three per cent.; on all said taxes not paid by the first day of January and paid before the first day of February, one per cent. thereof shall be added thereto; on all said taxes unpaid on the first day of February and paid before the first day of March, two per cent. thereof shall be added thereto; on all said taxes unpaid on the first day of March and paid before the first day of April, three per cent. thereof shall be added thereto; on all said taxes unpaid on the first day of April and paid before the first day of May, four per cent. thereof shall be added thereto; and on all said taxes unpaid on the first day of May, four per cent. and an additional one-half of one per cent. for each and every month thereafter that said taxes shall remain unpaid shall be added thereto.

OF CITIES AND TOWNS.

This act shall not apply to the city or school taxes laid ^{Taxes for 1894 ex-} for the year 1894. ^{cepted.}

SECTION 2. This act shall be deemed a public act and so published.

Passed at Dover, March 20, 1895.

CHAPTER 106.

OF CITIES AND TOWNS,

A SUPPLEMENT to an act entitled "An act to re-incorporate the town of Newark", passed at Dover, April 21st, 1887, and an act entitled "An act to amend an act entitled 'An act to re-incorporate the town of Newark'", passed at Dover, February 27th, 1889.

WHEREAS, "The Council of Newark" by virtue of the authority conferred upon it by an act entitled "An act to re-incorporate the town of Newark", passed at Dover, April 21st, 1887, and an act entitled "An act to amend an act to re-incorporate the town of Newark", passed at Dover, February 27th, 1889, and by virtue of the authority conferred upon it by a majority of the qualified voters of the said town of Newark at an election regularly held in accordance with said acts, did issue bonds in the name of the said "The Council of Newark", to the amount of thirty-seven thousand dollars, which said bonds will fall due on the first day of December, A. D. 1896, at which time it will be necessary for the said "The Council of Newark" to redeem said bonds; 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):

SECTION 1. That "The Council of Newark" be and it is hereby authorized and empowered, for the purpose of redeeming the bonds heretofore issued by the said "The Council of Newark", payable on the first day of December, A. D. 1896, signed by the President of said Council and sealed with the corporate seal of said town to the amount of thirty-seven ^{Council of Newark to make loan to provide for outstanding bonds.}

OF CITIES AND TOWNS.

thousand dollars, when and as soon as the same shall fall due, to issue new bonds in the name of the said "The Council of Newark", said new bonds to bear interest at a rate not exceeding five and one-half per centum per annum, payable semi-annually for such amounts or denominations as the Council shall deem best; the principal of said new bonds shall be made payable in twenty years from the date of the issue thereof, the said "The Council of Newark" reserving to itself the power and authority of redeeming said bonds or any part of them at the expiration of ten years from the date of the same; *provided, however*, that if the said "The Council of Newark" elects to redeem any of said bonds at the expiration of ten years, as aforesaid, such election shall be affected on the first days of December and June, and in pursuance of a notice to that effect published by the said "The Council of Newark" for the space of thirty days in two newspapers, one published in the City of Wilmington and one in the town of Newark; and in calling said bonds for redemption and payment they shall be called consecutively, commencing with the lowest number; the interest on all of said bonds so called shall cease from the date of the redemption thereof, and said bonds when so redeemed and paid shall be cancelled.

Rate **When due.** **Redeemed sooner by notice being given.** **Bonds, how called.**

Given power to issue bonds and provide for payment of same. **SECTION 2.** The said "The Council of Newark" shall be taken and deemed to have and it is hereby expressly given full power and authority to do and perform any and all acts, matters or things not herein specifically granted but which may be necessary to do and perform in relation to the redemption of said bonds at maturity and the issuing of said new bonds as aforesaid.

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

Passed at Dover, March 22, 1895.

OF CITIES AND TOWNS.

CHAPTER 107.

OF CITIES AND TOWNS.

AN ACT to amend the act entitled "An act to re-incorporate the town of Milford", Chapter 161, Volume 18, pages 269, etc., 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, viz):

SECTION 1. The act entitled "An act to re-incorporate the town of Milford", Chapter 161, Volume 18, pages 269, etc., and, as amended, Chapter 757, Volume 19, Laws of Delaware, is hereby amended by substituting the word "January" for the word "March" in each of the lines 13 and 18 of Section two (2) of said act; also by substituting the word "January" for the word "March" in the sixth (6) line of Section 3 of said act; also by substituting the word "January" for the word "March" in line three (3) of Section 13; also by substituting the word "February" for the word "April" in line 15 of Section 13; also by substituting the word "December" for the word "February" in line 26 of Section 14; also by substituting the word "six" for the word "four" in line 33 of Section 14; also by substituting the word "November" for the word "January" in line 3 of Section 18; also by substituting the word "January" for the word "March" in line 9 of Section 18; also by inserting between the word "town" and the word "within" in line 5 of Section 19 the following words, viz: "Nor shall any person, firm, company or corporation open, set up, or attempt to open or set up any bucket shop, racket shop, transient store, transient shop, pool or billiard room or temporary place of business for the purpose of selling or offering for sale any goods, wares or merchandise".

Charter of Milford amended.

Town election in January.

Assessment in January.

Tax duplicates to be hung up in February.

Collector and treasurer to settle in December.

Taxes limited to \$6000.

Auditor to be appointed in November.

Report to be published in January.

License to be obtained for certain occupations

SECTION 2. Further amend the act to re-incorporate the town of Milford by striking out all of Section 25 and adding thereto the following two new Sections to be known as Sections 25 and 26, respectively, of the act:

"Section 25. Hereafter it shall be lawful for the Town Council of the town of Milford to make and allow a discount of three per centum upon all taxes assessed upon the taxables of said town for the prompt payment of said taxes on or

Discount on town taxes if paid prior to June 1.

OF CITIES AND TOWNS.

before the first day of June of the year for which such taxes are or may hereafter be assessed; and it shall be the duty of the collector of taxes for said town to report to the Town Council of said town, at its first meeting next after said first day of June in each year, a list of all the taxables of said town who have so paid their taxes as aforesaid, with the amount of each tax assessed and the amount thereof so paid as aforesaid on or before said first day of June by said taxables set opposite their names respectively in separate columns.

Future
publication
of laws.

"Section 26. All the provisions of any act or acts or parts of acts inconsistent with the provisions of this act (which is hereby declared to be a public act) are hereby repealed; and in every edition of the laws of this State hereafter published the act to re-incorporate the town of Milford shall be printed as hereby amended".

Passed at Dover, April 2, 1895.

CHAPTER 108.

OF CITIES AND TOWNS.

AN ACT to amend an act entitled "An act to amend Chapter 242, Vol. 19, Laws of Delaware", as amended by Chapter 745, Vol. 19, Laws of Delaware, and relating to Middletown.

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):

Chapter of
Middl-
town
amended.

SECTION 1. That Section 9 of Chapter 745, Vol. 19, Laws of Delaware, be and the same is hereby amended by striking out the words "and water plants" in second and third lines of said Section 9 and inserting in lieu thereof the word "plant".

Passed at Dover, April 17, 1895.

OF CITIES AND TOWNS.

CHAPTER 109.

OF CITIES AND TOWNS.

AN ACT to further amend Chapter 229, Vol. 19, Laws of Delaware, entitled
 "An act incorporating the Rehoboth Beach 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 of the Legislature concurring therein):*

SECTION 1. That an act entitled "An act incorporating
 the Rehoboth Beach Association", being Chapter 229,
 Volume 19, Laws of Delaware, be and the same is hereby
 amended by striking out in Section 14 of said act the word
 "first" in the second line of said Section 14 and inserting in
 lieu thereof the word "second".

Charter of
 Rehoboth
 Beach Asso-
 ciation
 amended.
 Accounts to
 be audited
 on second
 Monday
 in July.

SECTION 2. That Section 3 of Chapter 229, Volume 19, of
 Laws of Delaware, entitled "An act incorporating the Rehoboth
 Beach Association", passed March 19, 1891, amended,
 be and the same is hereby amended by striking out of said
 Section and repealing the words "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 unlaw-
 ful", as the same appear in the proviso of said Section.

Proviso for-
 bidding sale
 of intoxi-
 cating
 liquors
 stricken out

SECTION 3. That Chapter 647, Volume 19, Laws of Del-
 aware, passed at Dover, May 5, 1893, entitled "An act to
 amend Chapter 503, Volume 17, Laws of Delaware", shall
 not apply to Cape Henlopen City for and during the year
 1895 between the months of April and October; *provided,*
however, the operations of said act shall not be construed not
 to have full force and effect after said month of October 1895,
 for said Cape Henlopen City as well as elsewhere.

Fractional
 license may
 be granted.

Passed at Dover, April 26, 1895.

OF CITIES AND TOWNS.

CHAPTER 110.

OF CITIES AND TOWNS.

AN ACT to amend an act entitled "An act to amend Chapter 229, Vol. 19, Laws of Delaware, entitled 'An act incorporating the Rehoboth Beach Association'", being Chapter 767, Vol. 19, Delaware Laws.

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):

Charter of
Rehoboth
Beach Asso-
ciation
amended.

Exemption
from tax-
ation on
improve-
ments lim-
ited to
January
1, 1896.

SECTION 1. That an act entitled "An act to amend Chapter 229, Volume 19, Laws of Delaware, entitled 'An act incorporating the Rehoboth Beach Association'", being Chapter 767, Volume 19, Delaware Laws, be and the same is hereby amended by inserting after the word "hereafter" in the sixteenth line of Section 3 of said act the words following, viz: "And prior to the first day of January, A. D. 1896".

Passed at Dover, April 26, 1895.

CHAPTER 111.

OF CITIES AND TOWNS.

AN ACT to allow the Commissioners of Lewes, Delaware, to borrow money.

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):

Commis-
sioners of
Lewes may
borrow
\$2000 and
issue bonds
for same.

Sum to be
expended
in provid-
ing fire
protection.

SECTION 1. That the commissioners of the town of Lewes shall have power, and they or a majority of them are hereby authorized, empowered and directed immediately after the passage of this act, to borrow, upon the faith and credit of the said town, and issue bonds for the same, any sum of money not exceeding two thousand dollars, to be applied and expended by the said commissioners for the purpose of procuring fire protection for the said town and providing for any buildings or machinery which they may deem necessary or useful for that purpose.

OF CITIES AND TOWNS.

That the said bonds shall be of the denomination of fifty ^{Bonds, form of.} dollars each, shall be dated on the first day of July, A. D. 1895, and numbered consecutively, commencing with number one, and shall bear interest from and after that date at the rate of five per centum per annum, payable semi-annually on ^{Rate.} the first days of January and July in each year while they ^{Interest.} remain unpaid, at the Farmers' Bank of the State of Delaware at Georgetown, on presentation of the coupon representing said semi-annual interest, each semi-annual installment of interest being represented by coupons attached to said bonds. And said bonds shall be payable at the Farmers' ^{When and where paid.} Bank of the State of Delaware at Georgetown on the first day of July, A. D. 1900, but may be redeemed at the option of the said town commissioners at any time after the first day of July, A. D. 1896; *provided, however,* that if the said town commissioners elect to redeem any of the said bonds according to their tenor, such redemption shall [be] effected either on the first days of July or January, and in pursuance of notice signed by the Mayor of said town of Lewes and also the Treasurer, published for the space of thirty days in one newspaper in the said town of Lewes; such notice shall indicate the bonds called and in making the calls the said town commissioners shall call the bonds according to their numbers, beginning with the lowest number. ^{When due.}

SECTION 2. That the said town commissioners shall ^{Preparation of bonds.} direct and effect the preparation, printing and sale of the bonds authorized by this act at such time or times and on such terms as they may deem expedient, but that all the money, the proceeds of such sale, shall be expended in providing fire protection for the said town of Lewes.

And the said bonds shall be signed by the Mayor of said town of Lewes and also the Treasurer, and sealed with the seal of the corporation; shall be exempt from State, county and municipal taxation, and denominated "Lewes Fire Protection Bonds", and shall be in the following form, to wit: ^{Money for fire protection only}

United States of America.

State of Delaware.

Town of Lewes.

No.

\$..... ^{Bonds, how executed.}

These presents certify and make known that the town of Lewes is held and firmly bond unto the bearer in the sum ofdollars lawful money of the United States of America, which the said town binds itself to pay to the ^{Exempt from taxation.} ^{Form of bonds.}

OF CITIES AND TOWNS.

bearer on the first day of July, A. D. one thousand nine hundred, with interest at the rate of five per centum per annum, payable at the Farmers' Bank of the State of Delaware at Georgetown, on the first days of January and July in each and every year until the principal be paid, upon presentation of the coupons hereto annexed representing such semi-annual installment of interest; *provided, however*, and it is expressly stipulated, that the said town reserves to itself the power, at its option, to call in and redeem this bond on the first day of January or July in any year after the first day of July, A. D. one thousand eight hundred and ninety-six, pursuant to the notice provided for by the act of Assembly, in accordance with the provisions of which this bond is issued; *and provided further*, that when this bond shall be called by the notice aforesaid, interest thereon shall cease to accrue from and after the first days of January or July (as the case may be) next succeeding the date of such notice.

Dated at Lewes the first day of July, A. D. 1895.

(Corporation)
(Seal) WITNESS the seal of the said town of Lewes
and the hands of the Mayor and the Treasurer of
said town.

-----Mayor.

-----Treasurer.

Bonds and
coupons
cancelled
when paid.

As the said interest coupons and said bonds are paid the same shall be cancelled in such manner as the said town commissioners shall direct.

Additional
tax to be
collected for
meeting
interest
on bonds.

SECTION 3. That the said commissioners of the town of Lewes be and they are hereby authorized, empowered and directed to levy and collect an additional yearly tax in the same manner and at the same time as the tax is levied and collected for defraying the expenses of the town, which shall be sufficient to pay the annual interest on the bonds which may be issued under the provisions of this act, and to create and establish a sinking fund adequate to the redemption of the said bonds at or before maturity.

And prin-
cipal at
maturity.

Charter of
Lewes
amended.

SECTION 4. That Chapter 184, Volume 17, Laws of Delaware, entitled "An act to supplement and amend Chapter 114, Volume 14 of the Laws of Delaware, entitled 'An act to incorporate the town of Lewes and for other purposes' as amended by Chapter 535 and re-published in Chapter 536 of the same Volume", be and the same is hereby amended by striking out in lines three, four and five of Section 3 of said

OF CITIES AND TOWNS.

act the words following, to-wit: "Striking out the words 'five hundred' in the third line of said section, and inserting in lieu thereof 'one hundred and fifty', and'".

And that from and after the passage of this act, the sum of five hundred dollars shall be the limit of yearly taxation for general purposes in said town of Lewes as was provided by Section 18 of an act entitled "An act to incorporate the town of Lewes and for other purposes," as amended by Chapter 535 and republished in Chapter 536 of Volume 14, Laws of Delaware, prior to the enactment of the provisions altering the same contained in said Section 3 of Chapter 184, Volume 17, Laws of Delaware, which are hereinbefore stricken out and repealed.

Annual
town taxes
limited
to \$500.

Passed at Dover, April 27, 1895.

CHAPTER 112.

OF CITIES AND TOWNS.

AN ACT to amend the act entitled "An act to re-incorporate the town of Seaford", passed at Dover, February 19th, 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 Section 1 of Chapter 51 of the Revised Code shall not hereafter apply to the town of Seaford.

General law
respecting
shows, &c.,
not to apply
to Seaford.

SECTION 2. The Town Council of the town of Seaford is hereby authorized to pass ordinances to regulate shows, exhibitions and public representations of all kinds within the town, and to establish and receive for the use of the town all fees for licenses issued to the same.

In Seaford
Council to
pass ordi-
nances
regulating
shows, &c.
Fees for
license.

Passed at Dover, April 29, 1895.

TITLE TWELFTH.

Of Titles to Real Property.

CHAPTER 113.

OF JOINT ESTATES AND PARTITION.

A FURTHER SUPPLEMENT to Chapter 86 of the Revised Code, "Of Joint Estates and Partition".

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

Additional
sections to
Chapter 86,
Revised
Code.

That the following Sections be and the same are hereby enacted and added to Chapter 86 of the Revised Code entitled "Of Joint Estates and Partition" and the same shall hereafter be deemed and taken to be a part of said Chapter, to wit:

Partition
may be de-
creed upon
petition of
tenant
holding in-
terest in all
the parcels
of land
named
though
other ten-
ants have
interest in
part only.

"Section 24. In the case of partition of several tracts or parcels of land, held by the same persons, though by different titles or in different shares, as provided in Section 23 of this Chapter, as amended, if one or more of the persons entitled as joint tenant or tenant in common shall have some share, proportion or interest of or in all the tracts or parcels of land and premises named in the petition, and any other person or persons shall be entitled as joint tenant or tenant in common to a share, proportion or interest of or in any one or more of said tracts or parcels of land, though not in all of them, the Chancellor shall have authority in like manner to make a decree for partition in one proceeding as aforesaid.

In parti-
tion, if
person in
interest or
his heirs be
unknown,
notice of
proceedings
may be
given by
publication

"Section 25. If in any cause in partition it is unknown whether any person shown by the facts set forth in the petition to be interested in the lands and premises, or any of them, of which partition is desired, be living or dead, or in any case such person is dead and it is unknown whether he left any heirs or any of the heirs be unknown, then the petition may describe such unknown heirs as the heirs of the

OF JOINT ESTATES AND PARTITION.

person who, if living, would be a proper party, and the petition, in cases under this Section, shall pray that notice of the substance and object thereof may be given by publication as provided by Sections 9 and 10 of this Chapter and the rules of the Court of Chancery for publication in cases of non-residents. Upon such a petition the court shall order notice to be given by publication in accordance with the prayer of the petition to the heirs of such deceased person.

In all such cases the same proceedings shall be had with respect to said unknown heir or heirs as are had in cases against non-resident defendants, and such publication shall be taken and considered sufficient notice to the heirs of said decedent, or to all parties entitled under him or them, as the case may be. And any decree which may be passed shall have the same effect against those described as heirs of or parties entitled under them, as if the party whose heirs they are supposed to be or under whom they are entitled were living and a party to such decree.

In the petition and subsequent proceedings, such persons may be described as the unknown heirs of the person who, if living, would be a proper party.

Passed at Dover, February 7, 1895.

TITLE THIRTEENTH.

Of the Administration of Estates.

CHAPTER 114.*

OF THE SETTLEMENT OF PERSONAL ESTATES.

AN ACT to further amend Chapter 208, Volume 18, Laws of Delaware, as amended by Chapter 246, Volume 19, Laws of Delaware, entitled "An act concerning investments by Guardians and Trustees".

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

Guardian or trustee may take from executor or administrator transfer of investments or other personal property of estate at appraised value for beneficiary's share therein.

SECTION 1. That Section 1 of Chapter 208, Volume 18, Laws of Delaware, entitled "An act concerning investments by Guardians and Trustees" be and the same is hereby amended by striking out all of that part of said Section between the word "share" in the ninth line thereof and the word "and" in the twelfth line thereof, to wit: "Shares of the capital stock or bonds of any corporation or association held or owned by such testator or intestate at the time of his decease at the appraised value thereof", and inserting in lieu thereof the following, to wit: "in specie by assignment, transfer or delivery, according to the nature and character of the property, to be made by the executor or administrator of any testator or intestate to such guardian or trustee of any stocks, bonds, judgments, mortgages, investments or other personal property held or owned by such testator or intestate at the time of his death at the appraised value thereof and such assignment, transfer or delivery shall vest the legal title to any such investments or property in such guardian and trustee".

Not liable for depreciation in value of same.

SECTION 2. That Section 1 of said act be and the same is hereby further amended by striking out the words between the word "stock" and the word "so" in the fourteenth line thereof and inserting the words following, to wit: "bonds, judgments, mortgages, investments or other personal property".

* See Chapter 115, current volume.

OF THE SETTLEMENT OF PERSONAL ESTATES.

SECTION 3. That said Chapter 208, Volume 18, Laws of Delaware, be and the same is hereby further amended by adding thereto the following, to be published, as hereinafter provided, as Section 2 of said act, to wit:

"Section 2. That whenever an executor or administrator shall make an assignment of any investments or shall transfer or deliver any personal property of any testator or intestate under the provisions of this act, he shall take from the guardian or trustee a copy of the inventory and appraisement of such investment, and personal property with the receipt of such guardian or trustee therefor thereon endorsed, together with a certified copy of the order of the Orphans' Court or the decree of the Chancellor, as the case may be, and deliver the same to the Register of Wills before whom it shall be the duty of such executor or administrator to pass his accounts, and the same shall be entered by the Register in the accounts passed before him by such executor or administrator at the several appraisements of such stocks, bonds, judgments, mortgages, investments or other personal property as collections or payments of money coming into the hands of such executor or administrator."

Executor or administrator making transfer of property of estate to guardian or trustee of party entitled to share therein to take receipt and deliver same to Register of Wills to be entered in accounts.

SECTION 4. That said Chapter 208, Volume 18, Laws of Delaware, be and the same is hereby further amended by adding thereto the following, to be published, as hereinafter provided, as Section 3 of said act, to wit:

"Section 3. That an assignment, transfer, or delivery of any investments or personal property made under the provisions of this act and in compliance therewith shall be a sufficient discharge of such executor or administrator and of his sureties for the investments and property so assigned, transferred or delivered."

Such transfer a full discharge of bond of executor or administrator as to property transferred.

SECTION 5. That said Chapter 208, Volume 18, Laws of Delaware, as hereby amended, and the amendment thereto, passed at Dover, May 5, 1891, being Chapter 246, Volume 19, Laws of Delaware, shall be published entire as amended and supplied with the acts of the present session.

Chapter 208, Vol. 18, to be published as amended.

SECTION 6. That Sections 2 and 3 of Chapter 246, Volume 19, Laws of Delaware, shall be published with the acts of the present session as Sections 4 and 5 respectively of Chapter 208, Volume 18, Laws of Delaware, as amended.

Passed at Dover, March 20, 1895

OF THE SETTLEMENT OF PERSONAL ESTATES.

CHAPTER 115.*

OF THE SETTLEMENT OF PERSONAL ESTATES.

Chapter 208, Volume 18, published as amended.

AN ACT concerning investments by Guardians and Trustees.

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

Guardian or trustee may take transfer of investments or other personal property at appraised value for legatee's or distributee's share of estate.

SECTION 1. In case the guardian of any minor, or the trustee under any will or any succeeding trustee shall be entitled to receive any legacy or distributive share from the executor or administrator of any testator or intestate, such guardian, with the approval of the Orphans' Court, or any judge thereof, or such trustee, with the approval of the Chancellor, may receive from such executor or administrator in payment of the whole or any part of such legacy or distributive share in specie by assignment, transfer or delivery, according to the nature and character of the property, to be made by the executor or administrator of any testator or intestate to such guardian or trustee of any stocks, bonds, judgments, mortgages, investments or other personal property held or owned by such testator or intestate at the time of his death at the appraised value thereof and such assignment, transfer or delivery shall vest the legal title to any such investments or property in such guardian and trustee. And such guardian or trustee shall not be accountable or liable for any loss or depreciation in the value of any such stock, bonds, judgments, mortgages, investments or other personal property so received and held by him, unless the same shall occur through the culpable act, neglect or default of such guardian or trustee. *Provided*, that nothing herein contained shall be deemed to limit or restrict the right of such guardian or trustee at any time to alter or change the investment of such legacy or distributive share, or any part thereof, with the approval as aforesaid.

Not liable for depreciation in value of same.

Right of guardian or trustee to change investment not limited.

Executor or administrator making transfer of property of estate to guardian or

SECTION 2. That whenever an executor or administrator shall make an assignment of any investments or shall transfer or deliver any personal property of any testator or intestate under the provisions of this act, he shall take from the guardian or trustee a copy of the inventory and appraise-

* Chapter 208, Volume 18, as amended by Chapter 246, Volume 19, and by Chapter 114, current volume, published as directed in Section 5, Chapter 114, current volume.

OF THE SETTLEMENT OF PERSONAL ESTATES.

ment of such investments and personal property with the receipt of such guardian or trustee therefor thereon endorsed, together with a certified copy of the order of the Orphans' Court or the decree of the Chancellor, as the case may be, and deliver the same to the Register of Wills before whom it shall be the duty of such executor or administrator to pass his accounts, and the same shall be entered by the Register in the accounts passed before him by such executor or administrator at the several appraisements of such stocks, bonds, judgments, mortgages, investments or other personal property as collections or payments of money coming into the hands of such executor or administrator.

trustee of legatee or distributee must take receipt and deliver same to Register of Wills to be entered in accounts.

SECTION 3. That an assignment, transfer, or delivery of any investments or personal property made under the provisions of this act and in compliance therewith shall be a sufficient discharge of such executor or administrator and of his sureties for the investments and property so assigned, transferred or delivered.

Such transfer a full discharge of bond of executor or administrator as to property transferred.

SECTION 4. 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; *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.

Upon petition of trustee Chancellor may order sale of portion or all of trust property freed from trust.

Except where forbidden.

Proceeds of sale to be held subject to trust.

Where real estate sold trustee to give bond to preserve trust.

SECTION 5. 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

Upon production of certificate of appointment of corporation

OF THE SALE OF LANDS BY EXECUTORS AND ADMINISTRATORS.

authorized to permit trustee, &c., to transfer stocks, &c., office, setting forth that such trustee, guardian, or other fiduciary has been duly appointed such, and setting forth that such trustee, guardian, or other fiduciary has authority to direct such transfer, assignment, or re-issue, shall be sufficient in law to authorize the officers of such company to transfer or re-issue 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, March 22, 1887.

Amended, May 5, 1891.

Amended, March 20, 1895.

CHAPTER 116.

OF THE SALE OF LANDS BY EXECUTORS AND ADMINISTRATORS.

AN ACT supplementary to Section 4 of Chapter 90 of the Revised Statutes relating to sales of real estate by Executors and Administrators to pay debts.

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

Dower interest of widow in proceeds of sale of real estate of decedent for payment of debts may be secured by purchaser or paid into court.

SECTION 1. That hereafter upon the return of a sale of real estate by any executor or administrator to pay the debts of the decedent, pursuant to Section 4 of Chapter 90 of the Revised Statutes of this State, in cases in which the widow of the decedent is entitled to interest on a share of the proceeds of sale as an equivalent for her dower, the purchaser, upon his application to the Orphans' Court, may, if the court shall deem proper, either secure such share pursuant to the provisions of the said Section, or pay the same into the Orphans' Court, in which case the said share shall be invested or otherwise secured under the direction of the said court for the benefit of the parties interested in the same.

Passed at Dover, March 16, 1895.

TITLE FOURTEENTH.

Of Courts of Justice.

CHAPTER 117.

OF THE SUPERIOR COURT.

AN ACT to amend Section 2 of Chapter 218, 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 :

That Chapter 218, Volume 18, Laws of Delaware, be and the same is hereby amended by adding at the end of Section 2 thereof the following, viz: "And the Chief Justice in addition to the salary and per diem now fixed by law shall receive annually the further sum of five hundred dollars to commence on the first day of May, A. D. 1895, and to be paid quarterly".

Passed at Dover, May 7, 1895.

OF THE COURT OF GENERAL SESSIONS.

CHAPTER 118.

OF THE COURT OF GENERAL SESSIONS.

AN ACT concerning the Judiciary.

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

During illness or absence from county of associate judge certain duties may be performed by Chief Justice or associate judge.

SECTION 1. That during the illness or absence from his county of any associate judge the powers and duties required by any statute of this State to be exercised and performed by him in relation to the discharge of prisoners and convicts under Section 10, Chapter 133 of the Revised Code, the issue of fractional liquor licenses, the approval of the assignment of liquor licenses, or the proceedings for the condemnation of property to be taken or applied to any municipal or other public use, may be as fully and effectually exercised and performed in all respects by the Chief Justice, or any other associate judge of this State, as by the said resident judge.

Passed at Dover, April 12, 1895.

TITLE FIFTEENTH.

Of the Justices of the Peace.

CHAPTER 119.

OF THE JUSTICES OF THE PEACE.

AN ACT to provide for the appointment of an additional Justice of the Peace for Brandywine Hundred.

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 authorized to appoint an additional Justice of the Peace in and for New Castle county to reside in that part of Brandywine hundred known as the Eastern voting district of Brandywine hundred.

Additional
Justice of
the Peace
for New
Castle Co.

Passed at Dover, April 5, 1895.

OF THE JUSTICES OF THE PEACE.

CHAPTER 120.

OF THE JUSTICES OF THE PEACE.

AN ACT authorizing the Governor to appoint an additional Justice of the Peace and Notary Public 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 Governor be and he is hereby authorized and empowered to appoint an additional Justice of the Peace and Notary Public in and for Sussex County, said Justice of the Peace and Notary Public to reside in Baltimore hundred in or near the village of Millville.

Additional
Justice of
the Peace
and Notary
Public for
Sussex Co.

Passed at Dover, April 24, 1895.

TITLE SIXTEENTH.

Of Civil Actions in General.

CHAPTER 121.

OF WITNESSES AND EVIDENCE.

AN ACT to amend Section 13 of Chapter 107 of the amended 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 thirteen of Chapter one hundred and seven of amended Revised Code be and the same is hereby amended by striking out the words "in the trial" in the first line thereof and inserting in lieu thereof before the word "of" in said line the words "at any time during the pendency."

When books containing evidence may be required to be produced.

Passed at Dover, April 19, 1895.

CHAPTER 122.

OF JUDGMENTS.

AN ACT to repeal the act entitled "An act limiting Judgment Liens upon real estate and for other purposes", passed at Dover, May 4, 1893.

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 limiting judgment liens upon real estate and for other purposes", passed at

Chapter 778,
Volume 19,
limiting

OF JUDGMENTS.

judgment
lien upon
real estate
repealed as
to Kent
and Sussex
counties.

Continued
in force in
New Castle
county.

Dover, May 4th. 1893, be and the same is hereby repealed and made null and void so far as the same relates to or affects the lien of judgments in Kent and Sussex counties.

SECTION 2. That the said law hereby repealed for Kent and Sussex counties shall be and remain in its full and original force and virtue in New Castle county.

Passed at Dover, May 8, 1895.

TITLE TWENTIETH.

Of Crimes and Punishments.

CHAPTER 123.

OF OFFENCES AGAINST THE LIVES AND PERSONS OF
INDIVIDUALS.

AN ACT to prevent the deposit of certain Refuse Matter in Mispillion River or the Tributaries thereof.

WHEREAS, Persons fishing in Mispillion river cast or deposit large quantities of refuse matter in said river which floats up said river at flood tide and collecting therein and decaying causes a stench which is very offensive to persons using said river, now therefore

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 cast or deposit or cause to be cast or deposited into the Mispillion river or any of its tributaries, or to cast or deposit or cause to be cast or deposited into Cedar creek or any of its tributaries, or to cast or deposit or cause to be cast or deposited into the waters of the Delaware bay within the distance of two miles of the mouth of said Mispillion river, or to cast or deposit on the shores of said Mispillion river or Cedar creek or of any of the tributaries thereof, or on the shore of said Delaware bay within the distance of two miles of the mouth of said Mispillion river, the heads, intestines, or any part of the body or carcass of any dead sturgeon or any other refuse matter thereof.

Refuse matter not to be deposited in certain portions of Delaware bay, Mispillion river, Cedar creek, and tributaries.

SECTION 2. Any person or persons violating any of the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by

Violation.
Misdemeanor.

OF OFFENCES AGAINST PRIVATE PROPERTY.

Imprison- imprisonment for a period not exceeding three months or by
ment. a fine not exceeding one hundred dollars or by both at the
Fine. discretion of the court. One-half of the fine imposed under
One-half of the provisions of this act shall go to the person informing.
fine to in- former.

Passed at Dover, April 22, 1895.

CHAPTER 124.

OF OFFENCES AGAINST PRIVATE PROPERTY.

AN ACT to amend Section 18, Chapter 128 of the Revised Code.

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

Section 18, Chapter 128, Revised Code, amended. SECTION 1. That Section 18, Chapter 128 of the Revised Code, be and the same is hereby amended by inserting after the words "or individual" in the fifth line of said section the words "or shall wilfully and without the order or permission of such corporation, company or individual, open, raise, close, lower or obstruct any sluice, culvert or floodgate made or constructed as aforesaid".

Interference with sluice, culvert or floodgate a misdemeanor.

Passed at Dover, April 8, 1895.

OF OFFENCES AGAINST PRIVATE PROPERTY.

CHAPTER 125.

OF OFFENCES AGAINST PRIVATE PROPERTY.

AN ACT to prevent malicious injury in Libraries, Museums and Educational Institutions.

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

SECTION 1. If any person, having access to or being in possession of any book, magazine, newspaper, pamphlet, manuscript, map, chart, plan, painting, picture, engraving, photograph or other work of literature or object of art, science, mechanical skill or curiosity owned by or deposited in any library incorporated by or organized under the laws of this State, or in the library, cabinet or museum of any educational institution, or the Historical Society in this State, shall wilfully or maliciously cut, mark, mutilate, deface, soil, obliterate, break, destroy, or in anywise injure the same, write in or upon the same, or procure the same to be done, or shall wilfully or maliciously injure or deface any label, tag, book-plate, book-card or book-pocket, or the library marks or numbers on the same, such person shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding twenty-five dollars or imprisoned not exceeding six months, or both, at the discretion of the court.

Injury to contents of library or museum.

Misdemeanor.

Fine.

Imprisonment.

Passed at Dover, March 25, 1895.

OF OFFENCES AGAINST RELIGION, MORALITY AND DECENCY.

CHAPTER 126.

OF OFFENCES AGAINST RELIGION, MORALITY AND DECENCY.

AN ACT to amend an act entitled "An act concerning offences against the persons of Individuals", passed at Dover, February 21st, 1881.

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

Chapter 515,
Volume 16,
amended.

Playing lasciviously
with female
child under
sixteen
years, indecent
exposure.

SECTION 1. That Section 1 of the act entitled "An act concerning offences against the persons of individuals", passed at Dover, February 21st, 1881, be and the same is hereby amended by striking out the word "twelve" in the second line thereof and inserting in lieu thereof the word "sixteen."

Passed at Dover, March 14, 1895.

CHAPTER 127.

OF OFFENCES AGAINST RELIGION, MORALITY AND DECENCY.

AN ACT to amend an act entitled "An act for the better protection of Female Children", passed at Dover, March 29th, 1889.

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

Chapter 681,
Volume 18,
amended.

Use of male
or female
child under
eighteen
years for
sexual in-
tercourse.

That Section 1 of the act entitled "An act for the better protection of female children", passed at Dover, March 29th, 1889, be and the same is hereby amended by striking out thereof the words "fifteen" in the third and eighth lines of said section and inserting in said lines in lieu thereof the word "eighteen"; and that the words "male or" be inserted before the word "female" wherever it appears in said section.

Passed at Dover, March 7, 1895.

OF OFFENCES AGAINST PUBLIC POLICY.

CHAPTER 128.

OF OFFENCES AGAINST PUBLIC POLICY.

AN ACT to prevent the display of any Foreign Flags on Public Buildings.

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

SECTION 1. It shall not be lawful to display the flag or emblem of any foreign country upon State, county, town or municipal building; *provided, however,* that whenever any foreigner shall become the official guest of the United States, the State or of any city, upon public proclamation by the President of the United States, by the Governor, or the Mayor of such city, the flag of the country of which such public guest shall be a citizen may be displayed upon such buildings.

Foreign flag not to be displayed on public building. Exception.

SECTION 2. Any person violating the provisions of this act shall be punished by a fine of not less than twenty-five nor more than fifty dollars.

Punishment.

Passed at Dover, February 26, 1895.

CHAPTER 129.

GENERAL PROVISIONS CONCERNING CRIMES AND PUNISHMENTS.

AN ACT concerning Youthful Convicts.

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

SECTION 1. In any case in which a person is convicted before any court in this State of larceny or false pretenses or any other offence not capital, and no previous conviction is proven against him, if it appears to the court before whom he is convicted that, regard being had to the youth, character and antecedents of the offender, to the nature of the offence, and to any extenuating circumstances under which the offence

Youthful convicts in certain cases may be released upon recognizance.

OF GENERAL PROVISIONS CONCERNING CRIMES AND PUNISHMENTS.

Costs of
prosecution

Upon fail-
ure to ob-
serve recog-
nizance
may be ar-
rested and
sentenced.

Applicable
to males
and females

was committed, it is expedient that the offender be released on probation of good conduct, the court may, instead of sentencing him at once to any punishment, direct that he be released on his entering into a recognizance, with or without sureties; and during such period as, the court may direct to appear and receive judgment when called upon, and in the meantime to keep the peace and be of good behavior; and the court may, if it thinks proper, direct that the offender shall pay the costs of the prosecution, or some portion of the same, within such period and in such installments as may be directed by the court and at any time within such period, but not afterwards, the court may, upon being satisfied by information on oath that the offender has failed to observe any of the conditions of his recognizance, issue process for his apprehension and thereupon, without any further proceedings, impose sentence upon him.

SECTION 2. That this act shall be applicable to male and female alike and shall go in force immediately upon its passage.

Passed at Dover, March 5, 1895.

RESOLUTIONS.

CHAPTER 130.

Joint Resolution in relation to Adjournment.

Resolved, That when the two Houses adjourn to-day that they adjourn to meet on Monday next, January 7, 1895, at 5 o'clock P. M.

Adopted at Dover, January 1, 1895.

CHAPTER 131.

* Joint Resolution appointing a joint committee of both Houses to wait upon the Governor and inform him that the two Houses of the General Assembly are organized and ready to receive any communications he might see proper to make.

Adopted at Dover, January 1, 1895.

* Resolution so enrolled, though it seems to be the title only. There are several resolutions enrolled "Adopted in the Senate," but they seem to have been adopted in the House also, though not so enrolled, and they are here published "Adopted at Dover."

RESOLUTIONS.

CHAPTER 132.

Joint Resolution in relation to Inaugural Ceremonies.

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

Inaugural ceremonies. That a committee of five on the part of the House of Representatives and a committee of three on the part of the Senate be appointed for the purpose of making the necessary arrangements for the inauguration of the Governor-elect, Joshua H. Marvil.

Adopted at Dover, January 1, 1895.

CHAPTER 133.

Joint Resolution appointing a Conference Committee of the two Houses relative to Enrolling Clerk.

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

Enrolling clerk. *Resolved,* That a committee of three on the part of the Senate and three on the part of the House be appointed to serve as a conference committee to determine the appointment of an Enrolling Clerk or Clerks for the General Assembly.

Adopted at Dover, January 7, 1895.

RESOLUTIONS.

CHAPTER 134.

Joint Resolution in regard to attending Governor-Elect.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met :

That both Houses of the Legislature convene in session on the 15th inst. to attend his Excellency, Joshua H. Marvil, Governor-elect, in the Kent county Court Room, while the oaths of office are administered to him. ^{Inaugural ceremonies.}

Adopted at Dover, January 8, 1895.

CHAPTER 135.

Joint Resolution appropriating four hundred dollars to the contingent expenses of the office of the Attorney General.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met :

That the sum of four hundred dollars be and the same is hereby appropriated and made payable to John R. Nicholson, Attorney General, 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. ^{Contingent expenses of Attorney General.}

Adopted at Dover, January 8, 1895.

RESOLUTIONS.

CHAPTER 136.

Joint Resolution for the appointment of a Joint Committee to settle with the State Treasurer and to examine the accounts of the State Auditor.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Committee
to settle
with State
Treasurer
and
Auditor.

That a joint committee consisting of two on the part of the Senate and three on the part of the House of Representatives be appointed to settle with the State Treasurer and to examine the accounts of the State Auditor.

Adopted at Dover, January 8, 1895.

CHAPTER 137.

Joint Resolution in regard to Postage Stamps and Wrappers.

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

Stamps for
General
Assembly.

How paid
for.

That the State Treasurer be and he is hereby authorized to purchase for the use of the General Assembly, at such times as the Speakers of the respective Houses shall designate, such supplies of postage stamps and wrappers as the said Speakers shall order, and deliver the said stamps and wrappers to the clerks of the respective Houses for distribution, and the said State Treasurer is hereby authorized to pay for the said supplies, so ordered as aforesaid, out of any moneys in the treasury not otherwise appropriated.

Adopted at Dover, January 8, 1895.

RESOLUTIONS.

CHAPTER 138.

Joint Resolution appropriating \$244.77 towards the expenses incident to the Inauguration of the Governor-Elect.

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-four dollars and seventy-seven cents (\$244.77) be and the same is hereby appropriated towards the expenses incident to the inauguration of the Governor-Elect, and that the State Treasurer be and he is hereby authorized to pay the sum so as aforesaid appropriated to the Hon. Robert J. Hanby, chairman of the joint committee on said inauguration, out of any moneys in the treasury not otherwise appropriated. ^{Inaugural expenses.}

Adopted at Dover, January 9, 1895.

CHAPTER 139.

Joint Resolution for the appointment of a Joint Committee to draft Rules to govern the intercourse between the two Houses.

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. ^{Joint rules.}

Adopted at Dover, January 9, 1895.

RESOLUTIONS.

CHAPTER 140.

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 :

That when the two Houses shall adjourn it be to meet on Monday, January 14th, 1895, at 5 o'clock P. M.

Adopted at Dover, January 19, 1895.

CHAPTER 141.

Joint Resolution convening the General Assembly in Joint Session to ascertain the result of the election respecting a Constitutional Convention.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Two houses
to meet in
joint session
to ascertain
result of
election
relative to
constitu-
tional con-
vention.

That in accordance with the provisions of an act entitled "An act prescribing the next general election as the proper occasion for ascertaining the sense of the people in respect to calling a convention to revise, alter and amend the constitution", passed at Dover, April 6th, 1893, the members of the Senate and of the House of Representatives of the State of Delaware do meet in joint session in the hall of the House of Representatives at 11 o'clock A. M. on Wednesday, 16th inst., to be present at the opening and publishing of the returns of the general election held in the several counties of the State on the Tuesday next after the first Monday in the month of November, A. D. 1894, for the purpose of ascertaining the sense of the people in respect to calling a convention to change, alter and amend the constitution of the State and to ascertain therefrom the result of said election throughout 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; and that two tellers be appointed, to wit: One on part

Tellers.

RESOLUTIONS.

of the Senate and one by and on part of the House of Representatives to make a list of the votes as the same shall be published from said returns.

Resolved, That upon the opening and publishing the returns of the said general election by the Speaker of the Senate in the presence of both Houses of the Legislature assembled as aforesaid and ascertaining the result of the votes cast as aforesaid, two certificates shall be made according* in the following Certificates form, to wit:

The State of Delaware, ss.

Form.

Be it known that the General Assembly having met at Dover in Joint Session on Wednesday, the sixteenth day of January, A. D. 1895, Esquire, Speaker of the Senate, did on the sixteenth day of January aforesaid open and publish in the presence of the members of the Senate and of the House of Representatives the returns of the general election held in the several counties of the said State on the Tuesday next after the first Monday in the month of November, A. D. 1894, for the purpose of ascertaining the sense of the people of the State in respect to calling a convention to change, alter and amend the Constitution of the State, and by the returns of said election and from the certificates thereof duly made and delivered as required by law it appears that the result of the vote cast in the several counties of the State at the said general election by the citizens in the State having right to vote for representatives is as follows:

In New Castle county there were votes cast "For a Convention" and votes cast "Against a Convention";

In Kent county there were votes cast "For a Convention" and votes cast "Against a Convention";

In Sussex county there were votes cast "For a Convention" and votes cast "Against a Convention".

The aggregate vote cast in the State "For a Convention" was votes.

* So enrolled.

RESOLUTIONS.

The aggregate vote cast in the State "Against a Convention" was ----- votes.

Attest: *

C. A. Hastings, Clerk of the Senate.

W. T. Watson, Speaker of the Senate.

Edgar T. Hastings, Clerk of the House of Representatives.

Henry H. McMullen, Speaker of the House of Representatives.

How signed *Resolved*, That said certificates, when duly filled with the number of votes, respectively, ascertained as aforesaid, shall be signed by the respective Speakers and attested by the respective clerks of the two Houses of the General Assembly, and that one of said certificates after having been entered in full upon the journal of the Senate shall be deposited by the Speaker of the Senate in the office for the recording of deeds in and for Kent county, then to be recorded by the Recorder of Deeds for said county, and the other of said certificates, after having been entered in full upon the journal of the House of Representatives, shall be deposited by the Speaker of said House with the Secretary of State, to be filed by him among the records of his office.

How disposed of.

Adopted at Dover, January 15, 1895.

CHAPTER 142.

Joint Resolution in relation to the State House Parlor.

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

Committee
to refurnish
State House
parlors.

That a committee of two on the part of the Senate and three on the part of the House be appointed for the purpose of and with authority to re-furnish the State House parlor.

Adopted at Dover, January 17, 1895

* The signatures of the Clerks and Speakers of the houses of the General Assembly appear in the enrolled resolution as here printed, but the enrolled resolution was not signed by the Speakers in the usual manner.

RESOLUTIONS.

CHAPTER 143.

Joint Resolution relative to visiting the Delaware State Hospital at Farnhurst.

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

That the invitation extended by the trustees of the Delaware State Hospital to visit the said hospital on Thursday afternoon, 24th inst., be and the same is hereby accepted.

Adopted at Dover, January 24, 1895.

CHAPTER 144.

Joint Resolution to ascertain whether the votes cast at the last General Election for a Convention are sufficient to authorize the calling of a Convention.

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 ascertain whether the votes cast at the last General Election "For a Convention" are sufficient to authorize appropriate legislation for the calling of a convention and make report thereof to the two houses of the General Assembly.

Committee in relation to calling a constitutional convention.

Adopted at Dover, January 25, 1895.

RESOLUTIONS.

CHAPTER 145.

Joint Resolution appointing State Treasurer and Auditor of Accounts.

State
Treasurer
and Auditor
appointed.

Resolved, By the House of Representatives of the State of Delaware (by and with the concurrence of the Senate) that Charles H. Atkins be and he is hereby appointed State Treasurer; and that Beniah L. Lewis be and he is hereby appointed Auditor of Accounts.

Adopted at Dover, January 31, 1895.

CHAPTER 146.

Joint Resolution referring that part of the Governor's Message in regard to the Board of World's Fair Managers to a Special Committee.

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

Governor's
message.

That that part of the Governor's message relating to the Board of World's Fair Managers be and the same is hereby referred to a special committee of five, to be composed of three members on the part of the House and two on the part of the Senate.

Adopted at Dover, February 6, 1895.

RESOLUTIONS.

CHAPTER 147.

AN ACT* to amend a Joint Resolution entitled "Joint Resolution appointing Commissioners to run and mark the division line between the Counties of Kent and Sussex, Chapter 835, Volume 19, Laws of Delaware."

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That Chapter 835 of Volume 19 of the Laws of Delaware be amended by striking out the words "William A. Atkinson" in the eighth line thereof, and by inserting in lieu thereof the words "John C. Hopkins" and "Alfred Short".

Surveyor
on Kent
and Sussex
division
line.

Passed at Dover, February 13, 1895.

CHAPTER 148.

Joint Resolution in relation to bill of Clarke & McDaniel for Stationery furnished General Assembly.

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

That the sum of eight hundred and four dollars and twenty cents (\$804.20) be and the same is hereby appropriated out of the treasury of the State of Delaware to pay the bill of Clarke & McDaniel for stationery, said bill being contracted by the Librarian, and the State Treasurer is hereby authorized and directed to pay the same.

Bill for
stationery.

Adopted at Dover, February 16, 1895.

* This resolution is published exactly as enrolled.

RESOLUTIONS.

CHAPTER 149.

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 :

\$7,000 annually appropriated to Hospital at Farmhurst.

That in addition to the sum of twenty-five thousand dollars heretofore appropriated by the General Assembly for the use and support annually of the State Hospital for the insane in accordance with Chapter 348, Volume 19, of the Laws of Delaware, passed at Dover, April 15th, 1891, the further sum of seven thousand dollars, in addition to the said sum of twenty-five thousand dollars, be and the same is hereby appropriated for the use and support of said hospital, so that the aggregate sum so appropriated annually for the two years next ensuing shall be the sum of thirty-two thousand dollars. *Provided*, that no part of the said annual appropriation of thirty-two thousand dollars shall be used in increasing salaries of the officers of the said State Hospital.

Not to be applied to increasing salaries.

Adopted at Dover, February 19, 1895.

CHAPTER 150.

Joint Resolution in relation to receiving New Business.

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

New business.

That no new business will be received by either House of this General Assembly after Monday the twenty-fifth day of March, 1895.

Adopted at Dover, February 22, 1895.

RESOLUTIONS.

CHAPTER 151.

Joint Resolution in relation to the Anniversary of the Birth of Washington.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met :

That on Friday, February 22d, 1895, as a suitable commemoration of the anniversary, the two Houses meet in Joint Session between the hours of twelve and one o'clock for the purpose of hearing the reading of Washington's Farewell Address; and that a committee of one on the part of the Senate and one on the part of the House be appointed to invite some suitable person to read the same.

Washington's birth-day.

Adopted at Dover, February 22, 1895.

CHAPTER 152.

Joint Resolution authorizing the printing of the State Treasurer's Report.

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

That ex-State Treasurer Wilbur H. Burnite be authorized to have printed for distribution six hundred (600) copies of his report for the years 1893 and 1894.

Printing of State Treasurer's Report.

Adopted at Dover, February 25, 1895.

RESOLUTIONS.

CHAPTER 153.

Joint Resolution making appropriation to cover Deficiency of "The Board of World's Fair Managers of Delaware".

WHEREAS, It appears by the report made to the Governor by "The Board of World's Fair Managers of Delaware" that there exists a deficiency in the accounts of said board of about twenty-seven hundred dollars; and

WHEREAS, A full and complete statement of the acts and doings of said board, together with a detailed account of receipts and expenditures, has been submitted to the committee appointed under the joint resolution of this General Assembly; therefore

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

\$2700 app-
propriated
to World's
Fair Man-
agers.

That the sum of twenty-seven hundred dollars, or so much thereof as may be necessary, be and the same is hereby appropriated to be paid by the State Treasurer out of the general fund, upon the order of Robert W. Reynolds, treasurer of said "The Board of World's Fair Managers of Delaware".

Adopted at Dover, February 26, 1895.

CHAPTER 154.

Joint Resolution concerning the Insurance of the State Property.

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

Committee
to have
State Cap-
itol and
contents
insured.

That a joint committee consisting of two on the part of the House and one on the part of the Senate be appointed to attend to the insurance on the capitol building, furniture and contents of the State Library for a gross sum not exceeding \$50,000 and for a term not exceeding five years, and the State Treasurer is hereby authorized to pay the premium for same.

Adopted at Dover, March 8, 1895.

RESOLUTIONS.

CHAPTER 155.

Joint Resolution appointing a joint committee of two on the part of the Senate and three on the part of the House of Representatives 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:

That a joint committee of five be appointed on the part of the General Assembly, to consist of two members of the Senate and three members of the House of Representatives, whose duty it shall be to meet at Dover on the third Tuesday in January, A. D. 1896, for the purpose of settling the accounts of the State Treasurer and of receiving the report of the Auditor of Accounts for the current year.

Committee to settle with Treasurer, Auditor, Secretary of State and Clerks of General Assembly in January, 1896.

Resolved, That it shall be the duty of the said committee, after their settlement with the State Treasurer as aforesaid, to cause a statement of such settlement under the hands or the hands of a majority of them, to be published in two (2) newspapers printed in the State for the period of one month from the time of effecting the same.

Publication of settlement.

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 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.

May audit accounts and make appropriation for services.

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 the said com-

Compensation of committee

RESOLUTIONS.

Incidental
expenses. mittee 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, March 8, 1895.

CHAPTER 156.

Joint Resolution in relation to honoring the memory of Peter Minuit, the leader of the first Permanent Settlement on the west bank of the Delaware and the first Governor of New Sweden.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Peter
Minuit
memorial.

That a joint committee of five be appointed, two from the House and one from the Senate, together with the Chaplains of the respective bodies, to report during the present sessions of the General Assembly on the propriety and feasibility of commemorating the services of Peter Minuit, the founder of the first permanent settlement on the west bank of the Delaware, and the first Governor of New Sweden, whose character and achievements deserve to be held in everlasting remembrance by all good people and especially by the patriotic citizens of the commonwealth whose foundations he strove to establish on principles of justice and equity.

Adopted at Dover, March 9, 1895.

RESOLUTIONS.

CHAPTER 157.

Joint Resolution to amend a joint resolution entitled "Joint Resolution in relation to the publication of the Revised Code as amended together with the additional laws", adopted at Dover, April 6, 1893.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met :

That the joint resolution entitled "Joint Resolution in relation to the publication of the Revised Code, as amended, together with the additional laws", adopted at Dover, April 6, 1893, be and the same is hereby amended by striking out the word "executive" in the fourth line of the third paragraph thereof and substituting in lieu thereof the words "State Library", and by adding at the end of said paragraph the following: Upon the filing with the Governor a certificate of the cost of distribution as provided for herein, the Governor shall draw his warrant on the State Treasurer for a sum which shall in no event exceed twenty dollars, in favor of the said James H. Hughes and Robert H. Van Dyke for the payment of the actual expense of wrapping and transportation of said books in the distribution as aforesaid.

Revised
Codes to be
sent to
State Li-
brarians of
other States

Expenses of
distributing
Revised
Code of
1893.

Adopted at Dover, March 13, 1895.

CHAPTER 158.

Joint Resolution appointing a joint committee to settle with John D. Hawkins, late Secretary of State.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met :

That a joint committee of two on part of the Senate and three on part of the House of Representatives be appointed to settle with John D. Hawkins, late Secretary of State.

Committee
to settle
with late
Secretary
of State.

Adopted at Dover, March 22, 1895.

RESOLUTIONS.

CHAPTER 159.

Joint Resolution in regard to New Business.

WHEREAS, A Joint Resolution has already been passed by the present Legislature restricting the receipt of any new business after March 25th, 1895; and

WHEREAS, It will be impossible for all new business to be given notice of or introduced by the above named date; therefore

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

Receipt of
new busi-
ness.

Notices
not to be
amended.

Notice to be
considered
the intro-
duction.

That the day after which no new business shall be received be extended to and include April 1st, 1895, and that when notice of any bill is given, the said notice shall not be amended, and also that notice of any bill shall be considered the introduction of the business and the bill itself need not be introduced until some future convenient day.

Adopted at Dover, March 23, 1895.

CHAPTER 160.

Joint Resolution in relation to the title of J. Henry Rogers, Esq., to certain Historical and Legal Papers.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Attorney-
General to
investigate
title to cer-
tain papers.

That the Attorney-General be and he is hereby directed to forthwith investigate the title of J. Henry Rogers, Esq., of New Castle, in this State, to certain historical and legal papers now advertised to be sold as his property and to report to the General Assembly whether in his judgment his title to the said papers is a valid one, and whether the State of Delaware is entitled to the possession of any of said papers, more especially a deed of the Duke of York.

Adopted at Dover, March 26, 1895.

RESOLUTIONS.

CHAPTER 161.

Joint Resolution authorizing the Attorney-General to take action in relation to certain Historical and Legal Papers.

WHEREAS, It appears from a report of the Attorney-General this day made in obedience to a joint resolution, adopted March 26th, 1895, that the State of Delaware has *prima facie* a lawful claim to a certain deed of feoffment of the Duke of York to William Penn and to divers other public papers soon to be sold in the City of Philadelphia as the property of J. Henry Rogers, of New Castle county, in this State; therefore

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

That the Attorney-General be and he is hereby authorized, empowered and directed to institute and conduct such proceedings at law or in equity, as in his judgment may be necessary and proper for the protection of any right the State of Delaware may have in said property and for the legal ascertainment and enforcement of any title the State may have thereto. And further may employ counsel in this State and elsewhere to assist him.

Attorney-General to institute proceedings relative to certain papers.

Adopted at Dover, March 29, 1895.

CHAPTER 162.

Joint Resolution appropriating Eight Hundred Dollars 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 Nathaniel B. Smithers, Secretary of State, to defray the contingent expenses of his office for the present and ensuing year, and that he be required to present his accounts and vouchers to

Contingent fund for Secretary of State.

RESOLUTIONS.

the next General Assembly of this State at its next session for settlement.

Adopted at Dover, March 29, 1895.

CHAPTER 163.

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 :

Chapter 761,
Volume 18,
re-adopted
and con-
tinued for
two years.

Commuta-
tion State
tax on
Baltimore
and Phila-
del-
phia rail-
road.

That the joint resolution concerning the Baltimore and Philadelphia Railroad Company, adopted at Dover, April 25, 1889, being Chapter 761, Vol. 18, Laws of Delaware, be and the same is hereby re-adopted, 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. 1895, during which time, viz: from the first day of April, A. D. 1895, to the first day of April, A. D. 1897, the State Treasurer is hereby authorized, empowered and directed to 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. 1895; the further sum of twelve thousand five hundred dollars (\$12,500) on the first day of April, A. D. 1896; the further sum of twelve thousand five hundred dollars (\$12,500) on the first day of October, A. D. 1896; and the further sum of twelve thousand five hundred dollars (\$12,500) on the first day of April, A. D. 1897.

Adopted at Dover, April 5, 1895

RESOLUTIONS.

CHAPTER 164.

Joint Resolution in relation to the death of His Excellency, Joshua H. Marvil, late Governor.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met :

That the members of the General Assembly have heard with the deepest sorrow of the death of His Excellency, Joshua H. Marvil, late Governor of the State of Delaware. Death of
Joshua H.
Marvil, late
Governor.

Resolved, That they tender their sincere sympathy to the family and relatives of the deceased.

Resolved, That as a mark of respect the State House be draped in mourning, and the flag displayed at half-mast until after the funeral.

Resolved, That as a further mark of respect the members of the General Assembly will attend the funeral in a body and that no business be transacted in the meantime except the daily balloting for United States Senator.

Resolved, That a copy of these resolutions be spread on the Journals of both Houses and be forwarded to the family of the deceased.

Adopted at Dover, April 9, 1895.

CHAPTER 165.

Joint Resolution appointing a joint committee to make Biennial Settlement with the State Librarian.

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 of Representatives be appointed to make biennial settlement with the State Librarian as required by law. Committee
to settle
with
librarian.

Adopted at Dover, April 12, 1895.

RESOLUTIONS.

CHAPTER 166.

Joint Resolution appointing a joint committee to purchase a United States flag, a flag of the State of Delaware and for other purposes.

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

Committee
to purchase
U. S. flag
and flag of
Delaware
and erect
flag pole.

That a committee of two on the part of the Senate and three on the part of the House of Representatives be and they are authorized to purchase for the use of the State a United States flag and a flag of the State of Delaware and, if they deem it necessary, to have erected a flag pole on the State House.

Expenses,
how paid.

And be it further resolved by the authority aforesaid that they are authorized to draw on the State Treasurer for the amount necessary to carry into effect said resolution and he is authorized and directed to pay the same out of any unappropriated money in the State treasury.

Passed at Dover, April 12, 1895.

CHAPTER 167.

Joint Resolution in relation to the opinion of the Chancellor and Judges upon the proposed bill for the calling of a Constitutional Convention.

WHEREAS, It is essential to the proper and intelligent consideration of any bill providing for calling a Constitutional Convention that the members of this General Assembly should be authoritatively advised whether it is required by the Constitution that such convention should be composed of an equal number of delegates from each of the counties or whether it may be constitutionally provided by law that the whole number of delegates thereto may be apportioned among the several counties in differing* numbers as

* So enrolled.

RESOLUTIONS.

to each county as the General Assembly may determine; therefore

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

That the Governor be and he is hereby respectfully requested to submit this question to the Chancellor and judges of this State for their opinions thereon in writing, and when obtained, communicate the same to this General Assembly for its information as well as that of the public.

Governor requested to submit constitutional convention bill to Chancellor and judges for opinion.

Adopted at Dover, April 13, 1895.

CHAPTER 168.

Joint Resolution relating to Peter Minuit memorial services on April 23d, 1895.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

That the place of holding the Peter Minuit memorial services on the 23d of April be the Court House in Dover instead of the Hall of Representatives, and that the action taken April 2 be so amended.

Peter Minuit.

Adopted at Dover, April 13, 1895.

RESOLUTIONS.

CHAPTER 169.

Joint Resoluion extending to Gheretein Y. Pyle the thanks of the General Assembly for oil paintings.

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

Thanks to
Gheretein
Y. Pyle for
portraits of
John M.
Clayton and
James A.
Bayard.

That the thanks of the General Assembly are hereby tendered to Gheretein Y. Pyle for the superb oil portraits of Hon. John M. Clayton and Hon. James A. Bayard which she so kindly painted and presented to the General Assembly for the use of the State.

Resolved further, That the clerk of the Senate be authorized and directed to have engrossed a copy of this Joint Resolution with the signatures of the Speakers of the two Houses to be presented to the donor.

Adopted at Dover, April 18, 1895.

CHAPTER 170.

Joint Resolution appointing a joint committee to recommend a day for the adjournment of the General Assembly sine die.

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

Committee
to recom-
mend day
for adjourn-
ment.

That a joint committee consisting of two on the part of the Senate and three on the part of the House of Representatives be appointed to decide upon and recommend to the General Assembly a day for adjournment *sine die*.

Adopted at Dover, April 18, 1895.

RESOLUTIONS.

CHAPTER 171.

Joint Resolution appointing a joint committee to consider the propriety of building a State Library Building.

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

That a joint committee of two on the part of the Senate and three on the part of the House be and they are hereby appointed to take into consideration the propriety of building a State Library building.

Resolved further, That the committee be authorized to report to the General Assembly by bill or otherwise.

Adopted at Dover, April 18, 1895.

CHAPTER 172.

Joint Resolution in relation to an act entitled "An act to permanently improve the condition of certain Public Roads in New Castle County.

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

That the act entitled "An act to permanently improve the condition of certain public roads in New Castle county, being Chapter 670, Volume 19, Laws of Delaware, passed at Dover, April 20, A. D. 1893, be and the same is hereby re-enacted and all of the provisions thereof continued as a part of this resolution for the period of two years from the twentieth day of April, A. D. 1895.

Adopted at Dover, April 19, 1895.

RESOLUTIONS.

CHAPTER 173.

Joint Resolution in relation to the settlement with Nathaniel B. Smithers,
late Secretary of State.

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

Committee
to settle
with
Nathaniel
B. Smithers

That the joint committee which has been duly appointed
to settle with John D. Hawkins, late Secretary of State, be
and they are hereby authorized also to settle with Nathaniel
B. Smithers, his successor in office.

Adopted at Dover, April 19, 1895.

CHAPTER 174.

Joint Resolution in relation to adjournment of the General Assembly
sine die.

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

Adjourn-
ment
sine die

That the General Assembly of the State of Delaware ad-
journ *sine die* on Thursday, May 9th, at three o'clock P. M.

Adopted at Dover, April 20, 1895.

RESOLUTIONS.

CHAPTER 175.

Joint Resolution authorizing the printing of the report of the State Board of Health.

Be it 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 have two hundred (200) copies of the report of the State Board of Health printed for the use of said Board.

Report of
State Board
of Health
to be
printed.

Adopted at Dover, April 25, 1895.

CHAPTER 176.

Joint Resolution appropriating Eight Hundred Dollars to the contingent expenses of the office of Secretary of State.

WHEREAS, The General Assembly did by joint resolution appropriate eight hundred dollars to Nathaniel B. Smithers to defray the contingent expenses of the office of Secretary of State; and

WHEREAS, The term of office of the said Nathaniel B. Smithers has terminated by reason of the death of Joshua H. Marvil, late Governor of this State; and

WHEREAS, The said Nathaniel B. Smithers intends to turn the balance of said appropriation now in his possession into the treasury of this State, leaving no fund at the command of the present Secretary of State to defray the contingent expenses of his said office; therefore

Be it 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 J. Harvey Whiteman, Secretary of State, to defray the contingent expenses of his office for the present and ensuing year, and that he be required to present his accounts and vouchers to the next biennial meeting of the General Assembly of this State for settlement.

Contingent
fund for
Secretary
of State.

Adopted at Dover, May 2, 1895.

APPENDIX.

At the adjournment of the General Assembly the following acts were not duly enrolled and signed by the Speakers of the respective branches, but were delivered to the Secretary of State incomplete in these particulars. Upon a careful examination of the original bills and the endorsements of the respective Clerks thereon and also of the journals of the Senate and House of Representatives (except in cases otherwise noted) it appears that all the acts published in this appendix passed both branches of the General Assembly. They are herein published from the original bills.

APPENDIX.

CHAPTER 177.

AN ACT to amend Chapter 7, Volume 19 of the Laws of Delaware, entitled
 "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. Amend said act by striking out between the
 work "to" in the thirteenth line and the word "to" in the
 fourteenth line of Section 1 of said act the words "its
 source and from thence directly north" and insert in lieu
 thereof the following, to-wit: "the middle of the public
 road leading from Pike Creek to Corner Ketch, near the
 residence of Elwood Woodward; thence westerly by the mid-
 dle of the said road to its intersection with the middle of the
 public road leading from Corner Ketch to Mill Creek Meet-
 ing House; and thence northerly by the middle of the road
 last aforesaid and passing said meeting house and the resi-
 dence of Thomas C. Mitchell to the fork of said road and
 thence by the middle of the westerly fork of said road".

Election
 districts of
 Mill Creek
 hundred
 changed.

Passed at Dover, May 7, 1895.

CHAPTER 178.

AN ACT to further amend an act entitled "An act in relation to the Levy
 Court of New Castle County," Chapter 26, Volume 19, Laws of Dela-
 ware.

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

SECTION 1. That Section 22 of Chapter 26, Vol. 19, Bi-partisan
 Laws of Delaware, be and the same is hereby amended by committee
 inserting the word "bi-partisan" between the word "a" and to inspect
 "committee" in the fourth line thereof. Further amend said books of
 section by striking out the word "three" in fourth line Receiver
 thereof and inserting in lieu thereof the word "two". And of Taxes.
 And Committee
 of two.

APPENDIX.

Report to
be pub-
lished.

Compen-
sation of
committee.

County
taxes ex-
tinguished
after two
years.

further amend said section by striking out the words "once a week for three weeks in two of the daily newspapers of the City of Wilmington" in eighth, ninth and tenth lines thereof and insert in lieu of words stricken out the words "in pamphlet form and in such number as will give the required public information". And still further amend said section as the same is amended by Section 6, Chapter 562, Vol. 19, Laws of Delaware, by striking out the words "the sum of fifty dollars each" when inserted by said amendment and insert in lieu of said words the following, "such sum not exceeding one hundred dollars each as the judge aforesaid shall deem proper".

SECTION 2. That said act be and the same is hereby further amended by inserting after the word "determine" and before the word "such" in line thirty-nine (39) of Section 8, the following words: "not however in any case exceeding two years from the date of warrant."

SECTION 3. That all acts and parts of acts inconsistent herewith are hereby repealed.

Passed at Dover, May 3, 1895.

CHAPTER 179.

AN ACT to amend Chapter 9 of the Revised Code of A. D. 1852, as amended and published A. D. 1874 and A. D. 1893; entitled "Of the Clerk of the Peace".

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

SECTION 1. That Section 30, Chapter 9, of the Revised Code of A. D. 1852, as amended and published A. D. 1874 and A. D. 1893, be and the same is hereby repealed and the following substituted therefor, viz:

Clerk of
Peace to
send state-
ment to
Auditor.

Section 30. It shall be his duty to transmit to the auditor on or before the first day of July in every year in which a general assessment of real or personal property in any hundred is returned, a true statement, table or abstract which

APPENDIX.

shall only contain the amount of the assessment, the amount of tax assessed for road purposes, the amount of tax assessed for county purposes, the amount of tax assessed for poor purposes, the total amount of both for road, county and poor tax, the rate for road purposes, the rate for county purposes and the rate for poor purposes; and a like statement of the additional assessment made and returned by the assessor in any other year. The said statements may be in the following form:

HUNDRED.	ASSESSMENT.			ROAD.	COUNTY.	POOR.	TOTAL TAX.	RATE.	Form.
	Real.	Personal.	Poll.						

and shall be certified by the clerk of the peace under his hand and seal of office.

Passed at Dover, May 8, 1895.

CHAPTER 180.

AN ACT to amend an act entitled "An act concerning the publication of the Laws", being Chapter 1 of Vol. 13 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 the act entitled "An act concerning the publication of the Laws", being Chapter 1 of Vol. 13, Laws of Delaware, be and the same is hereby amended by striking out all of Section 3 of said act, and inserting in lieu thereof the following as Section 3 of said act, viz:

"That the Secretary of State is hereby authorized and directed to demand and receive for the use of the State, on certifying any act of incorporation, the sum of twenty dollars when the capital stock of such incorporation shall not exceed fifty thousand dollars, and an additional sum of twenty cents for each and every thousand dollars above fifty thousand dollars, or when such corporation is given the power to increase its capital stock to an amount exceeding fifty thousand

Chapter 1,
Volume 13,
amended.
State tax to
be collected
by Secretary
of State on
certifying
acts of in-
corporation

APPENDIX.

Corpora-
tions to pay
to Secretary
of State cost
of publica-
tion of acts
of incorpo-
ration.

dollars, twenty cents for each and every thousand dollars which it is given power to increase above fifty thousand dollars; and on certifying any other act or resolution of a private nature, he shall demand and receive for the use of the State a fee of ten dollars, except that in all divorce acts, and in all acts of a private character pertaining to the acknowledgement or recording of deeds or other papers, or to titles or conveyance of real estate, he shall demand and receive for the use of the State a fee of twenty dollars in each case. That all corporations created by acts of the Legislature of this State, except municipal corporations, shall pay to the Secretary of State for the use of the State the cost of the publication of any such acts of incorporation which may be published in any edition of the Laws of this State to be hereafter issued. This act shall not take effect until the first day of January, A. D. eighteen hundred and ninety-six.

Passed at Dover, May 8, 1895.

CHAPTER 181.

AN ACT to amend Chapter 117, Volume 13, Laws of Delaware, entitled "An act to raise revenue and provide for the current expenses of the State Government."

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

Chapter 117
Volume 13,
amended.

License for
keeping
merry-go-
round, &c.

SECTION 1. That Chapter 117, Vol. 13, Laws of Delaware, entitled "An act to raise revenue and provide for the current expenses of the State Government", and printed on page 56 of the Revised Code as amended in 1893, be and the same is hereby amended by inserting at the end of Section 1 of said act the following words, to wit: "Keeping, maintaining, or exhibiting any mechanical devices or machines commonly called merry-go-rounds, bi- and tri-cycle railways, flying horses, haunted swings, revolving swings, toboggan slides, razzle-dazzles and switch-backs".

SECTION 2. That the said act be and the same is hereby further amended by inserting at the end of Section 3 of said

APPENDIX.

act the following words, to wit: "For each license to keep, ^{Fees for} maintain or exhibit each merry-go-round or set of flying ^{sumo.} horses the sum of seventy-five dollars; each bi- and tri-cycle railway the sum of fifty dollars; each haunted swing the sum of twenty dollars; each revolving swing the sum of fifty dollars; each toboggan slide the sum of seventy-five dollars; each switch-back the sum of seventy-five dollars; and each razzle-dazzle the sum of twenty-five dollars".

SECTION 3. That the said act be and the same is hereby further amended by inserting at the end of Section 5 of said act the words following, to-wit: "Every person who shall receive a compensation for the use of any mechanical device ^{Who} or machine mentioned in Section 1 of this act, or shall be the ^{deemed} superintendent, manager or operator of the same, or who ^{keeper, &c} shall be the owner, hirer or lessee thereof, shall be deemed a keeper, maintainer, or exhibitor of the same within the meaning of this act.

Passed at Dover, May 8, 1895.

CHAPTER 182.

AN ACT in relation to the erection of additional Buildings and for other Improvements for Delaware State Hospital at Farnhurst, and to provide the necessary funds therefor.

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

SECTION 1. That the Board of Trustees of Delaware State Hospital at Farnhurst be and they are hereby authorized and empowered to erect, equip and light, or cause to be erected, equipped and lighted, suitable buildings, composed of outlying wards, for the care and treatment of the noisy, violent and unclean patients who now are or hereafter may be in said institution, at a cost not to exceed thirty-five thousand ^{Additional} dollars, to be paid by the State Treasurer of this State to the ^{buildings.} said board of trustees on the order of the president of said ^{Cost not to exceed \$35,000.} board out of the funds to be raised as hereinafter provided. ^{How paid.}

APPENDIX.

SECTION 2. That for the purpose of raising the funds necessary to carry into effect the provisions of Section 1 of this act, the State Treasurer of this State is hereby authorized, required and directed, before the first day of July next, to cause to be prepared thirty-five bonds of the State of Delaware of the denomination of one thousand dollars each with coupons or interest warrants thereto attached for each half year's interest thereon. The said bonds shall be numbered from 1 to 35 inclusive, shall be dated the first day of July, A. D. 1895, and shall bear interest from and after that date at the rate of three and one-half per centum per annum, payable semi-annually on the first days of January and July in each and every year while they remain unpaid, at the Farmers' Bank of the State of Delaware at Wilmington on presentation of the coupon representing each semi-annual installment of interest. The principal of said bonds shall be payable on the first day of July, A. D. 1915, at the said Farmers' Bank at Wilmington on presentation and surrender of the said bonds, but the same or any part thereof may be redeemed at the option of the State on any first day of January or first day of July in or after the year, A. D. 1906, upon thirty days' notice published in one newspaper in the City of Philadelphia and in one newspaper 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 the State, and shall have the great seal impressed thereon or affixed thereto, and shall be known as "Delaware State Hospital improvement bonds". The signature of the State Treasurer shall be engraved or printed on each coupon, and the coupons attached to each bond shall be consecutively numbered from 1 to 40 inclusive.

SECTION 3. The said bonds authorized to be issued by this act shall be in the following form except that the blanks in the following form shall be properly filled before the said bonds, or any of them, shall be issued, viz:

Form. Delaware State Hospital Improvement Bond.

Issued in accordance with the provisions of an act of the General Assembly of the State of Delaware, passed at Dover, the day of A. D. 1895.

APPENDIX.

United States of America.

State of Delaware.

No.

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 of the State of Delaware at Wilmington on the first day of July, A. D. 1915, with interest at the rate of three and one-half per centum per annum, likewise payable at the said Farmers' Bank of the State of Delaware at Wilmington on the first days of January and July in each and every year whilst the said principal sum remains unpaid on the presentation of the coupon hereto annexed representing such semi-annual installment of interest. *Provided, however,* and it is expressly stipulated, that the said State reserves the right and power at its option to call in, pay and redeem this bond on any first day of January or July in or after the year A. D. 1906, pursuant to the notice in that behalf prescribed by act of Assembly under authority of which this bond is issued. *And provided further,* that when this bond shall be called by the notice aforesaid, interest thereon shall cease to accrue from and after the first day of January or July (as the case may be) next succeeding the date of such notice.

Dated at Dover the first day of July, A. D. 1895.

Witness the great seal of the said State and the hands of the Governor, Secretary of State and State Treasurer, respectively, the day and year aforesaid.

----- Governor.
 ----- Secretary of State.
 ----- State Treasurer.

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

No.

Coupons.

The State of Delaware will pay to bearer at the Farmers' Bank of the State of Delaware at Wilmington on the first day of ----- A. D. ----- the sum of seventeen dollars and fifty cents for six months' interest on bond No. of Delaware State Hospital improvement bonds, dated July 1, 1895.

----- State Treasurer.

SECTION 4. That when the said State Treasurer shall

APPENDIX.

State Treasurer to dispose of bonds.

Proceeds how disposed of.

Record of bonds.
How kept.

Record of cancelled coupons.

have caused to be prepared the bonds authorized by this act, and when the blanks in the form of the said bonds and the coupons thereto attached shall have been properly filled and when the same shall be duly signed and sealed as hereinbefore provided in that behalf, it shall be the duty of the State Treasurer, on or before the first day of July, A. D. 1895, to negotiate, sell and dispose of either at public or private sale, all of said bonds for the highest and best price that he may be able to obtain for the same, and to deliver the same to the purchaser or purchasers thereof, upon the receipt by him of the purchase money therefor. *Provided, however,* that none of said bonds shall be sold or disposed of for less than the face value thereof. *And provided further,* that if said bonds be sold at public sale, due and proper notice of the time and place of such sale shall be given by the said State Treasurer, and the proceeds of the sale of said bonds when received by the State Treasurer shall be deposited by him to his credit as State Treasurer in the Farmers' Bank of the State of Delaware, and shall be the fund out of which shall be paid the order or orders drawn on the State Treasurer by the President of the Board of Trustees of Delaware State Hospital at Farnhurst, as authorized by the first Section of this act.

SECTION 5. It shall be the duty of the State Treasurer to provide a record of 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 intended to be therein preserved. 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 appropriate 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 cancelled 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: "This bond paid (or redeemed as the case may be) this day of A. D., by the payment of the sum of \$1000 principal and dollars interest represented by coupon No.
By State Treasurer."

And all coupons unmatured and surrendered with each bond redeemed shall each likewise be endorsed "Cancelled by

APPENDIX.

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 spaces in such record.

SECTION 6. That the public faith is hereby expressly pledged for the full and complete payment of the bonds, principal and interest, by this act authorized; 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 forms of the said bonds and coupons hereinbefore prescribed to be appropriately filled.

Public faith pledged.
Exempt from taxation.

SECTION 7. That all expenses of preparing, issuing, selling 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 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, A. D. 1896, and such committee is hereby expressly authorized to make such allowances and to draw drafts on the State Treasurer accordingly.

Expenses of preparing and disposing of bonds
Compensation to Secretary of State and State Treasurer.
How paid.

Passed at Dover, May 8, 1895.

CHAPTER 183.

AN ACT providing for a Convention.

WHEREAS, It is provided by the Constitution of this State that 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 General Assembly, and which shall have been prescribed by the General Assembly at its regular session next preceding

APPENDIX.

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 if at any such election the number of votes for a Convention shall be equal to a majority of all the citizens in this State having right to vote for representatives, 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 given on the day of voting for or 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 place and the same time that representatives are, by the citizens entitled to vote for representatives, on due notice given one month, and to meet within three months after they shall be elected; and

WHEREAS, The General Assembly did at its January session, A. D. eighteen hundred and ninety-three, provide that an election should be held at the general election of representatives in the year A. D. eighteen hundred and ninety-four for ascertaining the sense of the citizens of this State having a right to vote for representatives, whether a Convention should be called; and

WHEREAS, It satisfactorily appears to this General Assembly that a constitutional majority of all the citizens in this State having a right to vote for representatives did at the said general election of representatives vote for a Convention; therefore,

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

Call of Convention.

Time of meeting.

Number of delegates and how elected.

SECTION 1. That a Convention of the people of the State of Delaware, by their delegates to be elected as hereinafter provided, be and the same is hereby called to meet at Dover, on the first Tuesday in December, A. D. one thousand eight hundred and ninety-six.

SECTION 2. *And be it further enacted,* That the said Convention shall consist of thirty delegates, that is to say, ten delegates from the county of New Castle, ten delegates from

APPENDIX.

the county of Kent, and ten delegates from the county of Sussex, who shall be chosen at the next general election on the Tuesday next after the first Monday in November, A. D. eighteen hundred and ninety-six, and that any male citizen of this State of the age of twenty-four years and upwards and having a right to vote for representatives, shall be eligible to a seat in the said convention; and that all persons who are entitled and qualified by the Constitution and Laws of this State to vote for representatives shall be qualified and entitled to vote for delegates.

SECTION 3. *And be it further enacted,* That the said delegates shall be voted for on the same ballot which each qualified voter may deliver for other officers voted for at the same general election, and on reading the said ballots, if it shall appear that any voter has voted for more persons than the voter is qualified and entitled to vote for delegates, the said ballot, so far as delegates are concerned, shall not be counted. How voted for.

SECTION 4. *And be it further enacted,* That all the provisions of the act entitled "An act to provide for the secrecy and purity of the ballot", so far as the same may be, shall be applicable to the election of the delegates to said Convention, and it shall be the duty of the persons required by Section 4 of said act to certify the nomination of candidates, to also certify the name of candidates for delegates to the Clerks of the Peace for the several counties, and it shall be the duty of the respective Clerks of the Peace to cause to be printed on the ballots provided for in said act, the names of the persons certified as the candidates of the respective parties for delegates. General law applicable.
Nomination of candidates and printing of ballots.

SECTION 5. *And be it further enacted,* That the said election for delegates shall be held at the time aforesaid, at the same place, and be conducted in all respects in the same manner, and according to the same regulations, as are prescribed concerning the general election for representatives, and it shall be the duty of the inspectors and judges of elections in the respective hundreds and election districts of this State, at the said election to tally all the votes which may be given by the voters at such election for delegates of said Convention. And it shall be the duty of the said inspectors and judges as aforesaid to make returns of all the votes that may be tallied as aforesaid, at the same time, in the same manner and at the same place, as is now provided by law for making returns of the election of representatives; and it shall be the Receiving and counting votes.
Returns.

APPENDIX.

Certificates
of board of
canvass.

How dis-
posed of.

duty of the sheriff or other presiding officer of the board of canvass in each county and the inspectors present at such board of canvass before the adjournment thereof, to make under their hands two certificates of the election of delegates of the said Convention, for their counties respectively, in the same manner and within the same time in which certificates of the election of representatives are required by law to be made; and it shall be the duty of the said sheriff or other presiding officer to deliver and lodge, within the time prescribed for delivering certificates of the election of representatives, one of the said certificates in the office of the Prothonotary of the Superior Court of Kent county; and further, to deliver to the said Convention on the first day of the meeting of the same, the other certificate; and the Prothonotary of said Kent county shall on any day of meeting of the said Convention deliver, if required, the certificates lodged with him as aforesaid, to the order of the Convention, or to any person named in the endorsement thereon.

Compensa-
tion of
delegates.

How paid

Contingent
expenses

SECTION 6. *And be it further enacted,* That the delegates and officers of the said Convention shall be entitled to the like compensation that is now paid to the members and officers of the General Assembly, and that the presiding member of the said Convention be and he is hereby authorized to draw his order from time to time on the treasurer of this State for such compensation, in favor of the respective members and officers of said Convention, and for the contingent expenses thereof, as may be authorized by any resolution of the said Convention, and the treasurer of this State is hereby authorized and required to pay all orders so drawn by the presiding officer of the said Convention.

Duty of
Secretary
of State

Notice of
election

SECTION 7. *And be it further enacted,* That the several sheriffs of the State be furnished by the Secretary of State with a duly certified copy of this act, and the said sheriffs shall give notice one month before the time of the said election of delegates to the said Convention, in three newspapers of their respective counties, and by one hundred advertisements set up in the most public places in each county.

New consti-
tution
should be
submitted
for approval
of voters.

SECTION 8. *And be it further enacted,* That in the opinion of this Legislature the constitution framed by the Convention hereinbefore provided for should be submitted for the approval of the legal voters of this State.

SECTION 9. That the General Assembly of the State of

APPENDIX.

Delaware recommends that the two leading political parties of this State shall make such provision and arrangement as that the members of said convention to be elected from each county shall be equally divided between the said two political parties. Delegates from both political parties.

Passed at Dover, May 7, 1895.

CHAPTER 184.

AN ACT to amend an act entitled "An act in relation to the election of Assessors and Inspectors", passed at Dover, April 13th, 1883.

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

SECTION 1. That Section 5 of the act entitled "An act in relation to the election of assessors and inspectors", passed at Dover, April 13, 1883, being Chapter 29, Volume 17 of the Laws of Delaware, be and the same is hereby amended as follows, to-wit: By striking out the words "and judges" in lines one, four, twelve, sixteen, twenty-two, twenty-five and thirty-one of said section; by striking out the words "immediately after making the certificates required by Section 3 of this act" in lines two and three of said section; by inserting between the word "assembled" and the word "in" in line four of said section, the following: "On Time. the day next succeeding said general election, when assessors are voted for at said election, at 12 o'clock, M"; by striking out in lines six, seven and eight of said section the following words and figures, "as laid out and established by the act entitled 'An act providing for the election of three assessors for Wilmington hundred', passed April 6, 1883", by striking out in lines seventeen and eighteen of said section the words following, "as laid out and established by the act aforesaid"; by striking out in lines twenty-six and twenty-seven of said section the words following, "as laid out and established by the act aforesaid". Inspectors of election in Wilmington to meet at City Hall

SECTION 2. That all acts or parts of acts inconsistent herewith be and the same are hereby repealed.

Passed at Dover, May 1, 1895.

APPENDIX.

CHAPTER 185.

AN ACT to amend the act entitled "An act fixing the salary of the Attorney General and for other purposes", passed at Dover, March 23, 1871, as amended by the act entitled "An act to amend Chapter 36 of Volume 14 of the Laws of Delaware", passed at Dover, March 24, 1875.

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

Chapter 36,
Volume 14,
amended.

SECTION 1. That Chapter 36, Volume 14 of the Laws of the State of Delaware as amended by Chapter 22, Volume 15 of the Laws of the State of Delaware, be and the same is hereby amended by striking out Section one of said amended act and inserting in lieu thereof, the following:

Attorney
General to
receive
\$2000 an-
nual
salary.

"Section 1. That the Attorney-General of this State shall, from and after the passage of this act, receive an annual salary of two thousand dollars, payable in quarterly installments of five hundred dollars each in lieu of the present salary pertaining to said office.

And \$750 for
deputy.

"And he shall receive seven hundred and fifty dollars, in addition to the aforesaid sum of two thousand dollars, for the purpose of paying his deputy, payable in quarterly installments of one hundred and eighty-seven dollars and fifty cents each."

SECTION 2. That all laws and parts of laws inconsistent with the provisions of or contrary to this act be and the same are hereby repealed and made null and void.

Passed at Dover, May 9, 1895.

APPENDIX.

CHAPTER 186.

AN ACT to provide for an additional Constable in 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 and required to appoint an additional constable in New Castle county, who shall be appointed from and reside in Brandywine hundred, New Castle county, State of Delaware; and the office of constable hereby created shall continue for four years, and the appointment thereto shall be made and vacancies filled by the Governor for and during the said term of four years. Additional constable for New Castle county.

SECTION 2. Any person who shall be appointed constable under this act shall within thirty days after his appointment give bond with sufficient surety in the sum of two thousand dollars, and which bond the Levy Court of said county shall take, approve, certify and deliver for record in like manner as is now provided by law in case of other constables. Bond. Approval.

Pased at Dover, April 26, 1895.

CHAPTER 187.

AN ACT changing the time of the meeting of the State Board of Education for the purpose of deciding concerning Text Books.

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

SECTION 1. That Chapter 446, Vol. 17, Delaware Laws, be and the same is hereby amended by striking out the word "five" in the ninth line of Section 1 of said act and inserting in lieu thereof the word "ten"; and that said Section be further amended by striking out the word "five" in the fifteenth line of said Section and inserting in lieu thereof the word "ten". That said Section be further amended by Chapter 446, Volume 17, amended. Meetings for the purpose of changing text books to be held every ten years.

APPENDIX.

CHAPTER 185.

AN ACT to amend the act entitled "An act fixing the salary of the Attorney General and for other purposes", passed at Dover, March 23, 1871, as amended by the act entitled "An act to amend Chapter 36 of Volume 14 of the Laws of Delaware", passed at Dover, March 24, 1875.

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

Chapter 36,
Volume 14,
amended.

SECTION 1. That Chapter 36, Volume 14 of the Laws of the State of Delaware as amended by Chapter 22, Volume 15 of the Laws of the State of Delaware, be and the same is hereby amended by striking out Section one of said amended act and inserting in lieu thereof, the following:

Attorney
General to
receive
\$2000 an-
nual
salary.

"Section 1. That the Attorney-General of this State shall, from and after the passage of this act, receive an annual salary of two thousand dollars, payable in quarterly installments of five hundred dollars each in lieu of the present salary pertaining to said office.

And \$750 for
deputy.

"And he shall receive seven hundred and fifty dollars, in addition to the aforesaid sum of two thousand dollars, for the purpose of paying his deputy, payable in quarterly installments of one hundred and eighty-seven dollars and fifty cents each."

SECTION 2. That all laws and parts of laws inconsistent with the provisions of or contrary to this act be and the same are hereby repealed and made null and void.

Passed at Dover, May 9, 1895.

APPENDIX.

CHAPTER 186.

AN ACT to provide for an additional Constable in 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 and required to appoint an additional constable in New Castle county, who shall be appointed from and reside in Brandywine hundred, New Castle county, State of Delaware; and the office of constable hereby created shall continue for four years, and the appointment thereto shall be made and vacancies filled by the Governor for and during the said term of four years. Additional constable for New Castle county.

SECTION 2. Any person who shall be appointed constable under this act shall within thirty days after his appointment give bond with sufficient surety in the sum of two thousand dollars, and which bond the Levy Court of said county shall take, approve, certify and deliver for record in like manner as is now provided by law in case of other constables. Bond. Approval.

Pased at Dover, April 26, 1895.

CHAPTER 187.

AN ACT changing the time of the meeting of the State Board of Education for the purpose of deciding concerning Text Books.

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

SECTION 1. That Chapter 446, Vol. 17, Delaware Laws, be and the same is hereby amended by striking out the word "five" in the ninth line of Section 1 of said act and inserting in lieu thereof the word "ten"; and that said Section be further amended by striking out the word "five" in the fifteenth line of said Section and inserting in lieu thereof the word "ten". That said Section be further amended by Chapter 446, Volume 17, amended. Meetings for the purpose of changing text books to be held every ten years.

APPENDIX.

striking out the proviso of said Section and inserting in lieu thereof as follows: "*Provided, however*, that nothing in this act shall be so construed as to prevent the State Board of Education at a meeting to be by them held on the first Tuesday in August, 1895, from recommending a supplemental list of text books, consisting of science readers and language work only, for use in the free schools of this State, but such supplemental list shall not be taken to be legally authorized unless the commissioners of the districts or the board of education of incorporated districts shall notify the trustee of the school fund that they have adopted for their district or districts one or more books upon such supplemental list. Such books to be used only as supplementary to the books now in use.

Contracts
for purchase
of school
books.

Former
prices not
to be ex-
ceeded.

SECTION 2. That the State Board of Education is hereby authorized and empowered to contract with the publishers of the books used in the public schools of this State at the present time, for the books to be used in the schools during the period of five years from and after the first Tuesday in August, eighteen hundred and ninety-five. *Provided, however*, that the prices shall in no case be greater than the cost of the same books under the present contract.

Passed at Dover, May 8, 1895.

CHAPTER 188.

AN ACT* to transfer the farms of Robert Avnell and heirs of Henry F. Rodney from School District No. 17 in Sussex County to School District No. 178 in said County.

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

Certain
lands trans-
ferred from
District No.
17 to No.
178, Sussex
county.

SECTION 1. That the houses and lands of Robert Avnell and heirs of Henry F. Rodney now in the limits of School District No. 17, Sussex county, be and the same are hereby transferred to and shall hereafter form a part of School District No. 178, in Sussex county aforesaid, and all and every

This act was enrolled and signed by one of the Speakers and is published from the enrolled bill.

APPENDIX.

person or persons residing on the said lands of Robert Avnell and the heirs of Henry F. Rodney, or who may hereafter reside thereon, shall enjoy all the advantages and privileges, and shall be subject to all the duties and liabilities of taxables of said School District No. 178 in Sussex county, and they are hereby relieved and discharged from the same in School District No. 17 in Sussex county.

SECTION 2. * That this act shall be deemed and taken to be a public act.

Passed at Dover, April 2, 1895.

CHAPTER 189.

AN ACT to transfer the farm now belonging to John H. Truitt and John T. Jones from School District No. 124 to School District No. 17 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 property now belonging to John H. Truitt and John T. Jones, situated in School District No. 124 in Sussex county and known as the "Hargis" farm, shall hereafter be and form a part of School District No. 17 in Sussex county aforesaid; and all and every the persons residing on the said lands and farms herein mentioned and all persons who may hereafter reside thereon shall enjoy all the advantages and privileges, and that the said John H. Truitt and John T. Jones and the person or persons hereafter owning said lands and farms or living on the same shall be subject to all the duties and liabilities of taxables of said School District No. 17, *and further*, that they are hereby relieved and discharged from the same in School District No. 124 in Sussex county aforesaid.

"Hargis" farm transferred from District No. 124 to No. 17, Sussex county.

SECTION 2. This act shall be deemed and taken to be a public act.

Passed at Dover, May 1, 1895.

APPENDIX.

CHAPTER 190.

AN ACT transferring the farms of Stephen E. Evans, Cyrus Holt, Peter Townsend and Mary W. Barnett from School District No. 123 to School District No. 181 in Sussex County.

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

Certain
lands trans-
ferred from
District No.
123 to No.
181, Sussex
county.

SECTION 1. That the houses and lands of Stephen E. Evans, Cyrus Holt, Peter Townsend and Mary W. Barnett, now in the limits of School District No. 123 in Sussex county, be and the same are hereby transferred to and shall hereafter form a part of School District No. 181 in Sussex county aforesaid; and the said Stephen E. Evans, Cyrus Holt, Peter Townsend and Mary W. Barnett and all and every other person or persons residing on the said lands, or who may hereafter reside thereon, shall enjoy all the advantages and privileges and shall be subject to all the duties and liabilities of taxables of said School District No. 181 in Sussex county, and they are hereby relieved and discharged from the same in School District No. 123 in Sussex county.

SECTION 2. That this act shall be deemed and taken to be a public act.

Passed at Dover, May 7, 1895.

CHAPTER 191.

AN ACT to prevent the aiding or harboring of girls escaping from The Delaware Industrial School for Girls.

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

Aiding girls
in escape
from Indus-
trial School
for Girls,
misde-
meanor

SECTION 1. That if any person shall knowingly advise, promote or aid in the escape or running away of any girl from the guardianship or custody of the managers of The Delaware Industrial School for Girls, or shall knowingly harbor or conceal, or aid in harboring or concealing, any girl

APPENDIX.

who has escaped from the guardianship or custody of the said managers after such girl has been regularly committed thereto, every such person shall be deemed guilty of a misdemeanor and shall, on conviction thereof before any justice of the peace in the county wherein the said offence has been committed or before the municipal judge of the city of Wilmington, be fined not less than ten or more than one hundred ^{Fine.} dollars, to be paid to the treasurer of the said school for the use thereof.

Passed at Dover, April 29, 1895.

CHAPTER 192.

AN ACT for the protection of certain Game.

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 in the State of Delaware to hunt, take, kill or destroy, sell or expose for sale, or have in his or her possession after the same has been killed, any partridge, quail, pheasant or rabbit, before the first day of December, A. D. 1895, and from and after the thirty-first day of December, A. D. 1895, it shall be unlawful to hunt, kill, take, or destroy, sell or expose for sale, after the same has been killed, any partridge, quail, pheasant or rabbit, except between the fifteenth day of November and the thirty-first day of December in each and every year. ^{Hunting season for certain game.}

SECTION 2. This shall be deemed and taken to be a public act.

Passed at Dover, April 30, 1895.

APPENDIX.

CHAPTER 193.

AN ACT to authorize Albert Harrington to straighten the public road leading from Harrington to Frederica.

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

Road from
Harrington
to Frederica
to be
straight-
ened.

Expense.

SECTION 1. That Albert Harrington be and he is hereby authorized to straighten the public road leading from the town of Harrington to the town of Frederica, beginning at a point in the centre of said public road where it crosses Liberty street in the town of Harrington, and thence running north-easterly in a straight line until it intersects the said public road at or near the bridge where said public road crosses the south prong of Brown's branch, and thence easterly in a straight line until it intersects said public road at a point at or near the bridge where the said public road crosses the north prong of Brown's branch; the same to be straightened at the expense of the said Albert Harrington.

Portion of
road va-
cated, how
enclosed.

SECTION 2. That when the said road leading from the town of Harrington to the town of Frederica shall be straightened as prescribed in the first Section of this act and made of the width of the said public road leading from the town of Harrington to the town of Frederica and the same having been accepted and adopted as one of the public streets of the said town of Harrington, the said Albert Harrington be and he is hereby authorized and empowered to enclose and appropriate to his own use that part of said public road leading from the town of Harrington to the town of Frederica so vacated by the straightening of the said public road as prescribed by Section 1 of this act.

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

Passed at Dover, May 8, 1895.

APPENDIX.

CHAPTER 194.

AN ACT to locate and establish a certain 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 John B. Dorman, Alfred R. White, ^{Commissioners to survey road from Lewes to Milford.} Alfred B. Robinson, David Robbins and James M. Martin, be and they are hereby appointed commissioners to go upon and view the premises and with the assistance of a skillful surveyor determine the several courses and distances of that portion of the public road leading from Lewes to Milford in Sussex county, commencing at a point in said public road where it crosses Mill Creek, the boundary between Lewes and Rehoboth and Broadkilm hundreds, thence along said road to the drawbridge over Broadkilm River. The said commissioners, with the assistance of said surveyor, shall ascertain and determine the several courses and distances of said road and shall make a map or plot of the same, designating the several courses and distances thereof, the woodland and cleared ^{To make map.} land on each side thereof and the owners and holders of said land respectively, and also such other notes as they may deem proper; and shall make return of their proceedings in this behalf with said map or plot thereunto annexed to the Levy ^{Return with plot.} Court in and for Sussex county aforesaid, and the same shall be filed in the office of the Clerk of the Peace for said county; and the said road, as so located as aforesaid, shall be deemed and taken to be a public road and shall be kept open and in repair the same as other roads in Sussex county.

SECTION 2. The said commissioners shall be allowed each for each day's work or services in locating and laying out said road the sum of two dollars, if the return be daily made; the surveyor shall be allowed for each day's service the sum of four dollars and a just compensation for making the plot of said road, with proper notes, to be taxed by said commissioners, and the chain bearers shall be allowed the sum of one dollar for each day's service, which allowance and all costs of proceeding shall be paid by the said Levy Court of Sussex ^{Compensation of commissioners, of surveyor, of chain carriers.} county upon the return of said proceedings. ^{Paid by Levy Court.}

Said commissioners and the surveyor and chain carriers shall, before entering upon the duties prescribed in this act, be severally sworn or affirmed faithfully and impartially to ^{All to be sworn.}

APPENDIX.

perform the same to the best of their ability, and either of said commissioners may administer the said oath or affirmation to the other or others and to the surveyor and chain carriers.

Passed at Dover, May 8, 1895.

CHAPTER 195.*

AN ACT to amend an act entitled "An act to incorporate the Wilmington Fountain Society", being Chapter 108, Volume 14, 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):

Wilmington Fountain Society

SECTION 1. That Section 3 of the act to incorporate "The Wilmington Fountain Society", being Chapter 108, Volume 14, Laws of Delaware, be and the same is hereby amended by striking out the words "two vice-presidents" in the fifth line of said section and inserting in lieu thereof the words "a vice-president".

Charter amended.

And that said section be and the same is hereby further amended by striking out the words "twenty-four persons" where they occur in the sixth line of said section and inserting in lieu thereof the words "seven persons".

Passed at Dover, April 1, 1895.

* This act was enrolled and signed by one of the Speakers and is published from the enrolled bill.

APPENDIX.

CHAPTER 196.

AN ACT to amend Chapter 637, 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 concurring therein):

SECTION 1. That Chapter 637, Volume 18, Laws of Delaware, be and the same is hereby amended by striking out of Section 1 of said Chapter the following words, to wit: "The Wilmington Trust, Safe Deposit Insurance Company"; and all rights of the Wilmington Trust, Safe Deposit Insurance Company repealed by said act are hereby revived and re-enacted. Chapter 637,
Volume 18,
amended.

Passed at Dover, May 8, 1895.

CHAPTER 197.

AN ACT to incorporate "Delmarvia Telephone 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 Edwin T. Dilworth, J. Wilkins Cooch, Anson A. Maher, Joseph L. Carpenter, Jr., Mark M. Cleaver, William B. Clerk, Daniel W. Taylor, and such other persons as may hereafter become stockholders in the company hereby incorporated, their successors and assigns, be and they are hereby constituted a corporation and body politic by the name of "Delmarvia Telephone Company", and by that name shall have perpetual succession, with power to sue and be sued, to plead and be impleaded, complain, answer and defend in all courts of law and equity, to purchase, take, lease and hold and enjoy all such estate and property, real, personal and mixed, as may come into its possession in the course of its dealings and business, having the same rights, Corporators
Stylo.
Powers.

APPENDIX.

Seal. powers and privileges and subject to the same duties with respect thereto as any individual holder, whatsoever the same may be and wheresoever situate, the same to invest, manage, sell, grant, convey, loan, mortgage and otherwise dispose of at its pleasure; to have and use a common seal, and the same to alter and renew at pleasure and generally use, exercise and enjoy all the powers, rights, privileges and franchises incident to a corporation, except banking powers, which are proper and necessary to the transaction of the business of the corporation hereby created.

No banking powers. SECTION 2. The said corporation is further authorized generally to do such acts and things as may be proper and necessary in the conduct of the business of construction and operation of a telephone and telegraph business in all its various branches. The said company shall have power to occupy and use public streets, roads, lanes, alleys, avenues, turnpikes and water ways within this State and upon the Delaware, Maryland and Virginia peninsula or elsewhere if they shall extend their lines and business for the erection of poles and wire, or cable or underground conduits, portions of which they may lease, rent or hire to other companies; *provided*, that before entering upon any street, road, lane, alley, avenue, turnpike or waterway the consent of the authorities having jurisdiction thereof shall have first been obtained and the same shall be used and occupied under such rules and regulations as shall be prescribed by such authorities.

Use of streets, &c. SECTION 3. The corporators named in Section 1 of this act, or a majority of them, shall have power and are hereby authorized to open books and secure subscriptions to the capital stock, at such times and places as they may deem expedient, which said capital stock shall consist of ten thousand shares of the par value of ten dollars each, making a total capital of one hundred thousand dollars. The majority of the stockholders may, however, increase the capital stock in their discretion from time to time by such amounts as shall be proper and for the best interests of said company; *provided, however*, that the said capital stock shall not at any time exceed the sum of three hundred thousand dollars. Such capital stock or such increases as may be made shall be all common or in part preferred as the stockholders may determine. The subscribers of the said capital stock or their assigns may meet at any time after ten percentum of said capital stock shall have been paid in by the subscribers thereto, and elect as many directors as they shall deem neces-

Consent of authorities.

Subscriptions to stock.

Par value.

Capital stock may be increased.

Not to exceed \$300,000.

Meeting for organization.

APPENDIX.

sary, who shall constitute the board and serve until the ^{First Board} ensuing annual meeting or until their successors shall be duly ^{of Directors} elected.

SECTION 4. The principal office of said company shall be ^{Principal} in the City of Wilmington, where its annual meeting shall ^{office.} be held, at which meeting its directors shall be chosen by ^{Election of} ballot and by a majority of the votes cast, the stockholders ^{directors.} being entitled to one vote for each share of stock held either in person or by proxy. They shall continue in office until ^{Term of} the next annual meeting, or until their successors shall be duly ^{office.} chosen. Any vacancy happening in the board shall be sup- ^{Vacancy.} plied by the other directors.

SECTION 5. The directors shall choose from among their ^{Officers.} number a president and vice-president, and shall elect a secretary and treasurer, and employ such other officers, agents and servants as may be necessary, and may secure their fidelity by bond or otherwise as they shall judge proper.

They shall adopt such by-laws for the government of the ^{By-laws.} affairs and business of said company as they may deem proper.

SECTION 6. That this act shall be deemed and taken to be an act for public improvement and is declared to be a public act, and the power to alter, amend, or revoke is hereby reserved to the Legislature.

Passed at Dover, May 1, 1895.

CHAPTER 198.

AN ACT to incorporate the Henlopen Electric Light and Railway 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):

SECTION 1. That Hiram R. Burton, Harry V. Lyons, ^{Corporators} John Barnes, Charles C. Stockley, Robert G. Houston, Daniel Burton and John M. Richardson, be and they are hereby appointed commissioners to procure and cause to be opened, ^{Duties.}

APPENDIX.

at such time and place as a majority of them shall deem proper, a suitable book for subscriptions to the capital stock of the "Henlopen Electric Light and Railway Company", and may permit such persons to subscribe in said book for such number of shares of said capital stock as a majority of said commissioners may deem proper.

When in-
corporated.

Style.

Powers.

Seal.

By-laws.

No banking
powers.

Object to
be limited
was.

Limits.

Motive
power.

SECTION 2. That as soon as five hundred shares of the said capital stock shall have been subscribed for, the persons subscribing therefor and such others as shall at any time become shareholders in said company, their successors and assigns shall be and they are hereby declared to be incorporated by the style and title of "Henlopen Electric Light and Railway Company", and by that name shall have perpetual succession, and by that name shall have power and capacity to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in any and all courts and places whatsoever, whether in this State or elsewhere, in all manner of actions, suits, complaints, pleas, causes, matters and demands whatsoever, and shall have power to purchase, lease, take, own and hold by contract, deed, devise, bequest, gift, assignment or otherwise, estate, real, personal or mixed, of every kind and the same to grant, mortgage, sell, lease, alien, convey and dispose of in such manner and on such terms and conditions as the said company, or its successors, shall think proper; to enter into any or all contracts necessary or proper to be made in the conduct of its business; to declare dividends out of the net profits of the company; to have a common seal; to ordain by-laws for the government of the said company; to exercise and enjoy all the franchises incident to a corporation; and generally to do all and singular those matters and things which appertain to the well being and ordering of said company; *provided*, that no authority herein given shall be so construed as to authorize the exercise of banking powers.

SECTION 3. That the object and purpose of the corporation hereby created is to construct, maintain and operate a railway from a point in or near Lewes, in Sussex county, to and into the town of Rehoboth, and for the purpose of securing such construction, maintenance and operation, the company hereby created is authorized and empowered to construct, operate and maintain a railway between the points and over the streets, roads and routes between the points hereinbefore named. The cars or carriages of said railway to be moved or propelled by horses, by electricity, by cable motor, or by

APPENDIX.

any improved power (other than steam) which the said company may in its discretion at any time adopt; the right being hereby given to said company to erect, construct, operate and maintain such devices, contrivances 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.

SECTION 4. The railway of said company shall be located and constructed along the following routes, viz: Beginning at a point in or near Lewes to and into the town of Rehoboth, and for locating, constructing, operating and maintaining the railway of the said company, it shall have power to use and occupy any county bridge, and so much of any streets, avenue, public road in or between Lewes and Rehoboth as may be determined by said directors, or if deemed expedient by the directors of said company, it may use and occupy for a right of way lands other than a public road, the right to use which has previously been acquired by gift, lease, purchase, or as is hereinafter provided; *provided, however,* that before said company shall enter upon any bridges, avenue or public road for the purpose of laying or constructing its railway, as herein authorized, it shall obtain the consent of the authorities having the control and care thereof, who are hereby authorized to grant such consent and shall be subject to such provisions and regulations respecting so much of the streets, avenues or public roads as shall actually be occupied by the tracks of the company, and for two feet on each side thereof, as may be imposed by said authorities at the time of granting consent for the occupation of said bridges, street, avenue or public road. And it is likewise further expressly provided that if the railroad to be constructed under authority of this act shall be so located as to cross any railroad track now constructed or existing which is owned or operated by any railroad using steam as a motive power, such crossing shall not be at grade, but shall be by either an overhead or undergrade crossing, which, if undergrade, shall be so located and constructed as not to disturb the road-bed so intersected, or if overhead, shall be at such an elevation as not to impede or interfere with the free and safe passage of engines and trains on the road so crossed. The railway to be constructed under this act, or any part thereof, may be laid with a single or double track, or at any time be altered from one to the other as the directors may from time to time deem expedient, together with all sidings, turnouts, switches, time tables, poles, wires,

Route.

May occupy
county
bridge,
roads and
streets or
private
lands.Consent of
authorities,Not to cross
steam rail-
way at
grade.Single or
double
track.

APPENDIX.

Contracts
with other
companies.To be lo-
cated at
side of road.To widen
bridges.Capital
stock.May borrow
money and
secure same

Directors.

Officers.

cables, motors, dynamos, chains, contrivances and appliances necessary for the proper working of said railway. The corporation hereby created and any other railway company now in operation, or which may be operated hereafter, may contract the one with the other for the transfer and carriage of the cars and passengers of the company hereby incorporated over the tracks of said other company or companies, or any part thereof, and to make such agreement as to furnish power, equipment, service, appliances and other necessities as may be mutually agreed upon. And it is likewise further expressly provided, that whenever the company hereby incorporated shall locate or construct its railway upon the public roads it shall so locate and construct said railway on the side of said public roads in such manner as to not interfere with the proper use of said public roads for vehicular travel and whenever a county bridge is used by said company it shall widen the same at its expense and lay its tracks on the part so widened so as to not interfere with the proper use of said bridges for public travel and traffic.

SECTION 5. That the capital stock shall be two hundred and fifty thousand dollars, divided into five thousand shares of the par value of fifty dollars each, with the privilege and authority to increase said capital stock by vote of the stockholders at an annual or special meeting or meetings to such an amount as they may at any time decide or determine upon; *provided*, that the said capital stock shall not at any time exceed the sum of six hundred thousand dollars. The said company shall have power to borrow money and to issue its obligations therefor in the form of notes, bonds or otherwise, with the privilege of securing the payment of its obligations as it may desire so to secure by mortgage or mortgages of the said railways or any part or parts thereof or any or all parts or portions of its estate, real or personal, or its corporate rights and franchises held under this act or any supplement thereto.

SECTION 6. That the business and concerns of said company shall be managed by a board of directors consisting of not less than five nor more than twelve members who shall be elected by the stockholders from their own number as may be provided by the by-laws, and who shall continue in office until their successors are duly chosen; any director ceasing to be a stockholder shall cease to be a director; the board of directors shall elect from their number a president, and shall have power to elect such other officers, agents or

APPENDIX.

servants as it may deem necessary for the welfare of said company, determining their duties, fixing their compensation, and requiring, when in their judgment it may be desirable, security for the due and faithful performances of their duties. A majority of the whole number of directors shall constitute a quorum for the transaction of all business. Any Quorum. vacancy in the board of directors or in the office of president Vacancy. shall be filled by appointment made by a majority of the whole board of directors.

SECTION 7. That as soon as convenient after five hundred of the shares of the capital stock of said company shall have been subscribed for and ten per cent. of said stock so subscribed for actually paid in the said commissioners or a majority of them shall call a meeting of the persons so subscribing for the purpose of organizing said company by the election of a board of directors, the number of which shall be determined by said meeting, and adopting by-laws. Said meeting shall be held at such time and place as a majority of said commissioners shall determine, and notice of the time and place of such meeting shall be mailed to each subscriber at least one week prior to said meeting. At said meeting a board of directors shall be elected by ballot, who shall continue in office until their successors are duly chosen in accordance with the by-laws; and by-laws for the regulation and government of said company shall be adopted. At said meeting any three of the commissioners shall act as judges of election, and each subscriber shall be entitled, in person or proxy, to one vote for each share of stock they have subscribed for. As soon as convenient after their election, the board of directors shall meet for the election of a president and such other officers as they may determine upon and for the transaction of such other business as may be brought before them.

First meeting of stock holders.

Time and place.

Notice to stock-holders.

Voting.

Election of officers.

SECTION 8. There shall be an annual meeting of the stockholders of the said company for the purpose of electing a board of directors and transaction of such other business as may properly be brought before it, which meeting shall be held at Lewes, Delaware, where shall be located the principal office of said company, and where all annual or special meetings shall be held. Special meetings of the stockholders may from time to time be called and held pursuant to the provisions of the by-laws. At all stockholders' meetings each stockholder shall be entitled in person or by proxy to one vote for

Annual meeting.

At Lewes.

Principal office.

Special meetings.

APPENDIX.

- each share of stock held by such stockholder. At any stockholders' meeting, whether special or annual, subject to provisions of the by-laws, any by-law or by-laws may be altered, amended or repealed, or any new by-law or by-laws adopted by a majority of all votes cast, provided that notice of the intention to alter, amend or repeal such by-laws or adopt such proposed new by-law or by-laws be given in the call for said meeting. The by-laws shall prescribe the proportion of the stock of the company that shall constitute a quorum of stockholders' meetings, and all other things relating to the government of said company not specifically provided for in this act.
- Change of by-laws.** **Quorum.** **Dividends.** SECTION 9. The board of directors may from time to time make and declare dividends of the net profits of the business of the said company, or of such portion of such profits as the board may deem proper.
- Mode of securing private lands.** SECTION 10. 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 of Sussex county in term time, or any judge of the same in vacation, shall, upon application by the company, appoint five commissioners, who shall be freeholders, to 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 or agent in charge of the premises. The commissioners being sworn or affirmed to perform their duties with fidelity, shall assess fairly and impartially the damage of such owner or owners to be sustained by their 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 assessments under 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 of deeds in Sussex county, and paying to owner or owners of the premises as assessed as aforesaid, or depositing the same to the credit of such owner or owners in the Farmers' Bank of the State of Delaware at Georgetown, shall become entitled to hold, use
- Commissioners.** **Damages to be assessed.** **Return.** **Payment of damages.**

APPENDIX.

and enjoy the said premises exclusively to it, its successors and assigns forever.

SECTION 11. That the corporation hereby created shall have power to supply any or all of the towns on the line of its railway, or persons residing in said towns or along said route, with artificial light from electricity, or to furnish any person or persons, company or corporation along line of, or in the towns along line of said railway, power generated by electricity, and to this end after having first obtained permission from the proper authorities of the towns desiring to be lighted by electricity as aforesaid, said corporation is hereby expressly invested with ample power and authority to erect the necessary poles, wires and other conductors for the proper distribution of electricity, and of introducing the same into buildings of the towns aforesaid; and the said corporation is also expressly authorized and empowered to enter upon any public street, alley, lane or highway by and with the consent of the proper authorities of the town aforesaid, for the purpose of erecting any such poles, wires or other conductors, and for the building, constructing and operating of any such railway and to repair, alter and inspect the same, doing as little damage as possible to such streets, lanes or alleys, and repairing the injury that may be done to the same as speedily as possible and securing the citizens from danger whilst so erecting the said poles, wires or other conductors and buildings, constructing and operating the said railway. The said corporation hereby created shall also have full power and authority to construct and maintain the necessary buildings and introduce therein the proper machinery for the manufacture of electricity.

May supply
electric
lights to ad-
jacent
towns.

May use
streets in so
doing.

SECTION 12. If any person shall wilfully or maliciously do or cause to be done any act or acts whatsoever, whereby any building, construction, machinery or works of said company, or if any wire or other conductor of electricity shall be stopped, obstructed, injured, destroyed, cut, broken, tampered with, or otherwise interfered with, such person or persons so offending shall be considered guilty of misdemeanor, and upon indictment and conviction by the Court of General Sessions of the Peace and Jail in and for Sussex county shall be punished by a fine not exceeding three hundred dollars or imprisonment not exceeding one year, or both in the discretion of the court; *provided, however*, that such criminal prosecution shall not impair the right of said company to full compensation in damages by a civil suit.

Damage to
property of
company.

Misde-
meanor.

Fine.
Imprison-
ment.

Civil suit
for damages

APPENDIX.

SECTION 13. This act shall be deemed and taken to be an act for public improvement and is declared to be a public act, and the power to revoke, alter or amend the same is hereby reserved the Legislature.

Road to be
commenced
by Jan. 1,
1896.

Completed
by Jan. 1,
1898.

SECTION 14. It shall be the duty of the said corporation to locate and commence the construction of the railway authorized under the provisions of this act on or before the first day of January, A. D. one thousand eight hundred and ninety-six, and such railway shall be fully constructed, equipped and operated by the first day of January, A. D. one thousand eight hundred and ninety-eight, otherwise this act shall become void, and all the rights, privileges and franchises hereby granted shall on the day last aforesaid wholly cease and determine.

Passed at Dover, May 1, 1895.

CHAPTER 199.

AN ACT to incorporate "The Harrington, Frederica and Denton Electric Railway 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):

Corporators

SECTION 1. That Robert W. Reynolds, Ezekiel Fleming, Hezekiah Harrington, Beniah L. Lewis, Benjamin Whitely, Henry A. Reik, Leander S. Hopkins, Beniah Tharp, Robert H. Smith, Clement A. Harrington, William Tharp, Alfred H. Cahall, Francis A. Porter, George A. Deakyne and Henry R. Lewis, be and they are hereby appointed commissioners to do and to 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 capital stock of "The Harrington, Frederica and Denton Electric Railway Company", and they shall permit all persons of lawful age to subscribe in said books in

Books for
subscriptions.

APPENDIX.

their own name, or in the name of any other person or company who may authorize the same, for any number of shares in the said stock.

SECTION 2. That the capital stock of said company shall be one hundred thousand dollars, to be divided into five thousand shares of twenty dollars each; *provided* that said company may, from time to time, by a vote of the stockholders, at a meeting called for that purpose, increase the capital stock, if it shall be deemed necessary, to an amount sufficient to carry out the true intent and meaning of this act. *Provided further*, that the whole capital stock shall not, at any time, exceed three hundred and fifty thousand dollars; *and provided also*, that the said company, for the purpose of completing and equipping the railways, shall have the power to borrow money, if the board of directors shall so determine, to an amount not exceeding one hundred thousand dollars, and to secure the payment of the same by the issue of bonds, or of a bond and mortgage of the said railway, together with the corporate rights and franchises granted to this act, and annex to said bond or bonds and mortgage, the privilege of converting the same into capital stock of the said company at par, at the option of the holders, with the concurrence and consent of the board of directors, if they shall signify their election one year before their maturity.

Capital stock.

Not to exceed \$350,000.

May borrow not exceeding \$100,000.

SECTION 3. That when and as soon as one thousand shares of capital stock in said company shall be subscribed as aforesaid and ten per cent. of said stock actually paid in, the subscribers to the said stock, their successors and assigns, shall be and they are hereby declared to be incorporated by the name and title of "The Harrington, Frederica and Denton Electric Railway Company", and by the said name the subscribers shall have perpetual succession, and be able to sue and be sued, plead and be impleaded in all courts of record here 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 declare dividends of such proportion 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, ordain and establish by-laws and regulations for the government of the said corporation not inconsistent with the constitution or laws of the United States or of this State, and generally to do all and singular

When incorporated.

Style.

Powers.

Seal.

By-laws.

APPENDIX.

the matters and things which to them shall lawfully appertain to do for the well being and ordering of the same.

First meeting of stockholders. **SECTION 4.** That as soon as one thousand 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, in the town of Harrington, to organize the said company by the choice and appointment of officers as herein-after mentioned, and said meeting shall be held at such time as shall be appointed in said notice.

Place.

Notice.

First meeting of directors and officers. **SECTION 5.** That the management and control of said company shall be vested in the persons chosen by the subscribers to the capital stock at their first meeting until the period herein fixed for the regular election of directors of said company, who shall choose from their number a president, a secretary and a treasurer, and that the stockholders of the said company shall meet annually on the first Monday in January, at such place as they shall determine upon, and elect seven directors for said company, all of whom shall be stockholders, who shall elect from their own number, as aforesaid, a president, a secretary and treasurer for said company.

Annual meeting of stockholders. Election of directors. The notice of such an election for directors as aforesaid, and the manner of conducting the same, to be provided for in the by-laws of said company, and any vacancy in said board of directors may be supplied by appointments to be made by the board of directors until the next annual election; all elections shall be by ballot of the stockholders or their proxies, allowing one vote for each share which shall have been held in his or their name or names, at least thirty days before the time of voting. The board of directors for the time being shall have power to take from any treasurer or secretary, or other officer or agent appointed by them, such security for the faithful performance of their respective duties as they may deem proper.

Notice.

Vacancy.

Elections.

Voting.

Official bonds.

To construct railway. **SECTION 6.** That "The Harrington, Frederica and Denton Electric Railway Company" shall have power and they are hereby authorized to locate, construct, operate and maintain a railway from a point in the town of Frederica, in South Murderkill hundred, Kent county, Delaware, to a point in the line dividing the States of Delaware and Maryland at or within one mile of the village of Burrsville, passing through the towns of Felton and Harrington, and the hundreds of South Murderkill and Mispillion, and for locating, construct-

Termini.

Route.

APPENDIX.

ing, operating and maintaining the railway of said company it shall have power to use and occupy any bridge, street or public road along its said route in South Murderkill and Mispillion hundreds as may be determined upon by said directors, or if deemed expedient by the said directors the said company may use and occupy for a right of way lands other than streets or public roads, the right to use which has previously been acquired by gift, lease, purchase, or as is hereinafter provided.

May use public bridge, street or road.

May secure private lands.

The said company shall have power to cross all county bridges provided they shall not interfere with public travel and public traffic; and provided also that the said company shall not materially affect or damage the present grade of any public road or street; and it is likewise further expressly provided that if the railroad to be constructed under authority of this act shall be so located as to cross any railroad track now constructed or existing which is owned or operated by any railroad company using steam as a motive power, such crossing shall not be at grade, but shall be by either an overhead or undergrade crossing, which, if undergrade, shall be so located and constructed as not to disturb the road bed so intersected, or if overhead, shall be at such an elevation as not to impede or interfere with the free and safe passage of engines and trains on the roads so crossed; and *provided further*, that before said company can occupy any streets, lanes or alleys in either of the towns of Frederica, Felton or Harrington, or any public roads or bridges in Mispillion and South Murderkill hundreds, the consent of the authorities having jurisdiction over the same must first be obtained.

May cross county bridges.

Crossing of steam railway not to be at grade.

Consent of authorities to be obtained.

The said railway shall be used as a passenger railway and the motive power of railway shall be by electricity.

Motive power.

And it is likewise further expressly provided, that whenever the company hereby incorporated shall locate or construct its railway upon the public roads it shall so locate and construct such railway on the side of said public roads in such manner as to not interfere with the proper use of said public roads for vehicular travel, and whenever a county bridge is used by said company it shall widen the same at its expense, and lay its tracks on the part so widened, so as to not interfere with the proper use of said bridges for public travel and traffic.

To be located at side of road.

County bridge to be widened.

SECTION 7. That the said company shall be and they are hereby authorized to contract for, purchase and hold all such lands as the directors of the said company shall deem neces-

May purchase lands.

APPENDIX.

How obtained when cannot agree.	sary for the purposes of the said railway, and in case such land as may be necessary for the location and use of such railway cannot be obtained by purchase, the company may apply to the Superior Court, or any judge thereof residing in Kent county, in vacation, by petition, first giving the other party five days' notice in writing of such application, the said notice to be served personally, if the party resided in the State, or in case of non-residents, to be served upon the tenant residing upon the land proposed to be taken. The said court or judge shall appoint five judicious and impartial freeholders to view the premises which the said company may require for the use and construction of the said railway, and assess the damages, if any, that the owner or owners thereof will sustain by reason of said railway passing through the same.
Commissioners.	
Damages to be assessed	
To be sworn	The said freeholders shall be sworn before some judge faithfully and impartially to perform the duties imposed upon them; they shall give ten days' written notice to the owners of the property, to be served as heretofore provided, and to the president of the company, of the time of their meeting for the discharge of their duty, which meeting shall be held on the land required for the use of said railway; and they shall make a report in writing under their hands, or the hands of a majority of them, to the term of the Superior Court of Kent county next after their appointment, and the said Superior Court may either confirm the said report or on good and sufficient reasons refer the matter back to the same persons, or appoint five other judicious and impartial freeholders to perform the said duty in the manner aforesaid.
Notice of meeting.	
Report	
Payment of damages.	When judgment or confirmation is rendered by the said court on any report made as aforesaid, and upon the payment by the said company of the amount of damages assessed to the owner or owners of said property, or upon the payment of the same into court for his or their use, whether the said owners or any of them be or be not under any of the disabilities of infancy, coverture or incompetency of mind, or be in or out of the State, the title to the land and premises mentioned in the said report shall be absolutely vested in the said company, their successors and assigns.
When may be paid into court.	
Fees of commissioners and Prothonotary to be paid by company	The fees of the commissioners shall be three dollars per day of actual service; and the fees of the Prothonotary on any such proceeding shall be determined by the court; all of which fees shall be paid by the company.

APPENDIX.

SECTION 8. The aforesaid company shall procure certificates of stock for all the shares of said company, and shall deliver one such certificate, signed by the president and secretary, and sealed with the common seal of the said corporation, to each person for such share or shares of stock as by him or her are respectively owned, which certificate of stock shall be transferable at his or her pleasure, in person or by attorney duly authorized, in the presence of the president, or secretary, or treasurer, in a book to be kept by said corporation for that purpose. Certificate of stock.
Transferred

SECTION 9. The board of directors of said company shall declare dividends of so much of the net profits of the company as shall appear to them to be advisable, on the first Monday in January and July of each year, which shall be paid to the stockholders on demand within thirty days after the same shall have been declared. Dividends.

SECTION 10. That this act shall be deemed an act for public improvement, and be deemed and taken to be a public act, and the power to alter, amend or revoke the same is hereby expressly reserved to the Legislature.

SECTION 11. It shall be the duty of the said corporation to locate and commence the construction of the railway authorized under the provisions of this act on or before the first day of January, A. D. one thousand eight hundred and ninety-six, and such railway shall be fully constructed, equipped and operated by the first day of January, A. D. one thousand eight hundred and ninety-eight, otherwise this act shall become void, and all the rights, privileges and franchises hereby granted shall, on the day last aforesaid, wholly cease and determine. Road to be commenced by Jan. 1, 1896.
Completed by Jan 1, 1898.

Passed at Dover, May 3, 1895.

APPENDIX.

CHAPTER 200.

AN ACT to incorporate the Sussex Electric Railway 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):

SECTION 1. That John B. Dorman, William B. Tomlinson, Charles H. Adkins, John C. Hazard, Ebe W. Tunnell, Dr. Hiram R. Burton, Frank C. Maul, Joseph E. Holland, R. Davis Carey, Dr. Joseph Hearn, William T. Parker, James Ponder, Dr. James A. Hopkins and John M. Robbins, be and they are hereby appointed commissioners to procure and cause to be opened, at such time and place as a majority of them shall deem proper, a suitable book for subscriptions to the capital stock of the "Sussex Electric Railway Company" and may permit such persons to subscribe in said book for such number of shares of said capital stock as a majority of said commissioners may deem proper.

SECTION 2. That as soon as five hundred shares of the said capital stock shall have been subscribed for, the persons subscribing therefor and such others as shall at any time become shareholders in said company, their successors and assigns, shall be and they are hereby declared to be incorporated by the style and title of "Sussex Electric Railway Company", and by that name shall have perpetual succession; and by that name shall have power and capacity to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in any and all courts and places whatsoever, whether in this State or elsewhere, in all manner of actions, suits, complaints, pleas, causes, matters and demands whatsoever, and shall have power to purchase, lease, take, own and hold, by contract, deed, devise, bequest, gift, assignment or otherwise, estate real, personal or mixed, of every kind, and the same to grant, mortgage, sell, lease, alien, convey and dispose of in such manner and on such terms and conditions as the said company or its successors shall think proper; to enter into any or all contracts necessary or proper to be made in the conduct of its business; to declare dividends out of the net profits of the company; to have a common seal; to ordain by-laws for the government of the said company; to exercise and enjoy all the franchises

Corporators

Subscriptions to capital stock.

When incorporated.

Style.

Powers.

Seal.
By-laws.

APPENDIX.

incident to a corporation, and generally to do all and singular those matters and things which appertain to the well-being and ordering of said company; *provided*, that no authority herein given shall be so construed as to authorize the exercise of banking powers. No banking powers.

SECTION 3. That the object and purpose of the corporation hereby created is to construct, maintain and operate a railway from a point in or near the town of Milford, and running to, into, through, or near the town of Milton, to and into the town of Lewes, or to any intermediate point or points in said route; *provided*, that if said road is built to any intermediate point said point shall be one of the termini of said road; and for the purpose of securing such construction, maintenance and operation, the company hereby created is authorized and empowered to construct, operate and maintain a railway between the points and over the streets, roads and routes hereinafter named; the cars or carriages of said railway to be moved or propelled by horses, by electricity, by cable motor, or by any improved power (other than steam) which the said company may, in its discretion, at any time adopt; the right being hereby given to said company to erect, construct, operate and maintain such devices, contrivances 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. Object to build railway. Termini. Motive power.

SECTION 4. The railway of said company shall be located and constructed along the following routes, viz: Beginning at a point in or near the town of Milford, and running to, into, through or near the town of Milton, to and into the town of Lewes, or to any intermediate point or points in said route; *provided*, that if said road is built to any intermediate point said point shall be one of the termini of said road; and for locating, constructing, operating and maintaining the railway of the said company, it shall have power to use and occupy any county bridge, and so much of any street, avenue, public road or turnpike within Sussex county, along the route hereinbefore laid down, as may be determined by said directors, or if deemed expedient by the directors of said company, it may use and occupy for a right of way lands other than a public road, the right to use which has previously been acquired by gift, lease, purchase, or as is hereinafter provided; *provided, however*, that before said company shall enter upon any bridges, street, avenue or public road for the purpose of laying or constructing its railway, as Route. May occupy county bridge, roads and streets or private lands. May acquire private property.

APPENDIX.

Consent of authorities. herein authorized, it shall obtain the consent of the authorities having the care thereof, who are hereby authorized to grant such consent, and shall be subject to such provisions and regulations respecting so much of the streets, avenues or public roads as shall actually be occupied by the tracks of the company, and for two feet on each side thereof, as may be imposed by said authorities at the time of granting consent for the occupation of said bridges, street, avenue or public road; *provided*, that when the said railway is constructed along the public roads it shall be constructed along the side of said roads in such manner as not to interfere with the use of said roads for vehicular travel, and when the said road crosses county bridges said bridges shall be widened at the expense of said company, and its railway located and constructed on such widened parts so as not to interfere with the use of said bridges for public travel or traffic; *and provided further*, that if the railway to be constructed under authority of this act shall be so located as to cross the tracks of any steam railroad now being operated, such crossing shall not be at grade, but such shall be by either overhead or undergrade crossing, which, if under grade, shall be so constructed as not to interfere with the use of the road so crossed without its consent, or if overhead, shall be at such elevation as will not impede the free and safe passage of engines and trains on the road so crossed. The railway to be constructed under this act, or any part thereof, may be laid with a single or double track, or at any time be altered from one to the other, as the directors may from time to time deem expedient, together with all sidings, turnouts, switches, turntables, poles, wires, cables, motors, dynamos, chains, contrivances and appliances necessary for the proper working of said railway. The corporation hereby created, and any other railway company now in operation or which may be operated hereafter, may contract, the one with the other, for the transfer and carriage of the cars and passengers of the company hereby incorporated, over the tracks of said other company or companies, or any part thereof, and to make such agreement as to furnish power, equipment, service, appliances and other necessities as may be mutually agreed upon; *provided*, *however*, that the construction of the railway herein authorized shall be commenced within one year after the passage of this act, and it shall be completed, equipped and in operation on or before the first day of January in the year of our Lord one thousand eight hundred and ninety-eight (A. D. 1898), otherwise this act shall become void, and all the rights,

To be constructed alongside of public road.

To widen bridges.

Not to cross steam railway at grade.

Single or double track.

Contracts with other companies.

Construction of railway to be commenced within one year of passage of act and be completed by January 1, 1898.

APPENDIX.

privileges and franchises herein granted shall wholly cease and determine.

SECTION 5. That the capital stock of said company shall be three hundred and fifty thousand dollars, divided into seven thousand shares of the par value of fifty dollars each, with the privilege of increasing said capital stock by vote of the stockholders at an annual or special meeting or meetings, to such amount as they may from time to time determine upon, provided it does not at any time exceed four hundred and fifty thousand dollars. The said company shall have power to borrow money, and to issue its obligations therefor in the form of notes, bonds or otherwise, with the privilege of securing the payment of such obligations as it may desire so to secure by mortgage or mortgages of the said railway or any part thereof, or any part of its estate, real or personal, or of its corporate rights and franchises held under this act or any supplement thereto.

Capital stock.

Par value. May be increased.

Limit.

May borrow money and secure same

SECTION 6. That the business and concerns of said company shall be managed by a board of directors, consisting of not less than three nor more than nine members, who shall be elected by the stockholders from their own number at such times and in such manner as may be provided by the by-laws, and who shall continue in office until their successors are duly chosen; any director ceasing to be a stockholder shall cease to be a director; the board of directors shall elect from their number a president, and shall have power to elect such other officers, agents or servants as it may deem for the welfare of said company, determining their duties, fixing their compensation and requiring, when in their judgment it may be desirable, security for the due and faithful performance of their duties. A majority of the whole number of directors shall constitute a quorum for the transaction of all business. Any vacancy in the board of directors or in the office of president shall be filled by appointment made by a majority of the whole board of directors.

Directors.

Officers.

quorum.

vacancy.

SECTION 7. That as soon as convenient, after five hundred shares of the capital stock of said company shall have been subscribed for, and ten per cent. of the said subscribed stock actually paid in, the said commissioners, or a majority of them, shall call a meeting of the persons so subscribing for the purpose of organizing said company by the election of a board of directors, the number of which shall be determined by said meeting, and the adoption of by-laws. Said meeting

First meeting of stockholders.

Place.

APPENDIX.

Principal office and place of meeting. shall be held at such time as a majority of said commissioners shall determine, in the town of Milton, Sussex county, Delaware, where shall be located the principal office of said company, where all annual and special meetings of said company shall be held, and notice of the time and place of such meeting shall be mailed to each subscriber at least one week prior to said meeting. At said meeting a board of directors shall be elected by ballot, who shall continue in office until their successors are duly chosen, in accordance with the by-laws; and Election of directors annually. by-laws. by-laws for the regulation and government of said company shall be adopted. At said meeting any three of the commissioners shall act as judges of election, and each subscriber shall be entitled, in person or by proxy, to one vote for each share of stock they have subscribed for. As soon as convenient after their election, the board of directors shall meet for the election of a president and such other officers as they may determine upon and for the transaction of such other business as may be brought before them.

Annual election. SECTION 8. There shall be an annual meeting of the stockholders of the said company for the purpose of electing a board of directors and transaction of such other business as may properly be brought before it, which meeting shall be held at such time as the by-laws may prescribe. Special meetings of the stockholders may from time to time be called and held pursuant to the provisions of the by-laws. At all stockholders' meetings each stockholder shall be entitled, in person or by proxy, to one vote for each share of stock held by such stockholder. At any stockholders' meeting, whether special or annual, subject to the provisions of the by-laws, any by-law or by-laws may be altered, amended or repealed, or any new by-law or by-laws adopted, by a majority of all the votes cast; *provided*, that notice of the intention to alter, amend or repeal such by-laws or adopt such proposed new by-law or by-laws be given in the call for said stockholders' meeting. The by-laws shall prescribe the proportion of the stock of the company that shall constitute a quorum of stockholders' meetings and all other things relating to the government of said company not specifically provided for in this act.

Dividends. SECTION 9. That the board of directors may from time to time make and declare dividends of the net profits of the business of the said company, or of such portion of such profits as the board may deem proper.

APPENDIX.

SECTION 10. 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 of Sussex county in term time, or any judge of the same in vacation, shall, upon application by the company, appoint five commissioners, who shall be freeholders, to 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 or agent in charge of the premises. The commissioners being sworn or affirmed to perform their duties with fidelity, shall assess fairly and impartially the damage of such owner or owners to be sustained by their 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 assessments, under 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 Sussex 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 owner or owners in the Farmers' Bank in the State of Delaware, at Georgetown, shall become entitled to hold, use and enjoy the said premises exclusively to it, its successors and assigns forever. All the expenses of the said commission shall be paid by the company hereby incorporated. *Provided*, that either party being dissatisfied with the damage so assessed may on application to the Prothonotary of Sussex county, within sixty 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 damage 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 as before provided; and if the damages are reduced the owner shall refund the amount diminished. The cost of the inquisition shall be paid by the unsuccessful party. The work of the said company shall not be delayed by such application for a

Private
lands, how
acquired.Commis-
sioners to
be ap-
pointed.Notice of
meeting.Damages to
be assessed.

Return.

Payment of
damages.Expenses
of com-
mission to
be paid by
company.Appeal
from de-
cision of
commis-
sioners.

APPENDIX.

writ of *ad quod damnum*, but upon payment or deposit, as hereinbefore provided of the damages awarded by the commissioners, the title to 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.

May supply
electric
lights to ad-
jacent
towns.

Milford
excepted.

May use
streets, &c.,
with con-
sent of
authorities.

SECTION 11. That the corporation hereby created shall have power to supply any or all of the towns on the line of its railway, hereinbefore provided for, excepting the town of Milford, with artificial light from electricity, and to this end, after having first obtained permission from the proper authorities of the towns so desired to be lighted by electricity as aforesaid, said corporation is hereby expressly invested with ample power and authority to erect the necessary poles, wires and other conductors for the proper distribution of electricity, and of introducing the same into buildings of the towns aforesaid; and the said corporation is also expressly authorized and empowered to enter upon any public street, alley, lane or highway by and with the consent of the proper authorities of the towns aforesaid, for the purpose of erecting any such poles, wires or other conductors, and for the building, constructing and operating of any such railway, and to repair, alter and inspect the same, doing as little damage as possible to such streets, lanes or alleys, and repairing the injury that may be done to the same as speedily as possible, and securing the citizens from accident and danger whilst so erecting the said poles, wires or other conductors, and building, constructing and operating the said railway. The said corporation hereby created shall also have full power and authority to construct and maintain the necessary buildings and introduce therein the proper machinery for the manufacture of electricity.

Damage to
property of
company.

Misde-
meanor.

Fine,
Imprison-
ment.

SECTION 12. And if any person shall wilfully or maliciously do or cause to be done any act or acts whatsoever whereby any building, construction, machinery or works of said company, or if any wire or other conductor of electricity shall be stopped, obstructed, injured, destroyed, cut, broken, tampered with, or otherwise interfered with, such person or persons so offending shall be considered guilty of misdemeanor, and upon indictment and conviction by the Court of General Sessions of the Peace and Jail Delivery in and for Sussex county, shall be punished by a fine not exceeding two hundred dollars (\$200) or imprisonment not exceeding one year, or both, in the discretion of the court. *Provided,*

APPENDIX.

however, that such criminal prosecution shall not in anywise impair the right of said company to a full compensation in damages by a civil suit. Also suit for damages

SECTION 13. That this act shall be deemed and taken to be an act for public improvement, and is declared to be a public act, and the power to revoke, alter or amend the same is hereby reserved to the Legislature.

Passed at Dover, May 6, 1895.

CHAPTER 201.

AN ACT to regulate the laying out of Streets and Roads on lands within one-half mile of the limits of 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 provisions of an act entitled "An act to provide for the establishment of streets and grades on land contiguous to the city of Wilmington", passed at Dover, April 29, 1891, Chapter 205, Vol. 19, Laws of Delaware, be and the same are hereby extended and made applicable to any and all tracts of land lying outside the boundary line of the city of Wilmington, as now or hereafter extended, but within one-half mile thereof, and it shall be lawful for the owner or owners of any tract of land within one-half mile of said boundary line to lay out such land in the manner provided in said act, and it shall be the duty of such owner or owners so laying out a tract of land to comply with the provisions of the aforesaid act. of Wilmington amended. Laying out of streets and roads within one-half mile of Wilmington to conform to lines within city.

SECTION 2. Should the owner or owners of any tract of land within one-half mile of the boundary line of said city, lay out such land contrary to and in violation of the provisions of the above-recited act, and of this act, then in the event of the extension of the limits of the city of Wilmington so as to include such land or lands, it shall be unlawful for any commission appointed for the purpose of opening and No damages allowed where Sec. 1 has been violated.

APPENDIX.

condemning streets extended through said tract or tracts of land to award any damages or compensation to any person or persons, for any house, building or structure hereafter placed or erected upon any ground lying between lines drawn from the building lines of such street or streets, as laid out in the city of Wilmington, to a point or points one-half mile from the limits thereof, in the direction which the said street or streets would take if extended thereto.

Passed at Dover, May 6, 1895.

CHAPTER 202.

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 branch concurring):

Boundaries
of Wil-
mington
extended.

Limits.

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: Beginning at the intersection of the easterly side of Greenhill avenue with the southerly side of Twelfth street extended; thence northeasterly to the northerly side of Kennett turnpike; thence along the northerly side of said Kennett turnpike to its intersection with the easterly side of Rising Sun lane, in Christiana hundred; thence northerly along said easterly side of Rising Sun lane, aforesaid, continued in a straight line to the middle of Brandywine creek; thence along the middle of Brandywine creek by the several courses thereof, to the point where said line intersects the present city line, which crosses said Brandywine creek at or near the mouth of Crooked run; thence along the present city line to the place of beginning.

Jurisdic-
tion of city
authorities
extended
to new
territory.

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

APPENDIX.

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.

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-fourth the rate of taxation on city property generally, and for the ensuing five years thereafter at one-half the rate on city property generally, and thereafter at full rate.

New territory subject to municipal taxation.
Proviso.

SECTION 4. The new territory hereby added to the said City of Wilmington shall be a part of the Seventh ward of said city, and a part of the Third assessment district of the City of Wilmington, for the purpose of assessment and collection of taxes for county purposes.

New territory part of Seventh ward and of Third assessment district.

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 7, 1895.

CHAPTER 203.

AN ACT* to amend Chapter 480 of Volume 13 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 word "five" in the fourth line of the seventh section of said act occurring between the words "exceeding" and "hundred" in said line be stricken out and the word "seven" be inserted in lieu thereof.

Annual town taxes of Harrington increased to \$700.

Passed at Dover, April 2, 1895.

* This act was enrolled and signed by one of the Speakers and is published from the enrolled bill.

APPENDIX.

CHAPTER 204.

AN ACT to amend Chapter 181, 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 of the Legislature concurring therein):

Levy Court
to appro-
priate \$100
annually
for roads in
town of
Harrington

SECTION 1. That Chapter 181, Volume 17, Laws of Delaware, be and the same is hereby amended by striking out the word "two" in the third line of Section 2 of said Chapter and inserting in lieu thereof the word "four."

Passed at Dover, May 8, 1895.

CHAPTER 205.

AN ACT to amend an act entitled "An act to re-incorporate the Town of Newark", passed at Dover, April 21st, 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 thereof concurring):

Chapter
of Newark
amended.

SECTION 1. That Section 31, Chapter 175, Volume 18, Laws of Delaware, entitled "An act to re-incorporate the town of Newark", be and the same is hereby amended by striking out all of said section after the words "years" in line 14 and before the word "the" in line 19 thereof.

Dogs to be
registered
and taxed.

SECTION 2. That Section 14 of said act be and the same is hereby amended by adding the following: "The said council shall have power to require all persons owning or keeping any male or female dog or dogs within the limits of the said town to have the same registered annually and collect a fee from such keeper, owner or owners for such registration, and shall have power to fix the time and manner of register-

APPENDIX.

ing, the amount of the annual fee therefor, and the penalty for not registering by ordinance.

SECTION 3. This act shall be deemed and taken to be a public act and printed as such.

Passed at Dover, May 6, 1895.

CHAPTER 206.

AN ACT to amend Sections 5 and 10 of an act entitled "An act to incorporate the Town of Frederica," passed at Dover, March 8th, 1865, and re-enacted March 26th, 1885.

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

SECTION 1. That Section 10 of said act of incorporation be and the same is hereby amended by striking out so much of said section as establishes the boundary line of the said town of Frederica and insert therein as follows : "Beginning at the fork or point formed by the junction of Murderkill river and Spring creek and running from thence with Spring creek to the line dividing the lands of the heirs of Robert I. Lowber, deceased, and the lands of Samuel W. Darby ; and continuing in a westerly course until reaching a point opposite the dividing line between lands of Thomas D. Burton, and lands of Mrs. Sarah H. Lister and running with said division line to a point on lands of Robert C. Stevenson, opposite the drawbridge ; thence in a straight line to the drawbridge and following the course of the Murderkill river to the place of beginning.

Charter of
Frederica
amended.

Limits
changed.

SECTION 2. *Be it further enacted,* That Section 5 of said act of incorporation be and the same is hereby amended by striking out so much of said section as establishes the amount of tax to be raised in said town, not to exceed two hundred dollars, and insert therein the limit not to exceed four hundred dollars exclusive of the dog tax.

Amount of
annual tax
increased
to \$400.

Passed at Dover, May 9, 1895.

APPENDIX.

CHAPTER 207.

AN ACT to amend Section 32 of Chapter 89 of the Revised Code of 1852 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 32, Chapter 89, Revised Code, amended.

Distribution of residue of personal estate of married woman.

Persons entitled.

SECTION 1. Amend Section 32 of Chapter 89 of the Revised Code of 1852 of the Laws of Delaware, by striking out between the word "death" in the 15th line of said Section and the word "or" in the 16th line thereof, the following: "Her husband shall be entitled to the whole of such residue", and insert in lieu thereof the following: "If such married woman shall leave no children, nor the descendants of such living, the husband shall be entitled to such personal estate absolutely; if such married woman shall leave a child or children living, her personal estate shall be divided among the husband and such child or children, share and share alike; if any such child or children being dead, shall have left issue, such issue shall be entitled to the share of the parent".

Passed at Dover, May 8, 1895.

CHAPTER 208.

AN ACT in relation to Disorderly Houses and Houses of Ill-Fame and Assignment.

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

Disorderly house or house of ill-fame.

Nuisance.

SECTION 1. Any person who keeps or has any interest in keeping a house of ill-fame or assignment of any description, or a house or place for persons to visit for unlawful sexual intercourse or for any sexual, obscene or indecent purpose or a disorderly house or any place or public resort by which the peace, comfort or decency of a neighborhood is disturbed, shall be guilty of a nuisance, and upon conviction thereof

APPENDIX.

shall forfeit and pay a fine of not less than fifty dollars nor ^{Fine.} more than one hundred dollars, and in default of payment of such fine, together with costs, shall be imprisoned in the ^{Imprisonment.} county jail for the term of two months, and upon a second or any subsequent conviction thereof shall forfeit and pay a fine of not less than one hundred dollars, nor more than two hundred dollars, or to be imprisoned not more than six months, or both, at the discretion of the court. In default of payment of the fine imposed upon such second or any ^{Lien upon premises.} subsequent conviction, together with costs, the same shall be a lien upon the premises where such nuisance was committed; *provided*, that the owner or agent of such premises shall have ^{Proviso.} been notified that such nuisance has been committed, and such lien shall be properly recorded and indexed by the clerk of the court where such conviction shall be had, and may be collected by proper execution process. The Municipal Court ^{Jurisdiction} of the City of Wilmington shall have jurisdiction in all cases of violation of this section occurring within the said city. The sheriff, or in the City of Wilmington the chief of police, ^{Notice of conviction to be sent to owner of premises.} shall forthwith cause notice of any conviction under this section to be served upon the owner or owners of the premises upon or in which such nuisance shall have been committed; such service may be made upon the owner or owners personally or by leaving a copy thereof at his or their usual place of abode, or if the place of abode of any owner be not known or not in the State, then such service may be made upon his agent, if he have any.

SECTION 2. Any lease, contract, agreement or demise ^{Lease for illegal purposes null and void.} made by any person or persons for the letting or using of any place or building, or any portion of a building, for any of the purposes specified in the preceding section of this act, shall be null and void; and the use of any place or building, or any portion of a building, for any of said purposes, shall terminate and render thenceforth null and void any lease, contract, agreement or demise for the letting or use thereof; and in each case the person or persons who would be entitled to the possession of the premises if such lease, contract, agreement or demise had not been made shall have the right of immediate possession thereof, as if such lease, contract, agreement or demise had not been made; and the provisions, remedies, processes and penalties provided for in Chapter CI of the Revised Code of the Statutes of Delaware, published in 1893, in cases of forcible entry and detainer, shall be applicable for the purpose of restoring the person or persons entitled

^{Remedy.}

APPENDIX.

Owner of premises permitting nuisance after notice becomes guilty of misdemeanor.

Fine.

as aforesaid to the possession of such premises. After sufficient time has elapsed from the date of notice being served as aforesaid to enable him to secure the possession of the premises under the provisions of this section, any owner who shall still permit his premises to be used for any of the purposes mentioned in Section 1 of this act shall be guilty of a misdemeanor, and upon conviction thereof shall forfeit and pay a fine of not less than fifty nor more than two hundred dollars.

SECTION 3. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Passed at Dover, May 9, 1895.

CHAPTER 209.

AN ACT to prevent deception in the Manufacture and Sale of Imitation Butter.

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

Manufacture of imitation butter unlawful.

Proviso.

Violation misdemeanor.

SECTION 1. No person, by himself or his agents or servants, shall render or manufacture, sell, offer for sale, expose for sale or have in his possession with intent to sell, any article, product or compound made wholly or partly out of any fat, oil or oleaginous substance or compound thereof, not produced from unadulterated milk or cream from the same which shall be in imitation of yellow butter produced from pure unadulterated milk or cream of the same; *provided*, that nothing in this act shall be construed to prohibit the manufacture or sale of oleomargarine in a separate and distinct form and in such manner as will advise the consumer of its real character, free from coloration or ingredient that causes it to look like yellow butter. If any person shall violate any of the provisions of this Section he shall be deemed guilty of a misdemeanor and be punishable in the Court of General Sessions of the Peace and Jail Delivery as hereinafter provided.

APPENDIX.

SECTION 2. That if any person shall make complaint in writing, verified by oath or affirmation, before any justice of the peace alleging that the complainant has probable cause to suspect, and does suspect and believe that any other person by himself, or his agents or servants, has rendered or manufactured, sold, offered or exposed for sale, or has in his possession with intent to sell any article, product or compound made as aforesaid, in imitation of yellow butter produced as aforesaid, and shall in said complaint describe such article, product or compound as particularly as may be, and designate the house or place where complainant suspects and believes such article, product or compound is, and the name of the person suspected as aforesaid, thereupon such justice of the peace may within the limits of his jurisdiction issue his warrant to search such house or place. Such warrant shall be directed to any officer or to any other person by name for service, and shall recite the essential facts alleged in the complaint, and the officer or other person to whom it shall be directed for service as aforesaid shall proceed thereunder as follows:

Proceedings
against
suspected
person.

Search
warrant.

He may enter the house or place designated and if he shall find therein what he believes to be any article, product or compound made as aforesaid in imitation of yellow butter produced as aforesaid, he shall take therefrom a sample or samples thereof for the purpose of having the same analyzed or tested as hereinafter provided, and to obtain such sample or samples such officer or other person to whom such warrant shall be directed as aforesaid may open any can, vessel or package by him believed to contain such imitation article, product or compound and take therefrom the sample or samples for the purpose aforesaid. The said officer or other person to whom such warrant shall be directed as aforesaid when so taking a sample or samples of such alleged imitation article, product or compound as aforesaid, shall then and there divide said sample into two parts as nearly equal as may be, wrap said parts in separate packages, then and there seal the same and offer one of said parts to the person in whose custody the said article was when taken, with a written notice of the time, place and date, when and where said sample was so taken and that it was taken for the purpose of analyzing or testing it. The other part of said sample shall, together with a copy of the written notice last above mentioned, be delivered by said officer, or other person to whom said warrant shall be directed as aforesaid, to the State Chemist, who shall

Powers and
duties of
officer.

Analysis by
State
Chemist.

APPENDIX.

cause the same to be analyzed or otherwise satisfactorily tested, the result of which analysis or test he shall record and preserve as evidence.

Return of warrant That the said officer or other person to whom said warrant shall be directed as aforesaid shall, within one week next ensuing such delivery to the State Chemist as aforesaid, return said warrant with his proceedings thereunder and his costs and actual expenses endorsed thereon to the said justice of the peace, the said costs to correspond in amount as nearly as may be with the costs to which an officer serving a search warrant would thereby be entitled to.

Duties of State Chemist The said sample having been delivered to the State Chemist as aforesaid, he shall with all convenient speed analyze or test the same, and upon the completion thereof shall forward to the Attorney-General a certificate of the result thereof, duly verified by oath or affirmation, and such certificate so verified shall be admitted as evidence before the grand or petit juries in any prosecutions under this act.

SECTION 3. That if any person shall be convicted of a violation of any of the provisions of Section 1 of this act he shall forfeit and pay to the State of Delaware a fine of not less than fifty dollars nor more than two hundred and fifty dollars, or be imprisoned for a term not exceeding one year, and shall pay the costs of prosecution, among which shall be taxed the costs of the said justice of the peace and the costs and actual expenses endorsed upon said warrant and the charge of the State Chemist, whose charge shall not in any one case exceed the sum of twenty dollars. In case of failure to convict, the charge of the State Chemist and the costs of said justice of the peace and the costs and actual expenses endorsed upon said warrant as aforesaid shall be paid by the county in which the prosecution is conducted; *provided*, that the amount of money so to be paid by any county shall not exceed in any one year the sum of two hundred dollars.

Label of oleomargarine SECTION 4. That when any person exposes for sale in this State oleomargarine, butterine or any substance made in imitation or semblance of pure butter, such person shall have conspicuously upon or across the surface of the exposed contents of every open tub, package or parcel thereof a placard with the word "oleomargarine" printed thereon in plain, undensified gothic letters, not less than one inch long, and any person failing to comply with the requirements of this section shall be deemed guilty of a misdemeanor and upon con-

Neglect a misdemeanor

APPENDIX.

viction thereof in the court of General Sessions of the Peace and Jail Delivery shall be fined not less than fifty dollars nor ^{Fine.} more than two hundred and fifty dollars for each offence.

SECTION 5. That all acts or parts of acts inconsistent herewith are hereby repealed.

Passed at Dover, May 8, 1895.

CHAPTER 210.

A BILL entitled "An Act to legalize a certain Flower as the Floral Emblem of the State of Delaware."

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

That from and after the passage of this act the Peach Blossom shall be and it is hereby made the floral emblem of the ^{State} flower. State of Delaware.

Passed at Dover, May 9, 1895.

CHAPTER 211.

* Joint Resolution in relation to a Constitutional Convention.

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

That a joint committee consisting of three on the part of ^{Joint com-} the House and three on the part of the Senate be appointed ^{mittee} to formulate a bill calling for a Constitutional Convention ^{relative to} with authority to employ counsel if necessary. ^{Constitu-} ^{tional} ^{Con-} ^{vention.}

The committees thus appointed in the Senate and House of Representatives shall consist of one member from each county in the two houses respectively.

Adopted at Dover, March 30, 1895.

*This and the succeeding Joint Resolutions were unsigned and the note at the beginning of this APPENDIX applies to them also.

APPENDIX.

CHAPTER 212.

Joint Resolution appointing Hon. Leonard E. Wales, Hon. Charles B. Lore and Hon. John R. Nicholson a committee to investigate the title of certain papers in the possession of J. Henry Rogers.

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

Committee
to investi-
gate title to
certain
papers.

That the Honorable Leonard E. Wales, the Honorable Charles B. Lore and the Honorable John R. Nicholson be and they are hereby requested to inspect the historical papers in the possession of J. Henry Rogers, Esq., and all the papers placed by him in the hands of his auctioneers in the City of Philadelphia, and to make report to this General Assembly prior to the 3rd day of May next as to the nature and character of the said papers and to submit with their report such recommendations as their judgment may dictate.

Adopted at Dover, April 26, 1895.

CHAPTER 213.

Joint Resolution appointing a Joint Committee to settle with the Attorney-General.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met :

That a joint committee consisting of one on the part of the Senate and two on the part of the House be appointed to settle with the Attorney-General.

Adopted at Dover, May 3, 1895.

APPENDIX.

CHAPTER 214.

Joint Resolution directing the Attorney-General to discontinue the suit brought by the State of Delaware against J. Henry Rogers.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met :

That the Attorney-General be and he is hereby authorized, empowered and directed to discontinue the suit brought by the State of Delaware against J. Henry Rogers.

Adopted at Dover, May 3, 1895.

CHAPTER 215.

Joint Resolution in relation to Claims against the State.

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

That from and after the adoption of this resolution to the meeting of the next General Assembly it shall be lawful for the State Treasurer to pay all claims against the State for printing and publishing, where the same has been authorized by any officer of this State having the power to contract for such work, when in the judgment of the said State Treasurer the same is just and proper. *Provided, however,* that no claim for any such work shall be paid by the State Treasurer until the correctness of the same shall have been certified to by the officer authorizing the work, and until such officer shall have certified that bids for said work had been given out, and that the person, firm or corporation presenting the claim was the lowest and most advantageous bidder for the same. *And provided further,* that no such claim shall be paid until the same shall have had the approval of the Auditor of Accounts.

Adopted at Dover, May 6, 1895.

APPENDIX.

CHAPTER 216.

Joint Resolution in relation to paying John R. Nicholson and Edward Ridgely one hundred and twenty-five dollars.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met :

That the State Treasurer be and is hereby directed to pay to John R. Nicholson and Edward Ridgely the sum of one hundred and twenty-five dollars each for their services in the chancery suit brought by the State of Delaware against J. Henry Rogers. And that he be also instructed to pay to the said John R. Nicholson the further sum of seventy-five dollars for expenses, disbursements and the costs in said suit.

Adopted at Dover, May 9, 1895.

TITLES OF ACTS OF INCORPORATION AND OTHER ACTS OF A PRIVATE NATURE

EXCLUDED FROM PUBLICATION

BY ACT OF FEBRUARY 17, 1866.

ACTS OF INCORPORATION.

CHAPTER 217.

A Further Supplement to the acts incorporating and re-incorporating the "Farmers' Mutual Fire Insurance Company of the State of Delaware", and amending and renewing the charter thereof.
Passed at Dover, January 25, 1895.

CHAPTER 218.

An Act for the renewal of the charter of the Phoenix Fire Company in the City of Wilmington and for other purposes.
Passed at Dover, January 28, 1895.

CHAPTER 219.

An Act to incorporate the "Samuel J. White Carriage Company."
Passed at Dover, January 30, 1895.

CHAPTER 220.

An Act to renew the charter of the Vulcanized Fibre Company.
Passed at Dover, February 1, 1895.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 221.

An Act to incorporate the "W. and J. Lang Company."

Passed at Dover, February 1, 1895.

CHAPTER 222.

An Act to re-incorporate Keokuk Tribe, No. 3, Improved Order of Red Men of the State of Delaware in the City of Wilmington.

Passed at Dover, February 4, 1895.

CHAPTER 223.

An Act to renew and continue the charter of Good Samaritan Lodge, No. 9, of the Independent Order of Odd Fellows of the State of Delaware at Middletown.

Passed at Dover, February 4, 1895.

CHAPTER 224.

An Act to incorporate Independent Circle, No. 14, Brotherhood of the Union.

Passed at Dover, February 4, 1895.

CHAPTER 225.

An Act to incorporate the Farmers' Union Store Company.

Passed at Dover, February 4, 1895.

CHAPTER 226.

An Act to incorporate Washington Camp, Number (4) four, Patriotic Order Sons of America.

Passed at Dover, February 5, 1895.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 227.

An Act to incorporate the "Benjamin F. Shaw Company".
Passed at Dover, February 5, 1895.

CHAPTER 228.

An Act to incorporate the Bellah Supply Company.
Passed at Dover, February 8, 1895.

CHAPTER 229.

An Act to incorporate "The Newark Real Estate Company".
Passed at Dover, February 9, 1895.

CHAPTER 230.

An Act to incorporate Globe Lodge, No. 40, I. O. of O. F. of Bridgeville, Del.
Passed at Dover, February 9, 1895.

CHAPTER 231.

An Act to incorporate "The Phillips-Thompson Company".
Passed at Dover, February 13, 1895.

CHAPTER 232.

An Act for the renewal of the charter of the Knights of St. Laurence Beneficial Society of Wilmington, Delaware.
Passed at Dover, February 14, 1895.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 233.

An Act to incorporate the Pennrock Company.

Passed at Dover, February 18, 1895.

CHAPTER 234.

An Act to incorporate the "Morris Maul and Burton Salvage Company of Lewes, Delaware".

Passed at Dover, February 19, 1895.

CHAPTER 235.

An Act to incorporate the "Consumers' Ice and Coal Company".

Passed at Dover, February 21, 1895.

CHAPTER 236.

An Act to incorporate "The Farmers' and Merchants' National Building and Loan Association of Delaware".

Passed at Dover, February 21, 1895.

CHAPTER 237.

An Act to re-incorporate the Great Council of Delaware of the Improved Order of Red Men.

Passed at Dover, February 22, 1895.

CHAPTER 238.

An Act to incorporate the Farmers' Store Company of Laurel, Del.

Passed at Dover, February 23, 1895.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 239.

An Act to amend and re-enact the act entitled "An act to incorporate 'The Lebanon Hall Company'", passed at Dover, March 2, 1875.
Passed at Dover, February 25, 1895.

CHAPTER 240.

An Act to incorporate Pocomoke Tribe, No. 29, Improved Order of Red Men.
Passed at Dover,, February 25, 1895.

CHAPTER 241.

An Act to incorporate Delaware Lodge, No. 2, Shield of Honor of Delaware.
Passed at Dover, February 26, 1895.

CHAPTER 242.

Amendment to an act entitled "An act to incorporate the Sussex Land and Cattle Company", passed at Dover, April 25th, 1889.
Passed at Dover, February 26, 1895.

CHAPTER 243.

An Act to amend an act entitled "An act to incorporate the Peninsular Investment Company", passed at Dover, April 24, 1889.
Passed at Dover, March 1, 1895.

CHAPTER 244.

An Act to incorporate Miona Tribe, No. 32, Improved Order of Red Men of Magnolia, Delaware.
Passed at Dover, March 4, 1895.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 245.

An Act to renew and continue the charter of the Delta-Phi Literary Society of Delaware College.

Passed at Dover, March 4, 1895.

CHAPTER 246.

An Act to incorporate the Saint Peter's Female Beneficial Society of the City of Wilmington, Delaware.

Passed at Dover, March 6, 1895.

CHAPTER 247.

An Act to amend, renew and extend the charter of "The Jessup and Moore Paper Company".

Passed at Dover, March 6, 1895.

CHAPTER 248.

A Further Supplement to the act to establish the Wilmington and Brandywine Cemetery.

Passed at Dover, March 7, 1895.

CHAPTER 249.

An Act to incorporate the "Goldey Wilmington Commercial and Shorthand College".

Passed at Dover, March 7, 1895.

CHAPTER 250.

An Act to incorporate "W. B. Clark Company".

Passed at Dover, March 7, 1895.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 251.

An Act to incorporate "H. B. Wright Company".

Passed at Dover, March 7, 1895.

CHAPTER 252.

An Act to incorporate the "Woodside Improvement Company".

Passed at Dover, March 9, 1895.

CHAPTER 253.

A Supplement to the act entitled "An act to incorporate 'The Delaware Baptist Union'".

Passed at Dover, March 11, 1895.

CHAPTER 254.

An Act to incorporate Earl Publishing Company.

Passed at Dover, March 12, 1895.

CHAPTER 255.

An Act to incorporate "Wright & Son Company".

Passed at Dover, March 12, 1895.

CHAPTER 256.

An Act to amend an act entitled "An act to re-incorporate the Washington Steam Fire Engine and Hook and Ladder Company, No. 7, of the City of Wilmington, Delaware", passed at Dover, February 6th, A. D. 1889.

Passed at Dover, March 13, 1895.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 257.

An Act to incorporate "McLear and Kendall Company."

Passed at Dover, March 15, 1895.

CHAPTER 258.

An Act to incorporate "The Ursuline Academy of Wilmington, Delaware".

Passed at Dover, March 19, 1895.

CHAPTER 259.

An Act to incorporate the "Delaware State Society of the Cincinnati".

Passed at Dover, March 20, 1895.

CHAPTER 260.

An Act to incorporate "The Utility Manufacturing Company".

Passed at Dover, March 20, 1895.

CHAPTER 261.

An Act to incorporate Enterprise Circle, No. 5, Brotherhood of the Union, H. F. C. of A., Millville, Sussex county.

Passed at Dover, March 23, 1895.

CHAPTER 262.

An Act to incorporate Vigilant Council, No. 19, Junior Order United American Mechanics of Laurel, Delaware.

Passed at Dover, March 28, 1895.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 263.

An Act* to incorporate Fairview Lodge, No. 8, Independent Order of Good Templars of Mill Creek Hundred, State of Delaware.

Passed at Dover, April 1, 1895.

CHAPTER 264.

An Act to incorporate Milford Council, No. 3, Junior Order United American Mechanics of Milford, Delaware.

Passed at Dover, April 2, 1895.

CHAPTER 265.

An Act to incorporate Felton Council, No. 15, Junior Order United American Mechanics of Felton, Delaware.

Passed at Dover, April 2, 1895.

CHAPTER 266.

An Act to incorporate the Wilmington Whist Club.

Passed at Dover, April 3, 1895.

CHAPTER 267.

An Act to incorporate "The Thatcher Improvement Company".

Passed at Dover, April 3, 1895.

CHAPTER 268.

An Act to incorporate Encampment No. 34, Union Veteran Legion.

Passed at Dover, April 5, 1895.

*This act was enrolled and signed by one of the Speakers.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 269.

An Act to incorporate "Wilmington Ice, Coal and Lumber Company".

Passed at Dover, April 5, 1895.

CHAPTER 270.

An Act to amend an act entitled "An act to incorporate The Citizen's Light and Power Company of Dover, Delaware", passed at Dover, May 2, 1893.

Passed at Dover, April 5, 1893.

CHAPTER 271.

An Act to incorporate the "Bush Lumber Company".

Passed at Dover, April 12, 1895.

CHAPTER 272.

An Act to incorporate the "Franklin Improvement Company".

Passed at Dover, April 12, 1895.

CHAPTER 273.

An Act to incorporate the "City and Suburban Real Estate Company".

Passed at Dover, April 12, 1895.

CHAPTER 274.

An Act to incorporate the "South Wilmington Real Estate Company".

Passed at Dover, April 12, 1895.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 275.

An Act to amend an act entitled "An act to incorporate the Economic Insurance Company of America", passed at Dover, January 26th, 1893.

Passed at Dover, April 12, 1895.

CHAPTER 276.

An Act to incorporate Shawnee Tribe, Number twenty-seven (27), Improved Order of Red Men.

Passed at Dover, April 12, 1895.

CHAPTER 277.

An Act to incorporate Pilgrim Castle, Number seven (7), Knights Golden Eagle.

Passed at Dover, April 15, 1895.

CHAPTER 278.

An Act to incorporate True Knights' Castle, No. 24, Knights of the Golden Eagle of Dover, Delaware.

Passed at Dover, April 15, 1895.

CHAPTER 279.

An Act to incorporate the "Delaware River Lumber Company".

Passed at Dover, April 16, 1895.

CHAPTER 280.

An Act to incorporate "The Enterprise Manufacturing and Supply Company".

Passed at Dover, April 16, 1895.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 269.

An Act to incorporate "Wilmington Ice, Coal and Lumber Company".

Passed at Dover, April 5, 1895.

CHAPTER 270.

An Act to amend an act entitled "An act to incorporate The Citizen's Light and Power Company of Dover, Delaware", passed at Dover, May 2, 1893.

Passed at Dover, April 5, 1893.

CHAPTER 271.

An Act to incorporate the "Bush Lumber Company".

Passed at Dover, April 12, 1895.

CHAPTER 272.

An Act to incorporate the "Franklin Improvement Company".

Passed at Dover, April 12, 1895.

CHAPTER 273.

An Act to incorporate the "City and Suburban Real Estate Company".

Passed at Dover, April 12, 1895.

CHAPTER 274.

An Act to incorporate the "South Wilmington Real Estate Company".

Passed at Dover, April 12, 1895.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 275.

An Act to amend an act entitled "An act to incorporate the Economic Insurance Company of America", passed at Dover, January 26th, 1893.

Passed at Dover, April 12, 1895.

CHAPTER 276.

An Act to incorporate Shawnee Tribe, Number twenty-seven (27), Improved Order of Red Men.

Passed at Dover, April 12, 1895.

CHAPTER 277.

An Act to incorporate Pilgrim Castle, Number seven (7), Knights Golden Eagle.

Passed at Dover, April 15, 1895.

CHAPTER 278.

An Act to incorporate True Knights' Castle, No. 24, Knights of the Golden Eagle of Dover, Delaware.

Passed at Dover, April 15, 1895.

CHAPTER 279.

An Act to incorporate the "Delaware River Lumber Company".

Passed at Dover, April 16, 1895.

CHAPTER 280.

An Act to incorporate "The Enterprise Manufacturing and Supply Company".

Passed at Dover, April 16, 1895.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 281.

An Act to incorporate the White Clay Creek Manufacturing Company.

Passed at Dover, April 19, 1895.

CHAPTER 282.

An Act to incorporate the Bombay Hook Land Improvement and Transportation Company.

Passed at Dover, April 20, 1895.

CHAPTER 283.

A Further Supplement * to an act entitled "An act to incorporate the Diamond State Iron Company", passed at Dover, March 7, 1865, and re-enacted with amendments, March 27, 1885.

Passed at Dover, April 22, 1895.

CHAPTER 284.

An Act to amend the charter of the Connell Car Heating Company.

Passed at Dover, April 23, 1895.

CHAPTER 285.

An Act to incorporate the "Delaware Street Sweeping Machine Company".

Passed at Dover, April 24, 1895.

CHAPTER 286.

An Act to incorporate Blue Rock Council, No. 33, Legion of Red Cross.

Passed at Dover, April 24, 1895.

*This act was enrolled and signed by one of the Speakers only.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 287.

An Act to incorporate the "Fidelity Storage Company".

Passed at Dover, April 24, 1895.

CHAPTER 288.

An Act to incorporate the "Jacoby Construction Company".

Passed at Dover, April 24, 1895.

CHAPTER 289.

An Act to incorporate the "Delaware Iron Company".

Passed at Dover, April 26, 1895.

CHAPTER 290.

An Act to incorporate Mingoe Tribe, No. 31, Improved Order of Red Men of Harrington, Kent county, Delaware.

Passed at Dover, April 30, 1895.

CHAPTER 291.

An Act* to incorporate "Provident Loan and Trust Fund".

Passed at Dover, May 1, 1895.

CHAPTER 292.

An Act † to incorporate Faucett and Company.

Passed at Dover, May 4, 1895.

*This act was enrolled and signed by one of the Speakers only.

† This act was not enrolled and is published from the original bill

TITLES OF ACTS OF INCORPORATION.

CHAPTER 293.

An Act to incorporate the Marvel Horsey Company.

Passed at Dover, May 6, 1895.

CHAPTER 294.

An Act * to incorporate the Sussex Trust, Title and Safe Deposit Company.

Passed at Dover, May 7, 1895.

CHAPTER 295.

An Act * to incorporate "The Fleming Canning Company".

Passed at Dover, May 7, 1895.

CHAPTER 296.

An Act † to incorporate the Enterprise Construction Company.

Passed at Dover, May 7, 1895.

CHAPTER 297.

An Act * to incorporate the Foord Bottling Company.

Passed at Dover, May 8, 1895.

CHAPTER 298.

An Act* to incorporate the "North American Construction Company".

Passed at Dover, May 9, 1895.

* This act was not enrolled and is published from the original bill

† This act was enrolled and signed by one of the Speakers only

TITLES OF ACTS OF INCORPORATION.

CHAPTER 299.

An Act * to incorporate "Calhoun Jones Company", of Georgetown, Sussex county and State of Delaware.

Passed at Dover, May 9, 1895.

CHAPTER 300.

An Act to incorporate the "Masonic Hall Company of Lewes, Delaware".

Passed at Dover, May 9, 1895.

CHAPTER 301.

An Act to incorporate "The Acetyline Light Company".

Passed at Dover, May 9, 1895.

* This act was not enrolled and is published from the original bill.

PRIVATE ACTS.

CHAPTER 302.

An Act to change the name of Robert Carter Cox to the name of Robert Carter Simmons and to make him by adoption a son and heir-at-law of John T. Simmons.

Passed at Dover, February 1, 1895.

CHAPTER 303.

An Act to change the name of Marguerite R. Carpenter to Marguerite Richardson.

Passed at Dover, February 12, 1895.

CHAPTER 304.

An Act to change the name of Mary Alice Fly to the name of Mary Alice Whitaker and to make her by adoption a daughter and heir-at-law of Jonathan Jackson Whitaker and Elizabeth Arcado Whitaker.

Passed at Dover, March 6, 1895.

CHAPTER 305.

An Act to enable Franklin C. Maull to build a pier or wharf in Delaware Bay, opposite Lewes, Delaware.

Passed at Dover, March 15, 1895.

TITLES OF PRIVATE ACTS.

CHAPTER 306.

An Act to make valid the records of certain deeds.

Passed at Dover, March 29, 1895.

CHAPTER 307.

An Act granting to Joshua McGonigal and John E. Hendrickson the title of this State to a certain tract of salt marsh herein mentioned.

Passed at Dover, April 5, 1895.

CHAPTER 308.

An Act to confirm the sale of certain real estate in the City of Wilmington.

Passed at Dover, April 15, 1895.

CHAPTER 309.

An Act authorizing the Superior Court to open a certain judgment.

Passed at Dover, April 18, 1895.

CHAPTER 310.

An Act confirming the sale of real estate in the City of Wilmington.

Passed at Dover, April 19, 1895.

CHAPTER 311.

An Act * to change the name of Harry Minner to the name of Harry Willis Voshell, and to make him by adoption a son and heir-at-law of Eugene Voshell and Anna Voshell.

Passed at Dover, April 29, 1895.

*This act was enrolled and signed by one of the Speakers only.

TITLES OF PRIVATE ACTS.

CHAPTER 312.

An Act granting the title of a certain tract of salt marsh herein mentioned to John H. Pleasanton.

Passed at Dover, April 30, 1895.

CHAPTER 313.

An Act to make Margaret Hall Wilson and Rosalie Edouarda Wilson by adoption daughters and heirs-at-law of John Edward Addicks.

Passed at Dover, May 3, 1895.

CHAPTER 314.

An Act * in relation to certain real estate late of James J. Davidson, deceased, and to enable the representatives of said James J. Davidson to complete the title thereto.

Passed at Dover, May 7, 1895.

CHAPTER 315.

An Act † to authorize the Recorder of Deeds of New Castle county to place upon the records certain deeds.

Passed at Dover, May 8, 1895.

CHAPTER 316.

An Act † for the relief of the heirs of Robert Graves, deceased.

Passed at Dover, May 9, 1895.

CHAPTER 317.

An Act † for the relief of Lucy Graves and "Homeopathic Hospital Association of Delaware".

Passed at Dover, May 8, 1895.

* This act was enrolled and signed by one of the Speakers only

† This act was not enrolled and is published from the original bill

TITLES OF PRIVATE ACTS.

CHAPTER 318.

An Act * to change the name of Robert J. Taylor to that of Robert J. Philips, and for other purposes.

Passed at Dover, May 8, 1895.

CHAPTER 319.

An Act * relating to certain lands of the "Wellman Iron and Steel Company" in New Castle county.

Passed at Dover, May 9, 1895.

CHAPTER 320.

An Act * for the relief of the estate of Robert Cook, deceased.

Passed at Dover, May 9, 1895.

* This act was not enrolled and is published from the original bill

DIVORCE ACTS.

CHAPTER 322.

An Act to divorce Mary E. Jackson from her husband, Joseph D. Jackson.

Passed at Dover, February 5, 1895.

CHAPTER 323.

An Act to divorce Mary E. Grace and Robert G. Grace, her husband, from the bonds of matrimony.

Passed at Dover, February 5, 1895.

CHAPTER 324.

An Act to divorce Margaret Lynch and George H. Lynch, her husband.

Passed at Dover, February 22, 1895.

CHAPTER 325.

An Act to divorce Georgianna Beltz from her husband, Jefferson D. Beltz, *a vinculo matrimonii*.

Passed at Dover, March 5, 1895.

CHAPTER 326.

An Act to divorce Mary L. Johnson from John Johnson.

Passed at Dover, March 5, 1895.

TITLES OF PRIVATE ACTS.

CHAPTER 327.

An Act to divorce Eugene Jamison from his wife, Lizzie M. Jamison.
Passed at Dover, March 5, 1895.

CHAPTER 328.

An Act to divorce Sarah A. Simons from her husband, Ulysses Grant Simons.
Passed at Dover, March 6, 1895.

CHAPTER 329.

An Act to divorce Mary E. Devallinger and William T. Devallinger from the bonds of matrimony.
Passed at Dover, March 8, 1895.

CHAPTER 330.

An Act to divorce Amanda Daily from her husband, John T. Daily.
Passed at Dover, March 8, 1895.

CHAPTER 331.

An Act to divorce Rosie A. Reed from her husband, Walter W. Reed.
Passed at Dover, March 12, 1895.

CHAPTER 332.

An Act to divorce Mary A. Hollingsworth and her husband, William H. Hollingsworth, from the bonds of matrimony.
Passed at Dover, March 12, 1895.

TITLES OF PRIVATE ACTS.

CHAPTER 333.

An Act to divorce William W. Andrie and Hettie C. Andrie, his wife, from the bonds of matrimony.

Passed at Dover, March 12, 1895.

CHAPTER 334.

An Act to divorce Henrietta Hopkins from her husband, Thomas A. Hopkins.

Passed at Dover, March 12, 1895.

CHAPTER 335.

An Act to divorce Lillie Weed and Howard L. Weed, her husband, from the bonds of matrimony.

Passed at Dover, March 12, 1895.

CHAPTER 336.

An Act to divorce Cora C. Asher from her husband, Benjamin Franklin Asher.

Passed at Dover, March 16, 1895.

CHAPTER 337.

An Act to divorce Ellen R. Righter from her husband, Edward T. Righter.

Passed at Dover, March 16, 1895.

CHAPTER 338.

An Act divorcing Mary J. Daniels and William J. Daniels, Jr., from the bonds of matrimony.

Passed at Dover, March 22, 1895.

TITLES OF PRIVATE ACTS.

CHAPTER 339.

An Act to divorce Isaac C. Haines from his wife, Annie M. Haines.
Passed at Dover, March 22, 1895.

CHAPTER 340.

An Act to divorce Sylvester Torbert and Ellen Torbert, his wife,
from the bonds of matrimony.
Passed at Dover, March 25, 1895.

CHAPTER 341.

An Act to divorce Lizzie B. McCaulley and her husband, Isaac B.
McCaulley, from the bonds of matrimony.
Passed at Dover, March 25, 1895.

CHAPTER 342.

An Act to divorce Annie May Roach and Thomas J. Roach, her
husband, from the bonds of matrimony.
Passed at Dover, March 25, 1895.

CHAPTER 343.

An Act divorcing Addie L. Hollis and John F. Hollis from the bonds
of matrimony.
Passed at Dover, March 25, 1895.

CHAPTER 344.

An Act to divorce Edward C. Phillips from his wife, Amanda B.
Phillips.
Passed at Dover, March 25, 1895.

TITLES OF PRIVATE ACTS.

CHAPTER 345.

An Act to divorce Ada C. Massey from her husband, James E. Massey.

Passed at Dover, April 1, 1895.

CHAPTER 346.

An Act to divorce Cecil A. Cole from his wife, Martha Cole.

Passed at Dover, April 1, 1895.

CHAPTER 347.

An Act to divorce Eva D. Parker from her husband Thomas K. Parker.

Passed at Dover, April 12, 1895.

CHAPTER 348.

An Act to divorce Lottie M. Watson from her husband, Walter M. Watson.

Passed at Dover, April 12, 1895.

CHAPTER 349.

An Act to divorce John L. Norwood from his wife, Beatrice Norwood.

Passed at Dover, April 12, 1895.

CHAPTER 350.

A Bill entitled An Act to divorce Carrie Davison and William E. Davison from the bonds of matrimony.

Passed at Dover, April 13, 1895.

TITLES OF PRIVATE ACTS.

CHAPTER 351.

An Act to divorce Martha E. Windsor from her husband, William F. Windsor.

Passed at Dover, April 18, 1895.

CHAPTER 352.

An Act to divorce Severn Taylor from his wife, Martha Taylor.

Passed at Dover, April 19, 1895.

CHAPTER 353.

An Act to divorce Estelle Freid from her husband, Isadore Freid, *a vinculo matrimonii*.

Passed at Dover, April 22, 1895.

CHAPTER 354.

An Act to divorce Eliza A. Short and John F. Short, her husband, from the bonds of matrimony.

Passed at Dover, April 23, 1895.

CHAPTER 355.

An Act to divorce Elias J. Taylor and Carrie E. Taylor, his wife, from the bonds of matrimony.

Passed at Dover, April 26, 1895.

CHAPTER 356.

An Act to divorce Alice Lockwood and Earl D. Lockwood, her husband, from the bonds of matrimony.

Passed at Dover, April 30, 1895.

TITLES OF PRIVATE ACTS.

CHAPTER 357.

An Act to divorce Alfred Polk from his wife, Ida Polk.

Passed at Dover, May 1, 1895.

CHAPTER 358.

An Act * to annul and to declare void and of no effect a marriage existing between Mary Beddiss Shaw and James Shaw.

Passed at Dover, May 4, 1895.

CHAPTER 359.

An Act * to divorce Lillie Thatcher from her husband, Albert Thatcher.

Passed at Dover, May 6, 1895.

CHAPTER 360.

An Act * to divorce Annie M. Hitchens from her husband, William C. Hitchens.

Passed at Dover, May 6, 1895.

CHAPTER 361.

An Act * to divorce Frank C. Lee from his wife, Josephine Lee.

Passed at Dover, May 7, 1895.

CHAPTER 362.

An Act † to annul and to declare void and of no effect a marriage existing between Louisa Watkins Thomas and William Thomas.

Passed at Dover, May 7, 1895.

* This act was enrolled and signed by one of the Speakers only

† This act was not enrolled and is published from the original bill

TITLES OF PRIVATE ACTS.

CHAPTER 363.

An Act to divorce Ella Tatem Pusey from her husband, Joshua D. Pusey.

Passed at Dover, May 8, 1895.

CHAPTER 364.

An Act * to divorce Albert A. Cobb from his wife, Effie Strawbridge Cobb.

Passed at Dover, May 8, 1895.

CHAPTER 365.

An Act * to divorce Rhoda W. Abrams and Albert B. Abrams, and for other purposes.

Passed at Dover, May 8, 1895.

CHAPTER 366.

An Act to divorce Margaret McNabb from her husband, John Edward McNabb, and to restore her maiden name.

Passed at Dover, May 8, 1895.

CHAPTER 367.

An Act to divorce Bettine McKean Rogers from William H. Rogers.

Passed at Dover, May 9, 1895.

CHAPTER 368.

An Act † to divorce Katie I. Morris from her husband, Charles T. Morris.

Passed at Dover, May 9, 1895.

* This act was enrolled and signed by one of the Speakers only.

† This act was not enrolled and is published from the original bill.

TITLES OF PRIVATE ACTS.

CHAPTER 369.

An Act * to divorce Elzey D. Richardson from his wife, Jennie R. Richardson.

Passed at Dover, May 9, 1895.

* This act was not enrolled and is published from the original bill

SECRETARY'S OFFICE,

DOVER, October 9, 1895.

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 first day of January, A. D. 1895.

The words between brackets throughout the work are inserted to complete the sense or correct errors in the original rolls.

The Appendix is fully explained by the note at the head thereof on page 222.

In Chapter 347 the word "Eva" should be "Veva".

Other irregularities are explained by foot notes to the pages on which they occur.

J. HARVEY WHITEMAN,
Secretary of State.

LAWS
OF THE
STATE OF DELAWARE

PASSED

AT A SESSION OF THE GENERAL ASSEMBLY,

COMMENCED AND HELD AT DOVER,

ON TUESDAY, JANUARY 5, A.D. 1897,

AND

IN THE YEAR OF THE INDEPENDENCE OF THE
UNITED STATES THE ONE HUNDRED
AND TWENTY-FIRST.

VOLUME XX—PART II.

1897:

THE DELAWAREAN POWER PRINT,
DOVER, DELAWARE.

LAWS OF DELAWARE.

TITLE FIRST.

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

CHAPTER 370.

OF LIMITS.

AN ACT to divide Baltimore Hundred in Sussex County into Two Voting Districts and to establish a Voting Place in each District.

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

SECTION 1. That Baltimore hundred, Sussex county, be and the same is hereby divided into two voting districts, one of which is to be known as the Northern District and the other of which is to be known as the Southern District, the dividing line of which is to be as follows: to be divided by the public road beginning at the Baltimore mill-dam and running down the public road by Peter R. Hickman, via the Trap School House to H. H. Hickman's store, thence down said county road to a county road opposite the farm of George L. Bennett, thence running along said road to a bridge across William Creek, known as Dickerson's old mill.

SECTION 2. All that portion of the aforesaid hundred north of the aforesaid line shall be known as the North Election District of Baltimore hundred, which voting place shall be at the school house of School District No. 181, in the town of

OF PUBLIC LANDS.

South
Election
District.
Voting
place.

Millville. All that portion of the aforesaid hundred south of the aforesaid line shall be known as the South Election District of Baltimore hundred, which voting place shall be at Roxana in said hundred.

SECTION 3. That this act shall be deemed and taken to be a public act.

Passed at Dover, April 22, 1897.

CHAPTER 371.

OF PUBLIC LANDS.

AN ACT granting to Ada Lowe, wife of J. Thomas Lowe, the Title of the State to certain tract of Salt Marsh here mentioned.

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

Ada Lowe
to locate
certain salt
marsh

plot

To be
recorded

Notice of
survey and
recd to be
published

SECTION 1. That Ada Lowe, wife of J. Thomas Lowe, be and is hereby authorized to employ some skilled surveyor to go upon, survey and locate a certain piece of vacant salt marsh in Little Creek hundred, Kent county and State of Delaware, supposed to contain ten (10) acres, be the same more or less, lying and being on the road leading from Little Creek to Mahon's river landing, adjoining the marsh lands of U. S. Government and lands of the widow of the late W. A. Atkinson and others, 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 to return the said plot into the Recorder's office of Kent county aforesaid; and it shall be the duty of the said Ada Lowe, wife of J. Thomas Lowe, within one month after the return of said plot into the Recorder's office aforesaid, to give notice 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 the plot thereof has been returned into the office aforesaid for the information of all persons concerned.

SECTION 2. That it shall or may be lawful for any person or persons claiming any part of the salt marsh aforesaid

OF THE PASSING AND PUBLICATION OF LAWS.

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

Caveat may be entered within three months. Hearing before Superior Court.

SECTION 3. That the said Ada Lowe, wife of J. Thomas Lowe, her heirs or assigns, shall pay or cause to be paid at the rate of fifty (50) cents per 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 on the determination of the Superior Court as aforesaid, and shall produce a certificate of said State Treasurer of such payment to the Secretary of State. It shall be the duty of the Secretary of State to make out, or cause to be made out, to the said Ada Lowe, wife of J. Thomas Lowe, her heirs or assigns, a patent for the lands and salt marsh contained in said survey or plot or for such part thereof as shall have been finally determined to be vacant by the said Superior Court upon having * any objections to the confirmation of the title thereto, if any objections should be filed, which patent convey and transfer to the said Ada Lowe, wife of J. Thomas Lowe, her 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 parcel shall be entered and recorded in the Recorder's office in Kent county.

Fifty cents per acre to be paid to State Treasurer.

Secretary of State to make and deliver patent for said land.

Patent to be recorded

Passed at Dover, March 19, 1897.

CHAPTER 372.

OF THE PASSING AND PUBLICATION OF LAWS.

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

WHEREAS, By Section 3 of Chapter 4 of the Revised Statutes of the State of Delaware, it is provided that private statutes (namely, such as are not of a public nature or pub-

* So enrolled.

OF THE PASSING AND PUBLICATION OF LAWS.

lished as such) shall be recorded in the Recorder's office in one of the counties of this State within twelve months after their passage or they shall be void; and

WHEREAS, A number of private and unpublished acts heretofore passed have been allowed to become void through ignorance of the aforesaid enactment; therefore, for the purpose of relieving the parties interested of the embarrassments and disappointments arising from such neglect in the premises; therefore,

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

Certain
void acts
re-enacted

Acts done
under void
acts made
valid.

When cer-
tified copy
of void act
is recorded

Prior to
February
27, 1898.

SECTION 1. That all unpublished acts heretofore passed that have become void on account of not being duly recorded in compliance with the provisions aforesaid and that 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 for the period mentioned in the original acts, and all acts and transactions 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 recorded according to law. *Provided*, that this enactment shall not take effect in the case of any act that has become void as aforesaid until a certified copy thereof, procured of the Secretary of State, shall be duly recorded in the Recorder's office of one of the counties of this State; *and provided further*, that no such copy of a voided act shall be received for record after the expiration of one year after the passage of this act.

SECTION 2. That this act shall be deemed and taken to be a public act and be published as such.

Passed at Dover, February 27, 1897.

TITLE SECOND.

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

CHAPTER 373.

OF THE REVENUES OF THE STATE.

AN ACT to amend Chapter 556, Volume 19, 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 1 of Chapter 556, Volume 19, Laws of Delaware, be and the same is hereby amended by striking out the word "March" in the sixteenth line of said section and inserting in lieu thereof the word "July". County and State taxes a lien for two years from July, 1

Passed at Dover, February 23, 1897.

CHAPTER 374.

OF THE REVENUES OF THE STATE.

AN ACT to regulate the business of Pawn Brokers and Junk Dealers within 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 Clerk of the Peace of New Castle county may from time to time grant license under his hand and official seal to such persons, citizens of the State of Delaware, as shall produce to him satisfactory evidence of their License granted by Clerk of Peace of New Castle County.

OF THE REVENUES OF THE STATE.

good character, to exercise or carry on the business of pawn broker or junk dealers, which license shall designate the building in which said person shall carry on said business; and no person shall exercise or carry on the business of pawn broker or junk dealer without being duly licensed by the Clerk of the Peace of New Castle county, nor in any other building than the one designated in said license, under the penalty of ten dollars for each day he, she or they shall exercise or carry on said business of pawn broker or junk dealer without such license or in any other building than the one so designated. Any person, corporation, member or members of a corporation or firm, who loans money on deposit or pledge on personal property or other valuable thing, other than securities or printed evidence of indebtedness, or who deals in the purchase of personal property or other valuable thing on condition of selling the same back again at a stipulated price, is hereby declared and defined to be a pawn broker. Every person whose business it is to buy or sell old iron, brass, lead, copper or other metals or combination of metals, paper, second-hand clothing, or any second-hand personal property of any kind or description whatsoever, is hereby declared and defined to be a junk dealer. *Provided*, none of the provisions of this act shall apply to persons dealing in second-hand books.

Building to be designated.
Failure to take out a license.
Fine.
Pawn Broker defined.
Junk Dealer defined.
Exception.

SECTION 2. That every person receiving such license for conducting the business of pawn broker shall (pay) therefor the sum of twenty-five dollars for the use of New Castle county; and every person receiving such license for conducting the business of a junk dealer shall pay therefor the sum of fifteen dollars for the use of New Castle county.

License fee.

SECTION 3. That every person so licensed to carry on the business of a pawn broker shall, at the time of receiving such license and before the same shall be operative, enter with two sufficient sureties into a joint and several bond with a warrant of attorney for the confession of judgment thereto attached, to the State of Delaware, to be filed with the Clerk of the Peace of New Castle county, in the penal sum of one thousand dollars, conditioned for the due observance of all such laws of the State of Delaware as may be passed or enforced respecting pawn brokers at any time during the continuance of such license. If any person shall be aggrieved by the misconduct of any such licensed pawn broker, and shall recover judgment against him therefor, such person

Pawn Broker to give bond.
Filed with Clerk of the Peace.
Condition.
Action thereon.

OF THE REVENUES OF THE STATE.

may, after the return unsatisfied, either in whole or in part, of any execution issued upon said judgment, maintain an action in his own name upon the bond of said pawn broker in any court having jurisdiction of the amount claimed; *provided*, such court shall, upon application made for the purpose, grant such leave to prosecute.

By leave of Court.

SECTION 4. That every pawn broker so applying for the license shall first effect an insurance against fire for one thousand dollars on goods pawned or pledged, which amount of insurance shall be increased at any time to any sum not exceeding five thousand dollars, upon demand by the Clerk of the Peace, when he shall become satisfied by investigation that the sum of one thousand dollars insurance is not adequate, the policy for which insurance shall be deposited with the said bond, to be held for the person and persons whose goods, wares, merchandise or chattels may be lost or damaged by fire.

Insurance on pawned goods.

Clerk of the Peace may require to be increased.

For benefit of owner of goods.

SECTION 5. That every pawn broker or junk dealer shall keep a book in which shall be fairly written in English, at the time of each loan or purchase, an accurate account and description of the goods, articles or things pawned, pledged or purchased, the amount of money loaned thereon or the amount paid therefor, the time of pledging or purchasing the same, and the rate of interest to be paid on such loan, together with a particular description of such person, including complexion, color of eyes and hair, and his or her height and general appearance. The said book shall be prepared by and furnished to such pawn broker or junk dealer by the police department of the City of Wilmington at the expense of such pawn brokers or junk dealers.

Record to be kept by pawn broker or junk dealer.

Contents.

Book to be furnished by Police Department, Wilmington.

SECTION 6. That every pawn broker shall, at the time of each loan, deliver to the person pawning or pledging any goods, articles or thing, a memorandum or note, signed by him or her, containing the substance of the entry required to be made in his or her book by the last preceding section, excepting as to the description of the person, and no charge shall be made or received by any pawn broker for any such entry, memorandum or note.

Pawn broker's receipt.

Contents.

SECTION 7. The said book shall, at all times, be open to the inspection of the judges of the criminal courts, the Attorney-General or his deputy, the Chief of Police of the City of Wilmington, the police officers of the City of Wil-

Records open for inspection to certain officers.

OF THE REVENUES OF THE STATE.

Wilmington, the State detectives or other peace officers of the State, resident of New Castle county.

Pawn
broker's
charges.

SECTION 8. That no pawn broker shall ask, demand or receive a greater rate of interest than eight per centum per month on any loan secured by pledge or personal property; *provided*, that where the loan is secured by pledge of personal property requiring extra care to prevent injury or loss during disuse, a pawn broker may charge such reasonable sum for storing or taking care of the same as he shall think fit, not to exceed three per centum per month, and the said extra charge shall not be made for more than six months.

Violation.

Punish-
ment.

Any pawn broker violating any of the provisions of this section shall be guilty of a misdemeanor, and upon conviction therefor, shall be fined one hundred dollars for every such offence, or imprisonment at the discretion of the court.

Pawn not
to be sold
till after 6
months.

Sale at
auction.

Exception.

SECTION 9. That no pawn broker shall sell any pawn or pledge until the same shall have remained at least six months in his or her possession, unless by the consent in writing of the pawner, and all such sales shall be made at public auction, and not otherwise, at the place of business designated in the license of said pawn broker; *provided*, that the time for holding wearing apparel shall be four months.

Notice of
sale.

SECTION 10. That notice of every such sale shall be published for at least six days previous thereto in one or more of the daily newspapers of general circulation, printed in the City of Wilmington, and such notice shall specify the time and place at which such sale is to take place, the name of the auctioneer by whom the same is to be conducted and a description of the articles to be sold.

Application
of proceeds.

SECTION 11. That the surplus money, if any, arising from any such sale, after deducting the amount of the loan, the interest then due on the same and the expense of the advertisements and sale, shall be paid over by the pawn broker to the person who would be entitled to redeem the pledge in case no such sale had taken place.

No loan on
part of an
article.

SECTION 12. That no pawn broker shall make any loan on the separate or divided part or parts of any one article or thing, which article or thing shall have been offered entire or collectively to him or her by way of pawn or pledge.

Pawn bro-
ker not to
buy at pri-
vate sale.

SECTION 13. That no pawn broker shall, under any pretense whatever, purchase or buy any second-hand furniture, metals or clothes, or any other articles or thing whatever,

OF THE REVENUES OF THE STATE.

offered to him or her as a pawn or pledge, except by sale at public auction as hereinbefore provided.

SECTION 14. That no sale shall be made by junk dealers of second-hand personal property in their possession until after the expiration of thirty days from the time he or she shall have received the same, and that no goods, articles or thing purchased by any junk dealer shall be removed from his premises until after ten days from the date of purchase. Junk dealer not to sell property till after 30 days.

SECTION 15. That no property of any kind received on deposit, purchase or pledge by any pawn broker shall be permitted to be redeemed or removed from the place of business of such pawn broker for the period of five days from the time of such deposit, purchase or pledge, nor shall any property coming into the hands of any pawn broker or junk dealer be disfigured or its identity destroyed or affected in any manner so long as it continues in pawn or in the possession of such pawn broker, junk dealer or person engaged in the second-hand business. Goods not to be removed till 10 days after sale.

SECTION 16. It shall be the duty of every pawn broker or junk dealer, and of every person in the employ of such, to admit to his or her premises at any time any member of the police force for the City of Wilmington, or other peace officer of the State, to examine any pledge or pawn, book or other record on the premises, as well as the articles pledged, purchased or received, and to search for and take into possession any article known by him to be missing, or known or believed by him to have been stolen, which search or seizure is hereby authorized. Premises and property may be examined by certain officers. Powers of officers.

SECTION 17. That every pawn broker, junk dealers or persons engaged in the second-hand business shall be liable to all the penalties in this act provided for the violation of any of the provisions of this act, whether such violation be committed by himself, or by anyone, his agent, clerk or employe. Proprietor liable for act of employe.

SECTION 18. That no person shall within the limits of New Castle county carry on the business of a pawn broker or junk dealer without first having taken out a license and duly qualified as in this act provided. Unlawful to do business contrary to this act.

SECTION 19. That it shall at all times be the express duty of any pawn broker or junk dealer doing business under the provisions of this act to seize and take into possession any goods offered to him or her by way of pledge or for sale Goods suspected of having been stolen must be seized and reported.

OF THE REVENUES OF THE STATE.

which he has reason to believe has been stolen, and to immediately notify the Chief of Police of the City of Wilmington of such seizure, together with a description of the person or persons offering such goods for sale, pawn or pledge.

Penalty for
violation of
act.

SECTION 20. That any person violating any of the provisions of this act wherein the penalty has not been specially provided shall be guilty of a misdemeanor, and upon conviction thereof shall forfeit and pay a fine of five hundred dollars, for the use of New Castle county, and upon any second conviction for the violation of any of the provisions of this act shall, in addition to said fine, forfeit his license, and he nor any member of his family shall, for a period of five years thereafter, be licensed to carry on the business of a pawn broker or junk dealer within New Castle county.

Applicable
to New
Castle
county only

SECTION 21. The provisions of this act shall apply to New Castle county only, and shall become operative June 1, 1897.

SECTION 22. That all acts or parts of acts inconsistent with this act, be and the same are hereby repealed.

Passed at Dover, May 17, 1897.

CHAPTER 375.

OF THE REVENUES OF THE STATE.

AN ACT to amend Chapter 11, Volume 15, Delaware Laws.

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

Pullman
Palace Car
Company to
pay annual
license fee
of \$200

SECTION 1. That from and after the passage of this act, and until the legislature shall otherwise provide, the Clerk of the Peace of the State of Delaware in and for New Castle county shall accept from the Pullman Palace Car Company, so long as it shall continue in business in this State, the sum of three hundred dollars annually, and the same shall release and discharge the said company from any and all liability for the payment of a license or tax under Chapter 11, Volume 15.

OF THE REVENUES OF THE STATE.

Laws of Delaware. *Provided, however,* that if said company ^{Proviso.} shall in any year fail to pay said sum of three hundred dollars, it shall become and be subject, as a repairer of railroad cars, to the same license as is provided in said Chapter 11, Vol. 15, Laws of Delaware, for the makers or builders of railroad cars.

SECTION 2. That Section 1 of Chapter 11, Volume 15, ^{Undertakers exempt from license as such.} Laws of Delaware, be and the same is hereby amended by striking out the word "undertakers" in the one hundred and first line of said section.

Passed at Dover, May 19, 1897.

CHAPTER 376.

OF THE REVENUES OF THE STATE.

AN ACT to amend Section 12 of Chapter 23, Volume 19 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 12 of Chapter 23, Volume 19 ^{Insurance Commissioner to deposit State funds in Farmers' Bank in any county.} of the Laws of the State of Delaware, be and the same is hereby amended by striking out the words "of the county in which he (the said Insurance Commissioner) resides" in the eighth and ninth lines thereof and inserting in lieu thereof the words "in any county of this State."

Passed at Dover, May 27, 1897.

OF THE REVENUES OF THE STATE.

CHAPTER 377.

OF THE REVENUES OF THE STATE.

AN ACT to amend Chapter 9 of the Revised Statutes, and Chapter 117 of Volume 13 of the Laws of Delaware.

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

Clerk of the
Peace to
make
bi-monthly
settlements
for money
received.

SECTION 1. That Chapter 117 of Volume 13 of the Laws of Delaware be and the same is hereby amended by striking out the word "semi-annually" in the second line of Section 8 thereof. And further amend said Chapter by striking out the words "and October" in said second line of said Section 8 thereof and inserting in lieu thereof the words "June, August, October, December and February." And amend Chapter 9 of the Revised Statutes by striking out the word "semi-annually" in the first line of Section 10 thereof, and by striking out the words "and October" in the second line of Section 10 thereof, and inserting in lieu thereof the words "June, August, October, December and February."

Passed at Dover, May 25, 1897.

OF THE REVENUES OF THE STATE.

CHAPTER 378.

OF THE REVENUES OF THE STATE.

AN ACT to grade and regulate Grain Distilleries 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 from and after the passage of this Act, every distiller or manufacturer of spirituous or alcoholic liquors by the process of the mashing of grain shall, before beginning such manufacture and each and every year during which he shall operate his distillery or factory, procure a license from the State Treasurer which shall authorize the operation thereof; which license shall be graded in the following manner: Every distillery mashing five bushels of grain per day or less shall pay a monthly license of five dollars per month, or a yearly license of fifty dollars per year; every distillery mashing over five bushels and not more than twelve bushels of grain per day shall pay a monthly license of ten dollars per month or a yearly license of one hundred dollars per year; every distillery mashing over twelve bushels and not more than twenty-five bushels of grain per day shall pay a monthly license of twenty dollars per month or a yearly license of two hundred dollars per year; every distillery mashing over twenty-five bushels and not more than one hundred bushels of grain per day shall pay a monthly license of thirty dollars per month or a yearly license of three hundred dollars per year; every distillery mashing more than one hundred bushels of grain per day shall pay a monthly license of forty dollars per month or four hundred dollars per year. *Provided*, that none of the provisions of this act shall be construed to apply to brewers of malt or vinous liquors.

Distiller of spirituous or alcoholic liquors from grains to procure license.

Schedule of cost of license.

SECTION 2. That any and every distiller who holds a license as aforesaid be and they are hereby empowered and authorized to sell their products in packages of any quantity, which products shall not be drunk on the premises.

May sell products in any quantity not to be drunk on the premises.

SECTION 3. That all acts or parts of acts inconsistent herewith are hereby repealed and declared to be null and void.

Passed at Dover, May 26, 1897.

OF THE REVENUES OF THE STATE.

CHAPTER 379.

OF THE REVENUES OF THE STATE.

AN ACT to amend Chapter 23, Volume 19 of the Laws of Delaware.

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

Agents for
insurance
companies
to pay \$5.00
license

SECTION 1. Amend Section 3, Chapter 23, Vol. 19 of the Laws of Delaware, by striking out the words "twenty-five" in the fourth and seventh lines thereof and inserting in lieu thereof the word "five."

Who
deemed a
foreign life
insurance
agent

Who
deemed a
foreign life
insurance
agent

Let our
other com-
panies and
their agents
collecting
premiums
work
excepted

Foreign
insurance
companies
to pay \$2
annual fee
to Insur-
ance Com-
missioner

SECTION 2. Amend Chapter 23, Vol. 19 of the Laws of Delaware, by striking out Section 5 of said chapter and inserting in lieu thereof a new section as follows: "Section 5. That every person 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 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. *Provided, however,* nothing in this act shall be construed to in any manner repeal, supplement or in any wise affect Chapter 140, Vol. 18 of the Laws of Delaware. *Provided, further,* each and every foreign life insurance company, each and every fire insurance company and each and every foreign insurance other than life and fire, shall pay an annual license fee of twenty-five dollars to the Insurance Commissioner for the use of the State, and the Insurance Commissioner, upon the payment of said fee, shall issue to said company a certificate of authority to do business in this State. For issuing such certificate of authority the Insurance Commissioner shall receive a fee of two dollars."

Passed at Dover, May 28, 1897.

OF THE REVENUES OF THE STATE.

CHAPTER 380.

OF THE REVENUES OF THE STATE.

AN ACT to provide for the Payment of a Part of the Funded Debt of this State.

WHEREAS, It is apparent that the revenues of the State will be insufficient to provide the means for payment at maturity of the whole of that part of the public debt of this State represented by the one hundred and twenty bonds of one thousand dollars each, the issue of 1885, and seventy-five bonds of one thousand dollars each, the issue of 1891, under the authority of the acts of Assembly by which they were issued;

WHEREAS, In view of the low rates of interest now prevailing on the public obligation of States whose public faith and credit had been maintained inviolate, it is considered probable that this State may negotiate a loan at the rate of interest of three per centum per annum; and it is therefore deemed judicious to provide a method for refunding one hundred and ninety-five (195) of the bonds as aforesaid at the rate of three per centum interest per annum, so that the necessary authority may exist to affect such refunding in the event it shall prove practicable to do so;

AND WHEREAS, The expenses incident to the Constitutional Convention now in session are of an amount greater than the funds in the hands of the State Treasurer are sufficient to meet, and it being considered better to negotiate an additional loan of fifty thousand dollars for that purpose rather than increase the burdens of taxation at this time; 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, directed and required to advertise for the space of two weeks in one daily newspaper published in each of the cities of New York and Philadelphia, and for the like period in four newspapers published in the State of Delaware, two whereof shall be in the City of Wilmington, preceding the first day of November, A. D. 1897, for bids or proposals for

State
Treasurer
to advertise
for bids for
bonds.

OF THE REVENUES OF THE STATE.

Nature of bid. the whole amount of the loan by this act authorized. Each bid or proposal must be in writing, must state the bidder's full name and place of residence, and must be for the full amount of the loan; and every such bid must be accompanied by certified check to the order of the State Treasurer for five per centum of the amount of the bid, which shall be retained and held as security for the compliance of the bidder with his undertaking in that behalf. In case the bidder to whom the loan shall be awarded fails or omits for the space of ten days after the date of such award to pay the State Treasurer the amount of his bid the said percentage shall be absolutely forfeited to the State. All bids must be addressed to the State Treasurer at Dover, Delaware, and must be endorsed on the envelope, "Proposal for Delaware State Loan."

Substance of advertisement. In the said advertisements the amount of the loan, the rate of interest, the character and denomination of the bonds and condition thereof as to payment of principal and interest, shall be substantially stated.

Commissions and expenses to be paid. **SECTION 2.** That on the first day of November, A. D. 1897, the State Treasurer, Secretary of State and Auditor of Accounts shall meet in the office of the Secretary of State, in the town of Dover, at eleven o'clock a. m., and shall constitute a commission to open the said bids or proposals and to award the said loan to the highest bidder whose proposal shall conform to the requirements of Section 1. No bid less than the par value of the bonds shall be accepted. After the said loans shall have been awarded the certified checks accompanying the proposal of unsuccessful bidders shall be forthwith returned to them by the State Treasurer, and the check of the successful bidder shall be immediately deposited in the Farmers' Bank at Dover, to the credit of the State Treasurer, and shall, if such bidder pays within ten days thereafter the residue of the whole amount bid by him, constitute part payment on his bid, or otherwise shall be absolutely forfeited to the State; *provided*, that a rebate at the rate of three per centum per annum shall be allowed to such successful bidder on the amount of his deposit from the date of the award to the first day of December, A. D. 1897, and also a like rebate on the balance of his bid from the date of its payment to the State Treasurer until the said first day of December, A. D. 1897 (when interest shall commence to accrue on the bonds) which said allowance shall be made by way of abatement from the amount of his bid. It shall be the

OF THE REVENUES OF THE STATE.

duty of the said commission to make an accurate record of each of the several proposals opened by them, showing the name of the bidder, his place of residence, the amount of the bid and the amount of the certified check accompanying the same, and the said record shall likewise show the award of the said loan. This record shall be filed in the office of the Secretary of State and shall be subject to inspection at any time.

Record to be made of all bids and award of loan.

Record to be filed with Secretary of State.

SECTION 3. Immediately after the award of the said loan by the said commission, as hereinbefore provided, it shall be, and it is hereby made the duty of the said State Treasurer forthwith to cause to be prepared two hundred and forty-five bonds of the State of Delaware of the denomination of one thousand dollars each, with coupons or interest warrants thereto attached for each half year's interest thereon. The cost of printing or engraving said bonds shall not exceed the sum of three hundred dollars. The said bonds shall be numbered from one to two hundred and forty-five inclusive, and shall be dated on the first day of December, A. D. 1897, and shall bear interest from and after that date at the rate of three per centum per annum, payable semi-annually on the first days of June and December in each and every year while they remain unpaid, at the Philadelphia National Bank, in the city of Philadelphia, on presentation of the coupon representing such semi-annual interest. The principal of the said bonds shall be payable on the first day of December, A. D. 1927, at the Philadelphia National Bank, in the city of Philadelphia, on presentation and surrender of the said bonds, but the same or any part thereof may be redeemed at the option of the State on any first day of December or first day of June after the first day of December, A. D. 1922, upon thirty days notice published in one newspaper in the city of Philadelphia and in one newspaper published in the State of Delaware, by the State Treasurer, indicating by their numbers the bonds thereby called and elected to be redeemed; *provided*, that in any call or calls so to be made by the State Treasurer the bonds lowest in number shall be first called.

State Treasurer to have bonds prepared.

Cost of bonds not to exceed \$300.

Contents of bond.

Numbered

Date

Rate of Interest.

Payable semi-annually.

Principal when due.

May be redeemed when

Upon thirty days notice.

Contents of notice.

SECTION 4. The said bonds shall be in the following form, to-wit:

Form of bond.

"United States of America.

State of Delaware.

No.

Loan of 1897.

These presents certify and make known that the State of

OF THE REVENUES OF THE STATE.

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 Philadelphia National Bank, in the city of Philadelphia, on the first day of December, A. D. nineteen hundred and twenty-seven, with interest at the rate of three per centum per annum, likewise payable at the said The Philadelphia National Bank, on the first days of June and December in each and every year whilst the said principal sum remains unpaid, upon presentation of the coupon hereto annexed representing such semi-annual installment of interest; *provided, however*, and it is expressly stipulated, that the said State reserves the right and power, at its option, to call in, pay and redeem this bond on any first day of June or December in any year after the first day of December, A. D. nineteen hundred and twenty-two, pursuant to the notice prescribed by the act of Assembly under authority of which this bond is issued. *And provided further*, that when this bond shall be called by the notice aforesaid, interest thereon shall cease to accrue from and after the first day of June or December (as the case may be) next succeeding the date of such notice.

Dated at Dover, the first day of December, A. D. 1897.

WITNESS the great seal of the said State and the hands of the Governor, Secretary of State and State Treasurer, the day and year aforesaid.

----- Governor.

----- Secretary of State.

----- State Treasurer."

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

Form of
coupon.

"The State of Delaware will pay to bearer at The Philadelphia National Bank, in the city of Philadelphia, on the first day of, A. D., the sum of fifteen dollars, for six months' interest on bond No., loan of 1897, dated December first, 1897.

----- State Treasurer."

How signed
and sealed.

The signature of the State Treasurer may be engraved or printed on each coupon. The said bonds shall be signed by the Governor, Secretary of State and State Treasurer, and shall have the great seal affixed to each of them. After they shall have been signed by the Governor and Secretary of

OF THE REVENUES OF THE STATE.

State, and the great seal shall have been thereon impressed, they shall be delivered to the State Treasurer by the said Secretary of State, who shall take from the State Treasurer a receipt for the same, and shall file said receipt in his office. When the said bonds are delivered by the State Treasurer to the successful bidder he shall also take from such bidder a receipt for the same and file said receipt in the office of the Secretary of State. It shall be the duty of the State Treasurer to provide a record of proper size and proportion 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 intended to be therein preserved. As the said coupons are paid it shall be the duty of the State Treasurer to mark the same across the face "Paid" in red ink, cut each of them in two pieces lengthwise and place the pieces in the appropriate 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 cancelled 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: "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 (\$1000.00) principal and ----- dollars interest, represented by coupon No. -----, by -----, State Treasurer."

Delivered to State Treasurer.
Secretary of State to take and file Treasurer's receipt and receipt of purchaser.

Record for bonds.

Cancellation of coupons.

Of bonds.

And all coupons unmatured and surrendered with the bond shall each likewise be endorsed, "Cancelled by the redemption of Bond No. -----" in red ink. When paid or redeemed the said bonds shall be pasted in the appropriate space in the record aforesaid; and all coupons paid, surrendered or removed shall likewise be pasted in their appropriate space in such record.

Record of cancelled bonds and coupons.

SECTION 5. In case no bid or proposal at or above par shall be received, together with bidder's certified check, pursuant to the advertisement authorized to be made by Section 1 of this act; or in case any bidder to whom the said loan shall be awarded pursuant to such advertisement shall fail to comply with this undertaking by paying the balance of his bid within ten days after the date of such award, it shall be and is hereby made the duty of the State Treasurer again to

Upon failure to receive bid or non-compliance of bidder Treasurer to re-advertise.

OF THE REVENUES OF THE STATE.

advertise in the same newspapers indicated by Section 1 of this act, for the space of fifteen days prior to the first day of May, A. D. 1898, for other bids or proposals for the whole amount of said loan, which said bids or proposals shall in all respects conform to the requirement in that behalf of Section 1 of this act; and on the first day of May, A. D. 1898, at eleven o'clock a. m., the commission constituted by Section 2 of this act shall meet at the office of the Secretary of State, in the town of Dover, and open the said bids, award the said loan, and make record of their proceedings in all respects as required by Section 2 of this act. *Provided, however,* that if no award shall have been made of the loan pursuant to the first advertisement, the said bonds shall be dated the first day of June, A. D. 1898, shall bear interest from that date, and the principal thereof shall be payable on the first day of June, A. D. 1928, and may be redeemed at the option of the State on any first day of June or December in any year after the first day of June, A. D. 1923, and the dates prescribed in the form specified in Section 4 of this act shall be altered accordingly; but if the award pursuant to such second advertisement be of bonds prepared theretofore in accordance with a previous bid which had been accepted and the bidder had defaulted, the State Treasurer shall remove from each of such bonds the coupon representing the interest maturing on the first day of June, A. D. 1898, and shall endorse upon said coupons "Cancelled prior to the delivery of the bond."

SECTION 6. As soon as the award of the said loan shall have been made by the said commission, the State Treasurer shall cause notice in writing to be served upon the successful bidder of the fact and also notifying him that the balance of his bid will be required to be paid to said State Treasurer at his office in the town of Dover, within ten days from the date of said award, or that his cash deposit will be forfeited to the State.

SECTION 7. That if two or more persons shall bid the same amount for the said loan the said commission shall have power and authority to award the whole loan to any one of them.

SECTION 8. That all the moneys received by the State Treasurer from the sale of one hundred and ninety-five of the bonds by this act authorized to be issued, shall be, and they are hereby specially pledged and appropriated to the payment

OF THE REVENUES OF THE STATE.

of the present bonded debt of this State; and so much thereof as shall be necessary shall be appropriated and applied to the payment and extinguishment of one hundred and twenty bonds the issue of 1885, and seventy-five bonds the issue of 1891 authorized by the acts of the General Assembly, and the moneys received from the remaining fifty bonds shall be carried to the State general fund by the State Treasurer to be by him applied in the payment of the expenses which shall have been incurred by the Constitutional Convention and other current expenses of the State.

SECTION 9. That the public faith is hereby expressly pledged to the full and complete payment of the principal and interest of the bonds by this act authorized, and the said bonds shall be exempt from taxation for any purpose by this State.

Public faith pledged.
Bonds exempt from taxation.

SECTION 10. The State Treasurer is hereby authorized to cause all the blanks in the forms of the said bonds and coupons hereinbefore prescribed to be appropriately filled, in conformity to the provisions of this act; and all expenses of advertising, preparing the bonds, or other matters connected with the issuing and delivering the same, shall be allowed to and paid by him out of any unappropriated money in the treasury, he producing and exhibiting the necessary vouchers therefor as by law required with reference to other disbursements of the public fund.

Blanks in bonds to be filled.
Expenses how paid.

SECTION 11. That when and as soon as the State Treasurer shall have received five per centum of the bid, as hereinbefore provided for, he shall forthwith give notice, in accordance with the requirements of Section 3 of the act entitled "An act to provide for the payment of a part of the Funded Debt of this State," passed at Dover, April 8, 1885, that the State elects to redeem the whole number of bonds of the issue of 1885, and in accordance with the requirements of Section 1 of the act entitled "An act to legalize the issue of certain State Bonds," passed at Dover, May 5, 1891, that the State elects to redeem the whole number of bonds of the issue of 1891, being the loans authorized by said last mentioned acts which now remain unredeemed, and that the same will be redeemed on presentation at the places prescribed in said acts for the payment thereof on and after the first day of December, A. D. 1897, or the first day of June, A. D. 1898, (as the case may be,) and that the interest thereon will cease from and after the date fixed by the said notice.

Notice by State Treasurer of redemption of certain bonds.

OF THE LEVY COURT.

Compensation to Commissioners.

SECTION 12. The Secretary of State, State Treasurer and Auditor of Accounts shall respectively receive such compensation for the services to be performed by them under this act as shall be allowed by the Legislative Committee at its session in January, A. D. 1898, and said committee is hereby expressly authorized to make such allowances and to draw drafts on the Treasurer accordingly.

Passed at Dover, May 28, 1897.

CHAPTER 381.

OF THE LEVY COURT.

AN ACT to equalize Taxation for State and County Purposes.

WHEREAS, It is but just that the burden of taxation should be adjusted and distributed so that it may bear equally upon all according to the value of every man's estate; and

WHEREAS, The present system of taxation is unjust and oppressive, in that it taxes most the property least profitable and relieves altogether that which produces the greatest income; and

WHEREAS, Every consideration of justice, equality and fair play, requires that all property paying interest or yielding an income should be taxed and made to bear a fair share of the burdens of the Government; therefore,

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

Interest
paying in
vestments
to be
assessed by
county
assessors at
three-
fourths
cash value.

SECTION 1. That in addition to the real and personal property now liable to be taxed under existing laws, it shall be the duty of the assessor of the various hundreds or assessment districts in this State to assess at three-fourths their actual cash value all investments paying interest or yielding an income and which are not now taxed for either State or county purposes, or exempted by this act, and the same shall be taxed for all State and county purposes.

OF THE LEVY COURT.

SECTION 2. Under the head "Investments" the following kinds are included: All bonds for the payment of money, mortgages, stocks of every kind, not herein expressly excepted; all judgments, recognizances and decrees for the payment of money; all judgment notes and certificates of indebtedness (except such as are given in good faith for goods sold and delivered, for wages and such judgment note or other evidence of indebtedness, as may be given for short periods in the course of business and not used or intended as investments); all alienation bonds bearing interest, or when the interest is included in the body thereof; all interest-bearing loans to any person, firm, company, limited partnership, bank, banking association and corporation of whatsoever kind, whether doing business in this State or elsewhere. Payment of interest in advance or adding it to the principal shall in no case exempt the lender or creditor from the payment of the tax. The following are excepted and excluded from the operation of this act: All loans and evidence of indebtedness of the United States, of the State of Delaware or of any of the counties thereof; of religious or benevolent associations whose real estate is by law exempt; and of such other securities as are now exempt by express provisions of law; all loans which are made to local manufacturing companies, hypothecated upon the real estate of such companies, when their real estate is expressly exempt by law; all stocks, bonds and mortgages in educational, charitable, benevolent or cemetery institutions, whether incorporated or not, and all investments by savings banks and shares of building and loan associations and investments made by them.

SECTION 3. All classes of property herein named and made subject to taxation shall be assessed and taxed, whether the same be situated in this State or elsewhere, or whether the same be held as owner or in trust for the owner in any capacity whatsoever, and the person owning, holding or controlling the same shall be required to make returns thereof to the assessor of his hundred or assessment district, showing distinctly where the same is situated, owned or held, and the owner thereof. And when such returns are received by the assessors, they shall be arranged alphabetically in the list of other taxable property; *provided, however*, that any investments liable to assessment and taxation by this act, which are taxed in any other state or country, are expressly exempted from the provisions of this act.

OF THE LEVY COURT.

President and secretary of corporations to make return to assessor on Dec. 1 of each year.
Contents of return.

SECTION 4. The president and secretary of all corporations and associations liable to taxation under this act, shall, on the first day of December in each year, make their respective returns under oath to the assessor of the hundred or assessment district in which the principal office or business place of the corporation or association is situated; which return shall show the whole number of shares in each of said corporation or association, the market value of each share and the aggregate market or real value of all the shares, with the name of the owner and the number of shares owned by each respectively.

Misdemeanor for officer of corporation to neglect duty.
Punishment.

SECTION 5. Any officer of any corporation or association failing to make return or report as herein required shall be guilty of a misdemeanor, and upon conviction thereof shall pay a fine of not less than ten nor more than five hundred dollars, or be imprisoned not less than ten days nor more than six months.

Lender of money to pay tax.
Misdemeanor to permit borrower to pay.
Punishment.

SECTION 6. The intention of this act being to tax the owners and investors of capital and not the borrowers or debtors; therefore, every individual person, corporation, company or association whatever and every officer thereof, asking, demanding, contracting for or receiving any money or consideration whatever on account of said tax, in reduction thereof or otherwise, or who shall by any device whatsoever impose or try to impose such tax or any part thereof upon any debtor whomsoever, under any pretext whatsoever, shall be guilty of a misdemeanor, and shall, upon conviction thereof, be fined in any sum not less than one hundred dollars nor more than one thousand dollars and costs.

Debt of non-resident creditor must pay tax and deduct from interest. Creditor refuses to allow account so paid shall forfeit all interest. Debtor must pay tax before getting interest.

SECTION 7. Each and every debtor by bond, judgment, mortgage, recognizance, decree or otherwise (whose debt is liable to taxation under this act), when the creditor is a non-resident of the county or State, shall be liable for the tax on his debt, in the first instance; but upon payment thereof, he shall be entitled and it shall be his duty to deduct the same from the interest due or accruing thereon; and any such creditor refusing to allow such credit on taxes so paid shall forfeit all accrued interest; and no debtor shall remit or make any payment to his creditor out of the State until the tax imposed upon his said debt by this act has been paid.

SECTION 8. In making the assessment and collecting the

OF THE LEVY COURT.

taxes assessed under this act, the assessors and collectors shall respectively have all the power and authority now by law conferred upon them in the assessment and collection of taxes in addition to what is conferred by this act. And the public offices of the respective counties and the records thereof, during business hours, shall at all times be open to inspection free of charge.

Assessors and collectors in discharge of duties given all powers conferred heretofore. Public offices and records open to officers.

SECTION 9. Debts due by insolvent debtors, and where there is no other security, shall not be taxed; and when a bond and mortgage are given for the same debt, the mortgage only shall be taxed; and railway or railroad companies and the stock or bonds of such company paying a stipulated tax or sum in lieu of all other taxes as provided by (law) shall be exempt from the taxes specially provided for in this act.

Worthless debts exempt from taxation. Mortgage alone to be taxed when accompanied by bond. Property paying commutation tax exempt under this act.

SECTION 10. Every plaintiff in any suit brought in any court, or before a justice of the peace, to enforce payment of any debt taxable under the provisions of this act after the first of July, A. D. 1898, shall file with his order or precept directing the same, and before any writ or process shall issue, an affidavit stating that the tax thereon has been paid by the plaintiff or owner of the debt, and that no part of said tax was paid directly or indirectly by the defendant debtor. False swearing under this section shall be perjury and shall be punished accordingly.

Plaintiff in suit to file with process affidavit that tax has been paid by plaintiff and no part by debtor. False swearing perjury.

SECTION 11. That from and after the passage of this act every person, firm or corporation who shall make any investment of moneys, securing the same by bond and mortgage, judgment note, or certificate of indebtedness, shall make and cause to be attached thereto an oath on the Holy Evangelists of Almighty God that he, they nor it have required the debtor, his agent, attorney, or any person for him, to pay the tax levied upon the said note, bond, bond and mortgage or certificate of indebtedness, in advance, nor will he require the taxes assessed or to be assessed thereon to be paid by the debtor or any person for him during the existence of the debt. And upon assignment of any such debt so evidenced as aforesaid, except for the purpose of collateral security, the assignee shall be required to make, subscribe to and have thereto attached, an oath in the same form and to the same effect as is above required of the original obligee or mortgagee.

Affidavit of lender of money to be attached to evidence of indebtedness that debtor has not and shall not pay tax.

Assignee to make similar affidavit.

OF THE LEVY COURT.

One-fourth
of taxes col-
lected from
invest-
ments for
use of State
to be paid
over quar-
terly to
County
Treasurer.

Balance for
county.

Accounts
of assess-
ments and
collections
to be kept
separate
from other
accounts.

County
Treasurer
to give
additional
bond.

All existing
laws rela-
tive to
assessment
and collec-
tion of
taxes
applicable
to this act.

Levy Court
to levy rate
of 30 cents
on the \$100
of the
assessment
of invest-
ments.

Collector
given pre-
sent power
for collect-
ing taxes
under
this act.

SECTION 12. That of the moneys which shall be collected under the provisions of this act, one-fourth shall be for the use of the State and the other three-fourths for the use of the county in which the same was levied and collected. And the county treasurer of each of the several counties shall quarterly pay over to the State Treasurer all moneys which shall have come to his hands for the use of the State under the provisions of this act. In assessing and collecting the taxes provided for in this act the assessments, duplicates and accounts shall be kept separate and distinct from assessments, duplicates and accounts of all other assessments and taxes provided for by the laws of this State. And each of the said county treasurers shall, on or before the first day of June, A. D. 1898, enter into an additional bond to the State of Delaware in the sum of five thousand dollars to secure all moneys which shall come into his hands under the provisions of this act, which said bond shall be approved in the same manner and by the same persons as the bonds of county treasurers are now required by law in their respective counties.

SECTION 13. That all the provisions of law in relation to assessments and the duties of assessors relative thereto, as well as those in relation to the levy court with reference to assessments, appeals and corrections thereof, making rates and levies, are made applicable to the assessments and levies to be made and authorized to be made under the provisions of this act. *Provided*, that the levy courts of the several counties of this State in laying taxes under the provisions of this act relating to the taxation of bonds, mortgages, stocks, judgments, recognizances, decrees, notes, certificates of indebtedness, and other investments, shall lay the same at the rate of thirty cents on each one hundred dollars of the assessment to be made and returned by the assessors as aforesaid. And every collector of county taxes shall have all the authority and power to collect the taxes imposed by this act as he now has for the collection of county taxes under existing law.

SECTION 14. That all acts and parts of acts inconsistent with this act are hereby repealed.

Passed at Dover, May 20, 1897.

OF THE LEVY COURT.

CHAPTER 382.

OF THE LEVY COURT.

A SUPPLEMENT to an Act entitled "An act to equalize Taxation for State and County Purposes," Passed at Dover, May 20, 1897.

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

SECTION 1. That in any of the affidavits required by the act entitled "An act to equalize taxation for State and county purposes," passed at Dover, May 20, 1897, the president, secretary, treasurer or cashier of a corporation may make the same on behalf of said corporation, or any member of a firm or partnership on behalf of said firm or partnership.

Certain officers of corporations may make affidavit.

Passed at Dover, May 29, 1897.

CHAPTER 383.

OF THE LEVY COURT.

A SUPPLEMENT to an act entitled "An act to equalize Taxation for State and County Purposes," Passed at Dover, May 24th, 1897.

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 Section 11 of the act entitled "An act to equalize taxation for State and county purposes," passed at Dover, May 24, 1897, shall take effect from and after the first day of August, A. D. 1897, in lieu of the time fixed in said act; and all loans by bond and mortgage, judgment note or certificate of indebtedness, as well as all assignments thereof which may be made or taken prior to August 1st, A. D. 1897, shall be valid and binding in law and in equity without having the oath required by said Section 11 of said act annexed thereto.

Affidavit of lender of money not required till Aug. 1, 1897.

OF THE LEVY COURT.

Secretary
of State
to have act
and supple-
ments
published.

SECTION 2. That the Secretary of State as soon as practicable after the passage of this act be and is hereby authorized and directed to cause said act with this supplement to be published in one newspaper in each of the counties of this State for three consecutive issues.

Passed at Dover, May 29, 1897.

CHAPTER 384.

OF THE LEVY COURT.

A FURTHER SUPPLEMENT to the act entitled "An act to equalize Taxation for State and County Purposes," Passed at Dover, May 24, 1897.

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

Attorney
at law may
administer
oath ac-
company-
ing loan of
money

SECTION 1. That any Attorney-at-Law admitted to practice in the Courts of this State shall have full power and authority and may administer the oath or affidavit required by any provisions of the act of the General Assembly of the State of Delaware entitled, "An act to equalize taxation for State and county purposes," passed at Dover, May 24, 1897.

Passed at Dover, May 29, 1897.

OF THE LEVY COURT.

CHAPTER 385.

OF THE LEVY COURT.

AN ACT to authorize the Levy Court of New Castle County to borrow temporarily.

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 New Castle county be and it is hereby authorized to borrow a sum of money to an amount not exceeding fifty thousand dollars (\$50,000) in addition to the amount now allowed by law, and it is hereby directed that such sum or sums as may be borrowed under this act shall be repaid by the first day of September next ensuing; *and further provided*, that it shall not be lawful for the said Levy Court to exceed by its expenditures and allowances for any fiscal year the amount of taxes levied by said Levy Court for such year.

Levy Court of N. C. Co. may borrow temporarily to be paid by Sept. 1, 1897.

Expenditures by said Levy Court not to exceed taxes for that year.

Passed at Dover, March 10, 1897.

OF THE LEVY COURT.

CHAPTER 386.

OF THE LEVY COURT.

AN ACT to amend Chapter 26, Volume 19, Laws of Delaware, entitled, "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:

SECTION 1. That Chapter 26 of Volume 19, Laws of Delaware, be and the same is hereby amended by adding to Section 17 the following, to-wit: "The Comptroller shall not countersign any warrant drawn against any appropriation in which the credit is less than the warrant drawn, or when the Receiver of Taxes and County Treasurer has not funds in hand for its payment; and in such cases the Levy Court shall not have power to overrule the action of the Comptroller."

Comptroller not to countersign warrant for amount in excess of funds to pay same.

Levy Court no power to overrule Comptroller.

Passed at Dover, May 28, 1897.

CHAPTER 387.

OF THE LEVY COURT.

AN ACT authorizing the Levy Court of New Castle County to fund the Floating Debt of the County.

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 New Castle county be and (it is) hereby authorized and empowered to borrow on the credit of the county, a sum not exceeding one hundred and fifty thousand dollars, and for that purpose to issue certificates of indebtedness of such denominations, in such form

Levy Court of N. C. Co. may borrow \$150,000.

OF THE LEVY COURT.

and bearing such rate of interest, not exceeding four per cent., as said Levy Court may deem expedient, and to be so arranged as to time of payment that the sum of ten thousand dollars of the principal sum so borrowed shall become due and payable in the year 1910, and the like sum shall become due and payable each and every year thereafter until the whole amount so borrowed shall be paid. And the said Levy Court are * directed to apply the money borrowed as aforesaid to the liquidation and payment of the said floating indebtedness which shall be made through the County Treasurer under the direction and supervision of the said Court or a committee thereof duly appointed for that purpose.

SECTION 2. That the Levy Court in fixing the rate of taxation, shall annually provide for the sum of ten thousand dollars which shall, when collected and paid to the Treasurer of said county, be set apart by him in a separate account to be opened for that purpose and designated as the sinking fund account for the loan of 1897, and the said Treasurer shall apply the said sum so collected annually to the payment of such part of the said loan as may from time to time become due under the provisions of Section 1 of this act; *provided*, that no action shall be had or taken under this section until it shall be necessary to provide for the annual amount coming due in the year 1910.

SECTION 3. From and after the passage of this act no person elected Levy Court Commissioner in and for any of the districts of New Castle county shall be eligible for a second term.

Passed at Dover, May 28, 1897.

* So enrolled.

OF THE LEVY COURT.

CHAPTER 388.*

OF THE LEVY COURT.

AN ACT in relation to the Collection of Taxes for New Castle County.

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

Laws
repealed.

SECTION 1. That Sections 7, 8, 9, 22, 23, 26 and 28 of Chapter 26, Volume 19 of the Laws of Delaware, entitled "An act in relation to the Levy Court of New Castle county," be and the same are hereby repealed, and that Chapter 562, Volume 19 of the Laws of Delaware be and the same is hereby amended by striking out Section 4 of said act.

Levy Court
of N. C. Co.
to appoint
collectors
outside of
Wilmington.

SECTION 2. That during the month of May in the year 1897 and during the month of May each two years thereafter, the Levy Court Commissioners of New Castle county, or a majority of them, shall appoint one collector of taxes for each collection district within New Castle county outside of the City of Wilmington. They shall also at the same time appoint one collector of poll taxes for the City of Wilmington, and it shall be the duty of said poll tax collector to collect the poll taxes as hereinafter provided. That Wilmington hundred shall be divided, for the purpose of the collection of poll taxes, into two collection districts, as follows: All that portion of said hundred situated and lying north of the street called Sixth street, as now laid out and established by the ground plan of the City of Wilmington, shall be the northern district; and all that portion of said hundred, situate and lying south of said street now called Sixth street as aforesaid, shall be the southern district. The Receiver of Taxes shall collect all county taxes assessed within the City of Wilmington, other than poll taxes, and shall exercise and have all the powers in this act provided for the collector of taxes. Each collector, before his appointment shall be deemed complete, shall give bond to the State of Delaware with at least two sureties, being freeholders of the county, or by some trust company or surety company authorized to do business in this State, said bond to be approved by the Levy Court, in a penalty to be determined by said Levy Court,

Also col-
lector of
poll taxes
for Wil-
mington.

Wilmington
hundred
divided
into two
poll tax
collection
districts.

Northern
district

Southern
district.

Receiver of
Taxes to
collect
county
taxes other
than poll
taxes in
Wilmington.

Collectors
to give
bond.

To be
approved
by Levy
Court.

*As enrolled. For original bill see appendix at end of book.

OF THE LEVY COURT.

and to be as nearly as can be ascertained double the amount Amount.
 which such collector is required to collect, with condition as
 follows, viz: The condition of the above obligation is such, Condition.
 that if the above bound ----- being collector of -----
 hundred in New Castle county shall faithfully and diligently
 collect all the rates and taxes which he shall, according to
 the duplicate and warrant to be issued to him as such col-
 lector, be required to collect, and all taxes whatever which
 shall be committed to him for collection, and shall pay the
 amount of all such rates and taxes, excepting only so far as
 allowances shall be made to him by the Levy Court for delin-
 quencies, commissions or otherwise, to the officers author-
 ized by law to receive the same, in the manner and within
 the times prescribed by law, or legally appointed by the Levy
 Court Commissioners of said county for that purpose; *and*
furthermore, if the said ----- shall perform the duties of
 his office of collector as aforesaid, in all things with fidelity,
 then the above obligation shall be void, otherwise to remain
 in full force and virtue. To 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.
 The said bond shall be proceeded on at the instance of the
 County Treasurer or the Levy Court Commissioners. If any Bond by
whom pro-
ceeded on.
 person appointed a collector shall not give bond within ten Unless
bond be
given in
ten days
appoint-
ment void
and anothe-
r to be
made.
 days from the date of his appointment, the said appointment
 shall be void, and another appointment be made and so on
 until the person appointed give bond.

SECTION 3. That it shall be the duty of the Levy Court
 Commissioners to have prepared from the assessment lists
 last made as required by law, duplicates of the taxes of each
 collection district for the use of the collectors, on or before
 the first day of July of each year, and shall fix the rate of
 county and poor taxes, and issue their warrant to the said
 collectors for the same. The Levy Court Commissioners
 shall have prepared for each collection district, a book of
 blank receipts numbered serially, which receipt when deliv-
 ered upon payment of taxes shall show the amount of the
 assessment, distinguishing real, personal and poll assess-
 ments, and showing the rate 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. The said Levy Levy Court
Commissioners to
have tax
duplicates
made by
July 1.
 Court Commissioners shall also have prepared for the use of And fix
rate of
taxes and
issue
warrant to
collectors.
To have
collectors
receipts
prepared.
Contents of
receipts.
 Stub.

OF THE LEVY COURT.

Collectors
seals.
To be
impressed
on each
receipt.

the several collectors, seals of office, and it shall be the duty of said collectors to put the impress of their respective seals upon each receipt for the payment of a tax.

County
Treasurer's
office in
Wilmington.
When to
attend
same in
person or
by deputy.

Notice.

SECTION 4. The said County Treasurer shall have his office in Wilmington, and it shall be his duty to attend either in person or by his deputy at his office every day except Sundays and legal holidays from ten o'clock a. m. until twelve o'clock m., and from two o'clock p. m. till five o'clock p. m., and it shall be his duty to attend his said office during the evening of one secular day of each week from seven o'clock p. m. till ten o'clock p. m., said evening to be fixed by him and to be advertised on Monday of each week in some newspaper of general circulation in the City of Wilmington.

Collectors
to give
public
notice
monthly.

At times
and places
where he
will receive
taxes.

Also notice
by hand
bills.

Neglect of
County
Treasurer
to attend
office as
required, or
of collector
as adver-
tised.

Penalty

To be re-
covered by
taxable
before
justice of
peace

Every collector of taxes for hundreds outside of the City of Wilmington and every collector of poll taxes within the City of Wilmington shall, on the first Monday of every month 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, notice that he will attend at convenient times and places during said month, stating the same, to receive such taxes; and he shall also at the same time give the same notice by hand bills posted in at least five of the most public places in the collection district of which he is collector. In case the County Treasurer shall fail to attend either in person or by deputy at his office in Wilmington at the times herein designated for his attendance or on the evening appointed by him for his attendance, or in case any other collector of taxes shall fail to attend at the times and places of which he has given notice, he shall, unless such failure to attend shall be shown to be unavoidable and not owing to his negligence, forfeit and pay to any person who may have called at such time for the purpose of paying his taxes, and did not find said County Treasurer or collector of taxes in attendance to receive the same, the sum of ten dollars to be recovered before any justice of the peace of New Castle county.

Receipt
books to be
delivered to
Comptrol-
ler who
shall pre-
serve same.

SECTION 5. That in the month of May of each year the County Treasurer and the collectors shall deliver to the County Comptroller the receipt books mentioned in this act,

OF THE LEVY COURT.

with the blank receipts and all stubs, and the County Comptroller shall examine and preserve all the said books and stubs.

SECTION 6. The said Levy Court Commissioners shall, on or before the first day of July in every year cause to be issued to the collectors of each hundred outside the City of Wilmington a duplicate of the assessment list of the hundred of which he is collector. They shall also at the same time issue to the County Treasurer and Receiver of Taxes a duplicate of the assessment list for the City of Wilmington for all county taxes other than poll taxes, and they shall issue to the collector of poll taxes for the City of Wilmington a duplicate of the poll assessments for the City of Wilmington. The said duplicates shall be certified by the Clerk of the Peace with a warrant thereto annexed. Said warrant shall be under the hand of three or more of the commissioners, and according to the following form, the blanks being properly filled:

Duplicates outside of Wilmington to be delivered to collectors.

And of Wilmington to County Treasurer by July 1.

And to poll tax collectors of Wilmington duplicate of poll assessments.

Duplicates how certified.

New Castle County, ss. The State of Delaware.
To the Collector of ----- Hundred, Greeting:

Form of Warrant.

We command you that you collect from the several persons named in the duplicates annexed, for their road, poor and county taxes for the year ----- the following rate percentum on the amount of their respective assessments, and so pro rata, that is to say, the rate of ----- per hundred dollars for the road tax, the rate of ----- per hundred dollars for the county tax and if any person named in said duplicate shall not pay the said rates in ten days after you have demanded the same, we command you in such case, that you levy and make the said rates, or the part thereof remaining unpaid, with lawful costs in the manner prescribed by law; and if goods or chattels, lands or tenements of such person cannot be found sufficient to satisfy such rates with costs in such case, that you take such person and convey him to the common jail and deliver him to the keeper thereof, who is commanded to receive and keep him in safe custody till the rates with costs be paid or such person be legally discharged. And we further command you that you pay the amount which, according to this warrant and the annexed duplicate, you are required to collect, in the manner and within the times appointed by law in this behalf. Hereof fail not at your peril.

OF THE LEVY COURT.

Given at Wilmington by order of the Levy Court Commissioners under the hands of us, commissioners, the _____ day of _____, A. D. 18_____

Seal of Office
of the
Clerk of the Peace.

Commissioners.

Attest:

Clerk of the Peace.

Warrant
how
executed.

Not to be
issued till
collector
fully
qualified.

Vacancy or
default by
collectors
relief to
sureties.

New
collector.

Collectors'
accounts
settled in
June before
Levy Court

Delin-
quents
allowed
when.

Name of
delinquent
when
struck
from list.

Delinquent
list not

Every warrant shall be sealed with the seal of the Clerk of the Peace, and attested by him according to the foregoing form, but no warrant and duplicate for a hundred shall be issued, nor shall any such warrant be dated until a collector for such hundred shall be appointed and bond and surety given as provided by Section 2.

SECTION 7. In case a collector die, default in his accounts or settlements or remove from the county or be incapable of proceeding in the collection of taxes, and the sureties of such collector or their executors or administrators make application to the Levy Court for relief, the said court may appoint some citizen of the hundred collector in his place for the residue of the term, and may compel the delivery of the duplicate and warrant to such collector or cause a new one to be issued to him, after he shall have given bond as other collectors.

SECTION 8. At a meeting of the Levy Court in the month of June of each year, the said Levy Court shall examine and adjust the accounts of collectors, making all just allowances, and they shall at said meeting examine and settle the delinquent list of each collector and make allowance of delinquents; and upon such allowance the collector shall be credited with the amount thereof; *provided, however,* the Levy Court shall make no allowance for delinquents except upon satisfactory proof that the collector has exhausted all the remedies provided by this act for collecting such tax or taxes. The name of the delinquent, if he be dead or have removed from the State, shall be struck from the assessment list and also from the collector's duplicate, otherwise it shall remain on the assessment and be entered on the collector's duplicate for the succeeding year. A delinquent list shall not be allowed until the expiration of

OF THE LEVY COURT.

five days from the day of its return by the collector; and any citizen of the county shall have the right, at any time after such return and before allowance, to inspect the same, upon making request to said court, if in session, or to the Clerk of the Peace, if the court is not in session; and if said commissioners, when application is made to them, shall not permit such inspection, they or such of them as refuse, shall be deemed guilty of a misdemeanor and shall be fined twenty dollars; and at the trial such refusal may be proved by oral testimony. The Levy Court, before they allow the delinquent list of any collector, shall require that such collector shall upon oath say that the delinquent list made out and returned by him to the Levy Court is true in all its statements to the best of his knowledge and belief; that he has exhausted all the remedies provided in this act for collecting the same, and that no tax has been collected from any person so returned by him as delinquent. The oath hereby prescribed may be administered by the clerk of said court, and any collector who shall swear falsely as to any matter to which he may be required to make oath by this section, shall be liable to the pains and penalties of perjury.

allowed
till five
days after
its return.
Citizens
right to
examine.

Levy Court
Commis-
sioners
refusing
inspection
misdo-
meanor.

Proof.

Collectors
oath to
delinquent
list.

By whom
adminis-
tered.

False
swearing
perjury

SECTION 9. Every collector and his sureties shall, upon the delivery to him of the duplicate and warrant for his hundred, be responsible for the whole amount of the taxes he shall be required to collect or that shall be committed to him for collection, subject only to allowances made by the Levy Court Commissioners for delinquencies, commissions, or otherwise. His death shall not affect his liability but his powers shall devolve upon his executor or administrator. In case of the appointment of a collector as provided in Section 7 of this act, he and his sureties shall be chargeable with all taxes uncollected by his predecessor subject to allowances as aforesaid; such appointment shall not discharge the sureties of the first collector from any part of their responsibility, or otherwise affect it, but all sums collected by the last collector shall be credited to the first, he shall have the same powers and be subject to the same duties and liabilities as the collector first appointed; on his death they shall devolve upon his executor or administrator. If a new warrant be issued to him it and the duplicate shall bear date with the original.

Liability of
collector
and
sureties.

SECTION 10. Each collector shall, on the first Tuesday of June next after the date of his warrant, render to the

Collector to
account to
Levy Court
on first
Tuesday of
June.

OF THE LEVY COURT.

Levy Court a true account of all taxes it was his duty to collect and of all payments made and of all delinquents.

Taxes lien on real estate for two years from date of duplicate or till paid, if land not conveyed.

SECTION 11. All taxes assessed against the owner of real estate shall constitute a lien against all such real estate within the county for the space of two years after the date of the collector's duplicate, but if the said real estate remains the property of the person to whom it is assessed then the lien shall continue until the tax is collected.

Sale of land or emblements by collector for payment of taxes.

SECTION 12. Whenever the real estate cannot, in the judgment of the collector, be divided without detriment, the collector may sell the wood growing upon said land absolutely, or the rents and profits of the whole, or a part thereof, at public auction, for a term of time sufficient to satisfy the taxes, interest, costs and expenses, or may sell the real estate and shall pay the overplus, if any, to the County Treasurer for the benefit of the owner or any person entitled to receive it.

Surplus of proceeds.

Taxable's entire tax may be collected from one parcel of land.

Tax on alienated land collected from land still held.

Life estate first liable for tax.

SECTION 13. If any person is taxed for several parcels of real estate, or for personal and real estate in the same tax, the whole of such person's taxes may be collected, either out of the real or personal estate, or any part thereof; *provided*, that no land alienated shall be sold, if the person taxed have other sufficient property.

SECTION 14. In the case of life estate, the interest of the tenant for life shall first be liable for the taxes.

Sale of real estate by collector.

SECTION 15. The collector may advertise and sell any real estate liable for taxes in the manner hereinafter directed. In all cases where any parcel of real estate is liable for payment of taxes so much thereof as is necessary to pay the taxes, interest, costs, expenses, shall be sold by the collector at public auction to the highest bidder, after notice has been given of the levy, of the amount of the taxes, and of the time and place of sale, in some newspaper published in New Castle county at least once a week for the space of three weeks, and the collector shall also post notices in five or more public places of the hundred in which the real estate so advertised is situate for the same period.

Notice.

Further notice to resident taxable.

SECTION 16. That if the person to whom the estate is taxed be a resident of this State, the collector shall, in addition to the foregoing, cause notice of his levy, of the amount of the taxes, and of the time and place of sale, to be left at his last and usual place of abode, or personally serve on him,

OF THE LEVY COURT.

at least twenty days previous to the day of sale, and if the person so assessed is a non-resident the notice herein provided for shall be left with the tenant in possession, if there be one, or if there is none, then posted upon the premises. To non-resident taxable

SECTION 17. In case the collector shall advertise for sale any property, real or personal, in which any person other than the person to whom the taxes are assessed has an interest, he shall, provided the interest of such other person appears upon the records of New Castle county, leave a copy of the notice of such sale at the last and usual place of above or personally with such other persons, if within this State, twenty days prior to the time of said sale. Notice to person interested in the land other than the taxable if such person be a resident.

SECTION 18. If such other persons have no last and usual place of abode within this State, then a copy of said notice shall be sent by mail to such person at his place of residence, if known, twenty days prior to the time of such sale, and also posted upon the premises. Notice to non-resident.

SECTION 19. No entry upon the land by the collector shall be deemed necessary, but the collector in all cases of sales of real estate shall make a return of all his proceedings under oath to office of the Clerk of the Peace within ten days after the sale; which return shall be evidence of the facts therein stated. Collector's return of sale

SECTION 20. The deed of any real estate, or any interest therein, sold for the payment of taxes, made and executed by the collector who shall sell the same, shall vest in the purchaser, subject to the right of redemption hereinafter provided, all the estate, right and title the owner thereof had in and to such real estate at the time said taxes were assessed, free from any interest or encumbrance thereon of any person to whom the notice required by the provisions of this act shall have been given; and the recitals in such deeds shall be evidence of the facts stated. Collectors deed.

SECTION 21. The person who owned any real estate sold for taxes, at the time of the assessment, or any interest therein, his heirs, assigns or devisees, may redeem the same upon repaying to the purchaser the amount paid therefor, with twenty per centum in addition, within two years after the sale, or within six months after final judgment has been rendered in any suit in which the validity of the sale is in question; *provided*, said suit be commenced within one year after such sale. Redemption by owner of land. Terms.

OF THE LEVY COURT.

Distrain-
on and sale
of personal
property.

SECTION 22. The collector may distrain personal property and may sell the same in the manner hereinafter directed. In all cases the collector may seize and levy upon personal property for the payment of taxes, and where personal property shall be so levied or seized by any collector, he shall cause a notice thereof and.

Notice.

Public
advertis-
ment of sale
of personal
property.

SECTION 23. The collector shall also, in all cases, advertise the same for three successive weeks in a newspaper published in New Castle county, and shall also post up notices in five public places of the hundred in which the said property is located, at least twenty days previous to the appointed time of sale.

Sale.

SECTION 24. If such owner do not pay the amount of tax, with the interest or percentage, and all costs and charges, by the time appointed for the sale, the collector shall sell the same, or enough to pay said sums, at public auction.

Surplus-
returned to
owner.

SECTION 25. Any property or surplus of money remaining shall be returned to the owner or person entitled to receive it. If no owner or person entitled to receive the same can be found by the collector, he shall deliver such property or surplus of money to the County Treasurer, who shall hold the same subject to the call of the owner thereof.

If owner
not found,
then to
County
Treasurer
for owner.

Personal
property
may be re-
moved from
owners
premises.

SECTION 26. Any collector may, without the consent of the owner, remove personal property for sale to any town or place within the county, where it may be sold to the best advantage, giving notice to the owner as before provided and giving notice as provided by Section 22 of this act in the hundred where the sale is to be made.

Person or
property
removed
from hun-
dred may
be followed
by collector

SECTION 27. If any person or property taxed in one hundred removes or is removed into another hundred before the taxes are collected, the collector may follow such person or property into the hundred, and seize, levy or collect the taxes with the same power as if not removed.

Sale of real
or personal
property
may be
adjourned.

SECTION 28. Any sale of real or personal estate or of any interest therein, liable for the payment of taxes by the provisions of this act, may be adjourned from time to time.

Action of
debt by
collector
before
Justice of
the Peace.

SECTION 29. The collector of any tax or taxes may recover the amount thereof in an action of debt against the person taxed before any justice of the peace of New Castle county; *provided*, the amount thereof be not more than two hundred dollars; and where the amount of the taxes is more

OF THE LEVY COURT.

than two hundred dollars, in the Superior Court for New Castle county, and it shall be sufficient to set forth that the action is to recover a specified sum of money, being a tax or taxes assessed against the defendant, and the time of assessing the same. The right of appeal shall be the same as in other civil actions. Or in Superior Court.
Appeal.

SECTION 30. If judgment be rendered in favor of the collector, he shall have an allowance for his reasonable trouble in attending to the suit, including counsel fees, to be taxed by the court in the costs and execution shall issue against the real estate or personal estate of the defendant; *provided*, no execution against the real estate shall issue except out of the Superior Court of New Castle county. Where such judgment is recovered before a justice of the peace, and it is the desire of the collector to proceed against the real estate of the defendant, the said collector shall take a transcript of the judgment from the justice of the peace, and cause the same to be entered on the dockets of the Superior Court. When such transcripts are entered, the subsequent proceedings shall be the same as upon other judgments. The lien of the judgment as aforesaid shall be deemed to relate back and take effect from the date of the collector's duplicate as aforesaid. Judgment to include costs, fees, &c.
Proviso.
Transcript.
Date of lien

SECTION 31. Every collector shall have the same right to require the aid or assistance of the person or persons, in the performance of his duty, which a sheriff now has by law. Collector's posse.

SECTION 32. If any person against whom a poll tax is assessed in accordance with the provisions of this act shall neglect or refuse to pay the same for thirty days after demand, the collector shall again demand the same of such person, together with thirty cents for the cost of such demand; and if any such person upon whom such second demand is made as aforesaid, shall neglect or refuse to pay such tax or taxes, together with the costs of making such second demand, within five days after the date of such second demand, then the collector of taxes shall seize upon the body of such person and commit him to the jail of New Castle county there to remain until he shall pay such tax and all legal costs, including the costs of making the second demand as aforesaid, and the costs of his board while so confined, or to be discharged therefrom in due course of law. Neglect to pay poll tax for 30 days.
Collector to make second demand.
Further neglect.
Arrest of taxable.
Imprisonment.
Terms.

OF THE LEVY COURT.

Employer of taxable to retain amount of tax when notified by collector.

Neglect.

Copy of this section to accompany notice.

Associate Judge to appoint committee to audit accounts of Comptroller and Treasurer.

Report.

Compensation of committee.

Statement of Comptroller and Treasurer.

Abatement for early payment of taxes.

Interest added to delinquent payments.

Salary of collectors.

How paid.

SECTION 33. The collector of taxes may at any time notify the person or corporation by whom any taxable is employed that the tax of such employe is due and unpaid and it shall be the duty of such employer to deduct from the wages of such employe the amount of the tax due from such employe and charge the same against him, and if such employer refuse or neglect to comply with the provisions of this section within three months from the time of receiving such notice he shall be personally liable for the taxes of persons employed by him and the same may be recovered as in this act provided for the recovery of taxes. When such taxes are held by such employer he shall pay the same to the collector entitled to receive the same within thirty days thereafter. A copy of this section shall accompany all notices to such employers.

SECTION 34. That in the month of December in each year it shall be the duty of the associate judge of the Superior Court, resident in New Castle county, to appoint a committee of two freeholders of New Castle county, one from each of the two principal political parties, who shall inspect the books and accounts of the County Comptroller and the Receiver of Taxes and County Treasurer and make report under oath to said judge, who shall file the same in the office of the Clerk of the Peace for New Castle county within ten days. Each member of said committee shall receive one hundred and fifty dollars for his services. The County Comptroller and Receiver of Taxes and County Treasurer shall, during the said month of December, 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 oaths.

SECTION 35. That on all taxes paid before the first day of August there shall be an abatement of five per centum; on all taxes paid before the first day of December there shall be an abatement of three per centum; on all taxes paid after the first day of December five per centum thereof shall be added thereto.

SECTION 36. The salaries of the collectors provided by this act, with the exception of the salary of the County Treasurer and Receiver of Taxes, and the poll tax collector for the City of Wilmington, shall be fixed and determined by the Levy Court Commissioners, and shall be proportioned as near as may be according to the amount of taxes on their respective dupli-

OF THE LEVY COURT.

cates, the said salaries to be paid upon warrant drawn by the Levy Court Commissioners as other salaries are paid in equal monthly installments. The poll tax collector for the City of Wilmington shall receive twenty per centum of the amount collected, together with the additional charge of thirty cents as in this act provided.

SECTION 37. All tax collectors and the County Treasurer and Receiver of Taxes shall submit their duplicates, books and accounts to the County Comptroller at least once every two months to be audited.

Comptroller to audit accounts of collectors and Treasurer monthly.

SECTION 38. At some time during the first week of each and every month all tax collectors shall pay over to the County Treasurer all taxes collected by him during the preceding month and shall take from said County Treasurer two receipts therefor, one of which shall be held by him and the other he shall file forthwith with the County Comptroller of New Castle county. On the first secular day of each month the County Treasurer shall render to the Clerk of the Peace for the use of the Levy Court Commissioners a statement of the amount of taxes received from the different collectors during the preceding month, together with the amount of taxes collected by himself during the preceding month.

Taxes to be paid to Treasurer monthly.

Duplicate receipts.

Monthly statement by Treasurer.

SECTION 39. Each collector and the Receiver of Taxes shall at the end of two years from the date of his duplicate, deliver his duplicate to the Levy Court Commissioners and he shall be liable on his official bond for all unpaid taxes thereon and the said Levy Court Commissioners shall cause suit to be instituted against him and his sureties for the collection of such unpaid taxes.

Collectors and Receiver of Taxes to settle with Levy Court two years from date of duplicate. Suit for unpaid taxes.

SECTION 40. Every collector of taxes appointed under the provisions of this act shall perform all the duties required of collectors by the provisions of Section 19 of Chapter 12 of the Revised Code of 1893.

Additional duties of collectors.

SECTION 41. All unpaid taxes for the years 1895 and 1896 shall be continued and shall not become extinguished for a period of two years from the passage of this act, but the collector or collectors of delinquent taxes under the provisions of Chapter 26, Vol. 19 of the Laws of Delaware, shall proceed to collect the same and in so doing shall be vested with all the powers in this act provided for the collection of taxes.

Unpaid taxes for 1895 & 1896 to be collected by present collectors.

Additional powers to present collectors.

OF ASSESSORS.

SECTION 42. That all acts or parts of acts inconsistent with this act or supplied with this act be and the same are hereby repealed.

SECTION 43. That the provisions of this act shall apply to New Castle county only.

Passed at Dover, May 29, 1897.

CHAPTER 389.

OF ASSESSORS.

AN ACT to amend Chapter 566, Vol. 19, 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 566, Vol. 19, Laws of Delaware, be amended by striking out all after Section 1 of said act and inserting in lieu thereof as follows, to wit:

Assessors of
Wilmington to ob-
tain from
Recorder of
Deeds
transfers of
property.
Recorder's
compen-
sation.
Assessors to
deliver
copies to
Receiver of
Taxes.
Contents.
Street
books.

SECTION 2. The said assessors shall obtain on the first Tuesday of each and every month after the passage of this act, from the Recorder of Deeds of New Castle county, certificates of the transfer of all property in their respective districts. The said Recorder shall receive as compensation for his services such sum as is now allowed by law for delivering the same to the Receiver of Taxes. The said assessors shall, within one week after obtaining the said certificates as aforesaid, make out and deliver to the Receiver of Taxes copies of the said certificates, containing specific and particular descriptions of the property so transferred, with its precise location, as taken from their street books, which the said assessors are hereby required to keep, which said street books shall at all times be subject to the order of the Levy Court Commissioners for their examination and information, and upon the expiration of the term of office of the said assessors, it shall be the duty of the said assessors to deliver up the said books to the said Levy Court without charge.

OF ASSESSORS.

SECTION 3. That from and after the passage of this act the compensation of salary of the assessors of Wilmington hundred shall be ten hundred dollars per year, payable quarterly by the Levy Court Commissioners of New Castle county; such compensation shall be in full for all the duties required of the said assessors under the laws of this State.

Salary of
assessors of
Wilmington
\$1000
annually.

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

Passed at Dover, May 10, 1897.

CHAPTER 390.

OF ASSESSORS.

AN ACT in relation to the Assessment Lists of Lewes and Rehoboth Hundred 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 assessor of Lewes and Rehoboth hundred be and he is hereby authorized to post the assessment lists as provided in Chapter 320, Volume 16, Section 2, Laws of Delaware, in five of the most public places as follows:

Posting of
assessment
lists of
Lewes and
Rehoboth
hundreds.

Two of said lists shall be posted in the town of Lewes; another of the said lists shall be posted at Nassau; another of said lists shall be posted at Midway, and the remaining one of said lists shall be posted at Rehoboth City.

Places.

Passed at Dover, May 12, 1897.

OF COLLECTORS.

CHAPTER 39I.

OF COLLECTORS.

AN ACT to Authorize the Governor to Appoint a Collector for West Election District of Little Creek Hundred and an Assessor for the East Election District of Little Creek Hundred.

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

Governor to
appoint
collector for
West Elec-
tion district
and assess-
or for E.
Election
district.
Little Creek
hundred,
Sussex Co.

Duties of
present col-
lector and
assessor for
said
hundred.

Terms
of new
appointees.

Clerk of
Peace to
deliver
books, &c.,
to collector
and assess-
or ap-
pointed.

SECTION 1. That the Governor of this State be and he is hereby authorized and empowered to appoint some suitable person for collector of taxes in and for the West Election District of Little Creek hundred, Sussex county, and some suitable person for assessor in and for the East Election District of Little Creek hundred.

SECTION 2. That the collector of taxes and assessor now acting for Little Creek hundred, Sussex county, shall, from and after the passage of this act, confine their duties to the East Election District of said hundred for the collector, and to the West Election district of said hundred for the assessor.

SECTION 3. That the collector of taxes and assessor to be appointed as provided in Section 1 of this act, shall serve and hold their said office until their successor shall be appointed or elected as now provided by law for the appointment and election of other such officers in and for Sussex county.

SECTION 4. That the Clerk of the Peace in and for Sussex county is hereby ordered and directed to prepare and deliver to the collector and assessor to be appointed as aforesaid all the necessary books, papers, etc., as now provided by law, to be delivered by the Clerk of the Peace to the several collectors and assessors.

SECTION 5. That this act shall be deemed and taken to be a public act.

Passed at Dover, April 27, 1897.

TITLE THIRD.

Of the Public Arms and Defence.

CHAPTER 392.

OF THE PUBLIC ARMS AND DEFENCE.

AN ACT to provide for the Maintenance, Discipline and Regulation of the National Guard 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 active militia of this State shall hereafter be styled the "National Guard of Delaware," and shall be subject at all times to the orders of their officers. Title.

SECTION 2. In time of peace, the National Guard shall consist of one regiment of infantry, composed of not more than ten companies; with gatling-gun detachment, field music, and such other detachments as may be necessary for the completion of the organization, to be officered, uniformed, armed and equipped as hereinafter provided, and to be apportioned as at present; *provided*, that the force shall not exceed seven hundred and fifty officers and men; *and provided further*, that the Governor, as Commander-in-Chief, shall have power in case of war, invasion, insurrection, riot or imminent danger thereof, to increase said force and organize the same as the exigencies of the case may require, which increase shall be disbanded as soon as the emergency ceases to exist. Number of companies, guns, &c. in time of peace. Maximum force. Increased when.

SECTION 3. Each infantry company shall consist of one captain, one first lieutenant, one second lieutenant, one first sergeant, one quartermaster sergeant, three duty sergeants, eight corporals, two musicians and not more than forty-five privates, minimum thirty enlisted men. Officers and privates of company.

OF THE PUBLIC ARMS AND DEFENCE.

Officers, &c. of galling gun detachment. SECTION 4. The gatling gun detachment shall consist of one first lieutenant, mounted, and such non-commissioned officers and privates as the commander in chief shall from time to time designate.

Officers, &c. of regiment SECTION 5. Each regiment of infantry shall consist of one colonel, one lieutenant colonel, one major, one surgeon with the rank of major, one chaplain with the rank of captain, one judge advocate with the rank of captain, one adjutant (an extra first lieutenant), one quartermaster (an extra first lieutenant), one commissary of subsistence (an extra first lieutenant), one inspector of rifle practice (an extra first lieutenant), one paymaster (an extra first lieutenant), one assistant surgeon with the rank of first lieutenant, one sergeant major, one quartermaster sergeant, one commissary sergeant, one hospital steward, two color sergeants, one drum major, two principal musicians and not less than six nor more than ten companies; *provided*, that if the companies of any regiment shall be from any cause reduced below the minimum number those remaining shall be formed into a battalion and officered as the Commander-in-Chief may designate.

Governor's staff. SECTION 6. The staff of the Commander-in-Chief shall consist of an Adjutant General, a Quartermaster General and an Inspector General, each with the rank of Brigadier General; six Aides-de-camp with the rank of Colonel, two from each county of the State; an Inspector of Rifle Practice, a Surgeon General and a Judge Advocate General, each with the rank of Colonel; an Assistant Adjutant General, an Assistant Quartermaster General and an Assistant Inspector General, each with the rank of Lieutenant Colonel; one Sergeant Major, one Quartermaster Sergeant, one Commissary Sergeant, one Color Sergeant and one Chief Musician.

Adjutant General's duties. SECTION 7. The duties of the Adjutant General shall be as follows, to-wit: he shall promulgate all orders from the Commander-in-Chief, and shall obey all orders relative to carrying into execution and perfecting any system of military discipline established by law; he shall be in attendance when the Commander-in-Chief reviews the National Guard, and perform such other military duties as the Commander-in-Chief may direct; he shall keep a register of all the officers and men of the military forces of the State, and keep in his office all records and papers required to be kept and filed therein, and make a full report on or before the thirty-first day of December, in each year, to the Commander-in-Chief

OF THE PUBLIC ARMS AND DEFENCE.

upon the condition of the National Guard, and a detailed statement of all the expenditures during the preceding year; and he shall furnish the proper officials of the United States Government such reports and other information as may from time to time be necessary. He shall purchase with and by consent of the board provided for by Section fifty-one of this act, such books, blank forms, stationery and other military stores as may be necessary for the proper instruction and equipment of the National Guard, and issue the same upon proper requisition therefor; and furnish transportation and subsistence to the officers and men when it is necessary so to do for the transaction of military business. He may, with the approval of the Commander-in-Chief, sell or exchange from time to time, such military stores belonging to the National Guard as are found unserviceable or in a state of decay, or which it may be deemed for the interest of the State to sell or exchange. He shall draw all warrants on the State Treasurer for the payment of bills, and the State Treasurer is hereby authorized and directed to pay the same out of the money hereinafter appropriated for military purposes. The Adjutant General shall receive an annual ^{Salary.} salary of four hundred dollars, and he is hereby authorized to draw his warrant on the State Treasurer, who is hereby ^{Warrant} authorized and directed to pay the same out of the money ^{for same.} hereinafter appropriated for military purposes, in equal quarterly installments.

SECTION 8. The other officers of the general staff of the ^{Duties of} National Guard shall, when directed by the Commander-in- ^{other staff} Chief and under rules and regulations that may be prescribed ^{officers.} by him, perform the duties that properly belong to their respective offices.

SECTION 9. Able-bodied men of good character, eighteen ^{Privates.} years of age and upwards, may be enlisted in the National ^{enlistment.} Guards for the term of three years, and on the expiration of that time, they may be re-enlisted. No person above the age of forty-five years shall be enlisted or re-enlisted except by permission of the commanding officer of the regiment or battalion to which the organization in which he wishes to enlist or re-enlist is attached and no person who has been expelled or dishonorably discharged from any military organization whatsoever shall be enlisted.

SECTION 10. All persons enlisting in the National Guards ^{Oath of} ^{private.}

OF THE PUBLIC ARMS AND DEFENCE.

of Delaware shall, immediately upon such enlistment, take and subscribe an oath in the following form, viz:

STATE OF DELAWARE,

----- County, ss.

I, -----, of the county of -----, and State of Delaware, do hereby acknowledge to have voluntarily enlisted (or re-enlisted) this ----- day of ----- as a soldier in the National Guard of Delaware, for the period of three years, unless sooner discharged by the proper authority, and do also agree to accept from the State of Delaware such bounty, pay, rations and clothing as are or may be prescribed by law, and I, -----, do solemnly swear (or affirm) that I will bear true faith and allegiance to the State of Delaware, and that I will obey the orders of the Governor of the State of Delaware and the orders of the officers appointed over me according to the laws of the State of Delaware.

-----[Seal.]

Sworn and subscribed before me this ----- day of -----, -----

By whom
adminis-
tered,

Signed in
triplicate,

Disposition
of copies,

General
staff com-
missioned
by Gov-
ernor,

Term,

This oath may be administered by any commissioned officer in the military service of the State, or by such other person authorized by law to administer oaths, as the Commander-in-Chief may direct, and shall be signed in triplicate, one copy to be retained by the company commander, and two copies shall be forwarded to regimental headquarters, one of which shall be forwarded to the office of the Adjutant General.

SECTION 11. The general staff, commissioned and non-commissioned, shall be appointed, commissioned and warranted by the Commander-in-Chief without examination, and shall hold their commissions or warrants subject to the pleasure of the Commander-in-Chief; *provided*, that such commissions or warrants shall expire with the term of the Commander-in-Chief.

Staff off-
icers of regi-
ment, &c.,
commiss-
ioned how,

SECTION 12. The commissioned staff officers of regiments or battalions and commissioned officers of detachments attached thereto, shall be appointed by the Commander-in-Chief upon the nomination of the commanding officer of such regiment or battalion.

OF THE PUBLIC ARMS AND DEFENCE.

SECTION 13. Field officers of regiments or battalions shall be elected by ballot by the commissioned officers of such regiments or battalions; such elections to be ordered by the Adjutant General, who shall give ten days written notice thereof through the proper military channels to the commissioned officers of such regiments or battalions.

Field officers elected
Election ordered by Adjutant General.

SECTION 14. The commissioned officers of companies shall be elected by ballot by the members of said companies, said election to be ordered by the commanding officer of their respective regiments or battalions, who shall give ten days written notice of such elections to the commanding officer of said companies, who shall publish the same to his command and post it in the headquarters of his company at least five days prior to said election. A majority of the votes cast at an election shall be necessary to a choice.

Commissioned officers of companies elected.

SECTION 15. The non-commissioned staff of regiments or battalions and the non-commissioned officers of detachments attached thereto, shall be appointed and warranted by the commanding officer of such regiments or battalions.

Non-commissioned staff and officers of regiments, &c.

SECTION 16. The non-commissioned officers of companies shall be appointed and warranted by the regimental or battalion commander, upon the recommendation of the respective company commanders.

Non-commissioned officers of companies.

SECTION 17. Commissioned officers of the field, staff, line and of detachments shall be commissioned for the term of ten years, and shall serve for that period of time unless sooner discharged or removed by the proper authority; *provided*, that all officers now in commission shall receive the benefit of the extension of the term of service.

Term of commissioned officers.

SECTION 18. The Commander-in-Chief shall appoint a board of examiners, to be composed of three commissioned officers, one of whom must be a surgeon, whose duty it shall be to examine into and report upon the qualifications, physical and mental, of all applicants for commission in the National Guards who may be ordered before it for examination, and no commission shall be granted to the person so ordered before the board until the applicant shall have passed a satisfactory examination before the said board.

Board of examiners.
Duty.

SECTION 19. All officers known as commissioned officers, elected and appointed under and by authority of this act, shall before entering upon the duties of their several and re-

Oath of commissioned officers.

OF THE PUBLIC ARMS AND DEFENCE.

spective offices, take and subscribe an oath to faithfully perform the duties of their respective offices, in the following form, viz:

STATE OF DELAWARE,

----- County, ss.

I, -----, of -----, do solemnly swear to support the Constitution of the United States, and the Constitution and laws of the State of Delaware, and that I will obey the orders of the Governor of the State of Delaware, and the lawful orders of my superior officers, according to the laws of the State of Delaware.

Sworn and subscribed before me this ----- day of -----

By whom
adminis-
tered.

Copy of
oath filed
with Secre-
tary of
State.

Discharge
of commis-
sioned
officer.

This oath may be administered by any officer of this State now authorized by law to administer oaths, or by any general or field officer who may have previously sworn and subscribed to the same. A copy of said oath shall be filed with the Secretary of State.

SECTION 20. The Commander-in-Chief may discharge a commissioned officer when such officer tenders his resignation; or at any time on sentence of a court martial, or upon a finding of an examining board, or for failure to appear before the same when ordered so to do, or for absence without leave for a period of two months or more, or at the expiration of his term of service.

Discharge
of private.

SECTION 21. The commanding officer of regiments or battalions shall have power, upon the recommendation of company commanders, or when satisfactory reasons are given, to grant a discharge to any enlisted man whose term of enlistment may not have expired, and he shall also issue to all enlisted men having faithfully served their term of enlistment, an honorable discharge, under his hand, from the service of the State; no dishonorable discharge shall be given except upon sentence by a court martial, upon approval of the Commander-in-Chief.

Certificate
of discharge

SECTION 22. All officers and enlisted men discharged from the military service of the State shall receive a certificate of discharge in such form as the Commander-in-Chief may direct.

OF THE PUBLIC ARMS AND DEFENCE.

SECTION 23. The National Guard of Delaware shall be uniformed, armed and equipped as nearly as practicable, in accordance with the regulations of the United States army in relation to uniforms, arms and equipments. Any officer receiving arms and equipments or other public property for military use, shall give a good and sufficient bond to the State of Delaware, to be approved by the Adjutant General conditioned for the safe keeping and return of such arms and equipments, and shall not be discharged from his obligation therefor until he has properly accounted for such arms and equipments or other property, either by receipt from his successor in command or some other officer authorized to receive the same; for the articles received by him in good order and condition, reasonable use and wear excepted, or by satisfactory proof to the Adjutant General that any and all articles not so accounted for had been properly expended in the service, or defaced, injured, lost or destroyed, without any default or neglect on his part, and if lost, defaced or destroyed through the misconduct of any person, that reasonable efforts had been made by him to recover or prosecute for the same. It shall be the duty of the Adjutant General to enter suit on the bond of any officer, in the name of the State of Delaware, for the value of such property as may have been defaced, injured, lost or destroyed, after having been received by such officer, and which has not been properly accounted for by him as aforesaid, and the officer succeeding to the command of the company or detachment shall be required to file a like bond to the State of Delaware as hereinbefore prescribed, for the safe keeping and return of all property of the State or of the United States, in possession of said company or detachment, upon the terms and conditions imposed upon the officer from whom said property was received.

Uniforms,
arms, &c.Officer's
bond for
care of
property in
his charge.Discharge
of same.Suit on
bond.

SECTION 24. It shall not be lawful for any person to secrete, sell, dispose of, offer for sale, or in any manner pawn or pledge, or buy any arms or equipments or other property furnished to any organization of the National Guard of Delaware, the property of the State or of the United States, or of any such organization, without proper authority for so doing, and all persons offending against the foregoing provisions, shall, upon conviction thereof by the Court of General Sessions of the Peace and Jail Delivery of this State, be adjudged guilty of a misdemeanor, and shall be punished by a fine of not less than fifty dollars nor more than one hundred dollars,

Misappropriation of
public
property.

Misdemeanor

OF THE PUBLIC ARMS AND DEFENCE.

Punishment. or be imprisoned for not less than six months nor more than one year, or both.

Injury to military property. **SECTION 25.** It shall not be lawful for any person wilfully or maliciously to destroy, injure or deface any arms or other articles of military property belonging to this State or to the United States, and whoever shall so offend shall, upon conviction thereof by the Court of General Sessions of the Peace and Jail delivery of this State, be adjudged guilty of a misdemeanor and shall be punished by a fine not exceeding double the amount of the value of the property so injured or defaced, or be imprisoned not less than two weeks nor more than two months, or both.

Misdemeanor.

Punishment.

Inspection of National Guard. **SECTION 26.** The National Guard shall be inspected by the Inspector General under orders and conditions prescribed by the Commander-in-Chief or by some other officer designated by the Commander-in-Chief as often as he may think necessary, but not less than once in any one year.

How often.

Commission to examine qualification of commissioned officers. **SECTION 27.** The Commander-in-Chief may, from time to time and at any time, appoint a board composed of not less than three nor more than five officers, whose duty it shall be to examine into the capacity, qualifications, propriety of conduct and efficiency of any commissioned officer who may be reported to the Commander-in-Chief by the proper authority as being incompetent or unfit to discharge the duties of his office; and upon the report of such board, if adverse to such officer and approved by the Commander-in-Chief, the commission of such officer may be revoked. The Commander-in-Chief and the ranking officer of the troops may also call boards of officers for settling military questions, and for other purposes of administration and discipline.

Report.

Commission of such officer revoked when.

Board of officers.

Force considered in actual service. **SECTION 28.** The force, composed and organized as prescribed in this act, shall be considered in the actual military service of this State, and the members thereof shall be subject to all such military rules and regulations as are applicable to such bodies in time of peace, and all military offences, such as disobedience of orders, non-attendance at drills, assemblies, parades, reviews, field manoeuvres, disrespect to superiors, or neglect or non-performance of such other duty as they may be lawfully called upon to perform shall be considered, and they are hereby declared to be offences against the general police regulations of the State and shall be punished by fine and imprisonment as hereinafter provided; and

Military rules.

Violation.

OF THE PUBLIC ARMS AND DEFENCE.

in addition to such fine and imprisonment as may be thus imposed, the offender may be reprimanded or dishonorably discharged from the service of the State. Punishment.

SECTION 29. Any enlisted man of the National Guard of Delaware committing any of the offences mentioned in Section 28 of this act, shall be liable to, and shall forfeit and pay the following fines, viz: For neglect or refusal to attend any assembly of his regiment, battalion, company or detachment, when ordered to do so by proper authority, the sum of fifty cents for each offence; for non-attendance at any review or field manoeuvres ordered by the Commander-in-Chief, the sum of one dollar; for each and every other offence provided for in Section 28 of this act, the sum of two dollars; every officer guilty of any of the offences or neglects above set forth, shall be subject to a fine of twice the amount which would be payable by an enlisted man for the like offence; no excuse shall be valid for any of the above mentioned absences from such assemblies, except bona fide absence from the city or place where such assemblies are ordered, sickness of the member (such as would prevent attention to ordinary pursuits), sickness of family requiring his personal care, or recent domestic affliction. Additional punishment. Valid excuses.

SECTION 30. The fines provided for by Section 29 of this act, and all other fines, shall be imposed by a court martial. Upon the finding of any such court martial imposing any of said fines and upon the approval of the finding by the officer appointing the court, the fine or fines so imposed shall be and become at once payable; and in case any officer or enlisted man upon whom a fine has been imposed in accordance with the provisions of this Section shall fail, refuse or neglect to pay the fine so imposed upon him, within ten days after he shall have been notified thereof, the said fine may be collected in the name of the State before any justice of the peace in the county or city where the delinquent resides, in the same manner as other fines for offences against the general police regulations of the State are collected, upon the certificate in writing of the proper officer, setting forth the finding of the court martial and his approval thereof. Fines, how imposed. Refusal to pay fine. How collected.

SECTION 31. Upon the production of such certificate to the justice of the peace, he shall forthwith adjudge and require the fines so certified as having been imposed and approved, together with all costs of the proceedings before him, to be paid, and in default of payment of said fine with Proof before Justice. Judgment.

OF THE PUBLIC ARMS AND DEFENCE.

Commitment. costs as aforesaid, said justice shall commit the delinquent to the jail of the county wherein said delinquent resides, for one day for every dollar of the said aggregate amount of fines and costs; but in no case shall the period of imprisonment exceed the period of ten days.

Misapplication of money or property. **SECTION 32.** Any member of the National Guard of Delaware who shall wilfully and unlawfully misapply or convert to his own use any money or other property issued or furnished to the National Guard or any organization thereof, or who shall, when lawfully called upon so to do by the proper officer of said National Guard of Delaware, fail or refuse to pay or deliver to said officer any such money or property in his possession, or for which the said member was chargeable or accountable, shall, upon conviction thereof by the Court of General Sessions of the Peace and Jail Delivery of this State, be adjudged guilty of a misdemeanor and shall be punished by a fine not exceeding five hundred dollars, or be imprisoned for a period not exceeding one year, or both, in the discretion of the Court.

Military stores ordered to be deposited in armory. **SECTION 33.** All arms, equipments or other property furnished to organizations of the National Guard of Delaware, shall, when required by the Adjutant General, the commanding officer of the company, or commanding officer of the regiment to which said company belongs, or by the commanding officer of any detachment thereof, be deposited in the armory of said company, regiment or detachment, and any person to whom such property was issued, failing to deposit as aforesaid any article of such property, unless properly accounted for within ten days after he shall have been notified by written notice from the commanding officer as aforesaid to return it to the armory, shall, upon conviction thereof by the Court of General Sessions of the Peace and Jail Delivery of this State, be adjudged guilty of a misdemeanor, and shall be punished by a fine not exceeding double the value of the property thus illegally detained; or shall be imprisoned for not less than two weeks nor more than two months, or both.

Misconduct. **SECTION 34.** If it appears to the Commander-in-Chief that a company of the National Guard has failed to comply with the requirements of the law, so that it is incapacitated to discharge the duties required of it, such company may be disbanded by the Commander-in-Chief.

Commanding officer of disbanded. **SECTION 35.** Upon the disbandment of any company or organization which has received arms, equipments or any

OF THE PUBLIC ARMS AND DEFENCE.

other property of the State or of the United States for military purposes, the commanding officer of such company or organization shall be responsible for the return of the same to the custody of some duly authorized officer of the State. And it shall be the duty of the Adjutant General to take the necessary legal proceedings in the name of the State, or direct that proper legal proceedings be taken, as provided for in Section 33 of this act, unless the said property is properly accounted for.

ed company
responsible
for equip-
ments.

Proceed-
ings to re-
cover same.

SECTION 36. The Commander-in-Chief shall appoint courts martial for the trial of all commissioned officers, and the ranking officer in command of troops shall appoint them for the trial of all others agreeably to the provisions of this act. It shall be the duty of every officer who shall appoint a court martial to approve or disapprove its sentence, and at the time of such appointment, he shall appoint a Judge Advocate, whose duty it shall be to impartially state the evidence for and against the party on trial, and to take accurate minutes of such evidence, and all the proceedings of the court, all of which, together with the judgment of the court, he shall transmit, under seal, to the officer whose duty it is to approve or disapprove such judgment. Every officer put under arrest or suspended from command, shall have a copy of the charges exhibited against him ten days before the sitting of the court.

Courts
martial.

Sentence
approved or
disap-
proved.

Judge
advocate.

Duty.

Arrested
officer to
have copy
of charges.

SECTION 37. The officer ordering a court martial shall, in such order, state the time and place at which it shall convene; and in cases where a vote is required for decision, the youngest member in commission shall vote first. All persons shall be held to appear and give evidence before such courts, under the same penalties as witnesses summoned by a justice of the peace. Every non-commissioned officer and private against whom charges are preferred shall be furnished with a copy of the charges and specifications against him at least ten days before the time fixed for the hearing of the same. The president of any court martial shall have authority to administer oaths or affirmations to witnesses, and to issue under his hand, in the name of the State, directed to the State detectives or to any sheriff or constable of the State, whose duty it shall be to serve or execute the same, all necessary summons, subpoenas, warrants and commitments.

Time and
place of
meeting of
court mar-
tial.

Production
of wit-
nesses.

Non-com-
missioned
officer and
private to
have copy
of charges.

President
of court
martial to
administer
oaths to
witnesses
and to issue
summons,
&c.

SECTION 38. The senior officer shall be the president of the court; and all the members of such court shall, when on

Court
martial.
President.

OF THE PUBLIC ARMS AND DEFENCE.

Uniform Officers. duty, be in uniform; and the president of the court may appoint, by warrant, one or more marshals, whose duty it shall be to summon all delinquents and parties accused and subpoena all witnesses to appear before the court at the properly designated time and place.

Warrant for arrest of accused. SECTION 39. After the return of a summons by a marshal, certifying the service of the same on the accused, and upon default of appearance of such accused, at the time and place designated for the trial, the president of the court shall issue his warrant for the arrest of the delinquent, directed to the State detectives or to the sheriff or a constable of the county, who shall forthwith execute said warrant, and make proper return thereof to said court, and produce to the said court the body of the accused, if within said county or State, and retain him in custody until the conclusion of the trial, unless sooner discharged by order of the court.

Fines collected to be paid to State Treasurer. SECTION 40. All fines and penalties imposed and collected through the sentence of courts martial, shall be paid into the State treasury; and any State detective, sheriff or constable neglecting or refusing to execute any process, or to make proper return of all fines collected, shall, upon conviction thereof by the Court of General Sessions of the Peace and Jail Delivery of this State, be adjudged guilty of a misdemeanor and shall be punished by a fine of one hundred dollars for each offence, for the use of the State.

Misdemeanor. Punishment. Failure to attend upon call of commanding officer. SECTION 41. Any officer or soldier failing to appear upon any occasion of duty, to which he shall be ordered by his proper commanding officer, shall be subject to a trial by court martial, and upon conviction, failing to render good and sufficient cause therefor, he shall be sentenced to pay such fine, or undergo such other lawful punishment, as such court martial may direct. The forms, practice and procedure in all courts martial shall be adapted and conducted as in similar tribunals in the United States Army, unless altered, amended or modified, from time to time by orders from the Commander-in-Chief.

Governor may call out Guard when necessary. SECTION 42. When it may be necessary to use any military force for public defence against foreign or domestic violence, the Governor, as Commander-in-Chief, shall have power, according to the emergency, to call out any regiment, battalion, company, or any part thereof, for that purpose; and the sheriff of any county may, by written order, addressed to the commanding officer of any regiment, battalion or com-

Sheriff may require aid of Guard

OF THE PUBLIC ARMS AND DEFENCE.

pany within the county, require the aid of such regiment, battalion or company for the suppression of a riot and the protection of the peace of the county. The Mayor of the City of Wilmington may, in like manner, call upon the force stationed in the said City of Wilmington, to aid in the suppression of a riot and in the preservation of the peace of said city. For every days service while on such duty, each private shall receive one dollar and fifty cents; each corporal one dollar and seventy-five cents; each duty sergeant, two dollars; non-commissioned staff and first sergeant, two dollars and fifty cents; and each commissioned officer the pay of officers of like grade in the service of the United States, besides all necessary expenses. To be paid as follows: If called out by the Governor, to be paid by the State; if called out by the Sheriff, to be paid by the county; if called out by the Mayor thereof, to be paid by the City of Wilmington.

for suppression of riot.

Mayor and council of Wilmington likewise.

Compensation of members of Guard when called out.

How paid.

SECTION 43. All such requisitions for military force shall be made known to the forces whose services are required by the commanding officers thereof; and upon refusal of those notified to attend the summons and perform the duty required, they shall be fined as follows: Each non-commissioned officer or private not less than thirty nor more than one hundred dollars, and each commissioned officer not less than one hundred nor more than one thousand dollars, as the court martial shall in all such cases determine; *and furthermore*, the commission of a commissioned officer shall be revoked.

Neglect of members to respond to call.

Fine.

Commission revoked.

SECTION 44. No person belonging to the military forces of this State shall be arrested on any civil process while going to, remaining at or returning from any place at which he may be ordered to attend for military duty. Any portion of the National Guard parading or performing any duty according to law, shall have the right of way in any street or highway through which they may pass; *provided*, the carriage of the United States mails, the legitimate functions of the police, and the progress and operation of fire engines and fire departments, shall not be interfered with thereby.

Exemption from arrest when.

Right of way.

Proviso.

SECTION 45. If any officer or soldier belonging to any regiment, company or detachment of the National Guard of Delaware be wounded or disabled in the service of the State, when called out into such service, he shall be taken care of and provided for at the public expense, and fair compensation shall be allowed him for his time and injury. If killed, his family shall receive a pension according to his rank, as regu-

Injured officer or private.

To be cared for and compensated.

OF THE PUBLIC ARMS AND DEFENCE.

Horse used
in service.

lated by the pension laws of the United States. If any horse shall be taken into the service of a regiment, company or detachment, the same shall be appraised by the officer in command and two citizens, before it is actually used in such service, and the appraisement entered into a book by the officer who assists in making the same; and in case such horse shall be killed, disabled, die, or be taken by the enemy, the owner shall be paid the full value of such horse; *provided*, the loss has not occurred through the neglect or improper conduct of the owner or his servant; and for the use of every such horse a fair compensation shall be allowed.

When
paid for.Compensa-
tion for use.Rules when
in service.

SECTION 46. Whenever the troops or any part thereof are called into active service, the officers and men shall be governed by the regulations, customs and usages of the United States Army.

Appropriation to
infantry
company.

SECTION 47. Each infantry company, duly organized and found by the military board, on examination of the rolls and reports returned by the inspecting officer, to be fully up to the standard of numbers, drill and discipline, shall receive, upon a warrant drawn by the Adjutant General to the order of the company commander, the sum of three hundred dollars per annum, except companies quartered in the State arsenal at Wilmington, which shall receive the sum of one hundred dollars each; *provided*, that companies quartered in said arsenal shall have the benefit of light, fuel and janitors, the expenses of which shall be paid from the general fund.

Appropriation to gat-
ling gun
detach-
ment and
drum
corps.

SECTION 48. The gatling gun detachment and regimental drum corps shall receive, if found upon examination by the military board to be up to the proper standard of numbers, drill and discipline, the sum of seventy-five dollars each annually; and regimental headquarters the sum of one hundred and fifty dollars annually upon a warrant drawn by the Adjutant General to the order of the regimental commander.

To regi-
mental
headquar-
ters.Compensa-
tion of offi-
cers and
privates.

SECTION 49. There shall be paid to each commissioned officer for each day's attendance for duty at field manoeuvre or review, the sum of two dollars, and to each non-commissioned officer, musician and private, present for duty, the sum of one dollar for each days attendance, besides all necessary expenses.

Troop B
Armory to
be State
arsenal, &c.

SECTION 50. The building located at Twelfth and Orange streets, in the City of Wilmington, the property of the State

OF THE PUBLIC ARMS AND DEFENCE.

of Delaware, and known as Troop B Armory, shall from and after the passage of this act, be placed in charge of the State Military Board, to be used as a State Arsenal and Armory, and as quarters for that part of the National Guards stationed at Wilmington. The State Military Board shall employ a janitor who shall also act as an armorer; they shall also keep the building in repair and provide it with heat and light, the expense of which shall be paid out of the general fund.

SECTION 51. The Adjutant General shall, on receipt of the annual inspection rolls, lay the same before the State Military Board, to be composed of the Commander-in-Chief, Adjutant General, State Treasurer, Quartermaster General and the ranking officer of the troops, who shall meet at least once in each year, and at such other times as may be necessary for the purpose of auditing and adjusting all military claims incident to the organization and discipline of the National Guard, and which, on the approval of said board, endorsed thereon, shall be paid as hereinafter provided.

SECTION 52. No bill or allowance authorized by the provisions of this act, shall be approved and paid by the State Treasurer, unless the said bill or allowance is itemized and its contents duly sworn to or affirmed before an officer authorized by law to administer oaths or affirmations.

SECTION 53. For the purpose of carrying into effect the provisions of this act, the sum of five thousand dollars is hereby appropriated annually, and the State Treasurer is hereby authorized and directed to honor the warrants of the Adjutant General, when countersigned by the State Military Board, for that amount.

SECTION 54. The Commander-in-Chief may, in his discretion, whenever the funds to the credit of the National Guard will permit, order into service the forces organized under this act, for field manœuvres, target practice or review, at such places in the State as he may deem best suited for the purpose, and whenever such troops are ordered into service, the commanding officer thereof may fix certain bounds, not including any public roads, within which no spectator may enter without leave, and whoever intrudes within such limits, when forbidden to do so, or, after entering by permission, shall conduct himself in a disorderly manner, or whoever resists a sentry or guard acting under orders to prevent such entry or to prevent disorderly conduct, may be arrested by

Care of
sumo.State
military
board.Meetings.
Duties.Bills paid
by State
Treasurer
when.\$5000 ap-
propriated
annually.How paid
out.When
Guard or-
dered into
service.Regula-
tions.Violation
by specta-
tor.

Arrest.

OF THE PUBLIC ARMS AND DEFENCE.

Punish-
ment. the commanding officer, or by his order, and taken before any justice of the peace of the county wherein the offence is committed, and upon conviction of the offence shall be fined not less than ten nor more than fifty dollars and the costs of prosecution, and committed until such fine and costs are paid.

Certain
officers may
administer
oaths when SECTION 55. General field and commissioned staff officers are hereby authorized and empowered to administer oaths and affirmations, in all matters appertaining to or concerning the National Guard service, but in no case shall they charge any fee or compensation therefor. Any person who shall falsely swear or affirm to any oath or affirmation so administered, shall be liable to be indicted and punished as in other cases for wilful and corrupt perjury, in having violated his oath or affirmation.

Perjury.

Rules for
National
Guard. SECTION 56. The Commander-in-Chief is hereby authorized, upon the recommendation of a board of five commissioned officers appointed by him for that purpose, to make and publish rules and regulations for the control, discipline, armament and equipment of the National Guard to carry out the provisions of this act, which rules and regulations shall, as far as practicable, conform to the rules and regulations of the United States Army, and which rules and regulations shall have all the force of law.

Form.
Force.

SECTION 57. That all acts or parts of acts relating to the National Guard of the State of Delaware, be and the same are hereby repealed and superseded by this act.

Passed at Dover, May 7, 1897.

TITLE FOURTH.

General Provisions Respecting Elections

CHAPTER 393.

GENERAL PROVISIONS RESPECTING ELECTIONS.

AN ACT to provide for the Purity of Primary Elections in New Castle County.

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

SECTION 1. A primary election within the meaning of this act is an assemblage of voters who are members of any political party, organization or association duly convened for the purpose of nominating a candidate or candidates for public office, or for the purpose of selecting delegates or representatives to any political convention thereafter to be held for the purpose of selecting candidates as aforesaid, which at the last general election before the primary election polled at least ten per centum of the entire vote of the State, or any division or sub-division thereof, for which the nominations are made.

SECTION 2. That all primary elections hereafter to be held by any political party, organization or association, for the purpose of nominating or selecting candidates to be voted for at any subsequent election, or for the purpose of selecting delegates or representatives to any political convention thereafter to be held for the purpose of selecting candidates as aforesaid, shall be by ballot. The primary election for any political party, organization or association, for the nomination of the same class of candidates to be voted for at any subsequent election, or for the selection of delegates or representatives to any political convention thereafter to be held for the purpose of selecting candidates as aforesaid, shall be held

Primary
election
defined.

To be by
ballot.

Through-
out county
at same
time.

GENERAL PROVISIONS RESPECTING ELECTIONS.

Notice. in the several hundreds at the same time. Notice of the time and places for holding all primary elections shall be given by publishing the same once each day for at least five days before the time of holding the same in one or more daily newspapers printed in New Castle county. No two political parties, organizations or associations shall hold their primary election on the same day. The number of days that shall be allowed for holding primary elections to nominate persons to be voted for at a general election and to nominate persons to be voted for at municipal elections in the City of Wilmington, shall not exceed two for each political party, organization or association in any one year.

No two parties on same day.

Not more than two days for each party.

To be held by board of election.

How composed and appointed.

SECTION 3. That every primary election hereafter to be held by any political party, organization or association for the purpose of nominating or selecting candidates by ballot to be voted for at any subsequent election, or for the purpose of selecting delegates or representatives to any political convention thereafter to be held for the purpose of selecting candidates as aforesaid, shall be held by a Board of Election officers consisting of one inspector, who shall be a judge and the presiding officer, and two other judges at each voting precinct; and if it should so happen that but one person as presiding officer or judge should have been appointed by such political party, organization or association to hold such primary election, or having been appointed and being absent, the electors there present at the hour appointed for opening such primary election shall proceed without ballot to choose from among the qualified voters of the election district there present a presiding officer, judge or judges as the case may require; and in choosing such presiding officer, judge or judges, two qualified voters of the district to be nominated and appointed by the electors shall be the judge or judges.

Inspector.

SECTION 4. That the inspector of each election district for all primary elections hereafter held in New Castle county, (outside the City of Wilmington) under the direction of any political party, organization or association shall be the person who was the candidate of the political party, organization or association holding such primary election for the office of inspector at the general election next preceeding such primary election; *provided*, that in cases where the primary election is held without regard to the division of any hundred into election districts for general election purposes, the person who was the candidate for the office of inspector as

GENERAL PROVISIONS RESPECTING ELECTIONS.

aforesaid, for the election district in which the place of voting at such primary election is situated shall be the inspector of such primary election. The two judges, as provided by Section three of this act, shall be appointed by the regularly organized and constituted County Committee or governing authority of the political party, organization or association holding such primary election. The inspector and judges of all primary elections hereafter held in the City of Wilmington shall be appointed by the regularly organized and constituted County Committee or governing authority of the political party, organization, or association holding such primary election, from the persons designated to conduct the next subsequent general election. The term of office of said inspectors and judges shall be for one year. Said committee or governing authority shall designate which person shall act as inspector, and which persons shall act as judges of such primary elections. The persons so appointed shall be residents of the primary election district for which they are appointed. In all cases when primary election officers are appointed as herein provided, representations* of the interest of each candidate shall be as nearly equally divided as possible as to the board of election officers. If any person designated in this section to be inspector of any primary election shall die, remove from his primary election district, or be for any reason physically unable to attend in his primary election district at any primary election held by his political party, organization or association, then the regularly organized and constituted County Committee or governing authority of the political party, organization or association holding such primary election shall appoint an inspector to fill the vacancy thereby created. If any political party, association or organization desires to hold a primary election for the purpose of nominating candidates for public office, and there is no recognized member of said political party, association or organization among the persons designated in this act to serve as inspectors and judges of such primary elections, or not a sufficient number of recognized members for said purpose, then the regularly organized and constituted County Committee or governing authority of such political party, association or organization shall appoint the inspector and judges to hold such primary election. In case of refusal or neglect on the part of any person designated by this act or appointed pursuant to the provisions hereof to be an inspector or judge, as the case may be, of any primary election, to

Appoint-
ment of
Judges.Inspector
and Judges
in Wil-
mington.Terms of
office.Qualifica-
tions.

Vacancy.

Primary
election of
party not
having an
inspector.Refusal of
appointment
to act.

* So enrolled.

GENERAL PROVISIONS RESPECTING ELECTIONS.

Penalty. How recovered. What deemed refusal. When appointed. Oath of officers.	qualify according to the requirements of this act, or to serve, or to act, he shall be liable to a penalty of two hundred dollars, recoverable by the County Treasurer of New Castle county, by civil action in any court of record, in the name of the County Treasurer and for the use and benefit of New Castle county; and the failure on the part of any such person to comply with any of the requirements of this act, preliminary to opening the polls, or to attend on the day of any primary 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 election officers whose appointment is provided for in this section, shall be appointed at least two weeks before such primary election is to be held.
---	--

SECTION 5. That before opening the election, the presiding officer and judges shall each take and subscribe an oath according to the following form, viz: I do solemnly swear (or affirm) that in the primary election to be held on the _____ day of _____, A. D. _____, I will not knowingly or wilfully receive or consent to the receiving of the vote of any alien, and also that I will not receive or consent to the receiving of the vote of any person whom I shall believe not entitled to vote, unless my associates shall adjudge such person to be entitled to vote. That I will not receive or reject, nor concur in receiving or rejecting any vote through partiality or under bias and that I will determine every matter that shall come before me and perform every act and duty by law required of me, touching the said primary election, truly, faithfully and impartially, according to the best of my skill and judgment; that I will cause the ballots that shall be taken at said primary election to be fully read and ascertained, and a true statement thereof to be made, according to the best of my knowledge and ability; that I have not received, nor will not receive directly or indirectly from or through any candidate to be voted for at said primary election, or any representative of any such candidate or other person, any money, pay, or other valuable thing or reward; that I have not been promised, or in any manner been led to believe that I will at any time directly or indirectly receive any money, pay, or other valuable thing or reward from such candidate or representative of such candidate or other person other than that provided by this act, and if I shall discover any partiality, unfairness or corruption in the conducting of

GENERAL PROVISIONS RESPECTING ELECTIONS.

the said primary election, I shall disclose the same to the executive authority that shall have directed the holding of the said primary election, and to the Attorney General, to the end that the subject may be investigated, so help me God (or so I solemnly affirm).

SECTION 6. That each of the said judges, after being duly ^{Clerks.} qualified, shall choose one clerk of the primary election to be held, to whom the presiding officer or one of the judges who is hereby authorized to administer the same, shall on the day of such primary election administer the oath or affirmation, which shall be subscribed as follows, viz: I do solemnly ^{Oaths.} swear (or affirm) that as clerk of this primary election to be this day held, I will not use or assent to any falsehood, fraud or deceit, and that I will keep the polls and perform my duties truly, faithfully and impartially, so help me God (or so I solemnly affirm).

SECTION 7. That the regularly organized and constituted ^{Qualifier of} County Committee or governing authority of any political ^{primary} party, organization or association holding such primary ^{election} shall, at any time within ten days of the day that the first primary election is held in each year of a general election, appoint one person for each Levy Court district in ^{Officers} New Castle county as a Qualifier of Primary Election Officers, whose duty it shall be to administer to the inspectors and ^{Duties.} judges of the primary elections held in their respective districts the oath or affirmation prescribed in Section five of this act, and shall deliver to the chairman of the committee or governing authority appointing him the oaths or affirmations subscribed by the inspectors and judges as aforesaid, on or before twelve o'clock noon on the day previous to such primary election. Each person so appointed shall, upon the certification by the chairman of the committee or governing authority appointing him, that such person has performed the duties required of him by this act, be paid by the Levy ^{Compensation.} Court of the county in which he shall reside the sum of ten dollars.

In case any inspector or judge is chosen by the electors ^{Oath of} present at the time of opening the primary election, pursuant to Section three of this act, the oath or affirmation ^{officer ap-} prescribed in Section five of this act shall be administered to the ^{pointed on} inspector or judge so chosen by any officer of primary elec- ^{day of} tions there present who has been qualified by the Qualifier of ^{election.} Primary Election Officers, the said officer being hereby em- ^{How ad-}

GENERAL PROVISIONS RESPECTING ELECTIONS.

powered to administer said oath or affirmation; and in case there is no such qualified officer there present the said oath or affirmation shall be administered to the judges by the presiding officer, and by one of them to him, each of whom are hereby empowered and directed to administer such oaths or affirmation.

Oath of
qualifier.

SECTION 8. The person appointed Qualifier of Primary Election Officers, pursuant to the provisions of Section seven of this act, shall within two days after the appointment and before entering upon his duties, take and subscribe an oath (or affirmation) according to the following form, viz:

I do solemnly swear (or affirm) that, as Qualifier of Primary Election Officers, I will not use or assent to any falsehood, fraud or deceit, and that I will perform my duties truly, faithfully and impartially, so help me God, (or so I solemnly affirm).

How ad-
ministered.

Chairman
of County
Committee
may ad-
minister
certain
oaths.

Failure of
qualifier to
take oath.

Misde-
meanor.

Punish-
ment.

The oath or affirmation prescribed in this section shall be administered by the chairman of the regularly organized and constituted County Committee or governing authority of the political party, organization or association for which said Qualifier of Primary Election Officers was appointed. The said chairman is hereby empowered and directed to administer oaths and affirmation pursuant to the provisions of this act. Any person appointed Qualifier of Primary Election Officers who shall fail to qualify as aforesaid, shall upon conviction therefor, be adjudged guilty of a misdemeanor, and shall be punished for each such offence by a fine not exceeding one hundred dollars.

Time for
registration
in N. C.
by reg-
istrars

By board of
registration

SECTION 9. That the time for the registrars to sit alone in New Castle county (outside of the City of Wilmington) for ascertaining and registering, under the provisions of Chapter thirty-eight, Volume nineteen, Laws of Delaware, the persons who are or may become qualified to enjoy the right of an elector at the general election shall be on three successive Saturdays, beginning with the first Saturday in August next preceding the general election. That the time for the board of registration, provided for by Chapter thirty-eight, Volume nineteen, Laws of Delaware, to sit for the performance of the duties required by said board of registration under existing law, shall be on the last Friday and Saturday of the month of August next preceding the general election, and on the third Saturday of the month of October next

GENERAL PROVISIONS RESPECTING ELECTIONS.

preceding the general election. In order to fix and ascertain the persons who are to be the associate officers of registration in and for New Castle county, pursuant to Chapter thirty-eight, Volume nineteen, Laws of Delaware, the two judges of the general election directed to be chosen by Section eleven of Chapter eighteen of the Revised Code, shall continue in the manner directed by Section fourteen, of Chapter thirty-eight, Volume nineteen, Laws of Delaware, except that in and for New Castle county the said judges shall be chosen in the month of July instead of the month of September as heretofore, and all the duties directed to be performed by Section fourteen of Chapter thirty-eight of Volume nineteen, Laws of Delaware, in the month of September, shall be performed in the month of July so far as the performance of said duties apply to New Castle county.

Judges of election in N. C. Co. to be appointed in July.

Other acts to be performed in July.

SECTION 10. That the time for the ascertainment and registration, pursuant to the provisions of Chapter thirty-nine, Volume nineteen, Laws of Delaware, of the persons residing in the City of Wilmington who are or may become qualified to enjoy the right of an elector at the general election, shall hereafter be on three successive Saturdays, beginning with the second Saturday in the August next preceding the general election, and on the third Saturday in the October next preceding the general election. That the inspectors of election for the City of Wilmington shall hereafter be appointed by the Department of Elections for said city in the month of June in each year in which a general election is held.

Time for registration in Wilmington.

Inspectors for Wilmington appointed.

SECTION 11. That the Sheriff of New Castle county shall, in addition to the registers and things he is now required by law to furnish to the registrar of each hundred or election district of his county (outside of the City of Wilmington), hereafter, before the first day of any registration of voters of said county (outside of the City of Wilmington) made under the provisions of Chapter thirty-eight, Volume nineteen, Laws of Delaware, as amended by this act, prepare and furnish two books for each of said registrars in New Castle county (outside of the City of Wilmington) to be known by the name of "Voting Books of Qualified Voters for Primary Elections," for alphabetical lists of all persons whose names may be entered on the registers pursuant to Chapter thirty-eight, Volume nineteen, Laws of Delaware. Said books shall 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 en-

Voting books of qualified voters for primary elections outside of Wilmington.

Entries.

GENERAL PROVISIONS RESPECTING ELECTIONS.

tered on the register aforesaid as a "qualified voter" or "may become qualified voter," and in the parallel column opposite the name of such person the following particulars, to wit: First, his residence; second, his color; third, the day of his registration. Said books shall contain six parallel columns for the entry of the word "voted," together with the date of voting. When any registrar or board of registration, at any of the sittings hereinbefore provided, shall enter in his register the name of any applicant for registration as a "qualified voter" or "may become 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 for Primary Elections" hereinbefore provided for, the name of such applicant and also his residence, color and date of registration. The said two "Voting Books of Qualified Voters for Primary Elections" shall be compared and certified on the last day of registration in the month of August, in the same manner and by the same persons as now required by Section fifteen of Chapter thirty-eight, Volume nineteen, Laws of Delaware. It shall be the duty of the registrar, within one secular day after the certification by the board of registration as herein required, to deliver to the Sheriff of New Castle county, who shall safely keep the same, the two "Voting Books of Qualified Voters for Primary Elections" required by this act.

To be compared and certified how.

To be delivered to sheriff.

Department of Elections to furnish Voting Books of Qualified Voters for Primary Elections in Wilmington.

Form.

To be compared.

SECTION 12. That the Department of Elections for the City of Wilmington shall, in addition to the registers and things they are now required by law to furnish to the inspectors of elections in said city, hereafter, before the first day of any registration of voters of said city made pursuant to the provisions of Chapter thirty-nine, Volume nineteen, Laws of Delaware, as amended by this act, prepare and furnish to the inspectors of elections in every election district in said city, now existing or hereafter created, two "Voting Books of Qualified Voters for Primary Elections," said books being in the same form as designated in Section eleven of this act. The said two "Voting Books of Qualified Voters for Primary Elections" shall be compared by the inspectors, on the last day of registration in the month of August, to see that they agree with each other in every particular, and also with the register to see that every name entered on the register as a "qualified voter" or "may become qualified voter" is entered in its proper alphabetical place on each of the two "Voting Books of Qualified

GENERAL PROVISIONS RESPECTING ELECTIONS.

Voters for Primary Elections," together with the residence, color and date of registration. And if any name in the registers which ought to have been entered on the said alphabetical list shall have been omitted therefrom, it shall be the duty of said inspectors to enter such name in its proper alphabetical place on the alphabetical list, together with the proper entries as they appear on the said registers. And it shall be the further duty, in such comparison of the alphabetical list with the registers, to make such corrections in 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. It shall be the duty of the said inspectors, immediately after their last sitting in the month of August, to append to each of said alphabetical lists of "qualified voters" contained in said "Voting Books of Qualified Voters for Primary Elections" a certificate, verified by the oath of the inspectors, or at least two of them, that the said "Voting Books of Qualified Voters for Primary Elections" contain a complete list of the "qualified voters" and "may become qualified voters" of said election district as the same are entered in the registers of voters of such election district. After said two "Voting Books of Qualified Voters for Primary Elections" have been compared and certified as aforesaid, the said inspectors in each of said election districts shall, immediately after said certification, return the same to the said Department of Elections.

SECTION 13. It shall be the duty of said Department of Elections to compare and correct said two "Voting Books of Qualified Voters for Primary Elections," at any time before the day the first primary election is held in the year of a general election, and, when it shall appear by any date in their possession that any person has registered in more than one election district, they shall, upon due inquiry, strike his name from the said "Voting Books of Qualified Voters for Primary Elections" of any and all election districts in which he is not a "qualified voter," and shall, opposite his name, state the reason therefor. Said two "Voting Books of Qualified Voters for Primary Elections," in each election district of the City of Wilmington, shall be preserved and delivered by said Department of Elections as hereinafter prescribed and directed.

SECTION 14. That from and after the first day of June, A. D. 1898, the terms and powers of office of the inspectors of

GENERAL PROVISIONS RESPECTING ELECTIONS.

in Wil-
mington
terminated
after June
1, 1898.

elections for the City of Wilmington, who shall then be in office, shall be and the same are hereby declared to be terminated and ended.

Division of
Wilmington
into
districts to
be by
June 1

SECTION 15. That the division of the City of Wilmington into election districts, as is directed by sub-division one of Section three of Chapter thirty-nine, Volume nineteen, Laws of Delaware, shall hereafter be made on or before the first day of June instead of on or before the first day of September, as therein provided.

Officer of
election
stealing, Ac.
election
books, Ac.

SECTION 16. Every inspector of any primary election, poll clerk, or other officer or person having the custody of any "Voting Book of Qualified Voters for Primary Elections," 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, wilfully 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 every such offence by imprisonment in the county jail for a period not exceeding two years, or by a fine of not more than two hundred dollars, or both.

Misde-
meanor.

Punish-
ment.

Officer com-
mitting or
advising,
Ac. com-
mission of
wrongful
acts

SECTION 17. 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 any of them, shall, upon conviction thereof, be adjudged guilty of a misdemeanor, and for every such offence shall be punished by imprisonment in the county jail for a period not exceeding two years, or by a fine of not more than two hundred dollars, or both.

Misde-
meanor.

Punish-
ment.

Time for
holding
primary
elections.

SECTION 18. That the time for holding any primary election shall be after the last day of registration in the month of August, for the ensuing general election and the time for holding primary elections in the City of Wilmington to nominate candidates to be voted for at a municipal election shall be in the month of May after the day for the revision of the registration of voters. The time for the revision of registration of voters in the City of Wilmington for municipal elections shall be and the same is hereby made the fourth Saturday

Time for
revision of
registration
in Wil-
mington.

GENERAL PROVISIONS RESPECTING ELECTIONS.

previous to the day set for holding the election for municipal officers in the said city. The election officers and the members of the Department of Elections for the City of Wilmington in addition to the duties now required of them by law shall revise and prepare the "Voting Books of Qualified Voters for Primary Elections," as herein provided for general elections, and no person whose name does not appear on the said "Voting Books of Qualified Voters for Primary Elections" shall be entitled to or shall be permitted to vote at a primary election to nominate candidates to be voted for at the subsequent municipal election in the City of Wilmington. The time for opening the polls for the purpose of conducting a primary election under the provisions of this act shall be one o'clock in the afternoon, and the time for closing the polls at such primary election shall be seven o'clock in the evening.

Duties of
Department of
Elections.

Who may
vote at
municipal
primary
elections.

Time for
opening
polls.

Time for
closing.

SECTION 19. That whenever a political party, organization or association desires to hold a primary election for the purpose mentioned in Section 2 of this act, the chairman or secretary of the regularly organized and constituted County Committee or governing authority of such political party, organization or association shall notify by letter the respective parties having the custody of the "Voting Books of Qualified Voters for Primary Elections" in this act provided, of their intention of holding a primary election, stating the day on which they desire the election held, which notification shall be at least two weeks prior to the time named for holding such primary election. If no previous notice shall have been received by the said parties from no other political party of their intention to hold a primary election on that day, the said parties shall, on or before twelve o'clock of the day for holding such primary election for that political party, organization or association, deliver the two "Voting Books of Qualified Voters for Primary Elections" provided for in this act, for each general election district that may be contained in the primary election district, to the inspector of such primary election in the hundred or election district of the county to which such "Voting Books of Qualified Voters for Primary Elections" shall apply. And it shall be the duty of the said inspector to have the same at the place of holding the primary election at the time of opening the polls on primary election day. If any inspector shall refuse, neglect, or fail to have the said "Voting Books of Qualified Voters for Primary Elections," at the place of holding the primary election at

Notice of
desire to
hold pri-
mary
elections.

Custodians
of voting
books to
furnish
same to
several
inspectors.

Inspector
to have
same at
place for
holding
election.

Neglect.

GENERAL PROVISIONS RESPECTING ELECTIONS.

Misdemeanor.

Punishment.

the time designated in this act, he shall, upon conviction therefor, be adjudged guilty of a misdemeanor, and shall be punished for each such offence by imprisonment in the county jail for a period not exceeding ninety days, or by a fine not exceeding one hundred dollars, or both.

Method of receiving votes.

SECTION 20. The qualification of electors under this act shall be such as the political party, organization or association authorizing such election may prescribe and publish, and in default of any prescribed or published rule, the past usages of such political party or organization shall be recognized and adopted, and ignorance of such past usages shall be no defence against any of the penalties of this act. As

Elector shall not vote at primary election of more than one party

each person shall apply to vote at any primary election, the officers thereof shall examine the "Voting Books of Qualified Voters for Primary Elections" provided by this act, and if they find thereon the name of the person applying to vote, and be satisfied that he is the person whose name is so registered, they shall enter the word "voted" after his name, and such voter shall not be permitted to vote at any succeeding primary election held by any other political party, organization

Entry must show at primary election of what party elector voted.

or association. The entry of the word "voted" as aforesaid, shall be in such a manner as to indicate at what party primary election the voter has voted. No person whose name is not contained in the "Voting Books of Qualified Voters for Primary Elections" herein provided for, shall be allowed to vote or participate in any primary election hereafter held.

Whose vote refused.

Inspector to return Voting Books of persons from whom received.

It shall be the duty of each of the inspectors, within two days after the day of the primary election, to return the "Voting Books of Qualified Voters for Primary Elections," used by him at any primary election, to the person or persons from whom he received the same, who shall preserve them.

Neglect.

If any inspector shall neglect, refuse or fail to return said "Voting Books of Qualified Voters for Primary Elections," as directed in this section, the said inspector so neglecting,

Misdemeanor.

Punishment.

failing, or refusing shall, upon conviction therefor be adjudged guilty of a misdemeanor and shall for every such offence be punished by a fine not exceeding one hundred dollars or by imprisonment in the county jail for a period not exceeding one year, or both.

Officers receiving illegal vote.

SECTION 21. If at any primary election, the presiding officer and judge shall knowingly and wilfully receive, or advise, or consent to the receiving of the vote of any person not entitled to vote at such primary election, or if such

GENERAL PROVISIONS RESPECTING ELECTIONS.

presiding officer or judge shall knowingly and wilfully refuse to receive the vote of any person entitled to vote at such primary election, every such presiding officer or judge shall, for every such offence, forfeit and pay the sum of one hundred dollars to any person who will sue for the same, or shall, for every such offence, upon conviction therefor, be adjudged guilty of a misdemeanor, and be fined not less than one hundred dollars, and, in either case, be imprisoned until the fines, forfeitures and costs are paid in full or discharged by the court.

Refusing
legal vote.

Penalty.

Misdemeanor.

Punishment.

SECTION 22. If at any primary election hereafter held by any political party, organization, or association, as provided in this act, any person falsely personate any elector or other person, and vote or attempt or offer 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, willingly or fraudulently vote more than once for any candidate for the same office, or shall vote in any other primary election district than the one in which he is a bona fide resident, or vote or attempt to vote more than one ballot at any primary election district, or shall solicit from any candidate or from any other person, or shall receive, directly or indirectly, from such candidate or from any other person any money, or promise of place or position, or any valuable consideration of any kind, for his vote or support, or if any person shall vote at the primary election of more than one political party, organization or association, held for the purpose of nominating or selecting a candidate or candidates to be voted for at any subsequent general election, or for the purpose of selecting delegates or representatives to any political convention thereafter to be held for the purpose of selecting candidates as aforesaid, before any one general election, or shall vote or attempt to offer to vote in any primary election district, or having once voted shall attempt or offer to vote again, or shall knowingly, wilfully or fraudulently do any unlawful act to secure an opportunity for himself or for any other person to vote, or shall by force, threat, menace, intimidation, bribery or reward or offer to or promise thereof, or otherwise unlawfully either directly or indirectly influence or attempt to influence any elector in giving his vote, or shall promise any place or position for the purpose of securing any voter's support or prevent or hinder or attempt to prevent or hinder any qualified voter from freely exercising the rights of suffrage, or any such means induce

Voting or
attempting
to vote
illegally.Receiving
or soliciting
reward.Voting at
primary
election of
more than
one party.Attempting
any unlaw-
ful act.Influencing
voter.

GENERAL PROVISIONS RESPECTING ELECTIONS.

Influencing 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 any primary election or other officer of any primary election in any primary election district to receive the vote of any person not legally qualified or entitled to vote at the said primary election in such district, or shall knowingly, wilfully or fraudulently interfere with, delay or hinder in any manner any inspector of any primary election, poll clerk or other officer of any primary election in the discharge of his duty, or by any such means or other unlawful means, knowingly, wilfully or fraudulently counsel, advise, induce or attempt to induce any inspector of any primary election, poll clerk or other officer of any primary election, whose duty it is to ascertain, proclaim, announce or declare the result of any such primary 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 primary 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 any primary election, or other officer of such primary election, to do any act by law forbidden, or in this act constituted an offence, 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, when not herein otherwise particularly specified, be punished for every offence 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.

Other offences.

Punishment.

Any act or deed declared an offence by the general laws of this State concerning elections and not herein particularly mentioned, shall also be an offence in all primary elections, and shall be punished in the same form and manner as is provided for the punishment of similar offences by the general laws; and all the penalties and provisions of the general laws shall apply in such cases with equal force, and shall be as effective as though fully set out in this act.

Territory in primary election district.

SECTION 23. That the regularly organized and constituted County Committee or governing authority of the political party, organization or association holding any primary election shall, at least two weeks before such primary election is

GENERAL PROVISIONS RESPECTING ELECTIONS.

held, determine what territory shall comprise a primary election district; *provided*, that such primary election districts shall be so formed that the whole of each election district for the general election shall be in one primary election district. They shall also designate the place for holding the primary election in each primary election district and secure the room for holding the same. Said room, in all cases where one primary election district comprises more than one general election district, shall be in the general election district where the greatest number of votes were polled by the political party, organization or association holding such primary election at the general election next preceding the said primary election. They shall also designate each of said districts by appropriate titles or distinctions. No primary election shall be held under the provisions of this act in a place or building where intoxicating liquor is sold.

General election districts not to be divided.

Place of holding election.

Designation of districts.

Not to be held where intoxicating liquors sold.

SECTION 24. If the Sheriff of New Castle county or the members of the Department of Elections for the City of Wilmington shall wilfully neglect, refuse or fail to deliver to each inspector of primary elections the "Voting Books of Qualified Voters for Primary Elections" in his or their custody, for each general election district that may be contained in the primary election district for which he is appointed, then in that case the said Sheriff or any member of said Department of Elections so neglecting, failing or refusing shall, upon conviction therefor, be adjudged guilty of a misdemeanor and shall for every such offence be punished by imprisonment in the county jail for a period not exceeding one year, or by a fine of not more than two hundred dollars, or both, and such conviction shall of itself work a forfeiture of his office.

Neglect of Department of Elections or sheriff to deliver Voting Books.

Misdemeanor.

Punishment.

Forfeiture of office.

SECTION 25. Whoever, during the time that any primary election is in progress in any primary election district in New Castle county or during the time the ballots cast thereat are being counted, shall bring, take, order or send into, or attempt to bring, take or send into any place of holding any primary election, any intoxicating liquors whatever, or shall at any such time and place drink or partake of any such intoxicating liquors, he or they shall, upon conviction therefor be adjudged guilty of a misdemeanor and shall for every such offence be punished by a fine of not less than five dollars, and not exceeding ten dollars.

Taking intoxicating liquors into place of election.

Drinking intoxicating liquor.

Misdemeanor.

Punishment.

GENERAL PROVISIONS RESPECTING ELECTIONS.

Ballot
boxes to be
provided.

Description

Other box.

Ballot box
where
placed
during
election.

Locked
during
election.

Number of
votes cast
to be an-
nounced at
close of
election

Reading of
ballots.

Custody of
same.

Clerks to
keep tally.

SECTION 26. That the Sheriff of New Castle county shall provide and deliver, or cause to be provided and delivered to the officers at every polling place in the county outside of the City of Wilmington (and the Department of Elections to perform the same duties in the City of Wilmington), where a primary election is to be held, a ballot box, the same to be provided with a lock and key; the said ballot box to be not less than twelve inches long, nine and one-half inches wide, and nine inches high; both sides of said box shall be entirely of clear glass and shall have a lid so constructed that the said lid will slide with ease. The lid of said ballot box shall have an opening in the top not more than one inch long and not more than three-sixteenths of an inch wide; the opening to be entirely enclosed with iron, steel or tin, which material shall be securely fastened to the lid. He shall also furnish to the officers holding any primary election a box of sufficient size to hold the ballots cast at such primary election.

SECTION 27. That part of the ballot box composed of glass shall be so placed during the time that any primary election is in progress that it can be seen at all times by the persons on the outside of the polling places. The lid of the ballot box shall be securely locked during the time that the primary election is being conducted, and shall not be unlocked until the polls are closed.

SECTION 28. That at the time for closing the polls at a primary election held under the provisions of this act, the presiding officer shall publicly proclaim in a clear and distinct voice the number of votes that have been cast at such primary election as shown by the poll books kept by the clerks. After closing the polls at a primary election, the presiding officer and judges shall openly and publicly remove the lid of the box containing the ballots. The ballots shall be taken separately from the box. One of the judges shall keep in his custody the said box while the other judge shall publicly and in the presence of the watchers, hereinafter provided for, take the ballots one by one from the box and read the same. When a ballot shall be read it shall be submitted to each of the other judges for inspection and put in the other box directed to be procured in Section twenty-four of this act, it being first seen that the said box is empty; two clerks at least shall keep an accurate account of the ballots as they are read, which shall be done on the tally sheets hereinafter provided to be furnished, by writing the name of every

GENERAL PROVISIONS RESPECTING ELECTIONS.

person voted for in the margin under a designation of the office for which the vote is given to him. The clerk shall make a distinct mark with a pen and ink in the row opposite such name for every vote such person shall receive for the same office. At the close of the canvass of the ballots cast for each candidate, the inspector shall publicly announce the vote and the result of the canvass.

Result of
canvass to
be an-
nounced
when
count com-
pleted.

SECTION 29. After having counted the ballots cast at any primary election, the officers holding such election shall forthwith fill out and sign two tally sheets and two certificates, hereinafter provided to be furnished, with the number of votes in words at length entered thereon that have been cast for each and every candidate at such primary election, and the exact time that said canvass was completed. One of said certificates, together with one of said tally sheets and one poll list, shall be delivered by the inspector outside of the City of Wilmington, on the first secular day following such primary election, to the chairman of the regularly organized and constituted County Committee or governing authority of the political party, organization or association holding such primary election. One of said certificates, together with one of said tally sheets and one poll list, shall be delivered by the inspectors in the City of Wilmington to the chairman of the regularly organized and constituted County Committee or governing authority of the political party, organization or association holding such primary election, within one hour from the time that the canvass of the votes has been completed. The said ballots, after having been counted, shall be deposited in the box furnished for that purpose, together with the other said certificates, tally sheets and poll lists. The lid of said box shall be secured by tape crossed and sealed in sealing wax by one of judges not being the inspector, and shall be delivered by the inspector on the first secular day following such primary election, to the Sheriff of New Castle county, who shall make such disposition of the same as the regularly organized and constituted County Committee or governing authority of the political party, organization or association holding such primary election may direct. The regularly organized County Committee or governing authority of the political party, organization or association holding any primary election shall furnish at every polling place in the county where a primary election is to be held, blank tally sheets, blank certificates, blank poll-books and stationery sufficient for the use of the officers hold-

Tally sheets
and certifi-
cates to be
prepared.

Disposition
of same.

Disposition
of ballots.

Blank tally
sheets, &c.,
by whom
furnished.

GENERAL PROVISIONS RESPECTING ELECTIONS.

Printed instructions to officers. ing such primary election. They shall also furnish to the primary election officers printed instructions of the parts of this act that in the judgment of the said committee is necessary for the proper performance of their duties.

Poll books. SECTION 30. The poll-books used at any primary election hereafter held shall have every line therein numbered, com-

Voting. mencing with the figure 1, and continuing serially. On offering to vote at a primary election the voter shall deliver to the presiding officer a single ballot containing the name or names of the person or persons for whom he desires to vote. He shall announce his name and residence, and, if he is qualified as heretofore provided, his vote shall be received and deposited in the ballot-box having the glass sides, and his name and residence entered on the poll-book on the line directly opposite the first unoccupied number in order that the election officers may, at any time during the progress of the primary election, know the exact number of votes that have been cast. The election officers of such primary election shall at any time announce to any person who is in the act of voting and so inquiring, the number of votes that have been cast up to that time.

When requested number of votes cast must be announced.

Rope or chain to be furnished each voting place.

How used.

No one permitted within enclosure except to vote.

Violation

Punishment.

Watchers.

SECTION 31. The Sheriff of New Castle county shall furnish at every polling place where a primary election is held, outside of the City of Wilmington, and the Department of Elections to perform the same duty in the City of Wilmington, two pieces of rope or chain. The officers holding such primary election shall place the said rope or chain at a distance not less than six feet on either side of the window or door where a primary election is held; the said rope or chain shall be at least twelve feet in length, and shall be at least twenty-four inches from the ground and shall so remain during the time such primary election is in progress. No person shall be permitted to be on the inside of said rope or chain excepting to cast his ballot, after which he shall immediately retire. Any person violating the provisions of this Section shall, upon conviction therefor, be adjudged guilty of a misdemeanor, and shall for every such offence be punished by a fine of ten dollars.

SECTION 32. That each candidate for nomination at any primary election hereafter held shall have the right to appoint one qualified elector as watcher, who shall be entitled to be in the room where such primary election is held, from the commencement to the close of such primary election and

GENERAL PROVISIONS RESPECTING ELECTIONS.

signing of the certificates thereof. If any person appointed watcher shall so conduct himself as to interfere with the progress of any primary election he may, upon complaint made by the primary election officers to the chairman of the regularly organized and constituted County Committee or governing authority of the political party, organization or association holding such primary election, or to any member thereof from the hundred wherein such interference occurs at the direction of the said chairman or member aforesaid, be removed from the room where such primary election is being held, and the candidate whose representative the watcher so removed was shall be without representation during the continuance of said primary election. If any person shall exclude or attempt to exclude any elector, except in the manner hereinbefore provided, who has been appointed watcher, from the room where any primary election is being held, he shall, upon conviction therefor, be adjudged guilty of a misdemeanor, and shall for every such offence be punished by a fine of one hundred dollars, or by imprisonment in the county jail for a period not exceeding ninety days, or both.

Removal
for miscon-
duct.Attempt to
exclude
watcher
misde-
meanor.Punish-
ment.

SECTION 33. That any recognized member of the political party, organization or association in whose interest any primary election is held, may challenge the right of any person offering to vote at such primary election; and the board of election officers holding the same shall determine whether the person so offering is entitled to vote, and shall receive or reject such vote, as the evidence for or against the right of the person to vote shall warrant. The officers may, of their own motion, or in case of challenge if there be doubt of the propriety of receiving the offered vote, require of the person so offering to vote, his oath or affirmation, which shall be administered by the presiding officer, who is hereby authorized to administer the same in the following form, viz: Do you solemnly swear (or affirm) that you are a legally qualified voter under the rules of the ----- party authorizing this primary election; that you will be legally qualified to vote at the following election for which candidates are now being selected to be voted for; that you are at this time a bona fide resident of this primary election district; that you have not voted, or you will not vote at any other voting place this day; that you have not voted or you will not vote at the primary election of any other political party, organization or association held for the purpose of nominating or selecting candidates to be voted for at the ensuing election,

Challenge
of vote.

Decision.

May re-
quire oath
of voter.

Form.

GENERAL PROVISIONS RESPECTING ELECTIONS.

After oath
vote to be
received.

Decision on
challenged
vote not to
delay other
voters.

Challeng-
ing vote for
delay
misdeme-
anor.

Punish-
ment.

Powers of
election
officers.

Compensa-
tion of
election
officers.

How paid.

Election
officer
acting un-
lawfully
may be
removed.

so help you God (or so you solemnly affirm). After the voter has taken the said oath or affirmation, the ballot of such voter shall be received and deposited in the ballot box; and if any person offering to vote at any primary election decline to make the oath or affirmation demanded, his vote shall be rejected. If at the time a person proposes to vote he is challenged and there are several persons waiting their turn to vote, said challenged person shall stand to one side until unchallenged voters have had an opportunity to vote, when his case shall be taken up and disposed of; *Provided*, that if any person shall challenge a qualified voter, resident of such primary election district, well known as a member of the political party, organization or association holding such primary election, for the purpose of annoying or delaying voters he shall, upon conviction therefor, be adjudged guilty of a misdemeanor and shall for each and every such offence be punished by a fine of one hundred dollars, or by imprisonment in the county jail for a period not exceeding six months, or both.

SECTION 34. That each of the officers of any primary election hereafter held is clothed with the powers and duties of a county constable, and is required to see that good order is preserved at such election, and may arrest and present for commitment to any justice of the peace any and all persons guilty of any unlawful conduct.

SECTION 35. The compensation of the officers and clerks for holding primary elections under the provisions of this act shall be two dollars and fifty cents for each judge and clerk and three dollars for each inspector at each primary election so held. The expenses for holding primary elections under the provisions of this act including stationery, pay of officers and clerks, shall be paid by the Levy Court of the county wherein such primary election is held to nominate persons to be voted for at a subsequent general election and by the Mayor and Council of Wilmington in any year when a primary election is held in the City of Wilmington to nominate officers to be voted for at the subsequent municipal election in the said city.

SECTION 36. If any person appointed to hold a primary election shall conduct such election in violation of any of the provisions of this act, the regularly organized and constituted County Committee or governing authority of the political party, organization or association holding such primary elec-

GENERAL PROVISIONS RESPECTING ELECTIONS.

tion is hereby empowered and directed to remove such officer or officers and substitute others in their stead, and the person so substituted shall take the oath or affirmation prescribed by Section five of this act, which said oath or affirmation shall be administered by any qualified inspector or judge who is hereby authorized to administer the same. Substitutes.

SECTION 37. In all cases the candidate receiving the highest number of votes shall be declared the nominee of the political party, organization or association holding such primary election. In case of death, resignation or removal of any candidate subsequent to a nomination the political party, organization or association in which such vacancy exists, shall provide the manner in which such vacancy shall be filled. Who declared nominated.
Vacancy.

SECTION 38. The regularly organized and constituted County Committee or governing authority of the political party, organization or association holding any primary election is hereby empowered to calculate the aggregate number of all the votes that shall have been cast, in all the hundreds of the county or any subdivision thereof, for every person voted for for any one office at such primary election, and to declare the candidate or candidates in cases where candidates for more than one office are to be nominated, receiving the highest number of votes the nominee or nominees of such political party, organization or association for the office for which he was voted for at such primary election. In all cases of a tie vote or of contests, the regularly organized and constituted County Committee or governing authority of the political party, organization or association holding at such primary election shall have the power to hear and determine such contests, and to decide who shall be entitled to the nomination. The proceedings in such cases shall be in such form and manner as the said committee or governing authority shall determine upon. Before entering upon the discharge of the duties set forth in this section the members of the committee or governing authority aforesaid, shall be sworn by a notary public to faithfully and honestly discharge the duties herein imposed and the failure upon the part of any member of the said committee or governing authority to discharge such duties faithfully and honestly shall be deemed a misdemeanor, and the person so offending shall, upon conviction therefor, be fined not less than one hundred dollars Nominee how ascertained.
Tie votes or contests.
How decided.
Form of proceedings.

GENERAL PROVISIONS RESPECTING ELECTIONS.

nor more than five hundred dollars, and be imprisoned in the county jail for a period of not less than sixty days nor more than one year.

Printing of ballots.

Form of ballot.

How voted.

Person desiring to be voted for must notify authorities.

Ballots printed when.

Act not applicable to election of delegates to National Convention

Such election to be at expense of party.

Also election of delegates to other conventions.

Act applicable to N. C. Co. only.

SECTION 39. That the ballots used at any primary election hereafter held shall be printed by the regularly organized and constituted County Committee or governing authority of the political party, organization or association holding such primary election. The names of all candidates for nomination for the same office shall be placed under the title of said office, the surname of candidates to be placed in alphabetical order and shall not be separate one from another by any other matter. Where there are several candidates for the nomination for the same office, the elector shall indicate his choice by crossing out the name of all the candidates except those for whom he desires to vote; and in case an elector has omitted to cross out the names on his ballot as aforesaid, the said ballot shall not be counted for any such candidate or candidates. Any person desiring to be voted for as a candidate for nomination at any primary election hereafter to be held shall notify the regularly organized and constituted County Committee or governing authority of the political party, organization or association of which he is a member in writing of such desire at least ten days before such primary election is to be held. The said ballots shall be printed and ready for distribution at least five days before the day of such primary election.

SECTION 40. That the provisions of this act shall not apply to any primary election held for the election of delegates to any State convention called for the purpose of electing delegates or representatives to any national political convention; *Provided, however*, that the regularly organized County Committee or governing authority of the political party, organization or association by or for which the primary election is held for the election of delegates to any state convention held for the election of delegates to any national political convention, shall bear the expense for conducting such primary election as set forth in this Section. And, *provided further*, that the said governing authority ordering or issuing the call for a primary election to elect delegates or representatives to any State, county or city convention, shall bear all the expense incurred by reason of such election.

SECTION 41. That this act shall apply solely to New Castle county, and the laws now in force prohibiting the sale

OF THE ELECTION OF INSPECTORS.

of intoxicating liquors on the day of any general, special or municipal election are hereby excepted, and shall not apply to any election contemplated by this act.

Sale of
intoxica-
ting liquors
not pro-
hibited on
day of
primary
election.

Passed at Dover, May 27, 1897.

CHAPTER 394.

OF THE ELECTION OF INSPECTORS.

AN ACT in relation to the Appointment and Election of the Inspectors of Election in and for the State of Delaware, Exclusive of 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 Governor of this State be and he is hereby authorized to appoint an inspector for each and every election district in the State of Delaware, (exclusive of the City of Wilmington) to hold the general election for the year A. D. 1898.

Inspectors
for general
election in
1898 (Wil-
mington
excepted)
appointed
by Gov-
ernor.

SECTION 2. That at the general election to be held in the year A. D. 1898, and at each and every general election thereafter, the election of inspectors for the several election districts in the respective counties in this State (exclusive of the City of Wilmington) shall be held by ballot in the districts aforesaid on the Tuesday next after the first Monday in November at the same time and in the same place as are now appointed by law for holding the general election and the said inspectors shall be voted for upon the same ballots voted for other officers elected at the election aforesaid.

Thereafter
to be
elected.

SECTION 3. That this act shall be deemed and taken to be a public act.

Passed at Dover, April 7, 1897.

OF THE GENERAL ELECTION.

CHAPTER 395.

OF THE GENERAL ELECTION.

AN ACT to amend Chapter 18 of the Revised Statutes.

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

Sections
repealed.

SECTION 1. That Sections 23, 24, 25, 26, 27 and 28, of Chapter 18 of the Revised Statutes of the State of Delaware, be and the same are hereby stricken out, and the following inserted in lieu thereof:

Three
certificates
of election.

Contents.

How dis-
posed of.

Tally lists.

"SECTION 23. When the reading and counting of the vote is completed, the inspector and judges shall forthwith make and sign three certificates of the election in their hundred or election district, according to the form prescribed in Section 7, stating every office for persons to fill which votes shall have been given at said election, the name of every person to whom any vote shall have been given for such office, and the number in words at length of votes given to such person for the said office. The said certificates shall be put in separate envelopes, which shall be furnished by the sheriff, and said envelopes shall be endorsed on the back thereof with the words, 'Certificate of the vote cast in ----- hundred (or district) at the general election in ----- county, A. D. -----,' and on back of each envelope, after the same shall have been sealed, the inspector and judges shall respectively write their names crosswise the sealing. The tally lists shall be signed by the inspector, judges and clerks, and deposited with one of said envelopes containing a certificate, in the box into which the ballots shall have been put when read, and the lid of said box shall be secured by tape, crossed and sealed in sealing-wax by one of the judges not being the inspector. One of the said envelopes containing a certificate and the ballot boxes shall be kept by the inspector; the other envelope containing a certificate shall be kept by one of the judges not being of the same political party as the inspector; said envelopes containing the certificates and the ballot boxes shall be produced at the court house as required in the section next following."

OF THE GENERAL ELECTION.

"SECTION 24. That the associate judge residing in the county, the sheriff of the county, and the register of wills in and for the county, shall constitute a board of canvass of which the associate judge shall be the presiding officer; but if the associate judge shall for any cause be absent and not in attendance, then the prothonotary of the county shall be a member and the presiding officer of said board; and the said board may appoint clerks as they may deem proper. The board of canvass of each county shall meet on the Thursday next succeeding the day of the general election, at ten o'clock in the forenoon at the court house of their county."

Board of
canvass.

Clerks for
same.

Time of
meeting
at court
house.

"SECTION 25. Each inspector shall, at the said time and place last mentioned, deliver to the associate judge or other presiding officer of the board of canvass, the envelope containing the certificate of election for his hundred or election district, so endorsed as aforesaid, and also the ballot boxes, the one being secured as aforesaid, and shall also deliver the stamps and appurtenances mentioned in Section 3, and each judge who shall have received an envelope containing the certificate of the vote for his hundred or election district so endorsed as aforesaid, shall at the same time and place deliver to the associate judge or other presiding officer of the board the envelope containing the certificate of the vote of his hundred or election district. If a certificate of election for any hundred or election district cannot be produced, or if the certificates produced by the inspector and judge do not agree, the ballot box for that hundred may be opened and the certificate in the envelope therein contained shall be taken from said envelope and used, and, being resealed again, deposited in said box, which shall be secured as before."

Inspector
and judge
to deliver
certificate,
Ac. to board
of canvass.

When
certificate
may be
taken from
ballot box.

"SECTION 26. If any inspector or judge, who shall have received an envelope containing the certificate of election, after the election and before the meeting of the board of canvass shall die or be prevented from delivering the ballot boxes and envelopes containing the certificates of election, by sickness or accident, the ballot box for his hundred or election district, and the envelope containing the certificate of election, shall be sent by safe and secure conveyance (for the safety of which the inspector and judge, their executors, administrators or heirs shall be respectively responsible) on the said Thursday next succeeding the day of the general election, to the court house of the county, and there be delivered

Ballot
boxes and
certificates
may be sent
to board of
canvass
when.

OF THE GENERAL ELECTION.

to the associate judge of the county or other presiding officer of the Board of Canvass, at ten o'clock in the forenoon."

Refusal to
deliver bal-
lot boxes
and certifi-
cates of
election.

Warrant
for arrest.

Or to pro-
duce cer-
tificates
and ballot
boxes.

Neglect to
ascertain
vote or
other
neglect.

Power of
board of
canvass.

"SECTION 27. If any inspector or judge, having the envelope containing the certificate of election for his hundred or election district, shall neglect or refuse to deliver to the said board of canvass the ballot boxes and envelope containing the certificate of election respectively in his possession, not being necessarily prevented as aforesaid; or if the envelopes containing the certificates of election, or the ballot boxes for any hundred or election district, shall not be produced or sent and delivered to the associate judge or other presiding officer of the board of canvass as before required, the associate judge or other presiding officer of the board of canvass shall have power to issue his warrant under his hand to any person or persons whom he may appoint, commanding such person or persons without delay to arrest and bring to the meeting of the board of canvass such inspector or judge so neglecting or refusing to deliver, and to obtain and produce to the board of canvass the envelopes containing the certificates of election and ballot boxes which such inspector or judge ought to have produced and delivered to the associate judge or other presiding officer of said board, or if a command for an arrest shall at any time be improper, then such warrant may command the person or persons to whom it shall be directed without delay, to obtain and produce to the board of canvass the envelopes containing the certificates of election and ballot boxes that shall not have been produced or sent and delivered as hereinbefore required, or if the inspector, judges and other officers of election in any hundred or election district shall neglect or refuse to ascertain the state of the election in their hundred or election district, and make and sign the certificates required by law to be made, or any other duty required by law, so that the envelope containing the certificates of election cannot be produced and delivered to the said board of canvass, the associate judge or other presiding officer of the board of canvass shall have power to issue his warrant, under his hand, to any person or persons whom he may appoint, commanding such person or persons without delay to arrest and bring to the meeting of the board of canvass such inspector, judges and other election officers so neglecting or refusing to ascertain the state of the election and make the certificates thereof as required by law, and the ballot boxes containing the ballots

OF THE GENERAL ELECTION.

for said hundred or election district and the person or persons to whom the warrants authorized by this section shall be directed, are required and strictly enjoined to execute the same and to call and command any assistance which may be required. And the inspector, judges and other officers of election in any hundred or election district, so having failed to ascertain the state of the vote, make out the certificates and perform the other duties required of them by law in that behalf, who shall be brought before the said board of canvass shall forthwith proceed to ascertain the state of the vote of their hundred or election district, and certify the same in the manner hereinbefore required to be done, and deliver the envelopes containing the certificates of election and the ballot boxes, as required in Section 25 of this act, and shall also be liable to all costs and expenses incurred by reason of their neglect or refusal and to such fine as the board of canvass shall see proper to impose, not exceeding one hundred dollars, and in default of the payment of said costs and fine, the associate judge or other presiding officer of the board of canvass shall be, and he is hereby authorized to commit each of said persons so neglecting and refusing to the common jail of the county for a period not exceeding sixty days."

Officers of election neglecting duty may be compelled to comply with law.

May be fined

Or committed to jail.

"SECTION 28. Said board of canvass shall publicly in the presence of such electors of the county as shall think proper to be present, open the envelopes and take therefrom the certificates of election, which shall have been produced as aforesaid, and ascertain the state of the election throughout the county, by calculating the aggregate amount of all the votes for each office that shall have been given, in all the hundreds and election districts of the county for every person voted for for such office."

Board of canvass to ascertain result of election.

SECTION 2. That said Chapter 18 of the Revised Statutes be and the same is hereby further amended by striking out all of the words after the word "aforesaid" in line two of Section 29 thereof and before the word "before" in line four of said section and inserting in lieu thereof the words "the said board of canvass shall;" and also by striking out in line eighteen of said Section 29 the word "sheriff" and inserting in lieu thereof the words "associate judge."

Section 29 amended.

SECTION 3. That said Chapter 18 of the Revised Statutes be and the same is hereby further amended by striking out the words "sheriff" in lines fourteen and fifteen in Section 30 of said chapter and inserting in lieu thereof the words "associate

Section 30 amended.

OF THE GENERAL ELECTION.

judge" respectively, and also by striking out the words "the inspectors of the several hundreds of the said county" in line sixteen of the said section and inserting in lieu thereof the words "sheriff of the county and the register of wills in and for the county, constituting the board of canvass."

Section 31
amended.

SECTION 4. That said Chapter 18 of the Revised Statutes be and the same is hereby further amended by striking out the words "sheriff or other presiding officer and the inspectors present" in lines five and six of Section 31 of said chapter, and inserting in lieu thereof the words "associate judge or other presiding officer and the other members of the board of canvass," and also by striking out the word "sheriff" in line eight of the same section and inserting in lieu thereof the words "associate judge."

Section 32
amended.

SECTION 5. That said Chapter 18 of the Revised Statutes be and the same is hereby further amended by striking out the word "sheriff" in line one of Section 32 thereof and inserting in lieu thereof the words "associate judge."

Ballot
boxes, &c.
to be deliv-
ered by
board of
canvass to
sheriff who
shall keep
till last
Saturday in
February
following
and then be
burned.

SECTION 6. That said Chapter 18 of the Revised Statutes be and the same is hereby further amended by striking out all of Section 34 thereof and inserting in lieu thereof the following: "Section 34. The board of canvass shall deliver the ballot boxes containing the ballots, certificates and tally lists deposited therein as before directed to the sheriff who shall keep the same safely and secure in the manner in which the same shall be delivered to him until the last Saturday in February next after the election on which day the board of canvass shall meet in the office of the sheriff, and the ballot boxes containing the ballots, certificates and tally lists and all other papers deposited in the ballot boxes shall be taken therefrom, and by the said board caused to be burned and entirely consumed, except where notice of a contest has been legally served upon the said board of canvass."

Section 35
amended.

SECTION 7. That said Chapter 18 of the Revised Statutes be and the same is hereby further amended by striking out the words "sheriff, coroner," in lines five and six of Section 35 thereof and inserting in lieu thereof the words "associate judge" and also by inserting in line seven of said Section after the word "canvass" and before the word "and" the words "or sheriff." And further amend said Section 35 by inserting after the word "certificate" in line eight of said section the words "ballot boxes."

Passed at Dover, April 16, 1897.

OF THE GENERAL ELECTION.

CHAPTER 396.

OF THE GENERAL ELECTION.

AN ACT to further 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 no person shall hereafter be appointed as or act and serve in the capacity of voter's assistant at any general or special election hereafter to be held in this State, and the office of voter's assistant, as now provided by law, is hereby abolished. *Provided*, that any person who shall be physically unable to prepare, stamp or fold his ballot by reason of such defective eyesight, or the loss of the use of one or both hands, or inability to walk with safety without assistance, as manifestly renders him unable to prepare, stamp or fold his ballot, or to reach the polling place alone with safety, shall be permitted to bring with him into the election room and booth any elector (or two electors if the nature of the disability manifestly requires more than one, such as a total disability to walk) of the polling district for the purpose of rendering him the necessary assistance. In case any elector shall feign any of such physical defects, he shall be guilty of a misdemeanor and upon conviction thereof by indictment shall be fined one hundred dollars and shall be imprisoned for not more than two years.

SECTION 2. That all ballots hereafter to be printed under authority of any law of this State for use at any general or special election shall be so printed that no small square shall be placed opposite the name of any person on any ballot, and any elector desiring to vote at any such election shall stamp his ballot in the large square enclosing the device at the head of any ticket printed on the official ballot, and may cross out the name of any person appearing on the said ticket under the square so stamped by him, and if he so desires, may insert in lieu of the name so crossed out the name of any other person nominated for the same office as the person whose name is crossed out, using only a black lead pencil for such purpose. And it is hereby expressly provided that if in lieu of the name of any person so crossed

Office of
voter's
assistant
abolished.

Who may
be assisted.

Feigning
physical
defect—
misdemeanor.

Punishment.

Printing of
ballots.

Stamping
ballot.

Changing
ballot.

OF THE GENERAL ELECTION.

Marked
ballot.

out the name of any person not nominated for the office for which he is thus voted and whose name is not printed on said ballot, the ballot containing such name shall be treated as and is hereby declared to be a marked ballot and void and shall not be counted.

Challengers
powers of
peace off-
icers.

Not to en-
ter polling
places

Resisting
challen-
gers, misde-
meanor.

In Wil-
mington
challengers
shall act as
clerks of
election.

Oath.

How
appointed.

SECTION 3. That the challengers of the Democratic and Republican parties, respectively, chosen for any general or special election hereafter to be held, shall be peace officers of the State with the same powers for preserving the peace as inspectors of election now have, and in the election districts outside the City of Wilmington the challengers shall be stationed outside the entrance to the polling room, and shall not be allowed inside of said room. Any person resisting such challenger or challengers shall be deemed guilty of a misdemeanor and upon conviction thereof by indictment shall be fined not more than one hundred dollars and may, at the discretion of the court, be imprisoned for a term not exceeding one year; and in the City of Wilmington the said challengers shall act as clerks of election and perform all the duties now incumbent upon the clerks of election, and before entering upon such duties shall be sworn as clerks of election are now required to be sworn to perform their duties as clerks of election, and receive compensation as such. Such clerks of election and challengers in the City of Wilmington shall be appointed by the respective County Committees of the Democratic and Republican parties, and the challengers in the election districts outside of the City of Wilmington shall be selected and named by the County Committees of the said parties.

Judges how
selected.

SECTION 4. The County Committees of the Democratic and Republican parties in each county shall name and select each a judge of election for each election district outside of the City of Wilmington, who shall be appointed and qualified at the time and perform the duties as now provided by law of judges of election in the districts for which they are chosen respectively.

Words
defined.

SECTION 5. That wherever in the laws of this State relating to general or special elections the words "principal political parties" now occur, or words equivalent thereto or so designating parties shall be used, the same shall be taken to designate and are hereby declared to designate the Democratic party and the Republican party.

OF THE GENERAL ELECTION.

SECTION 6. That the Democratic and Republican County Committees may each select and designate one suitable, reputable and sober person as a special officer to stand at the entrance of the polling place, to be not less than thirty feet away from the entrance to the voting room as now provided by law, to regulate the admission of persons to the polling place, and while so stationed and performing their duties as herein provided, the persons so designated shall be clothed with all the powers of officers of the peace as those now given by law to inspectors of election, and any person resisting such special officer shall be deemed guilty of a misdemeanor, and upon conviction thereof by indictment, shall be fined not more than one hundred dollars and may, at the discretion of the court, be imprisoned for a term not exceeding one year.

Special
officers at
entrance of
polling
place.

SECTION 7. Before the hour of opening the polls on the day of election and at the time of opening the election and afterwards at any time during the day of the election and before the hour of closing the election, if any person or persons shall enter the voting room or attempt to enter the same for the purpose of interfering with the election officers in the discharge of their duties as such or for any purpose, or shall attempt to molest, disturb or prevent the election officers from proceeding regularly with any general or special election, or shall take charge of or attempt to take charge of any voting room within in the time herein mentioned for the purpose of preventing or delaying an election or for any other purpose on election day, 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 shall be imprisoned for a term not exceeding three years, *provided*, that a single representative of each political party, having nominated a ticket, and such party being represented on the ballot then printed for any general or special election, may at the opening of the election be present to aid in the proper qualification of the several election officers, and to see that the ballot boxes, tickets, blanks, etc., are all in proper condition; but as soon as the election officers shall be qualified and ready to open the elections, the proper hour therefor having arrived, such representatives of each political party shall immediately retire from the election room; *provided, further*, that such persons may first vote before retiring if they shall so desire.

Unlawfully
entering
voting
room or
doing any
unlawful
act.

Misde-
meanor.
Punish-
ment.

Each party
may be rep-
resented at
the prepara-
tion for
and open-
ing of elec-
tion.

SECTION 8. That in addition to the duties now required

OF THE GENERAL ELECTION.

Clerks of
peace to
have bal-
lots folded.

of the clerk of the peace in said county relative to the printing and delivering of the ballots, each of said clerks of the peace shall, before delivering said ballots to the several inspectors of his county as now required by law, cause said ballots to be folded in one uniform manner in his county, in convenient form to be deposited in the ballot boxes, and so folded that no part of the face of the ballot shall be exposed.

Initials of
clerks of
election on
back of
ballots.

Folding
ballot by
voter.

SECTION 9. That the clerks of the elections shall write their initials in ink across the back of the ballot as folded, and near the middle thereof, in lieu of the manner in which they have heretofore been required to do; and the voter before leaving the booth or compartment shall fold his ballot as near as he can in the same manner in which it was handed to him; but failing to do this he must fold it so that no part of the face thereof shall be exposed and so that the initials of the clerks of election shall be exposed.

Voter's
assistant
disclosing
nature of
vote.

Misde-
meanor.

Punish-
ment.

SECTION 10. In case any elector who may be selected to assist any person by reason of the physical defects hereinabove mentioned shall reveal how such 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 elector or electors so offending shall be guilty of a misdemeanor and upon conviction thereof by indictment shall be fined one hundred dollars and shall be imprisoned not less than one nor more than three years.

Officer of
election
committing
unlawful
act

Misde-
meanor.
Punish-
ment.

Secreting
ones self in
election
room

Misde-
meanor.

Punish-
ment.

SECTION 11. That if any inspector of election, judge of election, clerk of election or challenger, shall in any way or manner or by any means or device whatsoever make known or communicate by any means whatsoever or shall attempt to make known or communicate by any means whatsoever, to any person or persons on election day while the election is in progress, or at any time thereafter, how any elector has or shall have voted, he shall be guilty of a misdemeanor and upon conviction thereof he shall be fined not less than one hundred dollars and may, in the discretion of the court, be imprisoned for a term not exceeding one year.

SECTION 12. That if any person other than the election officers shall secrete or attempt to secrete himself in any part of the polling room during the hours of the election for any purpose whatsoever, he shall be deemed guilty of a misdemeanor and upon conviction thereof he shall be fined not less than one hundred dollars, and may in the discretion of the court be imprisoned for a term not exceeding one year.

OF THE GENERAL ELECTION.

SECTION 13. If any clerk of the peace, inspector of election, judge of election, clerk of election or challenger, shall wilfully 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 now provided by law, he shall be deemed guilty of a misdemeanor and upon conviction thereof he 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 two years.

Any violation of this act

Misdemeanor.
Punishment.

SECTION 14. That all acts or parts of acts inconsistent with this act are hereby repealed.

Passed at Dover, May 20, 1897.

CHAPTER 397.

OF THE GENERAL ELECTION.

AN ACT to amend an act entitled "An act to further 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 the provisions of an act entitled "An act to further provide for the secrecy and purity of the ballot" passed at Dover, May 20, A. D. 1897, shall not apply to the municipal election to be held in the City of Wilmington on the first Saturday of June, A. D. 1897, but shall apply to all municipal elections to be thereafter held in said city.

Municipal election of Wilmington in 1897 excepted from certain provisions of law.

Passed at Dover, May 27, 1897.

*This word omitted in the enrolled bill

OF THE GENERAL ELECTION.

CHAPTER 398.

OF THE GENERAL ELECTION.

AN ACT to establish the Voting Place in the Northern Election District of Pencader Hundred, New Castle County, Delaware.

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

Voting
place for
northern
district,
Pencader
hundred.

SECTION 1. That from and after the passage of this act the voting place for all elections to be held in the northern election district of Pencader hundred, New Castle county, Delaware, shall be at the warehouse adjoining the mill known as Cooch's Mill now owned and operated by John W. Dayett.

SECTION 2. This act shall be deemed and taken to be a public act.

Passed at Dover, March 17, 1897.

OF THE GENERAL ELECTION.

CHAPTER 399.

OF THE GENERAL ELECTION.

AN ACT to establish the Voting Place in the Eastern Election District of White Clay Creek Hundred, New Castle County, Delaware.

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 the voting place for all general or special elections for national, State, county and hundred officers, to be held in the Eastern Election district of White Clay Creek hundred, New Castle county, Delaware, shall be the hotel in Christiana, known as the "Christiana Hotel," now owned and kept by Wm. B. Currinder.

SECTION 2. All acts or parts of acts inconsistent with Section 1 of this act are hereby repealed.

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

Passed at Dover, February 24, 1897.

OF THE GENERAL ELECTION.

CHAPTER 400.

OF THE GENERAL ELECTION.

AN ACT to equalize the Election Districts of Christiana Hundred of New Castle County, Delaware.

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

Dividing
line be-
tween
election
districts of
Christiana
hundred.

SECTION 1. That from and after the passage of this act, that commencing in the middle of the public road at the Rockland Paper Mills (on the Brandywine), in Christiana hundred, running along the middle of the said road in a westerly direction, following its several courses direct to the corner formerly known as Campbell's Shops, on the Kennett turnpike; thence following the aforesaid road and other lines (as now fixed by law) to the eastern bank of Red Clay creek, shall be the boundary lines between the West and North Election districts of Christiana hundred. And that triangular plot of land at the village of Montchanin on which is now located the public school house and other buildings and dwellings, shall hereafter be and constitute a part of the North Election district of the aforesaid Christiana hundred; and the voters who may reside upon the aforesaid triangular plot of land shall hereafter vote at all elections held at the place now fixed by law for holding elections in the North Election district of the aforesaid Christiana hundred.

Boundary
line of
Northern
Election
district of
Christiana
hundred.

SECTION 2. That from and after the passage of this act the boundary lines of the North Election district of Christiana hundred shall be as follows: Commencing in the middle of the public road at the barley mill (on the Brandywine) now operated by Pyle and McIntyre, running along the middle of said road in a westerly direction past the St. Joseph's Catholic Church and across the Kennett turnpike, thence continuing along the said road by its several courses to the eastern bank of Red Clay creek; thence following the said creek in a northerly direction by its several courses to the mouth of the small stream which is now the boundary line between the West and North Election districts of the aforesaid hundred; thence following the aforesaid small stream by its several courses and the other lines as fixed by Section 1 of this act (as the boundary line between the West and North Election

OF THE GENERAL ELECTION.

districts of the aforesaid hundreds), to the Rockland Paper Mills (on the Brandywine); thence by the said Brandywine in an easterly direction by its several courses to the place of beginning, at the barley mill.

SECTION 3. That commencing in the middle of the public road at the barley mill (on the Brandywine, now operated by Pyle and McIntyre), running along the middle of the said road in a westerly direction, past the St. Joseph's Catholic Church and across the Kennett turnpike; thence continuing along the said road by its several courses to the eastern bank of Red Clay creek*; thence along the said creek in a southerly direction by its several courses to the middle of the Lancaster turnpike; thence along the middle of the said turnpike in an eastern direction to the western boundary line of the City of Wilmington; thence following the said boundary line by its several courses in a northern direction to the south bank of the Brandywine; thence along the said Brandywine by its several courses in a westerly direction to the place of beginning, the barley mill. That the district as bounded and described by this Section shall hereafter be known as the East Election district of Christiana hundred.

SECTION 4. That the polling place of the East Election district of Christiana hundred as created, bounded and described in Section 3 of this act shall be at the public house of Thomas J. Lawless, known as Mt. Pleasant Hotel.

SECTION 5. That all acts inconsistent with the provisions of this act are hereby repealed.

SECTION 6. That this act shall be deemed a public act.

Passed at Dover, March 19, 1897.

* This word omitted in enrolled bill.

OF THE GENERAL ELECTION.

CHAPTER 401.

OF THE GENERAL ELECTION..

AN ACT to change the Voting Place 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 :

Voting
place for
Broad
Creek
hundred.

SECTION 1. That from and after the passage of this act the place for holding all general elections and for holding all primary elections for the nomination of candidates to be voted for at general elections in and for Broad Creek hundred, Sussex county, shall be at or near the storehouse of H. L. Moore, at Broad Creek, otherwise known as M. M. Holt's store, and that the holding of elections at Vaughn's School House in said hundred is hereby discontinued and abolished, and a new voting place herein established shall be and is the legal voting place of Broad Creek hundred in Sussex county.

SECTION 2. That all acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

SECTION 3. That this is and shall be recorded as a public act.

Passed at Dover, May 10, 1897.

TITLE FIFTH.

Of Certain Public Officers.

CHAPTER 402.

OF CONSTABLES.

AN ACT to amend Chapter 47, Volume 19, Laws of Delaware.

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 47, Volume 19 of the Laws of Delaware, by striking out the words "for the county of New Castle" in the fourth line thereof and insert the following, "for the State of Delaware." That Section 4 of Chapter 47, Volume 19 of the Laws of Delaware, be and the same is hereby amended by striking out the word "nine" in second line of said chapter, and inserting in lieu thereof the word "twelve," and amend said Section 4 by striking out all after the word "by" in the third line thereof and insert the following: "The Treasurer of the State of Delaware out of any funds he may have in his hands not otherwise appropriated." ^{State detectives.} ^{Salaries.} ^{How paid.}

SECTION 2. That the said act be further amended by striking out Section 5 and inserting a new Section 5, as follows:

SECTION 5. That the detectives now in office shall continue in office until the expiration of four years from the date of their commission, being the time for which they were last appointed; all future appointments shall be for a period of four years, or until their successors are duly qualified. Detectives appointed under the provisions of this act may be removed by the Governor; *provided, however,* no detective ^{Terms of office.}

OF CONSTABLES.

May be
removed
when.

shall be removed by the Governor except upon complaint filed by the Attorney General, of which complaint the detective or detectives shall have at least ten days notice, and are given an opportunity to be heard upon said complaint either by himself or by counsel.

Passed at Dover, April 22, 1897.

CHAPTER 403.

OF CONSTABLES.

AN ACT to amend Chapter 34 of the Revised Code of the State of Delaware.

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

Term of
office of
constable
not limited
in appo-
quintinink
hundred.

SECTION 1. That Section 5 of Chapter 34 of the Revised Code of the State of Delaware, be and the same is hereby amended by inserting in the fourth line of said section between the word "to" and the words "New Castle" the word "Appoquinimink."

SECTION 2. That this act shall be deemed and taken to be a public act.

Passed at Dover, April 27, 1897.

OF CONSTABLES.

CHAPTER 404.

OF CONSTABLES.

AN ACT authorizing the appointment of one additional Constable 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 Levy Court of Kent county be and it is hereby authorized and required to appoint one additional constable for Kent county who shall reside in the town of Cheswold in said county. Said constable shall have all the powers and perform all the duties pertaining to the office of constable under the laws of this State. The office of constable hereby created shall continue until this act shall be repealed and appointments thereto shall be made and vacancies filled in the same manner as provided in similar cases by the laws and Constitution of this State.

Additional
constable
for Kent
county.

Passed at Dover, March 12, 1897.

CHAPTER 405.

OF CONSTABLES.

AN ACT to authorize the Constable in the First Election District in Mispillion Hundred, in Kent County, 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 Kent county in and for the First Election district of Mispillion hundred shall have power in writing under his hand to authorize and depute a deputy to reside in the town of Harrington, and to act in his stead in all matters touching the performance of his duties under existing laws, and such deputy shall have the same

Constable
in First
Election
district of
Mispillion
hundred
may ap-
point a
deputy.

OF CONSTABLES.

power 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.

Passed at Dover, April 7, 1897.

CHAPTER 406.

OF CONSTABLES.

AN ACT to amend Chapter 31, Vol. 14, Laws of Delaware.

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

Chapter 31,
Vol. 14,
amended.

SECTION 1. That Chapter 31, Vol. 14, Laws of Delaware, be and the same is hereby amended by striking out all of the title of the said chapter, to wit: "An act to authorize the constable of Dover hundred, residing in the town of Dover, to appoint a deputy for certain purposes," and inserting in lieu thereof the following, to wit: "An act to authorize the constable of East Dover hundred, residing in the town of Dover, to appoint a deputy."

Constable of East
Dover hundred may
appoint
deputy.

SECTION 2. That Section 1 of said Chapter 31, Vol. 14, Laws of Delaware, be and the same is hereby amended by inserting in line one of said Section 1 between the words "constable of" and the words "Dover hundred," the word "East," and that said Section 1 be and the same is hereby further amended by striking out all of said Section 1 after the words "State of Delaware," in the second line thereof, and inserting in lieu thereof the following, to wit: "shall have the power in writing under his hand to authorize and depute a deputy, who shall reside in the town of Dover, to act in his stead in regard to all matters touching the performance of his duties under the laws of this State, and such deputy shall have the same power and be subject to the same liabilities and duties as the said constable who shall so authorize and depute him as aforesaid."

Powers and
duties.

OF CONSTABLES.

SECTION 3. That all acts or parts of acts inconsistent with this act be and the same are hereby repealed.

SECTION 4. That this act shall be deemed and taken to be a public act.

Passed at Dover, May 13, 1897.

CHAPTER 407.

OF CONSTABLES.

AN ACT to provide for an additional Constable 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 Governor be and he is hereby authorized and required to appoint an additional constable in Sussex county, who shall be appointed from and reside in Georgetown hundred, Sussex county, State of Delaware; and the office of constable hereby created shall continue for four years and the appointment thereto shall be made and vacancies filled by the Governor for and during the said term of four years.

Additional constable for Georgetown hundred, how appointed.
Term.
Vacancies.

SECTION 2. Any person who shall be appointed constable under this act shall, within thirty days after his appointment, give bond with two or more sufficient sureties, being freeholders of the county, in the sum of two thousand dollars; and which bond shall be approved by the Levy Court of Sussex county if in session, or by any two commissioners thereof, in the recess, and shall be certified and delivered for record in like manner as is now provided by law in case of other constables.

Bond.
How approved.
Certified and recorded.

Passed at Dover, May 29, 1897.

OF RECORDER OF DEEDS.

CHAPTER 408.

OF RECORDER OF DEEDS.

AN ACT to authorize the Recorder of Deeds in and for New Castle County to make Certain Indexes.

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

New indexes for deed records of N. C. Co.

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 indexes, a true and correct copy of the indexes to deeds subsequent to 1873 and prior to January 1st, 1897, 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.

Commissioners to examine same.

SECTION 2. That the Associate Judge of the Superior Court in New Castle county shall appoint two commissioners whose duty it shall be to examine such copy as aforesaid, and if they approve of the execution and exactness thereof, they shall certify the same to be a true and correct copy of said indexes; and then and after such certification the said copy shall become and be the indexes of the said county in lieu of those heretofore and now in use.

Compensation to recorder and to commissioners.

SECTION 3. That after the said commissioners shall have certified as aforesaid, 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, to be fixed by the Superior Court in and for New Castle county upon application by the said recorder and the said commissioners.

Passed at Dover, May 27, 1897.

OF RECORDER OF DEEDS.

CHAPTER 409.

OF RECORDER OF DEEDS.

AN ACT relating to certain Indices in the Office of the Recorder of Deeds in and for Kent County.

WHEREAS, The deed indices in the office of the Recorder of Deeds in and for Kent county for the period subsequent to 1873 had through use become so worn and defaced as to make it absolutely necessary that new ones should be made; and

WHEREAS, James Virdin, the late recorder of deeds in said county, during his term of office caused to be made complete direct and reverse indices to the records of deeds and private acts in said office for the period as aforesaid, using the Campbell system, and the same are now completed and ready for use in said office when they shall be examined and approved by proper commissioners; now, therefore,

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

SECTION 1. That John B. Penington and James H. Hughes be and they are hereby appointed commissioners, whose duties it shall be to examine said indices and if they approve of the execution and correctness of the same, they shall certify their approval on each record thereof, and then and after such certification the said indices shall become and be the indices to the deeds and private acts in said office recorded in the period from 1873 to the time of such certification.

Commissioners to examine new indices in recorder's office of Kent county.

SECTION 2. That upon the completion of said examination and certification the Levy Court of Kent county shall provide for the payment to said James Virdin and to the said commissioners of a just and reasonable compensation for their services, which compensation shall be fixed by the Judges of Superior Court of the State of Delaware in and for Kent county upon application thereto by said James Virdin and said commissioners.

Compensation to recorder and commissioners.

Passed at Dover, February 19, 1897.

OF RECORDER OF DEEDS.

CHAPTER 410.

OF RECORDER OF DEEDS.

AN ACT to amend an act entitled "An act to authorize the Recorder of Deeds in and for Sussex County to make new Indices of Deeds in his office, using the Campbell System."

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

Recorder of
Sussex to
begin new
indices
within 60
days.

SECTION 1. That it shall be the duty of the Recorder of Deeds of Sussex county to begin the said work of indexing within sixty days from the passage of this act and continue the same from week to week with as much speed as shall be consistent with the other duties of his office, until said work shall be completed.

Beginning
at 1848.

SECTION 2. That the said Recorder of Deeds be and he is hereby authorized and directed to make or cause to be made new and complete direct and reverse indices of all deeds and mortgages recorded in his office, from and including the deeds and mortgages recorded in his office in the year eighteen hundred and forty-four to the present time.

Passed at Dover, May 27, 1897.

OF NOTARIES PUBLIC.

CHAPTER 411.

OF NOTARIES PUBLIC.

AN ACT to enable the Governor to Appoint two additional Notaries 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:

SECTION 1. That the Governor of the State of Delaware be and he is hereby authorized to appoint two additional notaries public for Wilmington hundred, New Castle county.

Additional
notary pub-
lic for Wil-
mington.

Passed at Dover, January 27, 1897.

CHAPTER 412.

OF NOTARIES PUBLIC.

AN ACT to enable the Governor to Appoint two Additional Notaries 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:

SECTION 1. That the Governor of the State of Delaware be and he is hereby authorized to appoint three additional notaries public for Wilmington hundred, New Castle county.

Notaries
public for
Wilmington.

Passed at Dover, May 20, 1897.

OF NOTARIES PUBLIC.

CHAPTER 413.

OF NOTARIES PUBLIC.

AN ACT to revive and re-enact an act entitled, "An act authorizing the Governor to appoint an additional Notary Public for the City of Wilmington."

WHEREAS, The Senate and House of Representatives of the State of Delaware in General Assembly met did, on the fifth day of April, A. D. 1895, pass an act, as will appear by reference to the Senate Journal for 1895, page 365, and House Journal for 1895, page 896, entitled "An act authorizing the Governor to appoint an additional notary public for the City of Wilmington," in the following words:

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 the Governor be and is hereby authorized to appoint an additional notary public for the City of Wilmington, New Castle county, State of Delaware, the said act being known before its passage as Senate bill No. 55; and,

WHEREAS, The Governor of the State of Delaware, in pursuance of the authority conferred upon him by the aforesaid act, did appoint and commission Edward T. Price, of the City of Wilmington, notary public of the State of Delaware on May 31, A. D. 1895, and the said Edward T. Price accepted said appointment, and has since exercised the office of notary public; and,

WHEREAS, The said act was, subsequently to its passage but before its enrollment, lost, stolen or destroyed, so that no record or enrollment thereof is now on file in the office of the Secretary of State, nor is it published among the Laws of the State of Delaware; 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):

SECTION 1. That the aforesaid act entitled "An act authorizing the Governor to appoint an additional notary public for the City of Wilmington," be and the same is

OF NOTARIES PUBLIC.

hereby revived and re-enacted in the following words to wit:

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 the Governor be and is hereby authorized to appoint an additional notary public for the City of Wilmington, New Castle county, State of Delaware. Additional notary public for Wilmington.

SECTION 2. That the act of the Governor in appointing and commissioning the said Edward T. Price notary public under and by virtue of the aforesaid act, is hereby approved, ratified and confirmed, and all official acts and deeds of the said Edward T. Price heretofore or hereafter made, done and performed under and by virtue of his said appointment and commission as notary public, are hereby ratified, confirmed and made valid and stable in law. Acts heretofore done made valid.

Passed at Dover, April 14, 1897.

CHAPTER 414.

OF NOTARIES PUBLIC.

AN ACT authorizing the Appointment of an Additional Notary Public 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 and empowered to appoint an additional notary public in and for New Castle county, who may reside in either Mill Creek or Christiana hundred. *Provided*, the office of the said notary public hereafter appointed under this act, shall be in the town of Marshallton, New Castle county, Delaware. *Provided, further*, that the said notary public appointed under this act shall exercise all the powers of notaries public in this State. Notary public to reside in Marshallton.

Passed at Dover, April 15, 1897.

OF NOTARIES PUBLIC.

CHAPTER 415.

OF NOTARIES PUBLIC.

AN ACT authorizing the Governor to appoint an additional Justice of the Peace and Notary Public in and for Kent County.

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

Additional
Justice of
the peace
and notary
public for
Kent Co.

SECTION 1. That the Governor be and he is hereby authorized and empowered to appoint an additional justice of the peace and notary public in and for Kent county, who shall reside in the town of Cheswold in said county.

Passed at Dover, March 12, 1897.

CHAPTER 416.

OF NOTARIES PUBLIC.

AN ACT authorizing the Appointment of an additional Notary Public in and for Kent County.

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

Notary
public to
reside in
Clayton.

SECTION 1. That the Governor be and he is hereby authorized to appoint an additional notary public in and for Kent county to reside in the town of Clayton.

Passed at Dover, May 1, 1897.

OF CLERK OF ORPHANS' COURT.

CHAPTER 417.

OF CLERK OF ORPHANS' COURT.

AN ACT authorizing the Clerk of the Orphans' Court of New Castle County to make a certain Index of the Recognizances in his Office.

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 New Castle county, in the State of Delaware, is hereby authorized and directed to make or cause to be made an index (pursuant to the Campbell system of indexing) of all recognizances, both principals and sureties, entered in the Orphans' Court, up to and including the thirty-first day of December, A. D. 1896.

Index of
recogni-
zances in
Orphans'
Court, N.
C. Co.

SECTION 2. *And be it further enacted*, that if the Clerk of the Orphans' Court shall index said recognizances as aforesaid, then it shall be the duty of the said clerk of the court by and with the consent of the Judge of the Orphans' Court, to appoint two members of the bar practicing in said court, as commissioners, whose duty it shall be to examine said new index and compare it with the original indices and records, after the said Clerk of the Orphans' Court shall have completed it; and if they approve thereof, they shall certify on the record the same to be a true and correct index, and that then and after such certificate the said index shall become and be the index for recognizances in the Orphans' Court of the State of Delaware in and for New Castle county, for all recognizances up to the thirty-first day of December, A. D. 1896, aforesaid, and the said commissioners shall be allowed a reasonable compensation by the said Levy Court Commissioners of said county for their said services.

Commis-
sioners to
examine.

Compensa-
tion.

SECTION 3. *And be it further enacted*, that the said Clerk of the Orphans' Court shall receive for his services in making said index authorized by this act, a just and reasonable compensation to be allowed by the Levy Court Commissioners of New Castle county; *provided*, that the aggregate compensation to be paid to the Register in Chancery for making said index and the commissioners for comparing the same, shall not exceed the sum of eight hundred dollars.

Clerk's
compensa-
tion.

How paid.

Proviso.

OF NOTARIES PUBLIC.

CHAPTER 415.

OF NOTARIES PUBLIC.

AN ACT authorizing the Governor to appoint an additional Justice of the Peace and Notary Public in and for Kent County.

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

Additional
justice of
the peace
and notary
public for
Kent Co.

SECTION 1. That the Governor be and he is hereby authorized and empowered to appoint an additional justice of the peace and notary public in and for Kent county, who shall reside in the town of Cheswold in said county.

Passed at Dover, March 12, 1897.

CHAPTER 416.

OF NOTARIES PUBLIC.

AN ACT authorizing the Appointment of an additional Notary Public in and for Kent County.

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

Notary
public to
reside in
Clayton.

SECTION 1. That the Governor be and he is hereby authorized to appoint an additional notary public in and for Kent county to reside in the town of Clayton.

Passed at Dover, May 1, 1897.

OF CLERK OF ORPHANS' COURT.

CHAPTER 417.

OF CLERK OF ORPHANS' COURT.

AN ACT authorizing the Clerk of the Orphans' Court of New Castle County to make a certain Index of the Recognizances in his Office.

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 New Castle county, in the State of Delaware, is hereby authorized and directed to make or cause to be made an index (pursuant to the Campbell system of indexing) of all recognizances, both principals and sureties, entered in the Orphans' Court, up to and including the thirty-first day of December, A. D. 1896.

*Index of
recogni-
zances in
Orphans'
Court, N.
C. Co.*

SECTION 2. *And be it further enacted*, that if the Clerk of the Orphans' Court shall index said recognizances as aforesaid, then it shall be the duty of the said clerk of the court by and with the consent of the Judge of the Orphans' Court, to appoint two members of the bar practicing in said court, as commissioners, whose duty it shall be to examine said new index and compare it with the original indices and records, after the said Clerk of the Orphans' Court shall have completed it; and if they approve thereof, they shall certify on the record the same to be a true and correct index, and that then and after such certificate the said index shall become and be the index for recognizances in the Orphans' Court of the State of Delaware in and for New Castle county, for all recognizances up to the thirty-first day of December, A. D. 1896, aforesaid, and the said commissioners shall be allowed a reasonable compensation by the said Levy Court Commissioners of said county for their said services.

*Commis-
sioners to
examine.*

*Compensa-
tion.*

SECTION 3. *And be it further enacted*, that the said Clerk of the Orphans' Court shall receive for his services in making said index authorized by this act, a just and reasonable compensation to be allowed by the Levy Court Commissioners of New Castle county; *provided*, that the aggregate compensation to be paid to the Register in Chancery for making said index and the commissioners for comparing the same, shall not exceed the sum of eight hundred dollars.

*Clerk's
compensa-
tion.*

How paid.

Proviso.

OF CLERK OF ORPHANS' COURT AND REGISTER IN CHANCERY.

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

Passed at Dover, March 29, 1897.

CHAPTER 418.

OF CLERK OF ORPHANS' COURT AND REGISTER IN CHANCERY.

AN ACT to authorize the Clerk of the Orphans' Court and Register in Chancery in and for Kent County to make an Examination of the Funds deposited in said Courts and record the same in a separate Docket.

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

Clerk of
Orphans'
Court of
Kent
county to
ascertain
amount of
funds paid
into court,
invested
and not
invested.

SECTION 1. That James A. Smith, Clerk of the Orphans' Court and Register in Chancery in and for Kent county be and he is hereby authorized to examine the records of said courts in and for Kent county and ascertain the amount of money that has been paid into said courts and not paid out by order of said courts to the parties entitled to the same, to whom such funds belong; what part of the same has been and still remains invested, and the amount of said funds that remains uninvested, and to record the same in separate dockets to be provided for that purpose.

SECTION 2. That the Levy Court in and for Kent county shall pay a reasonable and proper compensation for such service.

SECTION 3. That this act shall be deemed and taken to be a public act.

Passed at Dover, April 15, 1897.

INSPECTOR OF SAN JOSE SCALE.

CHAPTER 419.

INSPECTOR OF SAN JOSE SCALE.

AN ACT to prevent the Spread of the San Jose Scale in the Orchards 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 within thirty days after the passage of this act the Governor shall appoint and commission some competent person whose duty shall be to inspect any nursery, orchard or orchards in this State in which the insect known as the San Jose Scale is known or is believed to exist. The Inspector shall have power to enter upon any lands in this State for the purpose of making such examination; and should the Inspector discover the presence of the San Jose Scale it shall be his duty to inform the owner, owners or tenant in possession of such nursery, orchard or orchards that the San Jose Scale exists therein, and recommend to the said owner, owners or tenant such remedies that he may deem proper for the extermination of said scale.

SECTION 2. That for the purpose of carrying out the provisions of this act the sum of three hundred dollars, or so much thereof as may be necessary, be and the same is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be paid to the said inspector by the treasurer upon orders drawn by the Governor.

SECTION 3. On the first day of January, A. D. 1898, the said Inspector shall make a full and complete report in writing to the Governor of his findings and doings, and give an itemized account of his expenses incurred while carrying out the provisions of this act.

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

Passed at Dover, May 28, 1897.

TITLE SIXTH.

Of Religion, Public Education and Health.

CHAPTER 420.

OF RELIGIOUS SOCIETIES.

AN ACT to incorporate the "Trustees of the Wilmington Annual Conference of the Methodist Episcopal Church."

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 Vaughn S. Collins, C. P. Swain, Adam Stengle, Thomas E. Martindale, W. L. S. Murray, C. T. Wyatt, E. H. Nelson, P. H. Rawlins and C. W. Prettyman, be and they are hereby constituted a body corporate and politic by the name of "Trustees of the Wilmington Annual Conference of the Methodist Episcopal Church" and by that name shall have succession with the power to sue and be sued, plead and be impleaded, complain, answer and defend in all courts of law and equity, and may purchase, take and receive by deed, gift or otherwise, any property, real, personal or mixed, and have, hold and lease the same, and the same to invest, manage, sell, grant, convey, loan, mortgage and otherwise dispose of at its pleasure.

SECTION 2. The number of trustees of said corporation shall be nine, who shall be elected by the annual session of the Wilmington Annual Conference, and their terms shall be appointed by lot in such manner as said session of the Wilmington Annual Conference may direct, for one, two and three years, respectively, and at every annual session of the said Wilmington Annual Conference thereafter three trustees shall be elected for the term of three years. The said trustees shall continue in office until their successors are duly

OF RELIGIOUS SOCIETIES.

elected and any vacancy may be filled by the said trustees ^{Vacancy.} until the next session of the Wilmington Annual Conference.

SECTION 3. The said corporation shall hereafter have ^{Powers of corporation} power to accept and administer any trust for the benefit of the Methodist Episcopal Church within the bounds of the Wilmington Annual Conference as defined by the General Conference of the Methodist Episcopal Church or for any religious, eleemosynary, charitable, educational or benevolent purpose within the limits of said conference or for any church or charge within the bounds thereof, and to that end to take legal title to lands which may be purchased or otherwise legally acquired by it for church sites, parsonages, schools, hospitals, asylums or other purposes within the scope of this act, to accept funds to be investigated in lands for such purposes and also to receive funds in trust, to hold the same and from time to time to reinvest such funds in interest bearing securities and apply the income thereof for the purchase of lands for the like purposes and in all such cases to manage and control such property for the uses declared in the instrument of such gifts or conveyances or in the absence of express direction as shall seem best to said corporation, and generally to accept and administer any and all trusts of real and personal property which may be committed to it by individuals, bodies corporate and politic, by any court, or by any church or charge within or without the bounds of the said Wilmington Annual Conference of the Methodist Episcopal Church or by the authorities of any church therein for the purposes aforesaid. The said corporation shall also have power to be appointed as executor or administrator with the will annexed and when so appointed shall not be required to give security except in such case and in such manner and amount as the register of wills, who shall grant the letters testamentary or of administration therein, may deem necessary to secure the payment of debts and any oath or affirmation required by law to be taken in the due execution of the powers herein granted may be made or taken by the president or treasurer of said corporation

SECTION 4. The said corporation shall have power in the ^{Further powers.} execution of the purposes and trusts contemplated by this act, subject to the direction of the donors, to sell and convey, mortgage, lease and otherwise dispose of the said property and to receive and receipt for the purchase or other money received from the transfer or mortgage of the same without

OF RELIGIOUS SOCIETIES.

any liability on the part of any purchaser, grantee or lessee with respect to the application of the money or other security or property paid or delivered to said corporation.

Seal.

By-laws.

SECTION 5. The said corporation may have and use a common seal, the same to alter and renew at pleasure and from time to time may enact by-laws for its government and providing for all necessary details in the management of its business and the selection of its officers and agents, and the same may alter, amend or repeal, provided the same be not repugnant to the Constitution or laws of the United States or of this State.

Power of
revocation
of charter.

Proviso.

Disposition
of prop-
erty, &c.

SECTION 6. That the Legislature hereby reserves the power of revoking, altering and amending this act, but such revocation, alteration or amendment shall in no case divest the property, funds, money or rights acquired under its provisions, nor divert them from the purposes herein expressed, but such property, funds, money and rights of said corporation in case of such revocation shall be applied to such uses and purposes hereinbefore mentioned, and shall be directed by the said Wilmington Annual Conference or by the provisions of gifts, conveyances or trusts aforesaid.

SECTION 7. This shall be deemed and taken to be a public act.

Passed at Dover, April 22, 1897.

OF FREE SCHOOLS.

CHAPTER 421.

OF FREE SCHOOLS.

AN ACT to amend an act entitled "An act to improve and promote the Colored Schools in this State," being Chapter 17, Volume 20, 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, Chapter 17, Volume 20, Laws of Delaware, be and the same is hereby amended by inserting after the word "of" at the end of the third line of said section, and before the word "erecting" at the beginning of the fourth line of said section, the following: "Procuring site for school buildings"; by inserting between the word "to" and the word "school" in the eighth line of said section, the following: "procure site"; by inserting between the word "to" and the word "school" in the ninth line of said section, the following: "Procure site"; by inserting between the word "to" and the word "school" in the tenth line of said section, the following: "Procure site"; and by adding at the end of said Section 3, the following: "*Provided*, that it shall be incumbent upon the superintendents of each county to procure by proper deed of conveyance to the then superintendent of free schools of the county and his successor in office in trust for the use of the colored schools of the county, and in the event the property so procured and held should cease to be used by the colored people for school purposes, or if the same should become undesirable therefor, said property shall be held in trust as aforesaid for the use of the State, and may be sold under the authority of the General Assembly, and the proceeds arising therefrom to be paid to the trustee of the school fund for the use of the colored schools of the county in which said lands and buildings may be located; it is also provided that the purchaser of any lands or any lands and buildings as aforesaid, shall receive the same free and clear of any and all liens or encumbrance of any kind whatsoever."

SECTION 2. That until the superintendent as aforesaid shall receive the proper deed of conveyance as aforesaid for the colored school properties now existing, no such failing district shall receive any future appropriation.

Passed at Dover, April 5, 1897.

OF FREE SCHOOLS.

CHAPTER 422.

OF FREE SCHOOLS.

AN ACT to amend "An act to improve and promote the Colored Schools in this State."

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

Chapter 17,
Vol. 20
amended so
as to make
the County
Superin-
tendent
the custo-
dian and
distributor
of the State
appropri-
ation to col-
ored schools
in each
county re-
spectively.

SECTION 1. That the act entitled "An act to improve and promote the colored schools in this State" be and the same is hereby amended by striking out in the thirteenth line of Section 3 after the word "county" the word "treasurers," and to insert in lieu thereof the word "superintendents;" by striking out in the fourth section of the aforesaid act the paragraph beginning with the word "They" in the eighth line of said section and ending with the word "counties" in the thirteenth line of said section; by striking out in the thirteenth line of said section the following words, "in preparing this estimate"; by striking out in the twenty-fourth line of Section 4 the paragraph beginning with the word "The" and ending with the word "schools" in the twenty-sixth line of said section; by striking out in the twenty-sixth line of Section 4 the word "and"; by striking out in the twenty-eighth line of Section 4 the word "treasurer," and to insert in lieu thereof the word "superintendent"; by striking out in the tenth line of Section 5 the paragraph beginning with the word "The" and ending with the word "treasurer's" in the twelfth line of said section; by striking out in the fourteenth line of said section the following, "by orders on the county treasurers and the latter," and by inserting in lieu thereof the word "they"; by striking out the word "officers" in the fifteenth line of said section; by striking out in the twentieth line of said section the word "treasnrer" and insert in lieu thereof the word "superintendent."

SECTION 2. That this act shall be deemed and taken to be a public act.

Passed at Dover, May 28, 1897.

OF FREE SCHOOLS.

CHAPTER 423.

OF FREE SCHOOLS.

AN ACT entitled "An act to legalize and provide for the Support and Maintenance of the Delaware Colored Teachers' State Institute."

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

SECTION 1. That the Delaware Colored Teachers' State Institute shall be and is hereby declared to form part of the educational system of the State of Delaware; *provided*, that the said institute, on the adoption of its proposed constitution, shall submit the said constitution to the General Assembly at its next session for ratification.

Colored Teachers' State institute, establishment of.

SECTION 2. That in order to provide proper instruction in improved methods of teaching, and to defray the expenses incidental to the annual session of the said institute, the sum of one hundred dollars be annually and is hereby appropriated from the school fund of the State for the aforesaid purpose now and henceforth, until such time as the Legislature shall deem fit to repeal or revoke this measure.

\$100 annually appropriated to.

SECTION 3. That the State Auditor shall issue to the Superintendent of Free Schools for Kent county, in the month of October of every year, a warrant for the payment of the said sum of one hundred dollars.

How paid.

SECTION 4. That the State Treasurer shall pay and is hereby authorized to pay to said Superintendent of Free Schools for Kent county all and every part of the said appropriation of one hundred dollars on the presentation of the State Auditor's warrant for the said sum.

Accounts how paid.

SECTION 5. That the said Superintendent of Free Schools for Kent county is hereby authorized and empowered to pay out of the said sum of one hundred dollars so as aforesaid paid to him all accounts of the said Delaware Colored Teachers' State Institute, certified to him as correct by the president and secretary of said institute, the same having been first duly audited by the finance committee of the said Institute; *provided*, the said accounts shall not exceed the said

County Superintendents to present account to State Auditor.

OF FREE SCHOOLS.

sum of one hundred dollars, and that said Superintendent shall, as soon as possible after the close of the said institute, present his accounts and vouchers to the State Auditor for settlement, and pay over any unexpended balance of said appropriation to the State Treasurer.

Passed at Dover, May 10, 1897.

CHAPTER 424.

OF FREE SCHOOLS.

AN ACT in relation to holding the Annual School Elections in New Castle County, exclusive of the Cities of Wilmington and New Castle.

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

Day of
school elec-
tion in N.
C. Co.

SECTION 1. That from and after the passage of this act, the annual school elections in the various school districts of New Castle county (exclusive of incorporated cities and towns) shall be held on the first Saturday in the month of June of each year.

SECTION 2. That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

SECTION 3. That this act shall be deemed and taken to be a public act.

Passed at Dover, April 29, 1897.

OF FREE SCHOOLS.

CHAPTER 425.

OF FREE SCHOOLS.

AN ACT in relation to the Board of Public Education of Marshallton,
New Castle County, Delaware.

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

SECTION 1. That at expiration of the present school year (which will terminate on the day now set by law to annually elect school commissioners in the various school districts in the State of Delaware) that the terms of the present members of the "Board of Public Education of Marshallton," be terminated, and they are hereby terminated and abolished. Terms of present members of Board of Education of Marshallton terminated.

SECTION 2. And that from and after the next annual school election the Board of Public Education of Marshallton shall consist of nine (9) members, who shall be elected by the voters of United School Districts Nos. 77, 99, 99½ (incorporated under the name and style of the Board of Public Education of Marshallton) on the day next now provided by law to annually elect school commissioners in the State of Delaware, to wit: New members to be elected.

SECTION 3. The nine (9) members comprising the Board of Public Education of Marshallton, as provided by this act, shall be elected for the several and respective terms as follows: Three members shall be elected who shall reside within the limits of School District No. 77; one whose term shall be one year, one whose term shall be two years, and one whose term shall be three years. Number. From what districts. Terms.

Three members shall be elected who shall reside within the limits of School District No. 99. Three members shall be elected who shall reside within the limits of School District No. 99½, whose terms shall be the same as provided in foregoing paragraph for District No. 77. The intention being that annually hereafter there will always be three vacancies to fill, one from each of the three districts which comprise and are incorporated under the name and style of the Board of Public Education of Marshallton.

OF FREE SCHOOLS.

President. SECTION 4. That the nine (9) members so elected as provided in foregoing section shall annually within five days after their election assemble in the school building and elect one of their number for president and one of their number for secretary, who shall also be treasurer.

Rules. SECTION 5. The members may adopt such rules and regulations for their government and for the government of the schools as they may see fit; *provided*, the same do not conflict with the present laws in relation to public schools of this State.

**Books, &c.,
to be delivered
to new
board.** SECTION 6. That the members of the Board of Public Education of Marshallton, as now existing, be and they are hereby directed to deliver up to the new Board of Public Education of Marshallton, as elected and provided for by this act, within ten days after the said board is elected, all the books, papers, accounts, moneys and other property whatsoever, that may be in their possession belonging to the Board of Public Education of Marshallton.

**Powers of
new board.** SECTION 7. That the Board of Education of Marshallton, as elected under this act, shall have all the privileges, powers and authority conferred by the former act creating the Board of Public Education of Marshallton, and the laws of the State in relation to the public schools.

SECTION 8. All former acts inconsistent or conflicting with the provisions of this act are hereby repealed.

Passed at Dover, February 16, 1897.

OF FREE SCHOOLS.

CHAPTER 426.

OF FREE SCHOOLS.

AN ACT to divide School District No. 63, in New Castle County, to re-unite the same, 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 School District No. 63 in New Castle county be and the same is hereby divided into two districts which shall be known as District No. 63, and District No. 63½ of New Castle county.

District
No. 63
divided.

SECTION 2. The two school districts formed under the provisions of this act are hereby re-united, and shall have and enjoy all the rights, powers, immunities, privileges and benefits of school districts in this State, and each of said districts shall be entitled to its proportional share of the school fund of this State appropriated to New Castle county.

Reunited.

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

Passed at Dover, April 21, 1897.

OF FREE SCHOOLS.

CHAPTER 427.

OF FREE SCHOOLS.

AN ACT for the Relief of School District No. 96, New Castle County.

WHEREAS, Two vacancies exist in the offices of School Commissioners of School District No. 96, New Castle county, caused by the removal from the district of Alexander Metten, a duly elected clerk, and Evan T. Evans, a duly elected commissioner; and,

WHEREAS, The remaining commissioner is unable to comply with the existing law governing the management of free schools, and the situation being such as to demand immediate relief; therefore,

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

Commis-
sioners for
District
No. 96.

SECTION 1. That Benjamin V. Armstrong is hereby appointed commissioner to serve as clerk and James D. Eliason is hereby appointed commissioner for School District No. 96, New Castle county, to fill vacancies, each to serve until the next stated meeting of the school voters, when their successors shall be chosen as provided by law.

Powers.

SECTION 2. The commissioners appointed by this act shall enjoy all the rights, privileges and powers, and shall be subject to the same limitations and restrictions as are provided by law for the management of free schools.

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

Passed at Dover, April 21 1897.

OF FREE SCHOOLS.

CHAPTER 428.

OF FREE SCHOOLS.

AN ACT for the relief of School District No. 42, in New Castle, Delaware.

WHEREAS, School District Number 42, New Castle county, did not receive any dividend or any portion of the school fund for the years 1893 and 1894;

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

SECTION 1. That immediately upon the passage of this act the State Treasurer is directed to pay out of the school fund to Robert Hawthorne, Clerk of School District Number 42, of New Castle county, the sum of six hundred and fifty dollars, for the use of said district, and to charge the said amount to the apportionment of the school fund for New Castle county.

State
Treasurer
to pay \$650
to School
District
No. 42, N.
C. Co.

Passed at Dover, May 20, 1897.

CHAPTER 429.

OF FREE SCHOOLS.

AN ACT to authorize the Commissioners of School District No. 132 in Kent County to borrow Money to pay for a new School House.

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

SECTION 1. That Webster D. Learned, clerk, and Henry E. Moore and Edgar H. Bancroft, commissioners of School District No. 132 in Kent county, or the incumbents of said offices on the first day of September, A. D. 1897, be and they are hereby authorized and empowered to negotiate a loan of six hundred dollars (\$600) with which to pay for the new school

School
District
No. 132,
Kent Co.,
may bor-
row \$600.

OF FREE SCHOOLS.

house recently erected in said district. The payment of said loan shall be secured by judgment bond, bearing interest at six per centum per annum, payable annually, and the said principal debt payable in six equal annual installments of one hundred dollars each.

Bond.

Insurance
policy.

SECTION 2. The said judgment bond shall be dated the first day of September, A. D. 1897, and shall be executed by the said clerk and commissioners holding office at that time in their official capacities, and the insurance policy on the said school house shall be assigned by them as collateral security for the payment of said debt hereinbefore authorized to be contracted. The faith and credit of the said School District are hereby expressly authorized to be pledged for the payment of the said debt and interest.

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

Passed at Dover, March 17, 1897.

CHAPTER 430.

OF FREE SCHOOLS.

AN ACT in relation to School District No. 96, Kent County.

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

Old district
divided.

SECTION 1. That School District Number 96 in Kent county, be and the same is hereby divided into two districts which shall be known and designated as United School Districts Numbers 96 and 133¹/₂ and bounded and described as follows, to wit: The division line of said District Number 96 to begin on the public road leading from Davis' Cross Roads at the line of Short's district, and to continue along said public road through the village of Hartly to the sand field road, thence along the said sand field road to the road leading to Switzer's farm, thence along said road leading to said farm until the boundary of District Number 8 is reached, thus

OF FREE SCHOOLS.

making a division of said District Number 96 into two parts. The part of said district south and west of said line of division shall be known and designated as District Number 96, and the part of said divided district north and east of said line of division shall be known and designated as Number 133½, and the boundaries of said two districts shall remain and be the same as were the boundaries of said District Number 96 before said division had been made.

SECTION 2. That said two districts created by Section 1 ^{Reunited.} of this act are hereby consolidated and reunited and shall be known and designated as United School Districts Numbers 96 and 133½.

SECTION 3. That the clerk and commissioners of District ^{Present} Number 96 hereby divided shall be the clerk and commis- ^{officers} sioners of the United School Districts Numbers 96 and 133½ ^{continued.} until the term for which they were elected shall expire and the successors in office of said clerk and commissioners shall be chosen in the same manner and by the qualified voters of ^{Elections.} said United School Districts, as was done before the passage of this act in said District Number 96.

SECTION 4. That the school house and lot in District ^{Property to} Number ninety-six and any other property belonging to said ^{vest in} district shall vest in the United Districts, and all taxes and ^{United Dis-} debts due said District Number 96, shall be payable to the ^{trict.} United School Districts Numbers 96 and 133½.

SECTION 5. The United School Districts Numbers 96, ^{Share in} and 133½ shall be entitled to the advantages of separate ^{school fund.} school districts in the distribution of the school fund of this State.

SECTION 6. That the provisions of Chapter 57, Volume ^{Other law} 18 of the Laws of Delaware shall remain in force and apply ^{continued,} to said United School Districts Numbers 96 and 133½.

SECTION 7. That this act shall be deemed and taken to ^{General} be a public act and all laws of this State applicable to free ^{law} schools and not inconsistent or in conflict with the provisions ^{applicable.} of this act shall be applicable to the said United School Districts Numbers 96 and 133½.

Passed at Dover, March 23, 1897.

OF FREE SCHOOLS.

CHAPTER 431.

OF FREE SCHOOLS.

AN ACT to amend an act entitled, "An act to establish a Board of Education for the town of Felton," passed at Dover, February 25, 1885.

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):

Board of
Education
of Felton
may borrow
money.

How used.

Not to ex-
ceed \$800.

How se-
cured and
paid.

May collect
\$1000 annu-
ally for.

SECTION 1. That Section 8 of Chapter 457, Volume 17, Laws of Delaware, be and the same is hereby repealed and the following inserted at Section 8: "That it shall be lawful for said Board of Education to borrow a sum of money to be used for enlarging, painting and making necessary improvements on school building in consolidating School Districts Nos. 54, 82, 102 and 103, Kent county. *Provided, however,* that the sum so borrowed does not exceed the sum of eight hundred dollars, and the same to be made payable in four equal annual installments, and to be secured by bond or bond and mortgage bearing interest at a rate not exceeding six per cent. per annum upon the property of said districts, signed by the president and treasurer of said Board of Education."

SECTION 2. Amend Section 9 of said act by striking out the word "eight" in the twelfth line of said section and insert in lieu thereof the word "eleven."

Passed at Dover, March 24, 1897.

OF FREE SCHOOLS.

CHAPTER 432.

OF FREE SCHOOLS.

AN ACT for the relief of School District No. 125 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 School District No. 125, in Kent county, be and the same is hereby divided into two school districts, which shall be designated as School Districts Nos. 125 and 133. No. 125 shall consist of that part of the old district bounded by a line running in a southerly direction commencing and bounded on the east by lands of Joseph Perkins, then through lands of Mollie Vineyard, William Vineyard and David Scoot, to a line between J. C. Wharton and Ella H. Wilson to the railroad across Mill street; thence to the street between lands of P. J. Satterfield, W. N. Pierce and others, to Beaver Dam branch; all that part of the old District No. 125 east of the above named line shall be known as District No. 125. No. 133 shall consist of that part of the old district west of the above named line, and shall be known as District No. 133. District divided.
Limits.

SECTION 2. That the said two districts created by Section 1 of this act are hereby consolidated and reunited, and shall be called "United School Districts Nos. 125 and 133, in Kent county." Reunited.
Title.

SECTION 3. That the clerk and commissioners of District No. 125 shall be the officers of the United Districts until the terms for which they were elected shall expire. Officers continued.

SECTION 4. That the school house and lot and other property of School District No. 125 shall vest in the United Districts, and all taxes and debts due to District No. 125 shall be payable to the United Districts. Property to vest in United District.

SECTION 5. That the United Districts shall be liable for the debts of District No. 125. Liable for debts of old district.

SECTION 6. That the United Districts shall be entitled to the advantage of separate districts in the distribution of the State school funds; *provided*, that a sufficient tax is raised by each of said districts to entitle it to a share of the school fund. Share in school fund

OF FREE SCHOOLS.

General
laws appli-
cable.

SECTION 7. That this shall be deemed and taken to be a public act, 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 said United Districts.

Passed at Dover, March 24, 1897.

CHAPTER 433.

OF FREE SCHOOLS.

AN ACT to establish a Board of Education for the Town of Frederica and to incorporate the same 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 therein):

Board of
Education
for Frederica.

SECTION 1. That on and after the passage of this act, United School Districts Nos. 32, 75, 76 and 78 in Kent county as now bounded, or as they may hereafter be bounded, shall be governed by a "Board of Education," to be composed of seven members to be elected or appointed as hereinafter provided.

Members.

SECTION 2. That Paris T. Carlisle, Jr., M. D., Elijah F. Melvin, Joseph Frazier, William E. Davis, William F. Hoey, M. D., George Swansfeld and Joseph S. Clark shall constitute the said "Board of Education" until the last Saturday in June, A. D. 1897, or until their successors shall have been duly elected and qualified as hereinafter provided.

Term.

Annual
election.

Terms of
office.

Notice of
election,
&c., accord-
ing to gen-
eral law.

SECTION 3. That on the last Saturday in June, A. D. 1897, three persons shall be elected members of said board for the term of one year, three for the term of two years, and one for the term of three years; and on the last Saturday in June annually thereafter, persons shall be elected for the term of three years to succeed members of said board, whose terms of office have expired. Notice of the election, the place thereof, and the manner of conducting the same shall be as provided by the laws of the State for the election of school commissioners.

OF FREE SCHOOLS.

SECTION 4. That the said board shall meet annually at the place where its meetings are usually held, on the first Monday after the last Saturday in June, and, before transacting any other business, the president, or any member acting as president, shall swear or affirm the members elected on the Saturday previous to perform their duties as members of said board with fidelity, and then proceed to organize the board for the year by the election of a president, who shall be a member of the board, and a secretary and treasurer, who may or may not be the same person, and may or may not be members of the board.

Meeting of board.

Oath of office.

Organization.

Officers.

SECTION 5. That the persons named in Section 2 of this act and their successors, duly elected and qualified as hereinbefore provided, be and they are hereby constituted a corporation and body politic under the name and title of "The Board of Education of the Frederica Public Schools," and by that name shall have perpetual succession, and shall have, possess and enjoy all the powers, rights, privileges and franchises incident to a corporation and necessary and proper to establish, provide and maintain suitable schools for the education of all the children within the said United School Districts that are by law entitled to be educated in the public schools, and shall have full control of all the real and personal property which now or may hereafter belong to said United School Districts, and may in the name aforesaid, maintain, prosecute and defend all suits at law or in equity which may be necessary to protect the property of said United School Districts, or to carry into effect the purposes of this act.

Style.

Powers.

SECTION 6. That a majority of the said board shall form a quorum, and any vacancy occasioned by non-election, death, resignation or otherwise, shall be filled by the board at any stated meeting for the whole or residue of the term, as the case may be.

Quorum.

Vacancy.

SECTION 7. That the board shall appoint such other officers, agents and teachers as may be necessary, and fix their compensation (such appointees being subject to removal at any time) and make by-laws, rules and regulations for their own government and for the government of their officers, agents and teachers, and for the government of the schools.

Other officers, teachers, &c.

By-laws.

SECTION 8. That the said board shall have the right to draw the dividends from time to time which the several districts named in Section 1 of this act shall be entitled to as

Share of school fund

OF FREE SCHOOLS.

How drawn their part of the State school fund by an order signed by the president and attested by the secretary, and shall have authority to fix such sum in addition as they may deem necessary for the proper education of all the children in said United School Districts that are entitled to be educated in the Public Schools, and for the payment of the interest and annual installments on the debt hereinafter authorized to be contracted, and to assess, levy and collect the same as school taxes now are or hereafter may be by law; *provided*, that the sum raised by taxation shall not exceed in any one year the sum of sixteen hundred dollars (\$1600).

May collect
not exceed-
ing \$1600.

Monthly
meetings
of board.

Annual
statement.

Settlement
with Au-
ditor.

SECTION 9. That the said board shall hold stated meetings once every month and special meetings when required by the president or a majority of the members, and it shall, on or before the Monday next preceding the last Saturday in June each year, cause to be made out and hung up in some public place in the town of Frederica a statement of the receipts and expenditures during the year, showing the sources from which the receipts have been obtained and the objects for which they were expended. The treasurer of the said board shall annually settle the accounts of the said United School Districts with the State Auditor.

May
acquire
new site
and erect
new school
house.

May dis-
pose of
present
property.

Cost of site
and build-
ing not to
exceed
\$1000.

SECTION 10. That in order to afford suitable facilities for the education of the children in said United School Districts, the said "Board of Education" be and the same are hereby authorized and empowered to select a suitable site for the location of a new school house, and to take the necessary steps to acquire a fee simple title thereto either by agreement with the owner, or in case of inability to so agree, in the same manner and by like proceedings as are now by law provided in that behalf, and shall, as hereinafter provided, be empowered to have erected a suitable building containing four or more rooms on the site thus acquired, to be used as a school house for the said United Districts, and the said board is hereby also empowered to dispose of the right, title and interest of the said United School Districts in the present school house to the best possible advantage, and to appropriate the proceeds of said disposal towards the erection of the new school house hereinbefore authorized; *provided, however*, that the whole cost of the said site and school house shall not exceed the sum of four thousand dollars (\$4000), to be raised in the manner hereinafter provided.

OF FREE SCHOOLS.

SECTION 11. That the directors of the Frederica Railroad Company be and they are hereby authorized and empowered to pay and transfer to the said "Board of Education" any and all money or securities for moneys now remaining in the hands of said directors or held by them, and being the balance of the moneys which came to them under the provisions of an act of the General Assembly of the State of Delaware, entitled, "An act for the encouragement of internal improvements in the State of Delaware," passed at Dover, January 26, 1859; and which said moneys or securities for the payment of moneys, when so paid and transferred to the said "Board of Education," shall be expended by the said board on account of the purchase of a site and the erection of a school house thereon.

Frederica
R. R. Co.
to pay
certain
moneys to.

How
expended.

SECTION 12. If the said directors of the Frederica Railroad Company shall pay and transfer the moneys and securities as hereinbefore authorized, the said "Board of Education" be and it is hereby authorized and empowered to borrow such a sum of money which, together with the money and securities received from the said directors of the Frederica Railroad Company, and from the sale of the right, title and interest of the present school building shall be equal to the entire cost of said site and building authorized to be erected thereon, and that the payment of the money so borrowed shall be secured by bond or bond and mortgage upon the property of said United School Districts executed pursuant to a resolution of the said "Board of Education" in that behalf, and signed by its president and secretary and treasurer, bearing interest at a rate not to exceed six per centum per annum, and payable in ten equal annual installments.

May
borrow
money.

Amount.

How
secured.

When
payable.

SECTION 13. That, if the said directors of the Frederica Railroad Company shall refuse to pay over and transfer the said money and securities in possession of the said "Board of Directors," to be used as hereinbefore described, then and in that event the provisions of Sections 11 and 12 of this act shall be null and void, and the question whether the said "Board of Education" shall procure a site and build a new school house thereon as hereinbefore authorized, shall be submitted to the taxables of said United School Districts at the annual meeting of the school voters thereof on the last Saturday in June, A. D. 1897, and, if by a vote of a majority of said taxables present and voting, it shall be decided that the said "Board of Education" shall purchase the

If Frederica
R. R. Co.
fails to
pay over
money.

New house
not to
be erected
till question
submitted
to taxables.

Loan may
not be
authorized
by vote of
taxables.

OF FREE SCHOOLS.

Bond and mortgage.

site and erect the school building thereon as hereinbefore authorized, then and in that event the said "Board of Education" is hereby expressly authorized and empowered to borrow a sum of money not to exceed four thousand dollars (\$4000) with which to purchase said site and erect said building. The payment of said money so borrowed shall be secured by bond and mortgage of the school property of said United Districts, executed pursuant to a resolution of the said "Board of Education" in that behalf, and signed by its president and secretary and treasurer and under its corporate seal, bearing interest at a rate not to exceed six per centum per annum, and payable in twenty equal annual installments.

When payable.

Organization of board.

Oath.

Duties.

SECTION 14. That as soon as possible after the passage of this act the persons named in Section 2 of this act to constitute the said Board of Education, shall organize by the election of a president and secretary and treasurer, after having been severally sworn or affirmed by one of their own number to perform their duties as members of said board with fidelity, and proceed to make legitimate and proper efforts to secure for the purposes hereinbefore described, the payment and transfer of the said moneys and securities of the Frederica Railroad Company.

Unless money paid over by R. R. Co. school meeting to be called.

SECTION 15. That unless the said Board of Education shall have secured the payment and transfer of the said moneys and securities of the said Frederica Railroad Company on or before the first Saturday in June, A. D. 1897, the said board shall forthwith by handbills bearing the signature of the secretary of said board, posted in five or more places in said United School Districts, give notice to the school voters in the said United School Districts that the question of the purchase of a site and the erection of a new school house thereon, as hereby authorized, will be submitted to the vote of the taxables of said United School Districts at the ensuing annual meeting of the school voters to be held on the last Saturday in June, A. D. 1897, as specified in Section 13 of this act.

SECTION 16. That this act shall be construed to be an act for public improvement, and shall be deemed and taken to be a public act.

Passed at Dover, April 7, 1897.

OF FREE SCHOOLS.

CHAPTER 434.

OF FREE SCHOOLS.

AN ACT to consolidate United School Districts Nos. 28 and 80 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 United School Districts Nos. 28 and 80 ^{Districts} in Kent county be and they are hereby consolidated and ^{united.} made one School District to be called No. 28, with all the ^{Title.} powers, privileges and incidents of a single and separate ^{Powers.} School District, and with authority to raise only one hundred ^{Annual} dollars annually for the support of the school in said district. ^{taxes.}

Passed at Dover, April 13, 1897.

CHAPTER 435.

OF FREE SCHOOLS.

AN ACT to authorize School District Number 48, in Mispillion Hundred in Kent County to borrow Money to build and erect a new School House and to sell the old 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:

SECTION 1. That J. Will Powell, M. C. Jackson and ^{Building} Henry H. Callaway, three freeholders and taxables of said ^{committee.} school district, are hereby appointed a building committee and they are hereby authorized and empowered to borrow the sum of four hundred dollars for the purpose of building and erecting a new school house for said school district on ^{May bor-} the same lot of land whereon the old school house now stands ^{row \$100.} and to use the money so borrowed in building and erecting, ^{to erect} or causing to be built and erected, a new school house in said ^{school} house.

OF FREE SCHOOLS.

May sell
old building
Proceeds.
Loan when
payable.

district on said lot of land, and also to sell the old school house and to apply the proceeds of the sale thereof for paying off the aforesaid loan or to apply the same towards the finishing of the said new school house, if needed for that purpose, and that the said sum of four hundred dollars shall be borrowed on four years time made payable in four equal annual installments of one hundred dollars each with lawful interest on the whole principal sum or on any unpaid balance in each and every year from the date of the securing the said loan, until the whole principal sum of four hundred dollars and all interest thereon shall be paid.

Bond and
mortgage.
Lien.

SECTION 2. That the said building committee named in Section 1 of this act are hereby authorized and empowered to secure the payment of said loan by bond or by bond and mortgage from under their hands and seals, duly executed and acknowledged upon the terms and conditions mentioned in Section 1 of this act, the same to be made a lien against the said new school house and upon the lot of land whereon the same is to be erected, and upon all other property belonging to said school district.

Additional.
\$100 to be
collected
annually.
How
applied.

SECTION 3. That for the purpose of providing for the payment of said loan according to its terms and conditions, the commissioners of said School District or their successors in office are hereby authorized, directed and required to levy and collect yearly from the taxables of said School District, in addition to the tax for carrying on a school or schools directed to be levied by law at the stated meetings the sum of one hundred dollars in each and every year with the interest on the whole principal loan or on any unpaid balance thereof until the whole of said sum of four hundred dollars and all interest shall be paid. The same to be levied and collected as other school money is collected. The said additional yearly sum of principal and interest of said loan to be used for the purpose of paying off said loan, with its interest as the same becomes due and payable according to the terms thereof.

SECTION 4. That this act shall be deemed and taken to be a public act.

Passed at Dover, April 22, 1897.

OF FREE SCHOOLS.

CHAPTER 436.

OF FREE SCHOOLS.

AN ACT to amend Chapter 605, Volume 19, Laws of Delaware, entitled "An act to incorporate School District Number 119 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 (two-thirds of each house concurring therein):

SECTION 1. That Chapter 605, Volume 19, Laws of Delaware, entitled "An act to incorporate School District No. 119 in Kent county, and for other purposes," be and the same is hereby amended by striking out the word "August" in the ninth line of Section five of said act and inserting in lieu thereof the word "July"; and that said section be further amended by striking out the figure "2" in the tenth line of said section and inserting in lieu thereof the figure "7."

SECTION 2. That the said act be and the same is hereby further amended by inserting between the word "assess" in the seventeenth line of Section 8 of said act and the word "levy" of the same line the following words, to-wit: "All poll taxables at the sum of two hundred dollars, and all personal property at two-thirds of its actual value, and all real property in the same manner as is now or may hereafter be provided by law, and to"; and that said section be further amended by striking out in the eighteenth line of said section the fourth, the fifth, the sixth, the seventh and the eighth words of the aforesaid line and section.

Passed at Dover, April 29, 1897.

OF FREE SCHOOLS.

CHAPTER 437.

OF FREE SCHOOLS.

AN ACT to authorize the School Commissioners of School District No. 18 of Sussex County to move their School House.

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

School house may be moved to better location.

SECTION 1. That the School Commissioners of School District No. 18 in Sussex county, or their successors in office, be and are hereby authorized and empowered to remove the school building now on the land of Mary Martin, to a more central, suitable and convenient location, on the land of said Mary Martin in said School District.

May borrow \$300.

How used.

SECTION 2. That the said School Commissioners are hereby further authorized and empowered to borrow any sum of money not exceeding three hundred dollars for the purpose of repairing or rebuilding said school house.

Surplus money to be applied to debt.

SECTION 3. And the said School Commissioners shall each and every year hereafter apply any and all surplus moneys that may be in their hands, from and after the passage of this act, till the sum so borrowed with interest be paid in full.

SECTION 4. That this act shall be deemed and taken to be public act and shall be published as such among the laws of this State.

Passed at Dover, March 1, 1897.

OF FREE SCHOOLS.

CHAPTER 438.

OF FREE SCHOOLS.

AN ACT in relation to United School Districts Nos. 2, 100, 103 and 104
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 time of holding the annual stated ^{Annual} meeting of the school voters in United School Districts Nos. 2, 100, 103 and 104 in Sussex county, be and the same is hereby changed from the last Saturday in June in each year to the Friday next preceding the last Saturday in June.

SECTION 2. That all the provisions of the school laws ^{General} concerning the said United School Districts shall remain ^{laws} unchanged except as to the time of the said annual stated ^{applicable.} meeting.

SECTION 3. This act shall take effect from and after its passage and shall be deemed and taken to be a public act.

Passed at Dover, March 12, 1897.

CHAPTER 439.

OF FREE SCHOOLS.

AN ACT authorizing School District No. 52 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 :*

SECTION 1. That the School Commissioners of School ^{May bor-} District No. 52 in Sussex county, and their successors in ^{row \$500.} office, be and they are hereby authorized and empowered to borrow, at their discretion, a sum of money not exceeding five hundred and fifty dollars for the purpose of erecting and ^{How} furnishing a new school house for said district, and for the ^{expended.} purpose also of purchasing, if they should deem it expedient,

OF FREE SCHOOLS.

When payable. a lot of ground on which to erect said new school house, and that said sum of five hundred and fifty dollars shall be borrowed for such time, not exceeding eleven 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 and their successors are hereby authorized to secure the payment of the same, with the interest thereon, by a bond or mortgage, or by bond and mortgage, under their hands and seals as commissioners aforesaid, on the said school house and premises, or other property situated in and belonging to said School District No. 52.

Additional sum to be collected annually. SECTION 2. That for the purpose of raising the funds necessary to pay the money authorized to be borrowed by this act, with its interest, the said School Commissioners and their successors are hereby authorized, empowered and directed to annually assess, levy and collect a sufficient amount (in addition to the amount which may be fixed and determined upon by the school voters of said district at the annual stated meetings held each year for the purpose of running the schools in said district) 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, the same to be levied as other school money is levied in said district.

May dispose of present property. SECTION 3. That the said Commissioners, and their successors, are hereby authorized, if they should deem it advisable and proper to do so, to sell at either public or private sale, the present lot used for school purposes in said district, together with the building thereon, and when such sale shall be made a deed signed by the said School 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 premises. That the proceeds of sale of the said school house and lot, if the same shall be sold, shall be appropriated and applied, in addition to the money hereinbefore provided for, towards the cost of purchasing a lot and erecting and furnishing a new school house for the use of said district, and to no other purpose whatever.

SECTION 4. That this act shall be deemed and taken to be a public act.

Passed at Dover, March 31, 1897.

OF FREE SCHOOLS.

CHAPTER 440.

OF FREE SCHOOLS.

AN ACT to increase the School Fund for the United School Districts of Laurel and 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 therein):

SECTION 1. That the Board of Education of the United School Districts of Laurel be and it is hereby empowered and authorized to assess and collect the sum of two hundred and fifty dollars for school purposes. Laurel may collect \$250 for school purposes.

SECTION 2. That the sum to be assessed and collected as aforesaid, shall be over and above and in excess of the amount now required by law to be assessed and collected, and shall be levied and collected in like manner. In excess of amount heretofore collected.

SECTION 3. That this act shall in no wise conflict with or alter any previous act in relation to the school laws.

SECTION 4. That this act shall be deemed and taken to be a public act.

Passed at Dover, April 7, 1897.

OF FREE SCHOOLS.

CHAPTER 441.

OF FREE SCHOOLS.

AN ACT transferring the house and lot of Mary H. Rose from School District No. 54 to United School Districts 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 :

Land of
Mary H.
Rose trans-
ferred from
District
No. 54 to
United Dis-
tricts Nos.
39 and 41.

SECTION 1. That the house and lot of land of Mary H. Rose, now in the limits of School District No. 54 in New Castle county, be and the same are hereby transferred to and shall hereafter form a part of United School Districts Nos. 39 and 41 in New Castle county aforesaid; and the said Mary H. Rose, and all and every other person or persons residing on the said lot of land, or who may hereafter reside thereon, shall enjoy all the advantages and privileges, and shall be subject to all the duties and liabilities of taxables of said United School Districts Nos. 39 and 41 in New Castle county, and she is hereby relieved and discharged from the same in School District No. 54 in New Castle county.

SECTION 4. That this act shall be deemed and taken to be a public act.

Passed at Dover, February 10, 1897.

OF FREE SCHOOLS.

CHAPTER 442.

OF FREE SCHOOLS.

AN ACT to transfer the farm of Bevend W. Meyer from District Number 13 to School Districts Numbers 18, 60, 90, 91, 92, 101, 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 of Bevend W. Meyer now situated in School District Number 13, Kent county, be and the same is hereby transferred from said District Number 13, to Districts Numbers 18, 60, 90, 91, 92 and 101, in said county. Farm of Bevend W. Meyer transferred.

SECTION 2. That from and after the passage of this act the aforesaid farm shall be assessed for school purposes in District Number 18, 60, 90, 91, 92 and 101, in Kent county and is hereby relieved and discharged from the same in said School District Number 13, in said county. Where assessed.

SECTION 3. That this act shall be deemed and taken to be a public act.

Passed at Dover, April 22, 1897.

CHAPTER 443.

OF FREE SCHOOLS.

AN ACT to transfer the farm of William Artis from District No. 15 to United School Districts No. 96 and 133½ 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 of William Artis now situated in School District Number 15 in Kent county, be and the same is hereby transferred from said District Number 15 and Farm of William Artis transferred.

OF FREE SCHOOLS.

shall hereafter constitute a part of United School Districts Numbers 96 and 133½ in said county.

Where
assessed.

SECTION 2. That from and after the passage of this act the aforesaid farm shall be assessed for school purposes in United School Districts 96 and 133½ and is hereby relieved and discharged from the same in School District Number 15 in said county.

SECTION 3. That this act shall be deemed and taken to be a public act.

Passed at Dover, April 29, 1897.

CHAPTER 444.

OF FREE SCHOOLS.

AN ACT to transfer the lands of Philip E. Davis from School District No. 39 to School District 176 in Sussex County.

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

Farm of
Philip E.
Davis
transferred.

SECTION 1. That the farm now belonging to Philip E. Davis in School District No. 39 in Sussex county, Delaware, shall hereafter be and form a part of School District No. 176 of Sussex county aforesaid, and all and every the persons residing on said land and farm herein mentioned and all persons who may hereafter reside thereon, shall enjoy all the advantage and privilege and that the said Philip E. Davis 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 School District No. 176; *and further*, that they are hereby relieved and discharged from the same in School District No. 39 in Sussex county aforesaid.

SECTION 2. That this act shall be deemed and taken to be a public act.

Passed at Dover, March 1, 1897.

OF FREE SCHOOLS.

CHAPTER 445:

OF FREE SCHOOLS.

AN ACT to transfer the farm now belonging to Eddie W. Godwin 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 property now belonging to Eddie W. Godwin, situated in School District Number 31, in Sussex county, shall hereafter be and form a part of School District No. 120 in Sussex county aforesaid, and all and every person residing on the said lands herein mentioned, and all persons who may hereafter reside thereon, shall enjoy all the advantage and privilege, and that the said Eddie W. Godwin, and the person or persons hereafter owning said lands or living on the same shall be subject to all the duties and liabilities of taxables of said School District No. 120; *and further*, that they are hereby relieved and discharge from the same in School District No. 31 in Sussex county aforesaid.

Farm of
Eddie W.
Godwin
transferred.

SECTION 2. That this act shall be deemed and taken to be a public act.

Passed at Dover, March 1, 1897.

OF FREE SCHOOLS.

CHAPTER 446.

OF FREE SCHOOLS.

AN ACT to repeal "An act transferring the farms of Stephen E. Evans, Cyrus Holt, Peter Townsend and Mary W. Barnett from School District No. 123 to School District No. 181, in Sussex County."

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

Act trans-
ferring
lands
repealed.

SECTION 1. That the act entitled "An act transferring the farms of Stephen E. Evans, Cyrus Holt, Peter Townsend and Mary W. Barnett from School District Number 123 to School District Number 181 in Sussex county," passed at Dover, May the seventh, A. D. 1895, be and the same is hereby repealed.

SECTION 2. That this act shall be deemed and taken to be a public act.

Passed at Dover, March 9, 1897.

CHAPTER 447.

OF FREE SCHOOLS.

AN ACT transferring the farm of William S. Martin from School District No. 132 in Sussex County to School District No. 18 in Sussex County.

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

Farm of
William S.
Martin
transferred.

SECTION 1. That the farm now belonging to William S. Martin, situated in School District No. 132, in Sussex county, shall hereafter be and form a part of School District No. 18 in Sussex county aforesaid, and all and every the persons residing on the said farm and land herein mentioned shall have all the advantages and privileges of said School District No. 18, and that the said William S. Martin

OF FREE SCHOOLS.

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 Number 18; *and further*, that they are hereby relieved and discharged from the same in School District No. 132 in Sussex county aforesaid.

SECTION 2. That this act shall be deemed a public act.

Passed at Dover, April 7, 1897.

CHAPTER 448.

OF FREE SCHOOLS.

AN ACT to transfer the farm and premises of Henry B. Mitchell from School District No. 144 to School District No. 189 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 and premises of Henry B. Mitchell now occupied by Charles W. Mitchell, situate in School District No. 144, Sussex county, be and the same is hereby transferred to School District No. 189 in said county, and the said premises, as well as the occupants of said premises, shall hereafter be assessed for the support and benefit of said School District No. 189, and they are hereby relieved and discharged from any assessment hereafter to be made for the support and benefit of said School District No. 144.

Farm of
Henry B.
Mitchell
transferred.

SECTION 2. That this act shall be deemed and taken to be a public act.

Passed at Dover, May 11, 1897.

OF INFECTIOUS DISEASES.

CHAPTER 449.

OF REFORM SCHOOLS.

AN ACT to amend Chapter 637, Volume 19, Laws of Delaware, entitled, "An act to incorporate the Delaware Industrial School for Girls."

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):

\$1500 ap-
propriated
annually to
Delaware
Industrial
School for
Girls.

SECTION 1. That Section 7, of Chapter 637, Volume 19, Laws of Delaware, entitled, "An act to incorporate the Delaware Industrial School for Girls," passed at Dover, April 11, 1893, be and the same is hereby amended by striking out the words "one thousand" in the sixth line of said section, and inserting in lieu thereof the words "fifteen hundred."

SECTION 2. That this act shall be deemed and taken to be a public act.

Passed at Dover, April 19, 1897.

CHAPTER 450.

OF INFECTIOUS DISEASES.

AN ACT to amend Chapter Six Hundred and Thirty-nine, Volume Nineteen, 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 following be added to Chapter six hundred and thirty-nine, Volume nineteen, Laws of Delaware, as Section 10 of said chapter, to wit:

Vaccina-
tion of
domestic
animals
against
anthrax.

"That, whenever the Governor shall receive reliable information that the contagious disease known as anthrax exists, he is hereby authorized, at his discretion, upon the re-

OF INFECTIOUS DISEASES.

quest of the owner of such domestic animals as are exposed to said contagious disease, to order the same vaccinated by skilled persons with Pasteur vaccines; *provided*, the owner of said domestic animals assumes the risk of whatever losses may result therefrom."

The Governor is hereby authorized to draw his warrant upon the fund appropriated by Section nine of this act hereby amended, for the purpose of defraying the expenses incurred in vaccinating as aforesaid. Expenses how paid.

Passed at Dover, May 10, 1897.

CHAPTER 451.

OF INFECTIOUS DISEASES.

AN ACT to amend Chapter Six Hundred and Thirty, Volume Seventeen, Laws of Delaware.

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

SECTION 1. That Section two of Chapter six hundred and thirty, Volume seventeen, Laws of Delaware, be and the same is hereby amended by adding to said section the following, to-wit: "If any person, being the owner of any domestic animal which has died from anthrax, and who shall immediately after the death of any such animal cremate the carcass of the same, shall within ten days make the death of said animal known to the Governor, he shall be paid by the State Treasurer, upon the warrant of the Governor, for each animal that has so died the sum hereinafter mentioned, to-wit: In the case of horned cattle, horses and mules, the sum of eight dollars; in the case of swine, the sum of two dollars; in the case of sheep, the sum of one dollar; *provided*, that the owner of said dead animal shall first secure a certificate of death of such animal by anthrax from the Delaware College Agricultural Experimental Station, or in such other manner as the Governor may direct."

Compensation for cremating domestic animal having died of anthrax.

Certificate of death.

Passed at Dover, May 10, 1897.

PROTECTION OF FEMALE EMPLOYEES.

CHAPTER 452.

PROTECTION OF FEMALE EMPLOYEES.

AN ACT for the Better Protection of Female and Other Employes.

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

Employer
of females
to provide
certain
accommo-
dations.

SECTION 1. That it shall be the duty of every person or corporation employing female labor to the number of ten or upwards in New Castle county to provide, within three months after the passage of this act, a room or rooms, plainly and appropriately furnished, for such female employes to dress, wash and lunch in, separate and apart from the male employes of such person or corporation, allowing in said separate room or rooms at least nine square feet of floor space for each female employe; *and further*, to provide washing sinks for such female employes, separate and apart from such male employes, allowing one such washing sink to each fifteen of such female employes employed by such person or corporation; *and further*, to provide water-closets for such female employes, separate from those used by such male employes; *provided*, that nothing in this section shall apply to canning establishments doing business in the rural districts of said county.

Certain
establish-
ments
excepted.

Store-
keepers to
provide
seats for
employes.

SECTION 2. It shall be the duty of every storekeeper in New Castle county to provide seats for his or her clerks and employes, so that when unemployed such clerks and employes may be seated.

Place for
working to
be heated.

SECTION 3. It shall be the duty of every person or corporation employing female labor to provide such places for such female employes to work in during cold weather as shall be reasonably and comfortably warm.

Abusive
language or
maltreat-
ment of
female
employes.

SECTION 4. It shall be unlawful for any employer of female labor, or any overseer, superintendent, foreman or boss of any such employer of female labor to use toward female employes any abusive, indecent or profane language, or to in any manner abuse, misuse, unnecessarily expose to hardship, or maltreat any such female employe.

PROTECTION OF FEMALE EMPLOYEES.

SECTION 5. Any person violating any provision of Section 4 of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than ten and not exceeding one hundred dollars for each offence; any person or corporation violating any provision of the first, second and third sections of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined the sum of ten dollars, and shall be subject to the further penalty of ten dollars for each day thereafter during which such corporation or person shall refuse or neglect to provide the furnished rooms, seats, appliances or furnish the heat therein mentioned.

Violation.

Misdemeanor.

Punishment.

SECTION 6. Prosecutions for violation of the provisions of this act may be instituted upon the complaint of any person before any justice of the peace of New Castle county resident in the hundred in which the place of business of such employer shall be located, or in a hundred adjacent thereto. Any such justice of the peace shall have jurisdiction to hear, try and determine such complaints with an appeal to the Court of the General Sessions of the Peace and Jail Delivery. Upon conviction of violation of any of the provisions of this act the justice of the peace hearing said complaint shall remand the defendant or defendants, if individuals, to the custody of the sheriff, until the fines, costs and penalties imposed by him in such case shall be paid upon conviction of violation of any of the provisions of this act. The justice of the peace hearing said complaint, in case said defendant is a corporation, shall have authority to issue execution against said defendant for the fine and costs and all penalties imposed or accruing against said defendant under the provisions of this act. All fines and penalties imposed under this act shall be paid into the treasury of New Castle county. In any prosecution under the first section of this act it shall not be necessary to aver in the complaint, or to prove in behalf of the prosecution at the trial thereof, that the defendant employs female labor to the number of ten or upwards; *provided, however*, that the defendant in any such prosecution may introduce evidence upon this point, and if the justice of the peace trying said cause shall find that such defendant does not employ female labor to the number of ten or upwards, said prosecution shall fail. All prosecutions under this act shall be in the name of New Castle county.

Prosecutions.

How and before whom.

Appeal.

Commitment.

Execution for fines and costs.

Averments in pleadings.

Evidence.

Style of prosecution

SECTION 7. The Chief Justice of the State of Delaware is hereby authorized and required within sixty days after the

PROTECTION OF FEMALE EMPLOYES.

Chief Justice to appoint female inspector.
Duties.

passage of this act to appoint a female inspector, whose duty it shall be to visit from time to time all stores, mills, factories and other places of business where female labor is employed and to duly enforce the provisions of this act. Whenever said inspector shall ascertain that the provisions of this act or any of them are being violated by any employer in New Castle county, it shall be the duty of said inspector to serve upon such violator of the provisions of this act written notice that unless such employer shall conform to the requirements of this act, and wholly cease any violation thereof within ten days from the services of such notice, such employer will be prosecuted under the provisions of this act. And it shall further be the duty of said inspector in case of the neglect or failure of such employer, who has received such notice, to conform to the provisions of this act, and to cease all violations thereof within ten days from the said service of said notice, to institute the prosecution of such recalcitrant employer or employers under the provisions of this act, by swearing out before any justice of the peace in New Castle county resident in the hundred where said employer may have his, her or its place of business, or in an adjacent hundred, the necessary warrant or complaint and thereupon to assist and enforce the prosecution of the person or corporation so complained of to the full extent of her power, and it shall further be the duty of such inspector in case any prosecution under the provisions of this act shall be begun or instituted by any other person than such inspector, to aid, further and assist such independent prosecution of such employer to the best of her power, and whenever such independent prosecution of any such employer shall be begun by any person other than said inspector it shall be the duty of the justice of the peace before whom such complaint shall be made to straightway notify by due course of mail the inspector appointed under this act, informing such inspector of the name of the complainant and defendant, of the names of the witnesses endorsed upon said complaint and of the day, hour and place fixed for the hearing of said cause.

Inspector to be admitted to place of business.

SECTION 8. It shall be the duty of every employer of female labor in New Castle county, whether to the number of ten or upwards or less, to permit said inspector to have full and free access at any time during the working noon hours of said employes to the place of business of such employer where such employes are employed, and in case any such employer shall refuse such inspector full and free access

Refusal by employer.

PROTECTION OF FEMALE EMPLOYES.

to his place of business as aforesaid, or shall in any way hinder or prevent the full performance of her duties of inspection under the provisions of this act, such employer shall be deemed guilty of a misdemeanor, and upon every conviction of such interference with said inspector in the performance of her duties, shall pay a fine to New Castle county of ten dollars, which fine shall be collected in the same manner as the other fines and penalties heretofore provided for in this act.

Misdemeanor.
Punishment.

SECTION 9. The inspector appointed under this act shall hold her said office for the term of two years, or until her successor is appointed, and shall receive an annual salary of three hundred dollars, payable quarterly, by warrants upon the county treasury; it shall further be her duty on the first day of August in each year subsequent to the year of her appointment, to make a written report to the Chief Justice of her acts and of all transactions under this statute.

Term of office.
Salary.
How paid.
Report.

Passed at Dover, May 10, 1897.

OF PHARMACY.

CHAPTER 453.

PROTECTION OF FEMALE EMPLOYEES.

AN ACT to amend an act entitled "An act for the better Protection of female and other Employees," passed at Dover, May 10, 1897.

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

Chapter 452
current
volume
amended.

SECTION 1. That said act be amended by striking out in Section 1 of said act the following words, to wit, "at least nine square feet of floor space for each female employe." And that the said act be further amended by striking out the words, "New Castle county" at the end of Section 6, and inserting in lieu thereof the words "State of Delaware."

Act appli-
cable to N.
C. Co. only.

SECTION 2. That the said act be further amended by adding as Section 9 of said act, the following: "That the provisions of this act shall apply to and be enforced only in duly incorporated towns and cities in New Castle county."

Passed at Dover, May 28, 1897.

CHAPTER 454.

OF PHARMACY.

AN ACT to amend Chapter 123 of Volume 19 of the Laws of Delaware.

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

Assistant
pharmacist
to have two
years expe-
rience and
pass exam-
ination.

SECTION 1. That Chapter 123 of Volume 19 of the Laws of Delaware be and the same is hereby amended as follows, viz: Strike out the word "three" in the second line of the second paragraph of Section 1 of said act and insert in lieu thereof the word "two"; and strike out the word "or" in the third line of said paragraph and insert in lieu thereof the word "and."

Passed at Dover, April 5, 1897.

OF PHARMACY.

CHAPTER 455.

OF PHARMACY.

A FURTHER SUPPLEMENT to an act entitled, "An act to regulate the Practice of Pharmacy in the State of Delaware and for other purposes," Chapter 36, 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 within ninety days after the passage of this act all pharmacists and qualified assistants having registered under the existing laws relative to such registration, shall apply to the secretary of the State Board of Pharmacy for re-registration and thereafter every three years.

SECTION 2. The Board of Pharmacy shall demand and receive for re-registration in the first instance a fee not to exceed the sum of twenty-five cents and for renewing the same every three years not exceeding the sum of one dollar.

SECTION 3. The certificate held by any person failing to comply with the provisions of this act shall become null and void.

Passed at Dover, April 7, 1897.

TITLE SEVENTH.

Of the Poor, the Insane, Deaf and Dumb and the
Blind.

CHAPTER 456.

OF THE INSANE.

AN ACT to amend Chapter 53, Volume 12, Laws of Delaware, as printed
in the Revised Code at pages 387 and 388.

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

Three
imbecile
children
may be sent
from each
county to
Pennsylvania
Training
School.

Annual
appropriation
limited
to \$2000.

SECTION 1. That Section 2, Chapter 53, Volume 12,
Laws of Delaware, be and the same is hereby amended by
striking out the word "two" in line six thereof, and substituting in lieu thereof the word "three," and by striking out the words "sixteen hundred" in line seven thereof, and substituting in lieu thereof the words "two thousand."

SECTION 2. This act shall be deemed and taken to be a
public act.

Passed at Dover, March 12, 1897.

TITLE EIGHTH.

Of the General Police.

CHAPTER 457.

OF TAVERNS, ALE HOUSES AND VICTUALLING HOUSES.

AN ACT regulating the Assignment of Liquor Licenses.

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 all licenses granted or issued in this State for the sale of intoxicating liquors may be transferred and assigned to an incoming tenant, or other proper person, with the approval of the Associate Judge residing in the county, or, in his absence from the county, or he being unable to act, then with the approval of the Chief Justice. And every such transfer shall be entered by the clerk of the peace for the county wherein such license has been granted on the license docket under the order granting such license. Such entry shall consist of the date of transfer and approval, by whom approved and to whom assigned.

SECTION 2. The clerk of the peace shall receive a fee of fifty cents for making the entry aforesaid. And every such assignment, approved as aforesaid, and entered in said docket as aforesaid, shall operate to vest in the assignee therein named the same rights and privileges to which the original licensee was entitled, and such assignee shall be subject to the same liabilities and penalties as are imposed by law on said original licensee.

Passed at Dover, April 23, 1897.

OF TAVERNS, ALE HOUSES AND VICTUALLING HOUSES.

CHAPTER 458.

OF TAVERNS, ALE HOUSES AND VICTUALLING HOUSES.

AN ACT in relation to the Sale of Cider within the Hundreds of Seaford and North West Fork, Sussex County.

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

Unlawful
to sell cider
or wine in
Seaford or
North West
Fork hun-
dreds with-
out license.

SECTION 1. That it shall be unlawful for any person or persons (without a license to sell intoxicating liquors as already provided by law) to sell directly or indirectly any kind of cider or wine within the hundreds of Seaford and North West Fork, Sussex county, in less quantities than ten gallons.

Violation.

Misdemeanor.

Punishment.

SECTION 2. Any person or persons violating any of the provisions of this act shall upon conviction thereof be deemed guilty of a misdemeanor and subject to a fine of not less than one hundred dollars nor more than three hundred dollars, or be imprisoned for a term not exceeding one year, or both, in the discretion of the court.

Jurisdic-
tion of jus-
tices of
peace.

SECTION 3. The justices of the peace in and for Sussex county are hereby clothed with jurisdiction to hear and determine all violations of this act.

Parts of
Broad
Creek hun-
dred in-
cluded.

SECTION 4. The provisions of this act shall also extend to and apply to all that part of Broad Creek hundred, Sussex county, lying and being situate within one mile of the south end of the county bridge at Seaford, over the Nanticoke river, covering all the territory in Broad Creek hundred within one mile of said bridge in each and every direction.

SECTION 5. That this act shall be deemed and taken to be a public act and shall be so recorded.

Passed at Dover, May 13, 1897.

OF TAVERNS, ALE HOUSES AND VICTUALLING HOUSES.

CHAPTER 459.

OF TAVERNS, ALE HOUSES AND VICTUALLING HOUSES.

AN ACT to amend Chapter 418, Vol. 14, 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 four hundred and eighteen, Volume fourteen, Laws of Delaware, be amended by adding to Section eight of said chapter, the following: "But *provided further, however*, that no person licensed under this section shall peddle, sell, or deliver intoxicating liquor upon any public street, alley, road or highway of this State, and any person holding such license and so peddling, selling or delivering shall be guilty of a misdemeanor, and upon conviction thereof shall forfeit and pay a fine of not less than fifty dollars and not more than one hundred dollars or be imprisoned not more than sixty days nor less than thirty days; *provided, however*, that the provisions of this act shall not apply nor shall the same be construed to apply to the delivery of intoxicating liquors by a licensed dealer aforesaid or his agent or servant to the residence or place of business of a bona fide purchaser of the same.

Unlawful
to sell in-
toxicating
liquors on
street, &c.

Violation.

Misde-
meanor.

Punish-
ment.

Proviso.

Passed at Dover, May 28, 1897.

OF TAVERNS, ALE HOUSES AND VICTUALLING HOUSES.

CHAPTER 460.

OF TAVERNS, ALE HOUSES AND VICTUALLING HOUSES.

AN ACT to amend Section 14, Chapter 418, Volume 14 of the Laws of Delaware.

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

Sale of in-
toxicating
liquors on
day of
school
election
permitted.

SECTION 1. That Section 14 of Chapter 418, Volume 14, Laws of Delaware, be and the same is hereby amended by adding after the word "thereafter" in line twenty-one thereof the following: "Provided, that nothing in this section shall be taken to apply to any election hereafter to be held for school commissioners, directors or officers in any school district in the State.

SECTION 2. This act shall be deemed and taken to be a public act.

Passed at Dover, March 29, 1897.

CHAPTER 461.

OF TAVERNS, ALE HOUSES AND VICTUALLING HOUSES.

AN ACT for the relief of the Owner of Greenwood Hotel, at Greenwood, Sussex County.

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

Fractional
liquor
license may
be granted
to occupant
of Green-
wood hotel.

SECTION 1. That it shall be lawful for the Associate Judge of the State of Delaware, resident in Sussex county, to grant a license for the sale of intoxicating liquors at the house known as the Greenwood Hotel, in the village or town of Greenwood, in Sussex county, which said license shall have force and effect until the last day of the October term of the Court of General Sessions of the Peace and Jail

OF FISH, OYSTERS AND GAME.

Delivery of the State of Delaware in and for Sussex county for the year A. D. 1897, notwithstanding that said hotel has not been licensed within one year prior to the time of the application for the license hereby authorized.

SECTION 2. That the applicant for a license authorized by this act shall comply with all the requirements of the laws of this State in relation to the granting of fractional licenses in other cases. Laws to be complied with.

Passed at Dover, May 29, 1897.

CHAPTER 462.

OF FISH, OYSTERS AND GAME.

AN ACT in relation to fishing in Drummond's Mill Pond, otherwise known as Silver Lake, and Noxentown Mill Pond, in 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 from and after the passage of this act it shall not be lawful for any person or persons, for the purpose of selling fish, or for the purpose of fish traffic in any way, to fish either with hook and line, seine, mesh net, or any device whatsoever for the catching or destroying fish, within the waters of Drummond's Mill Pond, otherwise called Silver or Lake, within the waters of Noxentown Mill Pond, New Castle county; *provided, however*, that nothing in this act shall be construed to prevent any person or persons fishing either with hook and line or mesh net of not less than three and one-half inches mesh, for his or their own use. Fishing with certain appliances in Drummond's Mill Pond, or Noxentown Mill Pond unlawful.

SECTION 2. That any person or persons violating any of the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof before any justice of the peace of the State of Delaware in and for New Castle county shall be subjected to a fine of not less than ten dollars nor more than twenty-five dollars, one-half of which shall be paid to the informer, and upon failure to pay said fine, shall be imprisoned for a term of not less than one month nor more Violation. Misdemeanor. Punishment.

OF FISH, OYSTERS AND GAME.

Appeal. than three months in the county jail; *provided*, that an appeal shall be allowed from the judgment of the justice, if applied for in ten days, to the Court of General Sessions of the Peace and Jail Delivery of the State of Delaware in and for New Castle county, on security being given by bond and sufficient surety, in double the amount of the fine imposed, conditioned to be void if such judgment shall be reversed by said court.

SECTION 3. That this act shall be deemed and be taken to be a public act.

Passed at Dover, May 10, 1897.

CHAPTER 463.

OF FISH, OYSTERS AND GAME.

AN ACT for the protection of Sturgeon.

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

Unlawful to catch or have in possession of sturgeon from Delaware bay between June 30 and December 1. SECTION 1. That hereafter it shall not be lawful for any person or persons to take, capture or kill in the waters of the Delaware bay, the Delaware river or their tributaries, or have in their possession after the same have been taken, captured or killed, any sturgeon between the thirtieth day of June and the thirty-first day of December in any and every year, under a penalty of twenty dollars for each and every sturgeon so taken, captured or killed or had unlawfully in possession, which said penalty shall be recoverable in an action before any justice of the peace of the State of Delaware in the same manner as other fines are recovered and which shall be for the use of the State

Penalty.

How recovered.

Certain act not affected. SECTION 2. That all acts or parts of acts, special, local or general, inconsistent herewith or repugnant hereto be and the same are hereby repealed, except nothing in this act contained shall be so construed as to repeal the provisions of an act entitled "An act for the protection of mammosse or young sturgeon in the Delaware bay, river or their tributaries," passed at Dover, April 23, 1891.

OF FISH, OYSTERS AND GAME.

SECTION 3. That this act shall be deemed and taken to be a public act and shall take effect as soon after its passage as similar and concurrent acts which have been passed by the legislatures of the States of New Jersey and Pennsylvania are enforced.

Passed at Dover, May 19, 1897.

CHAPTER 464.

OF FISH, OYSTERS AND GAME.

AN ACT for the protection of Oysters in Murderkill River and 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 from and after the passage of this act it shall be unlawful for any person or persons to take or catch any oysters for any purpose from Murderkill river or from St. Jones' river at any time between the fifteenth day of April and the fifteenth day of September in any year; *provided, however,* that the citizens of this State from the first to fifteenth of September may take or catch for home consumption from Murderkill river a quantity of oysters not exceeding five bushels in any one day.

No oysters to be taken from Murderkill or St. Jones' rivers between April 15 and September 15.

Exception.

SECTION 2 That from and after the passage of this act it shall be unlawful for any person or persons to sell or dispose of any oysters to be transported or carried away through the mouth of the Murderkill river or the St. Jones' river into the Delaware bay by boat, vessel or otherwise, whether the said oysters shall be intended for planting or for consumption as food or for any other purpose.

Oysters not to be sold to be transported through the mouth of Murderkill or St. Jones' river.

SECTION 3. That any person or persons violating any of the provisions of this act shall, upon the oath or affirmation of any person, be arrested and forthwith brought before any justice of the peace in Kent county, and upon proof and conviction thereof the said person or persons shall be fined a

Violation.

Punishment.

OF FISH, OYSTERS AND GAME.

sum not less than twenty dollars nor more than thirty dollars, together with the costs of his or their arrest and trial; and upon failure to pay said fine and costs, he or they shall be committed by said justice of the peace to the custody of the sheriff of Kent county until such fine and costs be paid.

One-half of
fine to
informer.

One-half of the fine shall be by the said justice paid to the informer, the other half to be by him paid to the collector of oyster revenue for the use of the State.

SECTION 4. All acts and parts of acts inconsistent with this act are hereby repealed.

Passed at Dover, May 12, 1897.

CHAPTER 465.

OF FISH, OYSTERS AND GAME.

AN ACT to amend Chapter 653, Volume 19 of the Laws of Delaware.

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

Dredging
for oysters
in Blake's
Channel
during
September,
October
and No-
vember au-
thorized.

SECTION 1. That Chapter 653, Volume 19 of the Laws of Delaware, entitled "An act to repeal all statutes relating to planting, propagating, dredging, tonging or taking oysters from the natural beds or plantations in the Delaware bay and its tributaries, and to re-enact the same, or parts thereof, with amendments," passed at Dover, April 19, 1893, be and the same is hereby amended by inserting between the word "issued" in the thirteenth line of the last paragraph of section thirteen and the word "the" in the fourteenth line thereof, the words "except as hereinafter provided for Blake's channel."

Also amend said Section thirteen by inserting between the word "issued" and the word "any" in the thirty-first line of the last paragraph thereof, the words "provided that said certificate shall confer the right to dredge in Blake's channel during the months of September, October and November in the year in which said certificate is issued."

OF FISH, OYSTERS AND GAME.

SECTION 2. That Section fifteen of said Chapter 653, Volume 19 of the Laws of Delaware, be and the same is hereby amended by inserting between the word "issued" and the word "and" in the thirteenth line thereof, the words "except in Blake's channel, in which said legally authorized persons may dredge for oysters during the months of September, October and November of the year in which such certificate and license were issued in addition to the time herein already provided for dredging upon the natural oyster beds of this State."

SECTION 3. That Section sixty-four of said Chapter 653, Volume 19 of the Laws of Delaware, be and the same is hereby amended by inserting between the word "length" and the word "and" in the seventh line thereof, the words "and all oysters caught from the natural oyster beds of the Delaware bay shall be rough culled at the place where caught and all shells and refuse matter shall be immediately returned to the place from which they were taken." Oysters taken from natural beds to be rough culled.

SECTION 4. The captain of the watch boat, assisted by his crew, shall mark by stakes or buoys, or both, the line by law prescribed as the northern limit of the plantation ground in the Delaware bay and which is drawn due east from Mahon River Light House to Blake's channel, and replace the said stakes or buoys from time to time as the same may become destroyed. The cost of the necessary stakes or buoys used for the marking of said line shall be paid by the oyster revenue collector as other expenses of the said watch boat are paid. Northern limit of plantation grounds to be re-staked. Cost of stakes and buoys. How paid.

Passed at Dover May 26, 1897.

OF FISH, OYSTERS AND GAME.

CHAPTER 466.

OF FISH, OYSTERS AND GAME.

AN ACT to amend Chapter 653, Volume 19, Laws of Delaware.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*Fee for
license to
take oysters
from plan-
tation.Fee for
license to
resident
planter.Non-
resident
planter.Fee for
license to
dredge on
natural
beds.Fee for
non resi-
dent
planter.Salary of
captain of
watch boat.Salary of
each of
crew.

SECTION 1. That Section 11 of Chapter 653, Volume 19, Laws of Delaware be and the same is hereby amended by striking out the words "three dollars" in the eighteenth line of said section and substituting in lieu therefor the words "three dollars and fifty cents;" that Section 12 of said chapter be and the same is hereby amended by striking out the words "three dollars" in the thirty-first line of said section and substituting in lieu therefor the words "three dollars and fifty cents;" and by striking out the words "two dollars" in the thirty-fourth line of said section and substituting in lieu therefor the words "two dollars and fifty cents;" that Section 13 of said chapter be and the same is hereby amended by striking out the words "three dollars" in the sixth line of the last paragraph of said section and substituting in lieu therefor the words "three dollars and fifty cents;" and that Section 24 of said chapter be and the same is hereby amended by striking out the words "two dollars" in the seventh line of said section and inserting in lieu therefor the words "two dollars and fifty cents."

SECTION 2. That Section 39 of said chapter be and the same is hereby amended by striking out the word "seventy-five" in the fifth line of said section and substituting in lieu therefor the word "sixty-five;" and by striking out the word "forty" in the sixth line of said section and substituting in lieu therefor the word "thirty-five."

Passed at Dover, May 27, 1897.

OF DITCHES.

CHAPTER 467.

OF DITCHES.

AN ACT to incorporate the Isaac's 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 therein):

SECTION 1. That John Craig, Henry Pratt, Isaac K. Corporators Gooden, John Pratt, William Webb and such other persons as may become taxables of the company hereby incorporated, be and the same are hereby declared to be a body corporate for the purposes in this act mentioned, by the name, style and Style. title of "Isaac's Branch Ditch Company," and by that name Powers. 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 the powers and privileges incident and common to such corporations.

SECTION 2. The object of this corporation shall be the Object. opening and cleansing of the following ditches in West Dover hundred, Kent county and State of Delaware, to wit: Begin- Location of ning at the bridge which spans the upper end of Isaac's Branch ditch where it crosses the public road which passes through the lands of Henry Pratt and Mary W. Packard, and extending down said Isaac's Branch ditch to Isaac's Branch; and thence down said branch as far as the said company shall determine upon; also the opening and cleansing of an old ditch or prong of said Isaac's Branch connecting with said Isaac's Branch on the lands of said Mary W. Packard, and extending in a northwesterly direction therefrom through the lands of said Packard, lands of Isaac K. Gooden, through and to the northern limits of the land of John Craig; and the opening of such other ditches or branches thereof as from time to time may be deemed necessary by the said company for the purpose of draining the land contiguous to the above described ditches and branch. ditches.

SECTION 3. That Robert H. Lewis, William A. Cosden Commis- and David D. Marvel be and they are hereby appointed com- sioners to missioners to go upon and view the lands by or through make as- which the said ditch or ditches now are or hereafter shall be essment.

OF FISH, OYSTERS AND GAME.

CHAPTER 466.

OF FISH, OYSTERS AND GAME.

AN ACT to amend Chapter 653, Volume 19, Laws of Delaware.

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

Fee for
license to
take oysters
from plan-
tation.

Fee for
license to
resident
planter.

Non-
resident
planter.

Fee for
license to
dredge on
natural
beds.

Fee for
non resi-
dent
planter.

Salary of
captain of
watch boat.

Salary of
each of
crew.

SECTION 1. That Section 11 of Chapter 653, Volume 19, Laws of Delaware be and the same is hereby amended by striking out the words "three dollars" in the eighteenth line of said section and substituting in lieu therefor the words "three dollars and fifty cents;" that Section 12 of said chapter be and the same is hereby amended by striking out the words "three dollars" in the thirty-first line of said section and substituting in lieu therefor the words "three dollars and fifty cents;" and by striking out the words "two dollars" in the thirty-fourth line of said section and substituting in lieu therefor the words "two dollars and fifty cents;" that Section 13 of said chapter be and the same is hereby amended by striking out the words "three dollars" in the sixth line of the last paragraph of said section and substituting in lieu therefor the words "three dollars and fifty cents;" and that Section 24 of said chapter be and the same is hereby amended by striking out the words "two dollars" in the seventh line of said section and inserting in lieu therefor the words "two dollars and fifty cents."

SECTION 2. That Section 39 of said chapter be and the same is hereby amended by striking out the word "seventy-five" in the fifth line of said section and substituting in lieu therefor the word "sixty-five;" and by striking out the word "forty" in the sixth line of said section and substituting in lieu therefor the word "thirty-five."

Passed at Dover, May 27, 1897.

OF DITCHES.

CHAPTER 467.

OF DITCHES.

AN ACT to incorporate the Isaac's 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 therein):

SECTION 1. That John Craig, Henry Pratt, Isaac K. ^{Corporators} Gooden, John Pratt, William Webb and such other persons as may become taxables of the company hereby incorporated, be and the same are hereby declared to be a body corporate for the purposes in this act mentioned, by the name, style and ^{Style.} title of "Isaac's Branch Ditch Company," and by that name ^{Powers.} 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 the powers and privileges incident and common to such corporations.

SECTION 2. The object of this corporation shall be the ^{Object.} opening and cleansing of the following ditches in West Dover hundred, Kent county and State of Delaware, to wit: Begin- ^{Location of} ning at the bridge which spans the upper end of Isaac's Branch ditch where it crosses the public road which passes through the lands of Henry Pratt and Mary W. Packard, and extending down said Isaac's Branch ditch to Isaac's Branch; and thence down said branch as far as the said company shall determine upon; also the opening and cleansing of an old ditch or prong of said Isaac's Branch connecting with said Isaac's Branch on the lands of said Mary W. Packard, and extending in a northwesterly direction therefrom through the lands of said Packard, lands of Isaac K. Gooden, through and to the northern limits of the land of John Craig; and the opening of such other ditches or branches thereof as from time to time may be deemed necessary by the said company for the purpose of draining the land contiguous to the above described ditches and branch.

SECTION 3. That Robert H. Lewis, William A. Cosden ^{Commissioners to} and David D. Marvel be and they are hereby appointed com- ^{make as-} missioners to go upon and view the lands by or through ^{essment.} which the said ditch or ditches now are or hereafter shall be

OF DITCHES.

opened or which shall be benefitted thereby, and ascertain and determine what amount of money will be required to open and cleanse said old ditches and open such new ditches as may be determined upon, and to ascertain and determine the amount of benefit the opening and cleansing of said ditch or ditches shall be to the respective parcels of land, and assess to the respective owners of said land such amounts as shall be determined as their proportionate share of the cost of opening and cleansing said ditch or ditches, and make a return thereof, distinctly setting forth the names of the owners of said land and the amount of tax assessed to each. Said return shall be preserved among the records of said company, and shall be a basis for further levying of taxes hereafter needed for the keeping of said ditch or ditches in proper condition or for making extension of said ditch or ditches as determined upon by said company. Before entering upon their said duties the said commissioners shall be duly sworn to perform their duties fairly and impartially, and the said commissioners are authorized to administer the oath to each other. The assessment made as above shall be the basis for the levying and collection of taxes for five years, and if thereafter the said company at an annual meeting shall determine by a majority vote that a new assessment shall be made, they shall at the same time choose by ballot three disinterested freeholders, who shall accordingly make a new assessment in like manner as prescribed for the making of the first assessment, and said new assessment shall remain as the basis for the levying and collection of taxes for five years thereafter, or until the said company shall again determine upon a new assessment, which may be every five years in manner as already prescribed.

Return.

Commissioners to be sworn.

Assessment to stand for five years.

New assessment.

Organization of taxables.

Officers.

Votes.

SECTION 4. The first meeting of said company shall be held at Pratt's School House in West Dover hundred, Kent county and State of Delaware, on Saturday, the first day of May, eighteen hundred and ninety-seven, at two o'clock in the afternoon, and thereafter the annual meeting shall be held at the same place and hour on the first Saturday in May in each year unless otherwise provided by the said company at an annual meeting. At said annual meetings the said company shall choose a president, treasurer, secretary, collector and ditch manager, whose terms of office shall continue for one year or until their successors are duly chosen. The treasurer and collector may be the same person. Each taxable in said company shall be entitled to one vote at the first

OF DITCHES.

stated meeting, and thereafter to one vote for every dollar of tax he shall be liable to pay. The collector so chosen shall collect all taxes assessed by the aforesaid commissioners or by the company, and for that purpose he shall have the same powers to enforce the payment of said taxes as the collectors of county taxes have. Powers of collector.

SECTION 5. At each annual meeting of the company after the first meeting it shall be the duty of the said company to determine what amount of money will be necessary to keep said ditches in proper repair for the ensuing year and shall levy the tax to be paid for that year upon each taxable of said company proportionately to the tax assessed by the said freeholders hereinbefore mentioned, which tax shall be collected as hereinbefore provided. Annual meetings. Levying of annual tax.

SECTION 6. The said company shall have power to enact and ordain all necessary by-laws for the proper management of said company; *provided* that the same shall not conflict with the Constitution and laws of the United States or of this State; the said by-laws may prescribe the duties of the several officers of the company, together with their compensation, if any, and may prescribe and require either of said officers to give bond with security to the company, conditioned for the faithful discharge of their respective duties and the prompt payment over of any money that may come to their hands. Said by-laws may be altered, amended or repealed at any annual meeting of the said company by a majority of the votes cast. By-laws. Security from officers.

SECTION 7. It shall be lawful for any taxable of said company in person or by such other person as he may employ, to enter upon the lands of any person through which said ditch may pass and remove any obstruction of whatever nature or kind soever so that the water may pass freely through the same. And should any person hinder or prevent the entering upon such lands for the purpose of removing said obstruction, such person or persons shall forfeit and pay the sum of fifty dollars and costs of suit, to be recovered by any taxable of said ditch company for the use of said company before any justice of the peace in and for Kent county. If any person shall obstruct said ditch he shall forfeit and pay to any member of said company for the use of the said company not less than twenty nor more than one hundred dollars, to be recovered before any justice of the peace of Kent county. Entry on land for removal of obstructions. Hindering same. Forfeiture. Obstructing ditch. Punishment.

OF DITCHES.

SECTION 8. This act shall be deemed and taken to be a public act and shall continue in force for twenty years; and the power of revocation is hereby reserved to the Legislature.

Passed at Dover, March 23, 1897.

CHAPTER 468.

OF DITCHES.

AN ACT to amend Chapter 144, Volume 19, Laws of Delaware.

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

Each tax-
able of St.
Georges
Branch
Ditch Com-
pany enti-
tled to one
vote only.

SECTION 1. That Section 2 of Chapter 144, Volume 19, Laws of Delaware, be and the same is hereby amended by inserting the word "one" between the word "to" and the word "vote" in the fourteenth line of said section, and by striking out that part of the fourteenth line of said section beginning with the word "as" by striking out the fifteenth line of said section, and by striking out that part of the sixteenth line of said section to the end of the sentence ending with the word "her."

SECTION 2. That this act shall be deemed and taken to be a public act.

Passed at Dover, March 25, 1897.

OF DITCHES.

CHAPTER 469.

OF DITCHES.

AN ACT to amend an act entitled "An act to revive, re-enact and re-establish an act passed by the General Assembly of this State, January 22, 1831, entitled, 'A further supplement to an act to enable the owners and possessors of the marsh meadows on the north side of the Christiana River, called 'Brandywine Marsh,' a tract of meadow marsh and cripple on the south side of said river called 'Holland's Creek Marsh,' and also of a tract of marsh meadow near Newport, called 'Conrad's Cripple,' to keep the banks, dams and sluices in repair, and raise a fund to defray the expense thereof so far as the same relates to Holland Creek Marsh.

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 the said act be and the same is hereby amended by adding after the word "holding" in the fourteenth line of said section the words "from one to." Act amended.

SECTION 2. That Section 4 of the said act be and the same is hereby amended by striking out the word "marsh" in the fourth line of said section, and substituting therefor the word "land," so the title of the said company shall be The Holland Creek Land Company. Title changed.

SECTION 3. That Section 6 of the said act be and the same is hereby amended by adding after the words "best bidder" in the said section the following: "and if the aforesaid means of collecting the said taxes and other expenses caused by the failure of the owners of the property to keep their respective drains and ditches clear and in good order, be not sufficient to liquidate the amounts due by lot holders in arrears, the balance may be sued for and recovered before any justice of the peace of the county of New Castle in the same way that other debts of amounts less than two hundred dollars are recovered. Overdue taxes may be sued for.

Passed at Dover, April 5, 1897.

OF DITCHES.

CHAPTER 470.

OF DITCHES.

AN ACT to amend an act entitled "An Act to incorporate the Beaver Dam Ditch Company in Baltimore Hundred, Sussex County, 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 therein):

Extension
of ditch.

SECTION 1. That an act entitled "An act to incorporate the Beaver Dam Ditch Company in Baltimore hundred, Sussex county, Delaware," be and the same is hereby amended by adding at the end of what is now Section 3, the following: "That the said commissioners to be chosen as aforesaid are hereby empowered to lay out a short prong to the Beaver Dam canal, beginning on the lands of William D. Layton and running through the same to lands of Kendal Richards, now in the possession of James K. Richards."

SECTION 2. That this act shall be deemed and taken to be a public act.

Passed at Dover, April 7, 1897.

OF DITCHES.

CHAPTER 471.

OF DITCHES.

AN ACT to incorporate the Back Bay 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):

SECTION 1. That the owners of the marsh and low ^{Incor-} grounds lying upon and contiguous to "Back Bay Ditch," in ^{porated.} Broadkill hundred in Sussex county and State of Delaware, shall compose a company to be called the "Back Bay Ditch ^{style.} Company," for the purpose of effectually ditching and draining the said marsh and low grounds.

SECTION 2. That Thomas R. Wilson, Robert R. Morris ^{Commis-} and Philip Reed be and they are hereby appointed commis- ^{sioners.} sioners, who shall go upon and view the said marsh and low ^{Duties.} grounds, and lay out such ditch or ditches as they may deem necessary for the purpose of draining the same. The main ^{Location of} ditch shall begin at a point where the canal leaves the Back ^{ditch.} Bay ditch and run southeast one hundred and fourteen rods, then leaving the Back Bay ditch and cutting a new outlet, run east thirty-six rods to low water mark of Broadkill river. The said commissioners shall have power to lay out any lateral ditch or ditches, or order any ditch or ditches that may have been heretofore cut to be cleaned out or enlarged which they or a majority of them may deem necessary to complete the drainage of any low grounds adjacent or contiguous to the said Back Bay ditch. If they deem ^{Surveyor.} it necessary they may take with them a surveyor. They ^{Plot and} shall make out a plot and return, showing the dimensions, ^{return.} 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 benefitted and the estimated number of acres. The said plot ^{To be} and return shall be lodged in the recorder's office in and for ^{recorded.} Sussex county, and be by him recorded. The commissioners and surveyor, if any be chosen, shall, before entering upon ^{Commis-} the duties of their office, be sworn or affirmed to faithfully ^{sioners to} and impartially discharge the same. All the commissioners ^{be sworn.}

OF DITCHES.

Vacancy. 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.

Damages to person injured. *Assessment of taxes.* 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 benefitted 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. The commissioners shall determine who will be benefitted, and shall apportion the said costs, damages and expenses upon them according to such benefit.

First meeting. *Officers.* *Notice of meeting.* *Annual meeting.* *Voting.* *Proxy.* 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 Sussex 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 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 second Monday in April, at Milton, in Sussex 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.

Assessment to continue five years. *New assessment.* SECTION 5. That the return made by the commissioners shall remain in force for five (5) years thereafter as a basis for 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

OF DITCHES.

shall stand as the basis of assessment for five years, and until another assessment shall in like manner be made.

SECTION 6. That the managers shall proceed to make ^{Managers} and open the ditch or ditches laid out by the commissioners ^{open, &c.,} and may 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 ^{Accounts.} the company at their annual meeting. All payments shall ^{Payments.} be made by orders drawn by them on the treasurer. Any person assessed for a tax may discharge the same by work done by direction of the managers, and their certificates shall be received by the treasurer in payment of the tax.

SECTION 7. That the managers of said company for the ^{Levying of} time being are hereby authorized to levy an annual tax ^{tax.} to the amount determined by the annual meeting upon the lands to be benefitted; in proportion to the assessment of said lands by the commissioners, to be expended upon the ditch or ditches of said company.

SECTION 8. That the treasurer shall collect all sums ^{Duties and} apportioned and assessed as aforesaid, and shall have the ^{powers of} same power for making such collections as a collector of ^{treasurer.} county rates. He shall give bond to the company, with ^{Bond.} 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 ^{Annual} the company at the annual meeting and shall be entitled to ^{settlement.} retain five per cent. of the amount received by him as his ^{Compensation.} compensation.

SECTION 9. That each commissioner and manager shall ^{Compensation} be allowed and shall be paid by the company one dollar for ^{of commissioner} every day actually spent in the discharge of his duties. The ^{and manager.} recorder shall be paid one cent for every ten words he may ^{Of Recorder.} record and two dollars for copying the plot. The surveyor, ^{Of Surveyor.} if any be employed, shall receive two dollars for each days ^{services on the premises, and ten dollars for making the plot} and return.

SECTION 10. That each owner of said marsh and low ^{Credit to} grounds who has cut a ditch or ditches through any part ^{of taxable} the same for the purpose of the drainage thereof, and which ^{who has} shall form a part of the main ditch contemplated by this act, ^{already cut} shall be allowed a credit on his share of the cost of making ^{portion of} ditch.

OF DITCHES.

said main ditch, to be estimated by the commissioners appointed by this act.

Incorporated.

Style.

Powers.

SECTION 11. That the said company is hereby created and declared to be a body politic and corporate under the name of the "Back Bay 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 possess and enjoy all the rights, incidents, privileges, liberties, franchises and immunities common to such corporations.

Obstructing ditch.

Forfeiture.

SECTION 12. 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 not less than two nor more than twenty dollars.

SECTION 13. That this act shall be deemed and taken to be a public act, and the power to revoke the same is hereby reserved to the Legislature.

SECTION 14. That all acts or parts of acts inconsistent with this act are hereby repealed.

Passed at Dover, April 14, 1897.

OF DITCHES.

CHAPTER 472.

OF DITCHES.

AN ACT to re-enact, revive, amend and supplement the act entitled "An act to incorporate the Black Swamp Ditch Company," passed at Dover, February 10th, 1841, as revived and amended March 13, 1877, and as amended February 28, 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 therein concurring).

SECTION 1. That the act entitled "An act to incorporate the Black Swamp Ditch Company," passed at Dover, February 10th, 1841, amended, re-enacted and revived March 13, 1877, and as amended February 28, 1883, be and the same is hereby revived, re-enacted and amended as following, to wit: First, by striking out in the thirty-fourth line of Section 1 of the original act the word "white." Second, by striking out in the third line of Section 2 of the amendment passed at Dover March 13, 1877, the word "at"; and by inserting in the same line of said section after the word "commence" the words "three hundred yards below." Third, by striking out in the eighth and ninth line of Section 2 of the amendment passed at Dover March 13, 1877, the words "the public road leading from Felton to Whitleysburg," and inserting in lieu thereof the following, "the ditch known as the Samuel H. Minner ditch." Act re-enacted and amended.

SECTION 2. That all acts and parts of acts inconsistent with this act be and the same are hereby declared null and void.

Passed at Dover, April 20, 1897.

OF DITCHES.

CHAPTER 473.

OF DITCHES.

AN ACT to revise and re-enact an act entitled "An act to incorporate the Horse Pen Drain 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):

Act re-
enacted.

SECTION 1. That the act entitled "An act to incorporate the Horse Pen Drain Ditch Company," be and the same is hereby revived, re-enacted and continued in full force and effect, together with all supplements and amendments thereto.

Meaning
of act.

SECTION 2. *And be it further enacted*, that this act shall be construed to mean the lands and swamps situated in South Murderkill hundred and Kent county now owned by Peter K. Meredith, Thomas D. Cabbage, Robert J. Reynolds, heirs of Alexander Chambers, Uriah Sipple, Andrew Holden and all other lands now or may hereafter be made to drain into said Horse Pen Drain ditch.

SECTION 3. That this act shall be deemed and taken to be a public act, and the power to amend, alter or revoke the same is hereby reserved to the Legislature.

Passed at Dover, April 22, 1897.

OF DITCHES.

CHAPTER 474.

OF DITCHES.

AN ACT to incorporate the "Salt Pond 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 owners of the marsh and low grounds lying upon and contiguous to Salt Pond in Baltimore hundred, Sussex county and State of Delaware, shall compose a company to be called the "Salt Pond Ditch Company" for the purpose of effectually ditching and draining the said marsh and low grounds.

Incorporated.

Style.

Object.

SECTION 2. That George L. Barnett, Joshua R. James and George H. Knox be and they are hereby appointed commissioners, who shall go upon and view the said marshes and low grounds and lay out such ditch or ditches as they may deem necessary for draining the same. The main ditch shall begin at a point on the canal connecting Assawaman bay with Indian river on the eastern side of said lands and running in an easterly direction to the Salt Pond. The said commissioners shall have power to lay out any lateral ditch or ditches, or to order any ditch or ditches that may have been heretofore cut to be cleaned out or enlarged, which they or a majority of them may deem proper and necessary to complete the drainage of any low grounds adjacent or contiguous to the said Salt Pond. 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 benefitted, and the estimated number of acres. The said plot and return shall be lodged in the recorder's office in and for Sussex 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 determine any matter. In case of a

Commissioners.

Duties.

Location of ditch.

May take surveyor.

Plot.

Return.

Where recorded.

Oath of commissioners and surveyor.

All must act, majority determine.

OF DITCHES.

Vacancy. vacancy occurring in the commissioners by death, resignation or refusal to act or otherwise, the others or other may fill such vacancy or vacancies.

Who to be assessed.

SECTION 3. That all persons who will be benefitted by such ditch or ditches shall be liable to contribute to the cost of making the same and to the damages awarded and to the expenses of the proceedings and the recording of the same, and also to the cost of preparing and obtaining the passage of this act. The commissioners shall determine who will be benefitted, and shall apportion the said costs, damages and expenses upon them according to such benefit.

When return made.

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 Sussex 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.

Meeting of taxables called.

Officers.

Notice of meeting.

Annual meeting.

Voting.

Proxy.

The manager shall annually thereafter in the same manner call a meeting for the same purpose on the second Monday in April at Ocean View, in Sussex 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 annual taxable may vote by proxy regularly constituted.

Assessment to stand for 10 years.

New assessment.

Return, &c.

SECTION 5. That the return made by the commissioners shall remain in force for ten years thereafter as a basis for any subsequent assessment that may be made by the managers for completing, cleansing or repairing the ditch or ditches or other necessary purposes. After ten 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 ten years, and until another assessment shall in like manner be made.

Duties of managers.

Accounts.

SECTION 6. That the managers shall proceed to make and open the ditch or ditches laid out by the commissioners, and may clean and repair the same when necessary, and shall have all needful power for that purpose. They shall keep

OF DITCHES.

regular accounts of all expenditures and render the same to the company at the 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 direction of the managers, and their certificate shall be received by the treasurer in payment of the tax.

Payments.

Tax may be discharged by labor.

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 land to be benefitted, in proportion to the assessment of said lands by the commissioners, to be expended upon the ditch or ditches of said company.

Annual 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 annual meeting, and shall be entitled to retain five per cent. of the amount received by him as his compensation.

Treasurer to collect taxes.

Powers of county collector.

Bond.

Settlements.

Compensation.

SECTION 9. That each commissioner or manager shall be allowed and shall be paid by the company one dollar for every day actually spent in the discharge of his duties.

Compensation of commissioners and managers.

SECTION 10. That the said company is hereby created and declared to be a body politic and corporate under the name of the "Salt Pond 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 possess and enjoy all the rights, incidents, privileges, liberties, franchises and immunities common to such corporations.

Incorporated.

Style.

Powers.

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 not less than two nor more than twenty dollars.

Obstructing ditch.

Forfeiture.

SECTION 12. That this act shall be deemed and taken to be a public act, and the power to revoke the same is hereby reserved to the Legislature.

Passed at Dover, May 5, 1897.

OF DITCHES.

CHAPTER 475.

OF DITCHES.

AN ACT to re-enact and amend Section 3 of Chapter 665, Vol. 19, Laws of Delaware, entitled "An act to incorporate the Saint Augustine Marsh Company," passed at Dover April 20, 1893.

WHEREAS, By Section 3, Chapter 665, Vol. 19, Laws of Delaware, William Pierce Biggs, James T. Shallcross and Robert S. Carpenter were appointed commissioners to perform certain duties therein specified and enumerated; and

WHEREAS, The time within which such duties were to be done and performed hath expired;

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

Act re-
enacted.

SECTION 1. That Section 3 of Chapter 665, Vol. 19, Laws of Delaware, be and the same is hereby re-enacted and revived.

Time for
return of
commis-
sioners
extended.

SECTION 2. That the time for the completion of the survey and return by the commissioners of the certificate of their proceedings as provided in said Section 3 be and is hereby extended until the expiration of two years from the passage of this act.

Passed at Dover, May 6, 1897.

OF DITCHES.

CHAPTER 476.

OF DITCHES.

AN ACT to amend an act entitled "An act to authorize the Owners and Possessors of the Swamps and Low Grounds situate on the Head Waters of Blackwater Mill Pond in Baltimore Hundred in Sussex County. to cut a ditch or drain through the same", passed at Dover, Jan. 21, 1811.

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 authorize the owners and possessors of the swamps and low grounds situate on the head waters of Blackwater Mill Pond in Baltimore hundred, Sussex county, to cut a ditch or drain through the same," passed at Dover, January 21, 1811, be and the same is hereby amended by adding the following section which shall be known as Section 20 of the original act: "That Isiah J. Derickson, Lemuel Lynch and James Roberts, the present managers, and William H. Lynch, treasurer of the said ditch in the original act, be and they are hereby given full power and authority to widen, deepen and lengthen the said ditch, as they in their discretion may deem advisable." Act amended.
Ditch may be widened &c.

SECTION 2. That this act shall be deemed and taken to be a public act.

Passed at Dover, May 10, 1897.

OF DITCHES.

CHAPTER 477.*

OF DITCHES.

AN ACT to amend Chapter 444 of Volume 13 of the Laws of Delaware.

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

Act
amended.

Protest of
majority of
taxables
filed in
court.

Return not
to be con-
firmed.

SECTION 1. That Chapter 444 of Volume 13 of the Laws of Delaware be and the same is hereby amended by adding at the end of Section 5 thereof, and so as to make it a part of said section, the following: "*Provided, however,* that if before confirmation a statement in writing signed by a majority of the taxables affected as shown by the return and plot accompanying the same shall be filed in the court, protesting against the return and alleging that the proposed ditch would be of no benefit or advantage to the signers thereof, the return shall not be confirmed, and no further proceedings shall be taken in the premises; and this provision shall apply as well to those cases where petitions have already been filed and commissioners appointed but no return thereunder has yet been confirmed, as to those which may or shall hereafter occur."

Passed at Dover, April 14, 1897.

* This act repealed by Chapter 478, current volume.

OF DITCHES.

CHAPTER 478.

OF DITCHES.

AN ACT in relation to Ditches.

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 amend Chapter 444 of Volume 13 of the Laws of Delaware," passed at Dover, April 14, 1897, be and the same is hereby repealed. Act repealed.

SECTION 2. That no return or report of any commissioners now or hereafter to be appointed on the application of any owner or owners of any low grounds situate or lying near Blackiston's Cross Roads in Kenton hundred, Kent county and State of Delaware, for the laying out of a ditch or ditches to drain the same, shall be confirmed by the court under the provisions of the general ditch law of this State, if before confirmation there shall be filed in said court a statement, signed by a majority of the taxables affected, as shown by the return and plot, protesting against said return, and alleging that the proposed ditch or ditches will be of no benefit or advantage to the signers of said statement. Return of commissioners to lay out ditch near Blackiston's not to be confirmed if majority of taxables file a protest against same.

SECTION 3. That this act shall be deemed and taken to be a public act.

Passed at Dover, May 18, 1897.

OF ROADS.

CHAPTER 479.

OF ROADS.

AN ACT relating to Public Watering Troughs for Stock in White Clay Creek Hundred.

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

Person
erecting
watering
trough.

SECTION 1. That under the supervision of the Road Commissioners of White Clay Creek hundred, any person who may erect and maintain in good repair a public watering trough of not less than six feet in length, twelve inches in width and ten inches in depth, in the clear, of either wood, iron or stone and have pure, clear water continually running into the same (except in hard freezing weather) by a pipe or pipes or otherwise, upon the side of any public highway, erected of sufficient height and of easy access suitable for watering horses and cattle, and approved by said road commissioners, shall be entitled to receive from the road fund of said hundred a sum not exceeding five dollars annually as shall be agreed upon at the time of the erection of such troughs, or if already erected at the time they are accepted by said road commissioners. *Provided*, that the number of troughs in said hundred to be paid for as aforesaid by said commissioners shall not at any time exceed five; *provided*, that nothing contained in the act shall be construed to apply to any watering troughs at present existing at any public inn or tavern in said hundred.

If approved
by road
commis-
sioners.

Annual
compensa-
tion.

Number of
troughs
limited.

Troughs at
public inn
not in-
cluded
herein.

Such
trough pub-
lic prop-
erty.

Injury.

Nuisance.

Punish-
ment.

SECTION 2. That whenever any watering trough is erected or accepted for the purpose aforesaid the same shall be public property, and any person or persons wantonly destroying or injuring the same, or committing any nuisance upon or near the same shall be liable to a prosecution before any justice of the peace of New Castle county, and if duly proven to the satisfaction of such justice, shall be punished by a fine not exceeding twenty dollars, and upon refusal to pay the same, together with the costs thereof, may be committed to prison by said justice for a period not exceeding ten days.

Owners of
troughs
already
erected
to have
preference.

SECTION 3. That whenever watering troughs have been already erected on the public highways of said hundred the said road commissioners shall give the owners thereof the

OF ROADS.

preference as to the benefits of this act. *Provided*, they accept the provisions of the same.

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

Passed at Dover, March 15, 1897.

CHAPTER 480.

OF ROADS.

AN ACT to revive and re-enact an act entitled "An act to permanently improve the condition of certain public roads in New Castle county," being Chapter 670, Volume 19, Laws of Delaware, which was revived and re-enacted April 19, 1895.

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 permanently improve the condition of certain public roads in New Castle county," being Chapter 670, Volume 19, Laws of Delaware, which was revived and re-enacted, April 19, 1895, be and the same is hereby revived, re-enacted and continued for the period of two years from the 20th day of April, A. D. 1897. Act re-enacted.

SECTION 2. That this act shall be deemed and taken to be a public act.

Passed at Dover, April 20, 1897.

OF ROADS.

CHAPTER 481.

OF ROADS.

AN ACT to open a piece of Public Road and to widen a certain Public Road in Mill Creek Hundred, New Castle County.

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

Commissioners to lay out road.

Route.

To assess damages.

May straighten certain road.

Costs.

How paid.

SECTION 1. That Richard T. Pilling, William J. Armstrong and James T. Richardson, three judicious and impartial citizens of New Castle county, be and they are hereby appointed a commission to go upon and view the premises and determine whether there is need of a new public road in Mill Creek hundred, New Castle county, commencing at the angle in the public road that leads from St. James' Church to Marshallton a short distance east of the dwelling of James Russell, running in an easterly direction through the land of said Russell, J. J. Butler and Sml. Broadbent until said road intersects the public road that leads from Kiamensi Station to Marshallton. That the aforesaid commissioners shall assess the damages to the property, if there be any, through which said road shall pass, and shall compute the cost of opening the same. And continuing, the said commissioners shall view the road that leads from the aforesaid intersection in a northern direction to the bridge that crosses Red Clay creek (formerly known as Hershey's bridge); and if the said commissioners shall deem it to the interest of the travelling public that the said road or any portion of it should be straightened and widened to a uniform width, then in that case they are hereby directed and empowered to have the same done, and when completed, the costs of the same, together with the costs for opening the before mentioned piece of new road, shall be certified to by the commissioners herein named to the clerk of the peace of New Castle county, to be by him laid before the levy court of said county, who shall pay the same.

SECTION 2. That this act shall be deemed and taken to be a public act.

Passed at Dover, May 14, 1897.

OF ROADS.

CHAPTER 482.

OF ROADS.

AN ACT to amend an act entitled "An act to incorporate a company for making a Turn Pike road from the Borough of Wilmington to the State line between this State and Pennsylvania at or near the house now occupied by Charles Twaddle," passed at Dover, January 21, 1811.

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 Section 12 of this act entitled "An act to incorporate a company for making a turnpike road from the borough of Wilmington to the line between this State and Pennsylvania, at or near the house now occupied by Charles Twaddle," passed at Dover, January 21, 1811, being Chapter 135 of Volume 4 of the Laws of Delaware, be and the same is hereby amended by adding at the end of said section the following words: "It shall also be lawful for the said company to collect and receive from all persons making use of said road with portable engines or machinery propelled by steam for agricultural purposes or drilling wells or with other vehicles propelled by steam or electricity, the same tolls and rates as those herein above provided for coaches with four horses." Act amended.
Toll rates.

SECTION 2. That Section 13 of the act aforesaid be and the same is hereby amended by inserting between the words "any" and "carriages" in the third line of said section the words "portable engine or machinery propelled by steam for agricultural purposes or drilling wells, or other vehicle propelled by steam or electricity or."

Passed at Dover, May 29, 1897.

OF ROADS.

CHAPTER 483.

AN ACT to vacate a part of a Public Road in Kenton Hundred, Kent County.

WHEREAS, So much of the old public road lying and being in Kent county, beginning at a point where the Duck Creek road crosses the Delaware Railroad, thence running north with the several courses and distances of said road, along the said Delaware Railroad to the Clayton creamery, or a point opposite Casperson's Mill (now the property of William H. Tunis) on the south side of the Old Mill tail-race of the said Casperson's Mill, has become unnecessary for any public use; and,

WHEREAS, By Section 3rd of an act entitled "An act to lay out a new public road across the dividing line between New Castle and Kent counties near the town of Clayton," (Chap. 170, Vol. 19, Laws of Delaware) so much of the public road as lies between the Stone bridge and a point opposite said Casperson's Mill, on the south side of the Old Mill tail-race of the said Casperson's Mill, was declared to be vacated; and,

WHEREAS, The said road is no longer used by the public; now, therefore,

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

Portion
of road
vacated.

SECTION 1. That all that portion of the said old road beginning at a point where the Duck Creek road crosses the Delaware Railroad, thence running north with the several courses and distances of said road, along the said Delaware Railroad, to the Clayton creamery, or a point opposite Casperson's Mill on the south side of the Old Mill tail-race of the said Casperson's Mill, be and the same is hereby vacated, and the same may be enclosed and held by William H. Tunis, who holds the fee simple therein.

SECTION 2. That this act shall be deemed and taken to be a public act.

Passed at Dover, March 1, 1897.

OF ROADS.

CHAPTER 484.

OF ROADS.

AN ACT to lay out a Public Road in Mispillion Hundred 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 William H. Murphy, James E. Thomas ^{Commissioners.} and William Tharp, of Kent county, be and they are hereby appointed commissioners to go upon and view the premises and determine whether there is need of a new public road in Mispillion hundred, beginning at a point at a turn in the road ^{Route.} leading from Prettyman's corner to Harrington, said turn being near the farm house on the Gilbert Jones, thence following an old lane or road in a southerly direction along the lines of J. Will. Powell and Gilbert Jones about one-fourth of a mile to an oak tree at the corner of the said J. Will. Powell's and Gilbert Jones' lands, thence in a southerly direction in as near a straight line as may seem best to the aforesaid commissioners across lands of J. Will. Powell, Mrs. Susan Powell, Henry Callaway, William B. Tharp, J. B. Simmons and Mrs. Martina Hill, until it intersects the main street in the village of Farmington nearly opposite the store house of Charles J. Harrington. If the aforesaid commis- ^{May lay out road.} sioners or a majority of them shall determine that there is need of a new public road as above mentioned they shall, with the assistance of some skillful surveyor to be by them em- ^{Surveyor.} ployed, lay out such public road as shall be most proper, having respect to the nature of the ground, the shortness of the distance and all circumstances of public or private convenience or detriment, and shall cause a plot of said road to be ^{Plot.} made representing the courses and distances thereof, and shall assess any damages that may accrue to the owner or ^{Damages.} owners of the lands through which the said public road shall pass, taking into consideration all the circumstances of benefit as well as injury which shall accrue to each of the owners and shall make a computation of the costs of opening and ^{Cost of opening.} making said public road and making the bridges and causeways thereon if any, setting down the several items of said costs, and shall in their return set forth a description of the ^{Return.}

OF ROADS.

said public road and their determination that there is need of the same for public convenience and shall annex to their return to the aforementioned plot.

Return and
plot laid
before
Levy Court
who may
adopt road.

SECTION 2. That the plot and return 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 Kent county, to be by him laid before the Levy Court of said county, and the said Levy Court may adopt and establish the said road so as aforesaid laid out and returned to them.

Oaths of
commissioners
and
surveyor.

SECTION 3. That the aforesaid commissioners and the surveyor empowered by them shall, before performing the duties herein imposed, be severally sworn or affirmed to perform their respective duties faithfully and impartially according to the best of their skill and judgment.

When
public road.

SECTION 4. That the road hereby authorized shall from its adoption by the Levy Court aforesaid be deemed and taken to be a public road and the laws of this State applicable to public roads in Kent county are hereby extended to and shall apply to said road.

Passed at Dover, March 17, 1897.

CHAPTER 485.

OF ROADS.

AN ACT to authorize and empower James A. Martin to alter and straighten a portion of the Public Road leading from Martin's Corner to Frederica, in Millford Hundred, Kent County.

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

Road
may be
straight-
ened.
Route.

SECTION 1. That James A. Martin be and he is hereby authorized and empowered to alter and straighten at his own expense a portion of the road leading from what is known as Martin's Corner to Frederica, said road being bounded on the north by lands of P. T. Carlisle, and on the south by lands of the said James A. Martin, said road being situated in Millford hundred, Kent county.

OF ROADS.

SECTION 2. That the said James A. Martin shall also have the power to close the old road and take possession of the land used therein to compensate him for the land to be used in the new road and labor furnished by him, as soon as the new road is made and put in condition for public travel. Old road vacated and enclosed when.

SECTION 3. That this act shall be deemed and taken to be a public act.

Passed at Dover, April 9, 1897.

CHAPTER 486.

OF ROADS.

AN ACT to open and lay out a new Public Road in West Dover Hundred Kent County.

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

SECTION 1. That Henry Pratt, Pennell Emerson and Isaac K. Gooden be and they are hereby appointed commissioners to go upon and view the land and premises and determine whether a new public road should be laid out in the hundred aforesaid, beginning at old Alliband's Mill on the road running from the road leading from Dover to Hazletville to the road leading from Wyoming to Hazletville, and running through the farm of H. B. Hopkins along the edge of his woodland and through the farm of George Jackson, along the edge of his woodland to a road connecting the two roads aforesaid, west of the before mentioned connecting road; and if the said commissioners shall determine that the public convenience requires that the said new road shall be laid out, then they shall, with the assistance of a skillful and impartial surveyor by them to be employed, lay out the said new road in such manner as to them shall seem most advantageous to the public, and shall cause a draught thereof to be made showing the new road and the land and premises by, through and upon which the said new road passes, having respect to the nature of the ground, the shortness of the dis- Commissioners to lay out road. Route. Surveyor. Plot.

OF ROADS.

Damages. tance 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 account of the laying out of said new road, and shall make a computation of the cost of opening and making said new road, setting down the several items of said costs.

Return. SECTION 2. 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, the said Levy Court of said county may approve and confirm the said return and shall settle and pay the damages which may be assessed by the said commissioners and pay the legal charges of the commissioners, surveyor and other employes as other similar expenses are paid, and when the said 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.

Oaths. SECTION 3. That the said commissioners before entering upon their duties shall be severally sworn or affirmed to perform their duties with fidelity, and the surveyor to perform the services required of him faithfully and impartially, according to his best 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 said commissioners shall be as valid as if concurred in by all of them; and in case of any vacancy or vacancies in said commission, another or other commissioners may be appointed by the remaining commissioners to supply such vacancy or vacancies.

Compensation. SECTION 4. The said commissioners shall receive for each day actually employed on said road a compensation of one dollar, and the said surveyor and chain carriers shall receive such compensation as the Levy Court may deem proper.

SECTION 5. This act shall be deemed and taken to be a public act.

Passed at Dover, April 13, 1897.

OF ROADS.

CHAPTER 487.

OF ROADS.

AN ACT to straighten a Public Road in Mispillion Hundred, Kent County, Delaware.

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

SECTION 1. That Alfred H. Cahall, Charles M. Adams and Clinton L. Williamson, three judicious and impartial citizens of Kent county, be and they are hereby appointed commissioners to go upon and view the premises and determine whether it is necessary for the public convenience to change the course of a part of the public road leading from Gum Island Causeway to the Big Pine Cross Roads, as follows: Beginning at a point in the said public road in or near the dividing line between lands of J. Wesley Wroten and lands of Clement Hamilton and thence running in a westerly direction with or near said dividing line to a point where it intersects the public road known as the High Stump Road (which road leads from the road leading from Gum Island Causeway to the Big Pine Cross Roads to another road leading from Burrsville to Vernon); thence running a south-westerly course across lands of Stephen Porter until it intersects the said road leading from Gum Island Causeway to the Big Pine Cross Roads. If the said commissioners shall determine that the public convenience requires that the said public road shall be changed as aforesaid, then they shall, with the assistance of a skillful and impartial surveyor by them to be employed, locate and lay down the same in such a manner as to them shall seem most advantageous to the public and the least detrimental to individuals; and they shall cause a plot thereof to be made, showing the courses and distance with notes of the most remarkable places and shall assess the damages of every the owners or holders of land and premises on occasion of the changing of the said part of the said public road as aforesaid, and shall make a computation of the costs of changing the same, setting down the several items of said cost.

SECTION 2. That the said plot together with the return of the said commissioners shall be returned and filed in the

OF ROADS.

Damages. tance 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 account of the laying out of said new road, and shall make a computation of the cost of opening and making said new road, setting down the several items of said costs.

Costs. Return. SECTION 2. 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, the said Levy Court of said county may approve and confirm the said return and shall settle and pay the damages which may be assessed by the said commissioners and pay the legal charges of the commissioners, surveyor and other employes as other similar expenses are paid, and when the said 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.

Levy Court may approve and pay charges. Oaths. SECTION 3. That the said commissioners before entering upon their duties shall be severally sworn or affirmed to perform their duties with fidelity, and the surveyor to perform the services required of him faithfully and impartially, according to his best 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 said commissioners shall be as valid as if concurred in by all of them; and in case of Vacancy. any vacancy or vacancies in said commission, another or other commissioners may be appointed by the remaining commissioners to supply such vacancy or vacancies.

Compensation. SECTION 4. The said commissioners shall receive for each day actually employed on said road a compensation of one dollar, and the said surveyor and chain carriers shall receive such compensation as the Levy Court may deem proper.

SECTION 5. This act shall be deemed and taken to be a public act.

Passed at Dover, April 13, 1897.

OF ROADS.

CHAPTER 487.

OF ROADS.

AN ACT to straighten a Public Road in Mispillion Hundred, Kent County, Delaware.

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

SECTION 1. That Alfred H. Cahall, Charles M. Adams and Clinton L. Williamson, three judicious and impartial citizens of Kent county, be and they are hereby appointed commissioners to go upon and view the premises and determine whether it is necessary for the public convenience to change the course of a part of the public road leading from Gum Island Causeway to the Big Pine Cross Roads, as follows: Beginning at a point in the said public road in or near the dividing line between lands of J. Wesley Wroten and lands of Clement Hamilton and thence running in a westerly direction with or near said dividing line to a point where it intersects the public road known as the High Stump Road (which road leads from the road leading from Gum Island Causeway to the Big Pine Cross Roads to another road leading from Burrsville to Vernon); thence running a south-westerly course across lands of Stephen Porter until it intersects the said road leading from Gum Island Causeway to the Big Pine Cross Roads. If the said commissioners shall determine that the public convenience requires that the said public road shall be changed as aforesaid, then they shall, with the assistance of a skillful and impartial surveyor by them to be employed, locate and lay down the same in such a manner as to them shall seem most advantageous to the public and the least detrimental to individuals; and they shall cause a plot thereof to be made, showing the courses and distance with notes of the most remarkable places and shall assess the damages of every the owners or holders of land and premises on occasion of the changing of the said part of the said public road as aforesaid, and shall make a computation of the costs of changing the same, setting down the several items of said cost.

SECTION 2. That the said plot together with the return of the said commissioners shall be returned and filed in the

OF ROADS.

Levy Court
may
approve

And pay
damages
and
expenses.

Parts of
road
vacated.

Oaths.

Before
whom
taken.

Vacancy.

office of the clerk of the peace in and for Kent county, to be by him laid before the Levy Court of said county at its regular session or any adjourned session thereof, and if no sufficient objection be made thereto, then the said Levy Court of said county may approve and confirm the said plot and returns of the said commissioners, and shall settle and pay the damages which may be assessed by the said commissioners and shall pay the legal charges of the commissioners, surveyors, et cetera, as other similar expenses are paid. When the said plot and return shall have been approved and confirmed that part of said public road so changed as hereinbefore provided shall be and remain subject to the same laws and regulations applicable to public roads in Kent county.

SECTION 3. That the parts of the said public road supplied by the changing thereof as hereinbefore provided shall be vacated, and may be taken in and enclosed by the owner or owners whose lands they adjoin or pass through.

SECTION 4. That the said commissioners, before performing the duties subjoined upon them by this act, shall be severally sworn or affirmed to perform their duties faithfully and 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, or either of the said commissioners. 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 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, May 10, 1897.

OF ROADS.

CHAPTER 488.

OF ROADS.

AN ACT to open a Public Road in East Dover Hundred, Kent County.

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

SECTION 1. That Charles Postles, Nathaniel Slaughter and James A. Davis 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 the lands of Joshua McGonigal (on the road that leads from Postles' Corner to Pickering's Beach) and running in an easterly direction to Pickering's Beach. And if they or a majority of them shall determine that there is need of such road, they shall lay out such new road as they deem proper, 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 Kent county, set forth a description of said road.

SECTION 2. The return so to be made as aforesaid by the commissioners shall be returned to the clerk of the peace in and for Kent county, 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; *provided, however,* and it is distinctly understood there shall be no expense to the county for opening the said new road.

SECTION 3. That this act shall be deemed and taken to be a public act.

Passed at Dover, May 28, 1897.

OF ROADS.

CHAPTER 489.

OF ROADS.

AN ACT to lay out a new Public Road in South Murderkill Hundred.

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

Commissioners to lay out new road.

Route.

Surveyor.
Damages.
Plot.

Return.

Levy Court to provide for opening

Oaths.

SECTION 1. That William J. Frasher, Andrew Holden and J. Herman Gooden, three judicious and impartial citizens of South Murderkill hundred in Kent county and State of Delaware, be and they are hereby appointed to go upon and view the premises and determine whether there is need of a new public road to begin at a corner of John A. Killen's lands and lands of Jacob R. Meredith on the public road leading from Robert J. Reynold's farm to Felton, thence in a southwesterly direction through lands of Charles R. Layton, lands of Jacob Kemp and lands of Sarah A. Warren and Mary E. White to a point in a public road about one hundred yards from Warren's School House, a distance of about three-fourths of a mile, thence through lands of John Gruwell, lands of Benjamin L. Cohee's heirs, lands of E. P. Willis and lands of _____ Fisher to a point near a bridge in the road leading from Petersburg to Harnish's Corner, a distance of about one mile. 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 to be by them employed) lay out the same and assess the damages if any, and estimate the cost of making said road and cause a plot to be made representing the courses and distances thereof.

SECTION 2. That the plot and report so to be made as aforesaid by the commissioners or a majority of them shall be returnable to the clerk of the peace in and for Kent county, to be by him laid before the Levy Court of said county that they may make appropriation for the opening and making the same.

SECTION 3. That the said commissioners are hereby authorized to administer oaths to each other and to the surveyor to be by them employed.

OF ROADS.

SECTION 4. That the act entitled "An act to lay out a public road in Kent county," passed at Dover, March 10th, 1893, be and the same is hereby repealed, and all acts and things done and performed by and under the authority of said act be and the same are hereby made null and void. Act repealed.

SECTION 5. That this act shall be deemed and taken to be a public act.

Passed at Dover, May 29, 1897.

CHAPTER 490.

OF ROADS.

AN ACT to lay out a Public Road in Seaford 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 Daniel B. Kinder, Solomon Unruh and Burton Reynolds, three judicious and impartial citizens of Sussex county, Delaware, be and they are hereby appointed to go upon and view the premises and determine whether there is need of a new public road to begin at a point on the road running from Atlanta to the Maryland line, running thence about 100 rods through lands of William F. Kinder until it reaches a point at Bethel road, thereby shortening the distance from Atlanta to Bethel Church. 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 a new public road thirty feet wide, and assess the damages, if any, and estimate the cost of making said road and cause a plot to be made representing the courses and distances thereof. Commissioners to lay out new road.
Route.
Surveyor.
Damages.
Cost.
Plot.

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, but in no case is the land used to lay out said road to be of any cost or expense to Sussex county. Return.
No expense to county.

OF ROADS.

Oaths. SECTION 3. That the commissioners are hereby authorized to administer oaths to each other and to the surveyor by them employed; said commissioners are hereby empowered to vacate the old road.

Old road vacated.
Fees. SECTION 4. That the fees of the commissioners and surveyor and such other persons as may be employed in laying out the said road shall be the same as now provided by law for such services in laying out public roads, and shall be paid in like manner.

SECTION 5. This act shall be deemed and taken to be a public act.

Passed at Dover, February 24, 1897.

CHAPTER 491.

OF ROADS.

AN ACT authorizing a special Tax to provide a special Fund for the purchase of Oyster Shells for the County Roads of Seaford Hundred.

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

Special tax. SECTION 1. That the Levy Court of Sussex county and such other body as may hereafter be the successor of the said Levy Court, be and the same is hereby authorized to impose a special tax upon the real estate and personal property situated in Seaford hundred in the said county, of five cents (5c.) on the one hundred (\$100) dollars of real estate and personal assessment of said hundred, in addition to the rate regularly fixed for the said hundred for general taxation purposes, and that said special tax shall be collected by the collector of Seaford hundred as other county taxes are collected, and shall be paid over to the county treasurer, who shall open and keep a separate account thereof. And said county treasurer shall disburse said special tax upon orders to be drawn upon him by the commissioner for said Seaford hundred, or by the commissioner of the district in which Seaford hundred may be included. Said commissioner shall cause to be printed special

Rate.
How collected.
County treasurer to keep separate account.
How paid out.

OF ROADS.

forms of orders to be used for this purpose, and they shall be designated "Shell Road Orders for Seaford Hundred." Printed orders.

SECTION 2. That the money derived from the said increase of taxation shall be devoted exclusively to the purchase of oyster shells for use and distribution upon the county roads of Seaford hundred aforesaid; *provided*, that the compensation for hauling said oyster shells shall not exceed the following rates: One-half cent per bushel to be paid for hauling those shells distributed within a distance of one mile from the town of Seaford, or from such place as the said shells may be taken for hauling; three-quarters of a cent per bushel to be paid for those hauling shells distributed within a distance of two miles from the said town of Seaford, or from such place as the said shells may be taken to be hauled; one cent per bushel to be paid for hauling those shells distributed within a distance of three miles from the town of Seaford or from such place as the same may be taken to be hauled; for hauling for such further distances as may be necessary, payments shall be made in the same proportion, and no one but the residents and taxpayers of Seaford hundred shall be allowed to haul and distribute the oyster shells on the county roads aforesaid. Application of funds. Hauling shells. Rate. Who may haul.

SECTION 3. That the quantity of oyster shells to be distributed upon each of the county roads in Seaford hundred leading from the town of Seaford, shall be determined by the relation of the assessed valuation of the real estate and personal property situated upon or appurtenant to each of the said roads to the total real estate and personal assessment of the said Seaford hundred. Distribution of shells.

SECTION 4. That the allotment of money to Seaford hundred from general funds for use upon the county roads of the said hundred shall not be interfered with nor decreased by anything herein contained, but the said hundred shall receive such allotments in addition to the amounts raised by the special tax herein authorized; *provided*, that the money so allotted from the general funds as aforesaid shall hereafter be apportioned as nearly as possible among the county roads of the said hundred leading from Seaford according to the relation of the assessed valuation of the real estate, personal property, situated upon or appurtenant to each of said roads to the total assessed valuation of the real estate of the said hundred. Allotment of money for roads of Seaford not to be affected. Apportionment of county funds.

Passed at Dover, March 10, 1897.

OF ROADS.

CHAPTER 492.

OF ROADS.

AN ACT to lay out a new Road in Gumboro Hundred, Sussex County.

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

Commissioners to lay out new road.

Route.

Surveyor.

Cost.

Plot.

Land no cost to county.

Return.

Oaths.

Fees.

SECTION 1. That William J. West, Samuel E. Matthews and Robert W. Smith, three judicious and impartial citizens of Sussex county, Delaware, be and they are hereby appointed to go upon and view the premises and determine whether there is need of a new public road to begin at a point intersecting with the county road leading from Whitesville to lands of William J. Hearn and James H. Lecates, also on or near lands of Levin H. Niblet, thence crossing lands of L. B. and W. A. Cannon, M. R. King and George W. Jones and others to county road leading from Laurel to Jones' M. E. Church. 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 a new public road thirty feet wide and estimate the cost of making said road and cause a plot to be made representing the courses and distances thereof; but in no case is the land for the use of said road to be of any cost or expense to Sussex county.

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.

SECTION 3. That the commissioners are hereby authorized to administer oaths to each other and to the surveyor by them employed.

SECTION 4. That the fees of the commissioners and surveyor and such other persons as may be employed in laying out the said road shall be the same as now provided by law for such services in laying out public roads and shall be paid in like manner.

OF ROADS.

SECTION 5. That this act shall be deemed and taken to be a public act.

Passed at Dover March 15, 1897.

CHAPTER 493.

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 Kendal Rickards, Joseph Bunting and John H. Layton, three judicious and impartial citizens of Sussex county, Delaware, be and they are hereby appointed Commissioners to lay out new road.
to go upon and view the premises and determine whether there is need of a new public road to begin at a point on the county road leading from Omar to Hopyard School house and at the dividing line between lands of Joseph W. Hudson and Francis M. Gum, thence to run with said dividing line to McCray's Branch canal; thence to run across said Francis M. Gum's land to intersect a line for lands of Robert Rickards, and with said line to a line for lands of Sarah Ann Lynch; thence with said line for her lands as also for lands of Robert Rickards, William A. Lynch and William Hickman to intersect with the county road leading from Roxana to Selbyville at a point somewhere near William A. Lynch's home mansion; also for a fork or prong of the aforesaid road to begin at a farmhouse on said new road belonging to Dr. F. M. Gum, known as Walt. Weldon house, running across lands of the said Dr. F. M. Gum to lands of B. F. Gray, known as the Jones land, and across said land to the lands of John Jacobs, then down the lines of lands of the said John Jacobs and Dr. F. M. Gum to the lands of Elisha C. Dukes, near the farmhouse of the said Elisha C. Dukes. 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, Surveyor.

OF ROADS.

lay out a new public road thirty feet wide and estimate the cost of making said road, that is, cost exclusive of the costs of any lands to make said road or roads, which cost of said land is under no consideration to be borne by Sussex county.

Cost.

Lands no
cost to
county.

Return.

Levy Court
may open
road.

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 shall make appropriation for the opening and making of the same.

Oaths.

SECTION 3. That the commissioners are hereby authorized to administer oaths to each other and to the surveyor by them employed.

Fees.

SECTION 4. That the fees of the commissioners and surveyor and such other persons as may be employed in laying out the said road shall be the same as now provided by law for such services in laying out public roads, and shall be paid in like manner.

SECTION 5. That this act shall be deemed and taken to be a public act.

Passed at Dover, March 17, 1897.

CHAPTER 494.

OF ROADS.

AN ACT to lay out a 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:

Commis-
sioners to
lay out new
road.

Route.

SECTION 1. That George H. Townsend, George L. Barnett and Peter R. Daisey, three judicious and impartial citizens of Sussex county, Delaware, be and they are hereby appointed to go upon and view the premises and determine whether there is need of a new public road, beginning at a county road running from Ocean View to the head of Miller's

OF ROADS.

Creek and running thence in an easterly direction through lands of John B. Wharton, thence with the line of Ebe D. Quillen and William Hudson, thence through the lands of William H. Hudson, thence with the line of William H. Hudson and Stephen C. Evans, thence with the line of William H. Hudson and Hetty J. Daisey, thence with the line of Hetty J. Daisey and John R. Daisey, thence through the school ground of District No. 121½ to a county road leading from Ocean View to the Atlantic ocean. 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 a new public road thirty feet wide and assess the damages, if any, and estimate the cost of making said road and cause a plot to be made representing the courses and distances thereof.

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.

SECTION 3. That the said commissioners are hereby authorized to administer oaths to each other and to the surveyor by them employed.

SECTION 4. That the fees of the commissioners and surveyor and such other persons as may be employed in laying out the said road shall be the same as now provided by law for such services in laying out public roads and shall be paid in like manner.

SECTION 5. This act shall be deemed and taken to be a public act.

Passed at Dover, March 24, 1897.

OF ROADS.

CHAPTER 495.

OF ROADS.

AN ACT to lay out a 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 Capt. George S. Johnson, Henry M. Tunnell and Timothy E. Townsend, three judicious and impartial citizens of Baltimore hundred, Sussex county and State of Delaware, be and they are hereby appointed commissioners to go upon and view the premises and determine whether there is need of a new public road to run across lands of John E. Taylor, Peter E. Moore and the heirs of John Steele, to the lands of St. George's M. E. Church, with privilege to cross the same to the public road from Frankford to Ocean View, the said road to be the distance of about one-half mile, 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, if they deem it necessary to employ one, lay out such new public road, assess the damages, if any, and estimate the cost of making said road, cause a plot to be made representing the courses and distances thereof. In no case is the land to be used for the said road to be of any expense to Sussex county.
- 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.
- SECTION 3.** That the commissioners and surveyor before entering upon the duties herein assigned them shall be sworn or affirmed to perform their duties with fidelity, and they are hereby authorized to administer the oath to each other.
- SECTION 4.** That the fees of the commissioners and surveyor, also the chain carriers, if any, shall be the same as are provided by law for similar services in laying out public roads and shall be paid by the Levy Court of Sussex county.

OF ROADS.

SECTION 5. This act shall be deemed and taken to be a public act.

Passed at Dover, April 9, 1897.

CHAPTER 496.*

OF ROADS.

AN ACT appointing Commissioners to straighten and widen the Public Road leading from Lewes, beginning at or near the House of John S. Tindall, extending to the Low Water-mark of the Ocean.

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

SECTION 1. That Robert Arnell, Alfred L. Burton and Robert W. Dodd be and they are hereby appointed commissioners to go upon and view the premises and determine whether there is need of straightening and to widen the road leading from Lewes, in Sussex county, beginning at or near the house of John S. Tindall and extending to the low water-mark of the ocean, to the width of fifty feet where it may be practicable, and if they or a majority of them shall determine that there is need of such straightening and widening, they shall, with the assistance of some skillful surveyor, straighten and widen said part of the road, vacating so much of the old as is supplied by the new as they deem proper and shall cause a plot thereof to be made representing the courses and distances thereof, and they shall assess the damages of every owner of said lands by reason of the widening of said road, taking into consideration all circumstances of benefit that will accrue to each owner, and they shall make a computation of the costs of the changes in said road, setting down the several items of cost, and shall in their return set forth their determination that there is need of straightening and widening the same for public convenience and shall annex to their return the aforementioned plot and return the same to the office of the clerk of the peace in and for Sussex county.

Commissioners to straighten road.

Route.

Surveyor.

Plot.

Assess damages.

Costs.

Return.

*This act amended by Chapter 497, current volume.

OF ROADS.

When
becomes
public road.

Parts of old
road
vacated.

Oaths.

Fees.

How paid.

SECTION 2. *Be it further enacted*, That the Levy Court of Sussex county may adopt the alterations and changes made by the commissioners aforesaid as a part of the road leading from Lewes to low water-mark of the ocean, and the road so when opened shall be deemed and taken to be a public road, and that part of the old road superseded by the alterations and changes hereby authorized to be made, shall thereupon be vacated and may be inclosed by the persons through whose lands said vacated portion of the old road passes, and in any proceedings against them for so doing they may give this act in evidence under the general issue as their sufficient justification.

SECTION 3. *Be it further enacted*, That the commissioners aforesaid before entering upon their duties under this act shall be severally sworn or affirmed to discharge the duties herein imposed impartially and to the best of their judgment, and may respectively administer the oath or affirmation to each other. They shall each receive the sum of two dollars for each day's attendance as commissioners and the surveyor shall be allowed the sum of ten dollars for his services, which sums with all other costs shall be allowed by the Levy Court, and the same to be paid out of the appropriation made for the maintenance of roads in Lewes and Rehoboth hundred.

SECTION 4. *Be it further enacted*, That this act shall be deemed and taken to be a public act.

Passed at Dover, April 13, 1897.

OF ROADS.

CHAPTER 497.

OF ROADS.

AN ACT to amend an act entitled "An act appointing Commissioners to straighten and widen the Public Road leading from Lewes, beginning at or near the house of John S. Tindall, extending to the low water-mark of the ocean," passed at Dover, April 13, 1897.

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 appointing ^{Act amended.} commissioners to straighten and widen the public road leading from Lewes, beginning at or near the house of John S. Tindall, extending to the low water-mark of the ocean," passed at Dover, April 13, 1897, be and the same is hereby amended by inserting between the word "extending" and the word "to" in line four of Section 1 of the enrolled bill of said act, the following words, "to the canal, and thence ^{Route extended.} by, through or along lands of S. M. Thompson and lands of James A. Dodd and other lands."

Passed at Dover, May 12, 1897.

CHAPTER 498.

OF ROADS.

AN ACT to authorize the Levy Court of Sussex County to take up and keep in repair a certain 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 the Levy Court in and for Sussex ^{Certain road may be taken up by Levy Court.} county may take up, repair and keep in proper condition all that certain piece of road situate in Baltimore hundred, Sussex county, leading from School House No. 120 and con-

OF ROADS.

necting with Roxana and Bishopville roads, thence running along the line between John Lynch and Irene Derrickson; thence crossing lands of Lemuel Evans, the aforesaid old road having formerly been in use for a number of years.

SECTION 2. That this act shall be deemed and taken to be a public act.

Passed at Dover, April 26, 1897.

CHAPTER 499.

OF ROADS.

AN ACT appointing Commissioners to straighten and widen the Public Road leading from the Red Mill to the Five Points in Lewes and Rehoboth Hundred.

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

Commis-
sioners to
straighten
and widen
road.

Location of
road.

Surveyor.

Plot.

Costs of
road.

Return.

Land to be
no expense
to county.

SECTION 1. That Alfred L. Burton, Henry H. White and John M. Lank be and they are hereby appointed commissioners to go upon and view the road leading from the Red Mill to the Five Points in Lewes and Rehoboth hundred, Sussex county, and if they or a majority of them shall determine that there is need of such straightening and widening said road (to at least forty feet wide) they shall, with the assistance of some skillful surveyor, straighten and widen said road, vacating so much of the old road as is supplied by the new as they may deem proper, and shall cause a plot thereof to be made representing the courses and distances thereof, and they shall make a computation of the costs of the charges on said road, setting down the several items of cost, and shall in their return set forth their determination that there is need of straightening and widening said road for the public convenience and shall annex to their return the forementioned plot and return the same to the office of the clerk of the peace in and for Sussex county; that in no case is the expense for the land to be of any cost to Sussex county.

OF ROADS.

SECTION 2. *And be it further enacted,* That the Levy Court of Sussex county may adopt the alterations and changes made by the commissioners aforesaid as a part of the said road leading from the Red Mill to the said Five Points, and the road so altered shall be deemed and taken to be a public road, and that part of the old road superseded by the alterations and changes hereby authorized to be made shall thereupon be vacated and may be enclosed by the persons through whose lands said vacated portions of the old road passes, and in any proceedings against them for so doing they may give this act in evidence under the general issue as their sufficient justification.

Levy Court
may adopt
road.

Portions of
old road
vacated.

Who may
enclose.

SECTION 3. *And be it further enacted,* That the commissioners aforesaid before entering upon their duties under this act shall be severally sworn (or affirmed) to discharge the duties herein imposed impartially and to the best of their judgment, and may respectively administer the oath or affirmation to each other. They shall each receive the sum of two dollars for each days attendance as commissioners and the surveyor shall be allowed the sum of ten dollars for his services, which services with all other costs shall be allowed by the Levy Court and the same to be paid out of the appropriations made for the maintenance of roads in Lewes and Rehoboth hundred.

Oaths.

Fees.

How paid.

SECTION 4. *Be it further enacted,* That this act shall be deemed and taken to be a public act.

Passed at Dover, April 29, 1897.

OF ROADS.

CHAPTER 500.

OF ROADS.

AN ACT to authorize the Levying of a special Tax for shelling the County Roads of Broad Creek Hundred, Sussex County.

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

- Special tax. SECTION 1. That the Levy Court of Sussex county, or such other body as may hereafter be the successors of the said Levy Court, be and the same is hereby authorized to impose a special tax upon all the taxables assessed in Broad Creek hundred, Sussex county, of ten cents on the one hundred dollars on said assessment of said hundred in addition to the rate regularly fixed for the said hundred for general taxation purposes. This special tax shall be levied for the year A. D. 1897, within thirty days after the passage of this act, and annually thereafter at the regular time for levying county taxes. The said special tax shall be collected by the collector of Broad Creek hundred, or of the district in which Broad Creek hundred may be included, as other county taxes are collected and shall be paid over to the county treasurer who shall open and keep a separate account thereof. The said county treasurer shall disburse said special tax upon orders to be drawn upon him by the commissioners of said Broad Creek hundred or by the commissioners for the district in which Broad Creek hundred may be included. Said commissioners shall cause to be printed special forms of orders to be used for this purpose and they shall be designated "Shell Road Orders for Broad Creek hundred."
- Rate. When levied. How collected. County treasurer to keep separate account. How paid out. Blank orders.
- Applied to shelling roads. Rates for hauling.
- SECTION 2. That the money derived from the said special tax shall be devoted exclusively to the purchase of oyster shells and the payment of freight and distribution thereof upon the county roads of Broad Creek hundred aforesaid; *provided*, that the compensation for hauling said oyster shells shall not exceed the following rates: One-half cent per bushel to be paid for hauling those shells distributed within a distance of one mile from the town of Laurel, or from such place as the said shells may be taken for hauling; three-quarters of a cent per bushel to be paid for hauling those shells distributed within a distance of two miles from

OF ROADS.

the said town of Laurel or from such place as said shells may be taken to be hauled for hauling; for such further distance as may be necessary payment shall be made in the same proportion, and no one but the residents and taxpayers of Broad Creek hundred shall be allowed to haul and distribute the oyster shells on the county roads aforesaid.

SECTION 3. That the first oyster shells bought shall be distributed for use on the road leading from Bethel to Laurel and Moore's Station, the first five thousand bushels shall be used on the Bethel end of said road, the second five thousand bushels on the Laurel end of the road leading to Georgetown and Vaughn's School House, the third five thousand bushels shall be used on the road leading from Laurel to Seaford, commencing on the Laurel end, and the fourth five thousand bushels shall be equally divided between the road leading from Laurel to Concord and the middle part of the road leading from Laurel to Bethel, and when these shall have been distributed, then it shall be commenced as before, and they shall be distributed as before, continuing until the said roads are completely shelled; and when these roads shall be completely shelled, then on such other roads in said hundred as the commissioners for said hundred or for the district in which said hundred may be included, shall designate.

Order of
distribution
of shells.

SECTION 4. That the allotment of money to Broad Creek hundred from general fund for use upon the county roads of said hundred shall not be decreased by anything herein contained, but the said hundred shall receive such allotments in addition to the amounts raised by the special tax herein authorized

Hundred's
portion of
road taxes
not to be
affected.

SECTION 5. That this act shall be deemed and taken to be a public act.

Passed at Dover, May 14, 1897.

OF ROADS.

CHAPTER 501.

OF ROADS.

AN ACT to change and straighten a part of a Public Road in Indian River Hundred, Sussex County.

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

Certain persons may straighten road.

Route.

SECTION 1. That George R. Walls and Hettie E. Johnson be and are hereby authorized to change and straighten a certain part of a public road in Indian River hundred in Sussex county as follows, to wit: Commencing in the centre of the road at a point or boundary between the lands of George R. Walls and Hettie E. Johnson, and running in a southerly direction until it intersects the public road running between the lands of Alfred L. Burton.

Without expense to county.

When deemed public road

SECTION 2. That the said George R. Walls and Hettie E. Johnson shall lay out, change and make at their own expense the said road and put the same in good order for public travel, making the road the required width by law and opened and put in good order for public travel as aforesaid; that then and from thenceforth the said road shall be deemed a public road, and shall be repaired and kept up at public expense as other roads in said county.

Portions of old road vacated, when.

SECTION 3. That after the said road shall have been laid out, opened and made, and put in good order for public travel as aforesaid, it shall and may be lawful for the said George R. Walls and Hettie E. Johnson to stop up and enclose so much of the old road as is not used in making the change and is supplied by the road contemplated by this act, and to appropriate to their own uses all of said public road so vacated.

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

Passed at Dover, May 20, 1897.

OF ROADS.

CHAPTER 502.

OF ROADS.

AN ACT to lay out a new Public Road in North West Fork 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 J. C. Morris, Thomas B. Giles and Stansberry J. Wheatley, three judicious and impartial citizens and freeholders of Sussex county, be and they are hereby appointed to go upon and view the premises and determine whether there is need of a new public road in the hundred and county aforesaid, beginning at a point on the road leading from the Schoolhouse No. 73½ to Jacob's Cross Roads, thence running across lands of P. H. Rawlins, L. N. Whitney, thence along the line of an old road in a southerly direction across lands of W. B. Unrue to a point on the county road. If they or a majority of them shall determine that there is need of such new road, they shall, by the assistance of a skillful surveyor to be by them employed, after being duly sworn or affirmed (and they are hereby empowered to swear or affirm each other) and the surveyor proceed to lay out said road, and make or cause to be made a plot of said road, giving the courses and distances; and shall make an estimate of the costs of laying out and opening the same, and assess the damages to the owner or owners of the land through which the same shall pass, if in their judgment they are entitled.

SECTION 2. That the estimate and plot made as aforesaid 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, and when said court may approve or adopt said road it shall be a public road and be maintained as other public roads are maintained in said county.

SECTION 3. That the pay of the commissioners, chain carriers and surveyor shall be such as the Levy Court may deem proper, but no damage shall be paid by the county and the cost of the land is to be no expense to Sussex county.

OF ROADS.

SECTION 4. That this act shall be deemed and taken to be a public act.

Passed at Dover, May 24, 1897.

CHAPTER 503.

OF ROADS.

AN ACT to lay out a new Public Road in Sussex County.

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

Commissioners to lay out new road.

Route.

SECTION 1. That Thomas H. Riggin, Charles B. Elzey, George K. Phillips, three judicious and impartial citizens and freeholders of Sussex county, be and they are hereby appointed to go upon and view the premises and determine whether there is need of a new public road in the county aforesaid, beginning at or near Shiloah Church at the intersection of the road leading from Gumboro and Lewis' Cross Roads, and following a northwesterly course by such route as the commissioners above named may determine to Wiley's or Short's Mill; thence crossing the dam and in a northerly course to or near the home of J. B. Giles; thence in a westward course and following the lines of the lands or near the lands of J. B. Giles and J. S. Sirman, to where it intersects the Laurel and Georgetown road, at or near Elliott's old grist mill bridge; thence over the dam and bridges; thence in a northwesterly course as near as practicable until it intersects the road leading from Sycamore to Broad Creek station. If they or a majority of them shall determine that there is need of such new road, they shall, by the assistance of a skillful surveyor to be by them employed, after being duly sworn or affirmed (and they are hereby empowered to swear or affirm each other and the surveyor), proceed to lay out said road and make or cause to be made out a plot of said road, giving the courses and distances; and shall make an estimate of the cost of laying out and opening the same, and

Surveyor.

On this.

Plot.

Estimate of cost.

OF ROADS.

assess the damages to the owner or owners of the land through ^{Damages.} which the same shall pass, if in their judgment they are entitled.

SECTION 2. That the estimate and plot made as aforesaid ^{Return.} 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, and when said court may approve or adopt said road ^{When becomes public road} it shall be a public road and be maintained as other public roads are maintained in said county.

SECTION 3. That the pay of the commissioners, chain ^{Fees.} carriers and surveyor shall be such as the Levy Court may deem proper. But no damage shall be paid by the county, and the ^{Land no cost to county.} cost of the land is to be of no expense to Sussex county.

SECTION 4. That this act shall be deemed and taken to be a public act.

Passed at Dover, May 25, 1897.

CHAPTER 504.

OF ROADS.

AN ACT to authorize the laying out and establishing of a new Public Road in North West Fork 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 J. E. Richards B. F. Ledenham and ^{Commissioners to lay out new road} G. A. Culver, three judicious and impartial citizens and freeholders of and in North West Fork hundred, Sussex county, be and they are hereby appointed commissioners to go upon and view the premises and determine whether there is need of a new public road in said North West Fork hundred, beginning at a point on the public road leading from Wooden- ^{Route.} hawk to Atlanta at the southeast corner of Lewis W. Kinder's home farm and running from thence with the division line between the lands of Lewis W. Kinder and C. C. Melson, south fifty-five degrees and thirty minutes west, fifty

OF ROADS.

and six-tenths perches to the end thereof; thence across the land of Lewis W. Kinder same course continued, about thirty-five perches to a corner of Isaac K. Wright's land; thence on the line between I. K. Wright and E. B. Wright on one side and Lewis W. Kinder on the other, south forty-five degrees and thirty minutes west, one hundred and twenty-three and a half perches; thence across the land of E. B. Wright, same course continued, about eight or ten perches to intersect the public road leading from Smithville to Bridgeville. If they or a majority of them shall determine that there is need of such a new public road, they shall, with the assistance of a skillful surveyor to be by them selected, lay out and locate said new public road, and shall have a plot of the same prepared, showing the courses and distances thereof; shall assess damages, if any, having due regard to all the circumstances and estimate the cost of opening and building the road. They shall also make a return of their proceedings accompanied by a plot of the said new public road and a statement of their estimate of its costs to the Levy Court of Sussex county that the said Levy Court may make the necessary appropriation for opening and making the same as a public road. When the draught and return shall have been accepted by the said Levy Court, the said road hereinbefore described and authorized to be laid out and made shall 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 the said road.

SECTION 2. That the commissioners and surveyor provided for in this act shall be sworn or affirmed by each other before entering upon their respective duties, to perform the same faithfully and impartially according to the best of their skill and judgment. Any vacancy or vacancies from any cause whatsoever in the board of commissioners as hereby provided may be filled by those appointed by any justice of the peace in Sussex county. The fees of the commissioners, surveyor and chain carriers shall be the same as in other cases for like service and be paid by the Levy Court of Sussex county; but in no case is the cost of the land for making said road to be of any expense to Sussex county.

SECTION 3. That this act shall be deemed and taken to be a public act.

Passed at Dover, May 26, 1897.

OF ROADS.

CHAPTER 505.

OF ROADS.

AN ACT to lay out and open 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 David M. Warrington, Jas. N. Derickson and William L. Wilgres, three judicious and impartial citizens of Baltimore hundred, Sussex county and State of Delaware, be and they 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 a point on the county road leading from Omar to Bayard at or near Mrs. Kate Bennett's land; thence running by the end of the Trap Schoolhouse; thence across lands of Peter W. Bennett, Charles C. Richards, Jacob A. Wilgres, John D. Bennett and Robert Wilgres, to and with the lines between the lands of James H. Law and Robert Wilgres to intersect with the public road in Roxana at or near the store of Robert Wilgres. 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, if they deem it necessary to employ one, lay out such new public road, assess the damages, if any, and estimate the costs of making said road, and cause a plot to be made representing the courses and distances thereof.

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, but in no case is the land to be used for making said road to be of any expense to Sussex county.

SECTION 3. That the commissioners and surveyor before entering upon the duties herein assigned them shall be sworn or affirmed to perform their duties with fidelity and they are hereby authorized to administer the oath to each other.

SECTION 4. That the fees of the commissioners and surveyor, also the chain carriers, if any, shall be the same as are

Commissioners to lay out new road.

Route.

Surveyor.

Damages.

Costs of making.
Plot.

Return.

Levy Court to provide for opening

Oaths.

Fees.

OF ROADS.

provided by law for similar services in laying out public roads and shall be paid by the Levy Court of Sussex county.

SECTION 5. This act shall be deemed and taken to be a public act.

Passed at Dover, May 26, 1897.

CHAPTER 506.

OF ROADS.

AN ACT to lay out a new Public Road in Gumboro Hundred, Sussex County and State of Delaware,

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

Commissioners to lay out new road.

Route.

Surveyor.

Plot.

Damages.

SECTION 1. That Robert W. Smith, George W. Jones, Sr., and James S. Donoway, three judicious and impartial citizens and freeholders of Sussex county, be and are hereby appointed commissioners to go upon and view the premises and determine whether there is need of a new public road in Gumboro hundred, Sussex county, to be of the width as other public roads in said county, to begin at a point on a public road leading from Shadrach Short's home farm via Robert W. Smith's farm, east of a canal; thence to run through lands of Shadrach Short to lands of Silas J. Lewis, at his (Lewis') private outlet leading from his farm; thence with said outlet to the county road leading from Gumboro to Selbyville and terminating at said county road. 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 and distances, the wood land and clear land through which it passes and other proper notes; and shall assess the charges of every owner or holder of such lands occasion of the road, considering all circumstances of benefit or injury which may

OF ROADS.

occur therefrom and shall compute the cost of opening and making said road and of making the bridge and causeways separately, and shall make said assessment of damage and computations of costs 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 him 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 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.

Cost.
Return.
When made.
Levy Court to provide for opening.
General road laws applicable.

SECTION 2. That the commissioners and surveyor before entering upon the duties hereby assigned them, shall be sworn or affirmed to faithfully and impartially 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.

Oaths.
Vacancy.

SECTION 3. That the fees of the commissioners and surveyor and chain carriers and such other persons as may be employed in laying out of said 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.

SECTION 4. That the cost of opening, widening and making said road ready for public travel shall be of no cost to Sussex county; and then may be accepted by the Levy Court of Sussex county.

Opening no expense to county.

SECTION 5. That this is and shall be deemed and taken to be a public act.

Passed at Dover, May 28, 1897.

OF ROADS.

CHAPTER 507.

OF ROADS.

AN ACT to lay out a new Public Road in Cedar Creek Hundred, Sussex County and State of Delaware.

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

Commis-
sioners to
lay out new
road.

Route.

Surveyor.

Plot.

Damages.

Costs.

Return.

SECTION 1. That Nicholas Stayton, William W. Morris and J. B. Gilchrist, three judicious and impartial citizens of Sussex county, be and they are hereby appointed commissioners to go upon and view the lands and determine whether there is need of a public road in Cedar Creek hundred, county and State aforesaid, beginning in the public road leading from Bridgeville to Milford, on lands of Mark L. Banning, a short distance to the westward of said Banning's dwelling house; thence in a northerly direction through said Banning's land to lands of John R. Hemmonds and Mary P. Hemmonds; thence through said Hemmonds' lands to lands of William H. Deputy; thence through lands of said Deputy, and also crossing the Queen Anne and Delaware Railroad, to the public road leading from Ellendale to Greenwood, to a point or place about one hundred yards from the place where the old road now intersects the public road, and terminating thereat; and if they or a majority of them shall determine that there is need of a new public road as above located and described 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, 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 damages of every owner of said lands, taking into consideration all the benefit as well as the 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 included, setting down the several items of cost, and shall make a return of all their proceedings to the clerk of the peace in and for Sussex county, and which shall be by him filed in his office as a record of a public road in Sussex county. The report as aforesaid shall be under the hands of said commissioners or a majority of them.

OF ROADS.

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 return and plot are approved by the said Levy Court an appropriation may be made for opening the same as a public road, and when opened shall in all respects be a public road in Sussex county. ^{Return to Levy Court} ^{Who may provide for opening.}

SECTION 3. That the commissioners shall be sworn or affirmed to perform their duties with fidelity. Any commissioner neglecting 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 shall 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. ^{Oaths.} ^{Vacancy.}

SECTION 4. That the commissioners shall be allowed two dollars per day for each days actual service in the performance of their duties. The surveyor shall be allowed such compensation as the Levy Court may determine. The fees of the commissioners, surveyor and other persons employed as chain carriers, and may be paid by the said Levy Court. ^{Fees.} ^{How paid.}

SECTION 5. That in no case shall the damages assessed to the owners of the land over which said road shall be laid out by said commissioners be of any expense or cost to Sussex county. That the opening, widening and making said road and bridges thereon ready for public travel shall be of no expense to Sussex county. ^{No expense to county.}

SECTION 6. That this act shall be deemed and taken to be a public act.

Passed at Dover, May 28, 1897.

OF ROADS.

CHAPTER 508.

OF ROADS.

AN ACT to straighten the Public Road between Greenwood and St. Johnstown in North West Fork and Nanticoke Hundreds in Sussex County, Delaware.

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

Commissioners to straighten road.

Location.

SECTION 1. That Thomas Giles, William T. Records and Robert H. Cahall be and they are hereby appointed commissioners to go upon and examine the public road leading from Greenwood to St. Johnstown in North West Fork and Nanticoke hundreds, Sussex county and State of Delaware, and determine whether the public convenience requires the changing of the course of the said public road so that the same shall run from a point at or near the residence of Benjamin T. Herring in said village of Greenwood in an easterly direction in front of the Methodist Episcopal parsonage, through lands of Simeon Pennewill, lands of Joseph D. Knowles and lands of James H. Davis or his wife, in a direct course, or nearly so, till it intersects the said public road at St. Johnstown aforesaid at or near the residence of the said James H. Davis; and if they, or a majority of them, shall decide that such change in the course of said public road is necessary, then they, or a majority of them, shall proceed to change the course of said public road so that the same shall run from a point as above stated at or near the residence of Benjamin T. Herring in said village of Greenwood in an easterly direction, or nearly so, in front of the Methodist Episcopal parsonage, through lands of Simeon Pennewill, and continuing through lands of said Simeon Pennewill and lands of Joseph D. Knowles and lands of James H. Davis or of his wife, in a straight and direct course, or nearly so, till it intersects the present public road at St. Johnstown aforesaid, at or near the residence of the said James H. Davis. They shall cause a plot to be made representing the proposed change in the course of said public road, and shall assess any damage which may accrue to the owner or owners of the lands through which the said public road as changed shall pass, taking into consideration all the circumstances of

Plot.

Damages.

OF ROADS.

benefit as well as injury to each of the owners and shall make a computation of the costs of making said change in said Costs. road, all of which shall be set forth in their return. They shall also in their return set forth their determination that Return. there is need of the said change for public convenience, and shall annex to their return the before mentioned plot.

SECTION 2. That the plot and return so to be made as Return to clerk of peace. aforesaid by 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 at its Approved by Levy Court. next regular or adjourned session that the said Levy Court may approve and establish said road so as aforesaid changed; *provided*, that the costs of land, opening and making said No expense to county. road shall be of no expense to Sussex county.

SECTION 3. That the aforesaid commissioners and the Oaths. surveyor, if they shall deem it necessary to employ one, shall, before performing the duties herein imposed, be severally sworn or affirmed to perform their duties faithfully, and for Fees. their services they shall be compensated by the Levy Court.

SECTION 4. That the part of the original road supplied Portions of old road vacated. by the road laid out under this act shall be vacated, and may be enclosed by the owner or owners through which it passes as soon as the said original public road as changed under this act is accepted and adopted by the said Levy Court and made ready for the public use and travel.

SECTION 5. That in case of a vacancy or vacancies in the Vacancy. commissioners named in the first section, the resident judge of Sussex county may appoint a commissioner or commissioners to fill such vacancy or vacancies.

SECTION 6. That this act shall be deemed and taken to be a public act.

Passed at Dover May 29, 1897.

OF ROADS.

CHAPTER 509.

OF ROADS.

AN ACT in relation to a certain Road in Broadkiln Hundred, Sussex County.

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

Road may
be straight-
ened.

Levy Court
may accept
as public
road.

Old road
vacated.

SECTION 1. That George A. Bryan of Broadkiln hundred, Sussex county, be and he is hereby authorized and directed to straighten and shorten a certain public road leading from the dwelling house of the said George A. Bryan towards Hunter's saw mill, said road running through the lands of the said George A. Bryan. It is also expressly provided that the said road after its completion is to be accepted as a public road by the Levy Court of Sussex county, and is to be kept up by the said Levy Court. *And be it further provided*, that after the completion and acceptance of the said new road the said old road shall be vacated.

SECTION 2. That this act shall be deemed and taken to be a public act.

Passed at Dover, May 29, 1897.

OF ROADS.

CHAPTER 510.

OF ROADS.

AN ACT to lay out a new Public Road in Seaford 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 Thomas H. Brown, Frank Allen and Edgar L. Kinder, three judicious and impartial freholders of Sussex county, be and they are hereby appointed to go upon and view the premises and determine whether there is need of a new public road, beginning at a point on the new county road leading from Seaford to Bridgeville, designated by a large oak; thence running westwardly between the lands of Ross and Dashiels; thence through the lands of Z. N. Moore; thence between the lands of Mrs. Swain and Jos. Neal; thence between the lands of Baker Brvan and H. Spicer to the lands of Sherman Hill; thence through the lands of Sherman Hill to Bethel Lane as the said Sherman Hill may direct or designate. 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 a new public road thirty feet wide and assess the damages, if any, and estimate the cost of making said road and cause a plot to be made representing the courses and distances thereof, but in no case is the cost for the land or the opening and making said road to be of any expense to Sussex county.

Commissioner to lay out new road.

Route.

Surveyor. Damages.

No expense to county.

SECTION 2. That the commissioners are hereby authorized to administer oaths to each other and to the surveyor by them employed.

Oaths.

SECTION 3. That the fees of the commissioners and surveyor and such other persons as may be employed in laying out the said road shall be the same as now provided by law for such services in laying out public roads, and shall be paid in like manner.

Fees.

SECTION 4. That this act shall be deemed and taken to be a public act.

Passed at Dover, May 29, 1897.

TITLE NINTH.

Regulations Concerning Trade.

CHAPTER 511.

GENERAL PROVISIONS RESPECTING TRADE.

AN ACT to amend an act entitled "An act making Saturdays throughout the year from and after the first day of June in the year eighteen hundred and ninety-five half holidays in the City of Wilmington for Banking and Trust Company Purposes."

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

Act
amended.

Extended
to N. C. Co.
excepting
St. Georges
hundred.

SECTION 1. That the act entitled "An act making Saturdays throughout the year from and after the first day of June in the year eighteen hundred and ninety-five half holidays in the City of Wilmington for banking and trust company purposes," passed at Dover, April 26, 1895, be and the same is hereby amended by adding to Section 4 of said act the words following, to wit: "That all of the provisions of this act are hereby extended to and shall hereafter apply to the county of New Castle the same as to the City of Wilmington, with the exception of St. George's hundred."

SECTION 2. This shall be a public act and shall be published.

Passed at Dover, March 12, 1897.

OF RETAILERS OF GOODS AND PEDDLERS.

CHAPTER 512.

OF RETAILERS OF GOODS AND PEDDLERS.

AN ACT to amend Chapter 68 of the Revised Code.

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

SECTION 1. That Chapter 617 of Volume 18 be amended ^{Act} amended.
by inserting in Section 3, line 21 thereof, the following:
"Peddlers shall pay for such license as follows: For foot, fifty ^{Peddler's}
dollars a year (and may be paid in quarterly installments)."
^{license.}

Passed at Dover, May 19, 1897.

TITLE TENTH.

Of Corporations.

CHAPTER 513.

OF CORPORATIONS.

AN ACT in relation to Foreign Corporations.

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

Foreign
corpora-
tions to file
with each
prothono-
tary name
of autho-
rized agent.

SECTION 1. That no foreign corporation shall engage in, prosecute or transact any business of any kind within the limits of this State on or after the first day of June, A. D. 1897, without, in addition to what is now required by the laws of this State, first filing a certificate under its corporate seal and the hand of its president or head officer, attested by its secretary, in the office of the prothonotary of the Superior Court of the State of Delaware in each of the counties of this State, designating the name and residence of some person or agent within this State upon whom service of process may be made.

Service of
process.

SECTION 2. That all process sued out of this State in any court of this State against such corporation, all orders made by any court of this State, all rules and notices of any kind required to be served on or given to any such corporation may, after said first day of June, A. D. 1897, be served on or given to such person or agent so certified as aforesaid, and such service or notice shall be as effectual and shall operate as if it had been served on or given to said corporation.

Record of
agents of
foreign cor-
porations.

SECTION 3. The prothonotary of the Superior Court of the State of Delaware in each county of this State shall procure and keep a book which is hereby named "Record of Agents of Foreign Corporations," and shall enter and record

OF CORPORATIONS.

therein the name of every foreign corporation, designating Contents.
 by certificate any person or agent as aforesaid, the name of
 such person or agent, the name of the State in which said
 corporation is incorporated, and the date of the filing such
 certificate; and for making the above entries the prothono-Fee.
 tary making the same shall receive from the corporation,
 whose certificate it is, a fee of one dollar.

SECTION 4. Any such foreign corporation, by filing a cer- Change of
 tificate of the same kind and nature, executed as afore- agent.
 said, in the several offices aforesaid, may change such
 agent or person and substitute another person or agent
 for the purposes aforesaid; *provided, however,* every such Agent must
 person or agent mentioned in this act shall at the time be a resi-
 of his appointment be a resident of this State; and *pro-* dent of
vided further, however, if any person or agent designated State.
 and certified as prescribed in this act shall die or remove from
 this State, then the foreign corporation for which such person
 or agent has been so designated and certified shall, within
 ten days after the death or removal as aforesaid of such agent Vacancies
 or person in the same manner as is prescribed in Section 1 to be filled
 of this act, substitute, designate and certify the name of within ten
 another person or agent for the purposes aforesaid, and all pro- days.
 cess, orders, rules and notices mentioned in Section 2 of this
 act may be served on or given to such substituted person or
 agent with like effect as is prescribed in said Section 2 of
 this act.

SECTION 5. That any foreign corporation engaging in, Violation.
 prosecuting or transacting any business of any kind within
 the limits of this State on and after the said first day of June,
 A. D. 1897, without first having complied with the provisions
 of this act shall be guilty of a misdemeanor, and upon con- Misdemeanor.
 viction thereof shall be fined not less than two hundred dol- Fine.
 lars nor more than five hundred dollars for each and every
 offence. Any agent of any foreign corporation that shall Agent
 transact any business within the limits of this State for any violating.
 foreign corporation before such foreign corporation has com-
 plied with all of the provisions of this act, shall be guilty of
 a misdemeanor, and upon conviction thereof shall be fined Misdemeanor.
 not less than one hundred dollars nor more than five hun- Fine.
 dred dollars for each and every offence.

SECTION 6. This shall be and is a public act.

Passed at Dover, May 12, 1897.

OF CORPORATIONS.

CHAPTER 514.

OF CORPORATIONS.

AN ACT in reference to Suretyship on Fiduciary Bonds.

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

Charges for
corporate
suretyship
may be
ordered
paid out of
trust funds.

SECTION 1. That any receiver, guardian, assignee, committee, trustee, executor, administrator or other fiduciary required by law or the order of any court, to give a bond, undertaking or other obligation as such, who shall avail himself of corporate suretyship in such bond, undertaking or obligation as is now or shall hereafter be authorized by the laws of this State, may present to the proper court or officer before whom he is required to account, a statement and receipt showing the amount of charges paid for such corporate suretyship, and thereupon the said court or other officer, before whom such accounting is rendered may either order and direct such sum, either in whole or in part, to be a charge upon the estate and charged accordingly; or it may, at its discretion, direct that no part thereof shall be charged upon the estate. *Provided, however,* that no charge for such suretyship shall in any case be allowed which shall exceed one half of one per centum per annum of the amount of such bond, undertaking or obligation.

Maximum
charge.

SECTION 2. That all laws or parts of laws in conflict herewith are hereby repealed.

Passed at Dover, May 29, 1897.

OF CANALS.

CHAPTER 515.

OF CANALS.

A FURTHER ADDITIONAL SUPPLEMENT to an 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 :

SECTION 1. That in addition to the sums appropriated under and by authority of Chapters 139 and 616, Volume 18, and Chapter 178, Volume 19, 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 one thousand dollars, or such portion thereof as may be necessary, 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 a further additional supplement.

Appropriation to Assawaman Canal.

SECTION 2. That for any services that may be performed after the present session of the legislature the commissioners hereinafter appointed shall receive such compensation as the legislative committee at its session in January, A. D. 1898, shall think proper to allow, and such allowances shall be paid by the committee's draft on the State Treasurer. If the said commissioners shall not have completed the services 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 further additional supplement subsequently to the session of the said legislative committee for allowance.

Compensation of commissioners.

How allowed and paid.

SECTION 3. Whenever any award by the special commission of three freeholders hereinafter appointed in lieu of those mentioned in Section three of the act to which this is a 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.

Award of commissioners approved and filed.

OF CANALS.

Com-
mis-
sioners.

SECTION 4. That Columbus Watkins, of New Castle county, John S. Herrington, of Kent county, and Andrew J. Horsey, of Sussex county, shall be and are hereby appointed commissioners, in lieu of the commissioners appointed by Section 3 of Chapter 139, Volume 18, Laws of Delaware, with all the powers and duties heretofore conferred upon said original commission.

Powers and
duties.

Passed at Dover, May 19, 1897.

CHAPTER 516.

OF CANALS.

AN ACT to reincorporate the Lewes River (formerly Lewes Creek) Improvement 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):

Company
incorpor-
ated.Capital
stock.

SECTION 1. That a company shall be established for the improvement of Lewes river. The capital stock of this company shall not exceed fifty thousand dollars, divided into five thousand shares of ten dollars each; and the said company shall go into operation and their incorporation, as hereinafter provided, shall take effect whenever fifty shares shall be subscribed.

Commis-
sioners to
receive
subscrip-
tions to
stock.Time and
place.

SECTION 2. *And be it further enacted,* That William T. Thompson, Dr. David L. Mustard, Franklin C. Maull, Dr. Hiram R. Burton, Alfred L. Burton, Elmer Outen and Edward T. Veasey shall be commissioners, and they or any four of them are authorized to open books at Lewes at any time hereafter, upon ten days notice, posted in five of the most public places in Lewes aforesaid, to receive subscriptions to the said capital stock, which said books shall continue open so long as the said commissioners or a majority of them shall direct, and may be again reopened on giving notice as aforesaid, and closed as aforesaid, so often as may be deemed necessary by the said commissioners, until the amount of said stock be subscribed.

OF CANALS.

SECTION 3. *And be it further enacted,* That the said subscribers to the capital stock aforesaid, their successors and assigns, shall be and they are hereby created a corporation by the name of "The Lewes River Improvement Company," and shall continue and by that name have succession for twenty years from the time of the passage of this act, and shall have power and capacity to sue and be sued in courts of law and equity, to purchase, take and hold as well as to sell and alien any lands, tenements, hereditaments, goods, chattels, rights, credits and effects, which may be conducive to the purpose for which said company is formed, to have and use a common seal, to ordain by-laws, rules and regulations for their own government, not repugnant to the constitution and laws of this State, or of the United States, and to enjoy the franchises of a corporation, but they shall not use or enjoy any banking powers whatever. The business of the said company shall be managed by seven directors, who shall be stockholders, and shall be elected by the stockholders annually. The first election may be held upon ten days public notice given as herein provided for the opening of the books of the company.

The directors shall elect one of their number to be the president, and the said president and directors shall appoint one of the stockholders to be the treasurer of said company, who shall give such bond as they may deem necessary, and shall have power to remove and change such treasurer, as may be deemed necessary, until the stockholders at an annual meeting shall make and adopt such by-laws regulating and prescribing the duties and powers of the president, directors and treasurer, and prescribing the amount of bonds to be given by such officers, and that all such by-laws, rules and regulations may be changed, altered or amended at any annual meeting of the stockholders, and not otherwise. That the annual meeting shall be held in Lewes, on the second Monday in February in each and every year. That the said company may enter upon and deepen any part of the channel of said Lewes river, and may also enter upon and cut through any of the public marshes for the purpose of cutting a new channel wherever they may consider it best for the improvement of the navigation of said river. Whenever any owners of any private marsh through which the said company may consider it necessary to cut any new channel shall refuse or neglect to make an arrangement so as to enable the said company to cut such a channel, it

Corporation created

Style.

Term.

Powers.

Seal.

By-laws.

No banking powers.

Directors.

First election of directors.

President.

Treasurer.

Annual meeting.

Place.

Time.

Powers of company.

Owner of marsh objecting to having channel opened.

OF CANALS.

Company may have commissioners to assess damages. shall be the duty of any judge of the Superior Court, upon application made to him by said company, to appoint five impartial citizens of Sussex county to go upon, view and assess the damages that any such owner shall be entitled to, and to require that the said five impartial citizens (commissioners) shall be first duly sworn to assess such damages and make and certify to such owners and to such company the amount thereof, and also stating the width and length of the marsh which the said company may be entitled to use for the purposes of said company; and should such owner or owners be not satisfied with the award thus made and certified to them, or should the company be not satisfied with such award, then either party may, within thirty days from the time of the service of such award, apply to the prothonotary of the Superior Court of Sussex county for a writ of *ad quod damnum*, which shall be final when the same has been confirmed by the said court. That the said company shall not enter on any private marsh until all the damages have been paid to such owner or owners, or in case of the neglect, refusal or disability of such owner or owners to receive the same, then until the said company shall deposit said amount due such owner or owners to the credit of such owner or owners in the Farmers' Bank of the State of Delaware at Georgetown. That for the purpose of making the improvement of the channel of said Lewes river more available, it may also be lawful for the said company to erect and make a tow-path along said river, upon the banks thereof and upon the public marshes through which said company may cut such new channel.

SECTION 4. *And be it further enacted*, That at the first meeting of the stockholders called by the commissioners as hereinbefore provided for the election of directors, the subscribers shall pay the sum of five dollars on each share of stock subscribed for, and the directors may call in the balance of said subscribed stock in two installments upon giving twenty days notice of the same, either personally to such subscribers or by notice given in two of the newspapers published in the county, if there be such, otherwise in two of the newspapers published in this State, and there shall be at least thirty days between the times appointed for the payment of said last two installments, and upon the neglect or refusal to pay said last installments, or either of them, for more than ten days after the time appointed for the payment thereof, the amount heretofore paid in shall be forfeited to the company.

OF CANALS.

SECTION 5. *And be it further enacted*, That the said seven commissioners herein named shall have power and authority, for the purpose of making the improvements herein contemplated, to go upon and view the said river and marshes, and to lay off and mark out such canals, tow-path and note such improvements as they shall deem necessary, and make a plot or description thereof and submit the same to the first meeting of the stockholders, to be held under the provisions of this act, for their approval; and when the same shall have been approved as returned to said meeting or altered by the said meeting and approved; and each stockholder who shall have paid in the first installment of five dollars for each share of stock subscribed by him, and no others, shall be entitled to one vote for each share upon which said sum of five dollars has been paid; and that thereupon the directors, when chosen, may proceed to the deepening of said river and the cutting of said canal and making the said tow-path, and may make contracts for the same, or hire and pay such laborers and procure such machines as they may deem most advantageous for the purpose of effecting such improvements.

Commissioners to view river and marsh and make report with plot to first meeting for approval of stockholders.

Who may vote.

Powers and duties of directors chosen.

SECTION 6. *Be it further enacted*, That it shall be the duty of said directors, and they are hereby authorized and empowered, as soon as the said improvements shall be so far completed as that vessels drawing five feet of water may pass through the same at common high water, to stop or dam up such place or places in said river, as they may deem expedient, so as to turn the waters of said river through said improvements; and when the said improvements shall have been so far completed as to allow vessels to pass through the same at common high water, drawing five feet, so far as to the intersection of said improvements with Canary creek, then said company may be, and until the amount of the capital stock, or the actual amount expended in improving said navigation, and all costs attending the same with legal interest shall be fully satisfied, they are hereby authorized to charge and collect tolls from any vessel or boat passing through the said improvements of more than ten tons capacity, at the rate of not more than fifteen cents per ton for the trip in and out; and whenever the said improvement shall have been so completed as to allow vessels drawing five feet as aforesaid to pass and repass to the bridge over said river at Lewes, it shall and may be lawful for the said company to charge and collect tolls from all such vessels as hereinbefore mentioned at the rate of not exceeding thirty cents per ton for passing and re-

Further powers of directors.

Tolls from vessels.

Rates

OF CANALS.

passing through any part of said improvements in and out, so long as the said company shall keep the said improvements in such condition as to allow vessels of the draught of five feet to pass and repass at common high water; and whenever said company shall allow any obstructions to remain in said improvements so as to prevent the use of the same for an unreasonable time, then they shall forfeit all privileges herein conferred; that the said toll may be collected by distress and sale of any property belonging to said vessel.

Permitting
obstruction
forfeits
rights.

Tolls, how
collected.

Damage to
canal.

Misde-
meanor.
Punish-
ment.

Powers and
objects of
company.

SECTION 7. *And be it further enacted*, That if any person or persons shall designedly fill up, obstruct or injure any of these improvements when made, or during the making thereof, he, she or they so filling up, obstructing or otherwise injuring the said improvements or any part of them, shall be deemed guilty of a misdemeanor, and upon conviction thereof be fined not more than five hundred dollars, and shall also be held responsible to said company in damages in a civil suit.

SECTION 8. *And be it further enacted*, That said Lewes River Improvement Company is hereby authorized and empowered to own, hold or lease and to operate steamboats, sailboats or other vessel property, and to establish lines between Lewes and other points for the transportation of freights of all kinds and the carrying of persons, and to fix and collect rates and charges therefor; to build and own wharves, warehouses and such other property as may be deemed necessary for the business of said company.

SECTION 9. This act shall be deemed and taken to be a public act, and the power to revoke this act is hereby reserved to the Legislature.

Passed at Dover, April 29, 1897.

OF TELEPHONE COMPANIES.

CHAPTER 517.

OF TELEPHONE COMPANIES.

AN ACT to incorporate "The Diamond State Telephone 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 Charles W. Cullen, Joseph D. Truxton, G. Layton Grier, Alvin B. Conner, Richard R. Kenney, Harry A. Richardson, Stephen Slaughter, Caleb S. Pennewill, Edward L. Jones and Edward S. Anderson, and such other persons as may hereafter become stockholders in the company hereby incorporated, their successors and assigns, be and they are hereby constituted a corporation and body politic by the name of "The Diamond State Telephone Company," and by that name shall have perpetual succession with power to sue and be sued, to plead and be impleaded, to complain, answer and defend in all courts of law and equity, to purchase, take, lease and hold and enjoy all such estate and property, real, personal and mixed, as may come into its possession in the course of its dealings and business, having the same rights, powers and privileges and subject to the same duties with respect thereto as any individual holder whatsoever the same may be and wheresoever situate; the same to invest, manage, sell, grant, convey, loan, mortgage and otherwise dispose of at its pleasure; to have and use a common seal and the same to alter and renew at pleasure and generally use, exercise and enjoy all the powers, rights, privileges and franchises incident to a corporation, except banking powers, which are proper and necessary to the transaction of the business of the corporation hereby created.

SECTION 2. The said corporation is further authorized generally to do such acts and things as may be proper and necessary in the conduct of the business of construction and operation of a telephone and telegraph business in all its various branches. The said company shall have power to occupy and use public streets, roads, lanes, alleys, avenues, turnpikes and waterways within this State or elsewhere, if they shall extend their lines and business, for the erection of poles and wires or cable or underground conduits, portions of

Corporators

Incorporated.

Style.
Perpetual
succession.
Powers.

No banking
powers.

Nature of
business.

Use of
streets, &c.

OF TELEPHONE COMPANIES.

which they may lease, rent or hire to other companies; *provided*, that before entering upon any street, road, lane, alley, avenue, turnpike or waterway the consent of the authorities having jurisdiction thereof shall have first been obtained, and the same shall be used and occupied under such rules and regulations as shall be prescribed by such authorities.

With
consent of
authorities.

SECTION 3. The corporators named in Section 1 of this act, or a majority of them, shall have power and are hereby authorized to open books and secure subscription to the capital stock at such times and places as they may deem expedient, which said capital stock shall consist of one thousand shares of the par value of twenty-five dollars each, making a total capital of twenty-five thousand dollars. The majority of the stockholders may, however, increase the capital stock in their discretion from time to time, by such amounts as shall be proper and for the best interests of the said company; *provided, however*, that the said capital stock shall not at any time exceed the sum of one hundred thousand dollars; such capital stock or such increases as may be made shall be all common or in part preferred as the stockholders may determine. The subscribers of the said capital stock or their assigns may meet at any time after ten per centum of said capital stock shall have been paid in by the subscribers thereto and elect as many directors as they shall deem necessary, who shall constitute the board and serve until the ensuing annual meeting, or until their successors shall be duly elected.

Books for
subscriptions to
stock.

Capital
stock.

May be
increased.

Maximum
capital
stock.

First
meeting of
stock-
holders.

Directors.

Office in
Dover.
Annual
meeting.
Directors.
Votes.

Terms of
office.

Vacancy.

SECTION 4. The principal office of said company shall be in the town of Dover, where its annual meeting shall be held, at which meeting its directors shall be chosen by ballot and by a majority of the votes cast, stockholders being entitled to one vote for each share of stock held in either person or by proxy. They shall continue in office until the next annual meeting or until their successors shall be duly chosen. Any vacancy happening in the board shall be supplied by the other directors.

Officers.

By-laws.

SECTION 5. The directors shall choose from among their number a president and vice president, and shall elect a secretary and treasurer and employ such other officers, agents and servants as may be necessary, and may secure their fidelity by bond or otherwise as they shall judge proper. They shall adopt such by-laws for the government of the affairs and business of said company as they may deem proper.

OF TELEPHONE COMPANIES.

SECTION 6. That this act shall be deemed and taken to be an act for public improvement and is declared to be a public act, and the power to alter, amend or revoke is hereby reserved to the Legislature.

Passed at Dover, March 31, 1897.

CHAPTER 518.

OF TELEPHONE COMPANIES.

AN ACT to incorporate Trans-Peninsular Telegraph and Telephone 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 Roland G. Paynter, Wilmer Emory, ^{Corporators} Joseph D. Truxton, Everett Hickman, Charles W. Cullen, George R. Mears, Henry W. Hickman, and such other persons as may hereafter become stockholders in the company hereby incorporated, their successors and assigns, be and they ^{Incorporated.} are hereby constituted a corporation and body politic by the name of "Trans-Peninsular Telegraph and Telephone Com-^{Style.}pany," and by that name shall have perpetual succession ^{Perpetual succession.} with power to sue and be sued, to plead and be impleaded, complain, answer and defend in all courts of law and equity, ^{Powers.} to purchase, take, lease and hold and enjoy all such estate and property, real, personal and mixed, as may come into its possession in the course of its dealings and business, having the same rights, powers and privileges, and subject to the same duties with respect thereto as any individual holder, whatsoever the same may be and wheresoever situate, the same to invest, manage, sell, grant, convey, loan, mortgage and otherwise dispose of at its pleasure; to have and use a common seal, and the same to alter and renew at pleasure ^{Seal.} and generally use, exercise and enjoy all the powers, rights, privileges and franchises incident to a corporation, except banking powers, which are proper and necessary to transac- ^{No banking powers.} tion of the business of the corporation hereby created.

OF TELEPHONE COMPANIES.

Nature of business. SECTION 2. That said corporation is further authorized generally to do such acts and things as may be proper and necessary in the conduct of the business of construction and operation of a telephone and telegraph business in all its various branches. The said company shall have power to

Use of streets, &c. occupy and use public streets, roads, lanes, alleys, avenues, turnpikes and waterways within this State and upon the

Where. Delaware, Maryland and Virginia peninsula or elsewhere, if they shall extend their lines and business for the erection of poles and wires or cable or underground conduits, portions of which they may lease, rent or hire to other companies; *provided*, that before entering upon any street, road, lane, alley, avenue, turnpike or waterway, the consent of the authorities having jurisdiction thereof shall have first been obtained, and the same shall be used and occupied under such rules and regulations as shall be prescribed by such authorities.

With consent of authorities.

Books for subscription to stock. SECTION 3. The incorporators named in Section 1 of this act, or a majority of them, shall have power and are hereby authorized to open books and secure subscriptions to the capital stock at such times and places as they may deem expedient, which said capital stock shall consist of one thousand shares of the par value of ten dollars each, making a total capital of ten thousand dollars. The majority of the stockholders may, however, increase the capital stock in their discretion from time to time by such amounts as shall be proper and for the best interest of said company. *Provided, however*, that the said capital stock shall not at any time exceed the sum of one hundred thousand dollars. Such capital stock or such increase as may be made shall be all common, or in part preferred, as the stockholders may determine. The subscribers of the said capital stock, or their assigns, may meet at any time after ten per centum of said capital stock shall have been paid in by the subscribers thereto, and elect as many directors as they shall deem necessary, who shall constitute the board and serve until the ensuing annual meeting, or until their successors shall be duly elected.

Time and place. Capital stock.

May be increased.

Not to exceed \$100,000.

First meeting of stockholders.

Election of directors.

Terms.

Office at Georgetown. SECTION 4. The principal office of said company shall be in Georgetown, where its annual meeting shall be held, at which meeting its directors shall be chosen by ballot and by a majority of the votes cast, the stockholders being entitled to one vote for each share of stock held, either in person or by proxy. They shall continue in office until the next annual meeting or until their successors shall be duly chosen.

Annual meeting.

Election of directors.

Voting.

Terms of directors.

OF RAILROADS.

Any vacancy happening in the board shall be supplied by the Vacancy.
other directors.

SECTION 5. The directors shall choose from among their Officers.
number a president and vice-president, and shall elect a secretary and treasurer, and employ such other officers, agents and servants as may be necessary, and may secure their fidelity by bond or otherwise as they shall judge proper. They shall adopt such by-laws for the government of the By-laws.
affairs and business of said company as they may deem proper.

SECTION 6. That this act shall be deemed and taken to be an act for public improvement and is declared to be a public act, and the power to alter, amend or revoke is hereby reserved to the Legislature.

Passed at Dover, April 20, 1897.

CHAPTER 519.

OF RAILROADS.

AN ACT to amend the act entitled "An act to incorporate 'The Elsmere and Wilmington Electric Railway Company.'"

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 therein):

SECTION 1. That the act entitled "An act to incorporate 'The Elsmere and Wilmington Electric Railway Company,' " Time extended for completing road.
be and the same is hereby amended by extending the time for the completion of said railway to the first day of November, A. D. 1897.

SECTION 2. That if "The Elsmere and Wilmington Electric Railway Company" shall on or before the first day of November, A. D. 1897, complete the line authorized by its charter, the act incorporating the said company shall be and remain valid for all purposes for which it was enacted. TILL No-
vember
1, 1897.

SECTION 3. This act is hereby declared to be a public act.

Passed at Dover, February 8, 1897.

OF RAILROADS.

CHAPTER 520.

OF RAILROADS.

A SUPPLEMENT to an act entitled "An act to incorporate the Wilmington and Brandywine Springs Railway Company," passed at Dover, April 14, 1893, and a supplement thereto entitled "A supplement to an act entitled 'An act to incorporate the Wilmington and Brandywine Springs Railway Company,'" passed at Dover, May 1, 1895.

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):

Acts continued in force.

Work to be completed by January 1, 1898.

SECTION 1. That the rights, privileges and franchises granted by the act entitled "An act to incorporate the Wilmington and Brandywine Springs Railway Company," passed at Dover, April 14, 1893, and an act entitled "A supplement to an act entitled 'An act to incorporate the Wilmington and Brandywine Springs Railway Company,'" passed at Dover, May 1, 1895, are hereby continued in full force and shall not cease or be forfeited; *provided*, that the railway authorized by such act, to which this is a supplement, shall be built and in operation on or before the first day of January, A. D. 1898, otherwise such act shall become void, and all rights, privileges and franchises therein granted shall wholly cease and determine.

Passed at Dover, April 1, 1897.

OF RAILROADS.

CHAPTER 521.

OF RAILROADS.

A BILL entitled An Act supplementary to Chapter 84 of the Acts of Assembly of 1895, incorporating the Queen Anne's Railroad Company in the State of Delaware, to authorize said Railroad Company to extend its line in this State and granting certain additional privileges and powers thereto.

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

SECTION 1. That the Queen Anne's Railroad Company incorporated in this State by the terms of Chapter 84 of the Acts of the General Assembly of Delaware of 1895, be and is hereby granted the power to change the corporate name of such body corporate, to such name as may be adopted by the directors; *provided*, the authority for such change of name shall be also be first granted to said body corporate by the legislature of the State of Maryland; *and provided further*, that a certified copy of the resolution of the board of directors of the said body corporate, changing the corporate name as herein authorized, under the corporate seal of the said body corporate shall be recorded among the land records of Sussex county in this State.

SECTION 2. And the said body corporate is hereby authorized and empowered to extend its line of railway from some point upon said line within three miles of the terminus at Lewes, Delaware, to Rehoboth beach, or some point upon the coast of the Atlantic Ocean, within three miles of Rehoboth beach, and is hereby granted a right of way over and upon any lands owned by this State, which said route may intersect or traverse. Or said body corporate is empowered to connect its line with the line of any other railway company which may now exist or be hereafter constructed between the points or termini herein mentioned and to use and operate the same under such agreement as may be made between said companies.

SECTION 3. The time for the completion of the construction, as authorized by the said acts of assembly, known as Chapter 84 of the acts of 1895, is hereby extended one year

OF RAILROADS.

beyond the period named in said act, and the time of any delays in the construction of said railroad caused by litigation with property owners or other persons shall be added to the period of time herein set and limited for such construction.

Additional
powers.

Authority
to occupy
lands.

SECTION 4. And the Queen Anne's Railroad Company is hereby authorized to erect pavilions, depots and hotels or other buildings, which may be useful or advantageous for the purpose of carrying on its traffic in freight and in passengers and for the accommodation and entertainment of its said passengers and the public, and may occupy and use for such purpose so much of the public lands, whether belonging to the State or any county of this State, or to any town; and the Governor of the State, or the Levy Court of such county, and the city council or commissioners of any such municipality as may have an interest in said lands, thus authorized to be taken and used, are hereby authorized and empowered to execute a deed, lease or other contract for such lands, or any interest therein, to the said body corporate, for and upon the consideration for the taking or use of said property, which may be agreed upon between the said body corporate and the said officers of the State or county or municipalities.

Passed at Dover, April 9, 1897.

CHAPTER 522.

OF RAILROADS.

AN ACT to incorporate the Dover and Bay Shore Railway 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):

Corporators

To open
books for
subscrip-
tions to
stock.

SECTION 1. That John Cosgriff, Wm. A. C. Hardcastle, Edwin R. Cochran, Lucius P. Campbell, George B. Money, Franklin Temple and John W. Pennimore, Jr., be and they are hereby appointed commissioners to procure and cause to be opened, at such time and place as a majority of them shall deem proper, a suitable book for subscriptions to the

OF RAILROADS.

capital stock of the "Dover and Bay Shore Railway Company," and may permit such persons to subscribe in said book for such number of shares of said capital stock as a majority of said commissioners may deem proper.

SECTION 2. That as soon as one hundred shares of the said capital stock shall have been subscribed for, and fifty per centum of the par value thereof shall have been paid in in cash by the said subscribers, the persons subscribing therefor and such others as shall at any time become shareholders in said company, their successors and assigns, shall be and they are hereby declared to be incorporated by the style and title of "Dover and Bay Shore Railway Company," and by that name shall have perpetual succession, be sued, plead and be impleaded, answer and be answered unto, defend and be defended in any and all courts and places whatsoever, whether in this State or elsewhere, in all manner of actions, suits, complaints, pleas, causes, matters and demands whatsoever; and shall have power to purchase, lease, take, own and hold by contract, deed, devise, bequest, gift, assignment, or otherwise, estate, real, personal or mixed, of every kind, and the same to grant, mortgage, sell, lease, alien, convey and dispose of in such manner and on such terms and conditions as the said company or its successors shall think proper; to enter into any or all contracts necessary or proper to be made in the conduct of its business; to declare dividends out of the net profits of the company; to have a common seal; to ordain by-laws for the government of the said company; to exercise and enjoy all the franchises incident to a corporation, and generally to do all and singular those matters and things which appertain to the well being and ordering of said company; *provided*, that no authority herein given shall be so constructed as to authorize the exercise of banking powers.

When incorporated.

Style.

Powers.

Dividends.

Seal.

By-laws.

No banking powers.

SECTION 3. That the object and purpose of the corporation hereby created is to construct, maintain, and operate a railway from a point within the limits of the town of Dover to any point on the Delaware Bay shore at or near Woodland Beach, or to intermediate points in said route; and for the purpose of securing such construction, maintenance and operation the company hereby created is authorized and empowered to construct, operate and maintain a railway between the points and over the streets, roads and routes hereinafter named; the cars or carriages of said railway to be moved or propelled by horses, by electricity, by cable motor,

Object to construct railway.

Terminals.

Motive power.

OF RAILROADS.

or by any improved motive power (other than steam) which the said company may, in its discretion, at any time adopt; the right being hereby given to said company to erect, construct, operate and maintain such devices, contrivances 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.

Route.

SECTION 4. The railway of said company shall be located and constructed along the following routes, viz: Beginning at a point within the limits of the town of Dover, to any point on the Delaware Bay shore at or near Woodland Beach or to intermediate points within Kent county; *provided, however,* that the line of the railway to be constructed under the provisions of this act shall be located at least three miles east of the town of Smyrna and within one-half mile of the town of Leipsic; and for locating, constructing, and maintaining the railway of the said company it shall have power to use and occupy any county bridge, and so much of any street, avenue, public road or turnpike as may be determined by said directors, or, if deemed expedient by the directors of said company, it may use and occupy for a right of way lands other than a public road, the right to use which has previously been acquired by gift, lease, purchase, or as is hereinafter provided; *provided, however,* that before said company shall enter upon any bridge, street, avenue or public road for the purpose of laying or constructing its railways, as herein authorized, it shall obtain the consent of the authorities having the care thereof, who are hereby authorized to grant such consent, and shall be subject to such provisions and regulations respecting so much of the streets, avenues or public roads as shall actually be occupied by the tracks of the company, and for two feet on each side thereof, as may be imposed by said authorities at the time of granting consent for the occupation of said bridge, street, avenue or public road; *and provided further,* that if the railway to be constructed under authority of this act shall be so located as to cross the tracks of any steam railroad now being operated, such crossings shall not be at grade, but shall be by either overhead or undergrade crossing, which, if undergrade, shall be so constructed as not to interfere with the use of the road so crossed, or, if overhead, shall be at such elevation as will not impede the free and safe passage of engines and trains on the road so crossed.

Use of
bridges, &c.May ac-
quire land.Consent of
authorities.Crossing
tracks of
steam rail-
way not at
grade.

OF RAILROADS.

The railway to be constructed under this act, or any part thereof, may be laid with a single or double track, or at any time be altered from one to the other, as the directors may from time to time deem expedient, together with all sidings, turnouts, switches, turntables, poles, wires, cables, motors, dynamos, chains, contrivances and appliances necessary for the proper working of said railway. The corporation hereby created, and any other railway company now in operation, or which may be operated hereafter, may contract the one with the other, for the transfer and carriage of the cars and passengers of the company hereby incorporated over the tracks of said other company or companies, or any part thereof, and to make such other agreements as to furnish power, equipment, service, appliances and other necessities as may be mutually agreed upon. Any agreement for lease, to be legal, valid and binding, must first be ratified by a vote of a majority of the stockholders of both companies; *provided, however,* that the construction of the railway herein authorized shall be commenced within six months after the passage of this act, and it shall be completed, equipped and in operation within three years thereafter, otherwise this act shall become void, and all the rights, privileges, and franchises herein granted shall wholly cease and determine; *provided, however,* that if the aforesaid railway be laid with a double track only one of said tracks, together with the necessary sidings and turnouts, shall be laid or constructed upon any public street or highway; and *provided further,* that whenever the said railway shall cross any county bridge, the aforesaid railway company shall widen such bridge to the extent of the width of the track or tracks laid thereon, the expense of which shall be borne entirely by said company.

SECTION 5. That the capital stock of said company shall be three hundred and fifty thousand dollars, divided into seven thousand shares of the par value of fifty dollars each, with the privilege of increasing said capital stock, by a vote of the stockholders at an annual or special meeting or meetings, to such amount as they may from time to time determine upon; *provided,* it does not at any time exceed four hundred and fifty thousand dollars. The said company shall have power to borrow money, and to issue its obligations therefor in the form of notes, bonds or otherwise, with the privilege of securing the payment of such of its obligations as it may desire so to secure by mortgage or mortgages of

OF RAILROADS.

the said railway or any part thereof, or any part of its estate, real or personal, or of its corporate rights and franchises held under this act or any supplement thereto.

- Directors.** SECTION 6. That the business and concern of said company shall be managed by a board of directors, consisting of not less than three nor more than nine members, who shall be elected by the stockholders from their own number at such times and in such manner as may be provided by the by-laws, and who shall continue in office until their successors are duly chosen; any director ceasing to be a stockholder shall cease to be a director. The board of directors shall elect from their own number a president, and shall have power to elect such other officers, agents or servants as it may deem for the welfare of said company, determining their duties, fixing their compensation, and requiring, when in their judgment it may be desirable, security for the due and faithful performance of their duties. A majority of the whole number of directors shall constitute a quorum for the transaction of all business. Any vacancy in the board of directors or in the office of president shall be filled by appointment made by a majority of the whole board of directors.
- When and how elected and terms.**
- Officers.**
- Quorum.**
- Vacancy.**
- First meeting of stockholders.** SECTION 7. That as soon as convenient, after one hundred shares of the capital stock of said company shall have been subscribed for and fifty per centum of the par value thereof shall have been paid in by the said subscribers, the said commissioners, or a majority of them, shall call a meeting of the persons so subscribing for the purpose of organizing said company by the election of a board of directors, the number of which shall be determined by said meeting and the adoption of by-laws.
- Time and place.** Said meeting shall be held at such time and place as a majority of said commissioners shall determine, and notice of the time and place of such meeting shall be mailed to each subscriber at least one week prior to said meeting. At said meeting a board of directors shall be elected by ballot, who shall continue in office until their successors are duly chosen in accordance with the by-laws, and by-laws for the regulation and government of said company shall be adopted. At said meeting any three of the commissioners shall act as judges of election, and each subscriber shall be entitled in person or by proxy to one vote for each share of stock they have subscribed for. As soon as convenient after the election, the board of directors shall meet for the election of a
- Election.**
- By-laws.**
- Voting.**
- Meeting of directors.**

OF RAILROADS.

president and such other officers as they may determine upon, and for the transaction of such other business as may be brought before them.

SECTION 8. There shall be an annual meeting of the stockholders of the said company for the purpose of electing a board of directors and for the transaction of such other business as may properly be brought before it, which meeting shall be held at such time and place as the by-laws may prescribe. Special meetings of the stockholders may from time to time be called and held pursuant to the provisions of the by-laws. At all stockholders' meetings each stockholder shall be entitled, in person or by proxy, to one vote for each share of stock held by such stockholder. At any stockholders' meeting, whether special or annual, subject to the provisions of the by-laws, any by-law or by-laws may be altered, amended or repealed, or any new by-law or by-laws adopted by a majority of all the votes cast; *provided*, that notice of the intention to alter, amend or repeal such by-laws or adopt such proposed new by-law or by-laws be given in the call for said stockholders' meeting. The by-laws shall prescribe the proportion of the stock of the company that shall constitute a quorum of stockholders' meetings, and all other things relating to the government of said company not specifically provided for in this act.

SECTION 9. That the board of directors may from time to time make and declare dividends of the net profits of the business of the said company, or such portion of such profits as said board may deem proper.

SECTION 10. 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 of Kent county in term time, or any judge of the same in vacancy shall, upon application of the company, appoint five commissioners, who shall be freeholders, to 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 in the county, otherwise such notice shall be given to the tenant in possession or agent in charge of the premises. The commissioners being

OF RAILROADS.

sworn or affirmed to perform their duties with fidelity, shall assess fairly and impartially the damage of such owner or owners to be sustained by their premises being taken for the use of the company, taking into consideration all the advantages to be derived by the owner or owners by reason of said railway; and shall certify their proceedings, with their assessments under the hand and seal of a majority of them, to the company, whereupon the company, upon recording the same in the office for recording deeds in and for Kent county, and paying to the owner or owners of the premises as assessed as aforesaid, or depositing the same to the credit of such owner or owners in the Farmers' Bank in the State of Delaware at Dover, shall become entitled to hold, use 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 Kent county within sixty 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 damage 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 as before provided; and if the damages are reduced, the owner shall refund the amount diminished. The cost of the inquisition shall be paid by the unsuccessful party. The work of the 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 damage awarded by the commissioners, the title to 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.

SECTION 11. That the corporation hereby created shall have power to supply any or all of the towns on the line of its railway, hereinbefore provided for, with artificial light or electricity, and to this end, after having first obtained permission from the proper authorities of the towns so desired to be lighted by electricity as aforesaid, said corporation is hereby expressly invested with ample power and authority to erect the necessary poles, wires and other conductors for the proper distribution of electricity and of introducing the same into buildings of the towns aforesaid; and the said corporation is also expressly authorized and empowered to enter upon

Return.

To be recorded.

Payment of damages.

Appeal.

Finding of jury final.

Costs.

May furnish light and electricity to towns.

Further powers.

Use of streets, &c.

OF RAILROADS.

any public street, alley, lane or highway, by and with the consent of the proper authorities of the towns aforesaid, for the purpose of erecting any such poles, wires or other conductors, and for the building, constructing and operating of any such railway, and to repair, alter and inspect the same, doing as little damage as possible to such streets, lanes or alleys, and repairing the injury to the same that may be done as speedily as possible, and securing the citizens from accident and danger whilst so erecting the said poles, wires or other conductors, and building, constructing and operating the said railway. The said corporation hereby created shall also have full power and authority to construct and maintain the necessary buildings and introduce therein the proper machinery for the manufacture of electricity.

SECTION 12. And if any person wilfully or maliciously do or cause to be done any act or acts whatsoever, whereby any building, construction, machinery or works of said company, or if any wire or other conductor of electricity shall be stopped, obstructed, injured, destroyed, cut, broken, tampered with or otherwise interfered with, such person or persons so offending shall be considered guilty of misdemeanor, and upon indictment and conviction by the Court of General Sessions of the Peace and Jail Delivery in and for Kent county, shall be punished by a fine not exceeding two hundred dollars (\$200), or imprisoned not exceeding one year, or both, in the discretion of the court; *provided, however,* that such criminal prosecution shall not in any wise impair the right of said company to a full compensation in damages by a civil suit.

SECTION 13. That this act shall be deemed and taken to be an act for public improvement and is declared to be a public act, and the power to revoke, alter or amend the same is hereby reserved to the Legislature.

Passed at Dover, May 7, 1897.

OF RAILROADS.

CHAPTER 523.

OF RAILROADS.

AN ACT to amend "An act to incorporate the Henlopen Electric Light and Railway Company," passed at Dover, May 1, 1895.

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):

Act
amended.

SECTION 1. That the act entitled "An act to incorporate the Henlopen Electric Light and Railway Company," passed at Dover, May 1, 1895, being Chapter 198, Volume 20, Laws of Delaware, be and the same is hereby amended by inserting at the end of the seventh line of Section 10 the following words: "the State of Delaware in and for."

Time for
completing
road.

SECTION 2. That the said act be and the same is hereby further amended by striking out the word "January" in the sixth line of Section 14, and substituting in lieu therefor the word "October."

SECTION 3. That this act shall be deemed and taken to be a public act.

Passed at Dover, May 14, 1897.

OF RAILROADS.

CHAPTER 524.

OF RAILROADS.

AN ACT to incorporate "The South Side Railway Company."

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):

SECTION 1. That William W. Lobdell, George G. Lobdell, Jr., Alexander McLeod, Robert C. Tolmie, Charles C. Rumford, James Megary, Frank Kane, and such other persons as may hereafter become stockholders in the company hereby incorporated, their successors and assigns, be and they are hereby constituted a corporation and body politic by the name of "The South Side Railway Company," and by that name shall have perpetual succession with power to sue and be sued, to plead and be impleaded, complain, answer and defend in all courts of law and equity; to acquire, purchase, take, lease and hold and enjoy all such estates and property, real, personal and mixed, as may come into its possession under contract or by order of its board of directors, or in the course of its dealings and business, having the same rights, powers and privileges, and subject to the same duties with respect thereto as any individual holders, whatsoever the same may be and wheresoever situate, and the same to invest, manage, collect, adjust, settle, grant, convey, sell, loan lease, pledge, mortgage and otherwise dispose of at its pleasure; to lease and operate its own lines or lines of other companies; to have and use a common seal and the same to alter and renew at pleasure; and generally to use, exercise and enjoy all the powers, rights, privileges and franchises incident to a corporation, except banking powers, which are proper and necessary to the transaction of the business of the corporation hereby created.

SECTION 2. The corporators named in Section 1 of this act, or a majority of them, shall have power and are hereby authorized to open books and secure subscriptions to the capital stock at such times and places as they may deem expedient, which capital stock shall consist of four thousand shares of the par value of twenty-five dollars each, making a total

Corporators

Incorporation.

Style.

Perpetual succession.

Powers.

Seal.

No banking powers.

Corporators to open books for subscription.

Capital stock.

OF RAILROADS.

May be increased. capital of one hundred thousand dollars. The majority of the stockholders may, however, increase the capital stock in their discretion from time to time by such amounts as shall be proper and for the best interests of said company, not exceeding eight hundred thousand dollars, such original capital stock, or the stock if increased, may be in the whole common or in part common and in part preferred stock, as the said company may from time to time determine, and may be issued in settlement of contracts of said company. The said company may issue its obligations and secure the payment of such of its obligations as it may desire by mortgage or mortgages of the said railway, and any part thereof, or of any part or all of the estate, real or personal, together with all corporate rights and franchises held by it, however acquired. The subscribers of the capital stock, or their assigns, may meet at any time and elect from three to nine directors, who shall constitute the board and serve until the ensuing annual meeting or until their successors shall be duly elected.

Maximum. Stock in settlement of contracts. May borrow money. How secured. First Directors.

Principal office. Annual meeting. Election of directors. Terms. Vacancy. SECTION 3. The principal office of the said company shall be in the City of Wilmington, where its annual meeting shall be held, at which meeting its directors shall be chosen by ballot and by a majority of votes cast, the stockholders being entitled to one vote for each share of stock held either in person or by proxy. They shall continue in office until the next annual meeting or until their successors are duly chosen. Any vacancy happening in the board shall be supplied by the other directors.

Officers. SECTION 4. The directors shall choose from among their number a president and vice president and shall elect a secretary and treasurer, and employ such other officers, agents and servants as may be necessary, and may secure their fidelity by bond or otherwise as they shall judge proper. They shall adopt such by-laws for the government of the affairs and business of the said company as they may deem proper, not inconsistent with the laws of this State. They may call for the payment of the stock subscribed in such manner, in such places and in such installments as they shall deem expedient. The directors shall declare dividends of so much of the net profits of the company as they shall deem expedient from time to time, which dividends shall be paid to the stockholders on demand ten days after the same shall have been declared. *Provided*, that no dividend shall be made but out of the net profits of the company, and ten per cent. on

By-laws. Payment of stock. Dividends. Proviso. When business commenced.

OF RAILROADS.

the stock subscribed shall be paid in before active business shall be commenced.

SECTION 5. If any subscriber to or holder of the capital stock shall refuse or neglect to pay any installment on stock subscribed for or held by him or her for thirty days after the time appointed for the payment thereof, the directors may either declare such stock forfeited, and sell the same for the benefit of the corporation, or may in the name of the corporation sue for and recover from such delinquent subscriber or holder the sum remaining unpaid, with costs and interest thereon, and no holder of such stock shall, during the time any installments shall be due and unpaid, be entitled to vote at any meeting of the stockholders or to receive any dividends on the stock.

Neglect
to pay for
stock.

How
recovered.

Forfeitures

SECTION 6. It shall be the business of the said corporation to locate, construct, operate and maintain a railway for the carriage of passengers and freight for compensation from the works of the Lobdell Car Wheel Company to some point on the line of the Wilmington City Railway Company in South Wilmington, or the Wilmington and New Castle Electric Railway Company, at or near the boundary line of the City of Wilmington, 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, including steam, which said company may 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 the said company. The railway or any part of the same to be constructed may be laid either with single or double track, and the same may at any time be altered from 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, devices, contrivances, machinery and appliances for the proper working of said railway and for the purpose of locating, constructing, operating and maintaining the said railway with all its sidings, turnouts, switches, poles, wires, cables and connections as aforesaid; the said company shall have power to use and occupy so much of any street, avenue, highway, turnpike or public road of New Castle county for the purpose aforesaid as may be necessary, or if deemed expedient by the

Object.

Route of
line.

Motive
power.

Single or
double
track.

Use of
streets, &c.

OF RAILROADS.

directors, may for the purposes aforesaid, use or 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 conformed as near as may be to the grades which now are or hereafter may be established for any street, road, highway or turnpike over which the same shall be located, and the consent of the board, body of officials having the care thereof shall be first obtained.

And provided further, that the main line of railway hereby authorized to be constructed shall be begun within nine months from the passage of this act, and the line hereby authorized shall be completed within two years from the passage of this act, otherwise this act shall be and become void and of no effect, and all rights hereunder shall cease and determine.

And provided further, that the said corporation shall have full power and authority from time to time to enter into such contracts and agreements respecting the use, occupation, maintenance and operation and furnishing power, equipment and appliances, of and to its lines and the lines of other companies and the transfer of cars and passengers as shall be mutually satisfactory and agreed upon.

And it is further provided, That having constructed the main line of said railway as above described, the said company shall have the right under like terms and conditions to construct, operate and maintain a branch therefrom to Farnhurst station on the Delaware railroad or to any intermediate point past the Minquadales Home, and also to the Delaware river at or near the south of the Christiana river.

And it is likewise further expressly provided, That if the railroad, or any branch or extension thereof, to be constructed under authority of this act, shall be so located as to cross the tracks of any railroad using steam as a motive power, such crossing shall not be at grade, but shall be either an overhead or undergrade crossing, which, if undergrade, shall be so located and constructed as not to disturb the roadbed so intersected, or if overhead, shall be at such an elevation as not to impede or interfere with the free and safe passage of engines and trains on the tracks so crossed.

SECTION 7. 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

OF RAILROADS.

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 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 tenant in possession of the property. The commissioners being sworn or affirmed to perform their duties with fidelity, shall assess fairly and impartially the damages to 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 assessments under their hands and seals, or under 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 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 an 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 aforesaid, and if the damages be reduced the owners shall refund the amount diminished. The costs of the inquisition shall be fully paid by the unsuccessful party. The fee of a commissioner shall be one dollar and fifty cents. The work 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.

To assess damages.

Return.

Payment of damages.

Appeal.

Finding jury final.

Fees.

OF RAILROADS.

Vacancy. the 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. Should a commissioner appointed under this section die or become unable to act before the commission is executed, any judge of the Superior Court may fill the vacancy.

Injury to
railroad.

Liability for
damages.

Misdemeanor.

Fine.

SECTION 8. If any person or persons shall wilfully damage or obstruct the said railroad or any part thereof, or hinder or delay the building of the same, or hinder or delay the passage of cars over the same, or damage any of the works or property of the said company, such persons shall be liable to the company in a civil action for double the damages sustained and shall moreover be guilty of a misdemeanor and on indictment and conviction thereof, shall be fined not exceeding three hundred dollars, at the discretion of the court.

SECTION 9. This act shall be deemed a public act and published as such.

Passed at Dover, May 14, 1897.

CHAPTER 525.

OF RAILROADS.

AN ACT to incorporate the New Castle, Newport and Wilmington Passenger Railway 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):

Commissioners.

SECTION 1. That Stephen P. M. Tasker, Edward Mendenhall, Joseph H. Gould, David W. Elkinton, John A. Cranston, Samuel A. McDaniel, Hiram R. Borie, W. Atwood Weldin, Winfield S. Quigley, Thomas Holcomb and Albert E. Kruse 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

OF RAILROADS.

to be opened at such times and places, and on such notice as they may deem proper, suitable books for subscriptions to the capital stock of the New Castle, Newport and Wilmington Passenger Railway 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 the said stock.

To receive
subscriptions to
stock.

SECTION 2. That the capital stock of said company shall be one hundred thousand dollars, to be divided into four thousand shares of twenty-five dollars each; *provided*, that the said company may from time to time by a vote of the stockholders at a meeting called for that purpose, increase the capital stock to any amount that shall not exceed two hundred thousand dollars; and *provided also*, that the said company, for the purpose of completing and equipping their railway, shall have the power of issuing bonds, if the board of directors shall so determine, to an amount not exceeding two hundred thousand dollars, and bearing interest at a rate not exceeding six per cent. per annum, and to secure the payment of the same by the execution of a mortgage of the said railway together with the corporate rights and franchises granted by this act, and to annex to the said bonds the privilege of converting the same into capital stock of the said company at par, at the option of the holders thereof.

Capital
stock.

May be
increased.

May issue
bonds.

Security for
same.

SECTION 3. That when and as soon as four hundred shares of the capital stock in the said company shall be subscribed as aforesaid, and ten per cent. of said stock so subscribed for shall be fully paid in, the subscribers to the said stock, their successors and assigns, shall be and they are hereby declared to be incorporated by the name and title of the "New Castle, Newport and Wilmington Passenger Railway Company," and by that name shall have succession, and be able to sue and be sued, plead and be impleaded in all the courts of law and equity, 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 proportions of the profits of the company as they may deem proper; also, to have and make 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

When in-
corporated.

Style.

Powers.

Dividends.

Seal.

By-laws.

OF RAILROADS.

No banking powers. of the United States or of this State, and generally to exercise and enjoy all the powers, rights and franchises incident to a corporation, except banking powers.

Organization. SECTION 4. The commissioners aforesaid, as soon as conveniently may be, after four hundred shares shall be subscribed as aforesaid and ten per cent. of said stock so subscribed for fully paid in, shall, after giving ten days notice by advertisements in two newspapers published in the City of Wilmington or the City of New Castle, call a meeting of the said subscribers to organize the said company by the election of Election of directors. seven directors, who shall thereupon be invested with the control and management of said company, and continue in office until the Tuesday next after the first Monday in January next thereafter, and until their successors shall be chosen as hereinafter provided. The stockholders of said company Annual meeting. shall meet annually on the Tuesday next after the first Monday in January, in the City of Wilmington, and elect by ballot and by a majority of votes, seven directors, who shall Term of directors. be stockholders, to continue in office until the next annual meeting and until successors shall be duly chosen. A failure to elect directors shall not dissolve the corporation. Vacancies in the board may be filled by the other directors. In all Vacancies. elections by stockholders, each share of stock shall entitle the holder to one vote, and votes may be cast either in person or by proxy.

Quorum. SECTION 5. That the affairs and business of the corporation shall be managed by the directors, four of whom shall constitute a quorum, and a majority of those present at a Officers. meeting shall determine any question. They shall elect one of their number president, and may appoint a secretary and treasurer, and employ such other officers, agents and servants as they may deem necessary, fix their compensation and take security by bond or otherwise for the faithful performance of their duties. They may call for the payment of the stock Payment of stock. subscribed at such times and in such installments as they shall deem expedient, giving public notice of such call by advertisement published for at least two weeks in newspapers Dividends. of the City of Wilmington. The directors shall declare dividends of so much of the net profits of the company as shall appear to them advisable, in the months of January and July in each year, which shall be paid to the stockholders, on demand, ten days after the same shall have been declared.

OF RAILROADS.

SECTION 6. That if any subscriber to or holder of the capital stock shall refuse or neglect to pay any installment on the stock subscribed for or held by him or her for thirty days after the time appointed for the payment thereof, and notice given of the same aforesaid, the directors may either declare such stock forfeited and sell the same for the benefit of the corporation, or may in the name of the corporation, sue for and recover from such delinquent subscriber or holder the sum remaining unpaid, with costs and interest thereon, and no holder of such stock shall, during the time any installment shall be due and unpaid, be entitled to vote at any meeting of the stockholders or to receive any dividends on the stock.

Neglect to pay for stock.

May be collected.

Rights suspended.

SECTION 7. That the company shall procure certificates of stock and shall deliver one such certificate, signed by the president and secretary, and sealed with the corporate seal, to each person for such share or shares of stock as by him or her are respectively owned, which certificate of stock shall be transferable at his or her pleasure in person or by attorney duly authorized, in the presence of the president, or treasurer and secretary, in a book kept for that purpose.

Certificates of stock.

Transferable.

SECTION 8. That the said company be and are hereby authorized to locate and construct a railway with single or double track or partly with single track and partly with double track, from any point at or within the City of New Castle, through or near the town of Newport, to the boundary line of the City of Wilmington at Maryland avenue, or to the track of the Wilmington City Railway Company on said avenue, which shall be the terminus of said railway; and the company shall have the right to construct, operate and maintain a branch from any point on its line to Brandywine Springs and also another branch to any point in White Clay Creek or Pencader hundreds by way of the village of Christiana; and for locating, constructing, operating and maintaining the said railway, the company shall have power to use and occupy any county bridge and so much of any street, avenue, public road or turnpike within the City of New Castle and the hundreds of New Castle, Christiana and Mill Creek as may be necessary; or, if deemed expedient by the directors, may use and occupy any land other than a public road, the title to such land being first acquired as hereinafter directed; *provided*, that in occupying the streets of the City of New Castle, the consent of the council or other author-

May construct railway.

Location.

Use of bridge, &c.

May acquire title to land.

OF RAILROADS.

ities having charge of the streets of said city shall first be obtained so to do; *and provided also*, that the said railway shall be conformed, as near as may be, to the grade which now or hereafter may be established for any street over which the same may be located, and so as not to injure or obstruct the public roads aforesaid, and the said company shall be required to pave and keep the pavements in the streets in good repair within the rails of their tracks and for the distance of three feet on each side thereof, and shall not interfere with the proper and free access to the culverts, water and gas pipes in the said city. The company may employ upon the railway electric or such other motive power (except steam) as may seem to them best adapted to their purpose and to the public convenience. The company shall erect and maintain a lawful fence on both sides of its line where the same shall pass through private property. Before, however, the said company shall use or occupy or begin to lay its tracks or construct its road on any of the public roads, turnpikes or highways, or crossing of the public bridges of New Castle county, it shall obtain permission therefor and the consent thereto of the Levy Court of New Castle county. And it is hereby expressly provided that if the railway to be constructed under the authority of this act shall be so located as to cross the tracks of any steam railroad which is operated by any railroad company, the crossing of said tracks shall not be at grade, but such crossing shall be by either overhead or undergrade crossings, which, if undergrade, shall be so constructed as not to interfere with the proper use of the road so crossed, or, if overhead, shall be at such elevation as will not impede the free and safe passage of engines and trains on the roads so crossed.

SECTION 9. That the said company and the Wilmington City Railway Company are hereby authorized to contract the one with the other for the transfer and carriage of the cars and passengers of the company hereby incorporated, over the tracks of the Wilmington City Railway Company or any part thereof and to make such other agreements as to furnishing power, equipment, appliances and other requisites as may be mutually agreed upon. The said company is authorized to contract for and furnish electricity for lighting towns, dwelling houses, business places and public edifices and to supply heat and power from electricity for dwellings and factories, and for all purposes for which electrical currents may or shall hereafter be used; and the said company shall have the right

OF RAILROADS.

to erect poles, lay ground wires in any of the cities, towns or villages, subject to the authority of said cities, towns and villages as to the location of such poles, and to erect poles along the public roads, said poles to be of wood, iron or other suitable material, and may string upon said poles one or more wires to carry the electrical current; *provided*, that nothing in this act shall be so construed as to authorize the said company to contract for and furnish electricity for use in the City of Wilmington; *and provided further*, that the railroad authorized by this act to be constructed shall be commenced within six months, and be completed, equipped and in operation within two years after the passage of this act, otherwise this act and the powers, privileges and franchises by this act granted shall become and be void and of no effect.

Not to furnish electricity in Wilmington.

Commenced and completed when.

SECTION 10. That if any person or persons shall wilfully and intentionally damage or obstruct the said railway or any part thereof, or of any of the works or property of said company, they shall be liable to the company in a civil action for double the damages sustained, and shall moreover be guilty of a misdemeanor, and on indictment and conviction shall be fined not exceeding three hundred dollars at the discretion of the court.

Damage to road.

Liable for damages.

Misdemeanor. Fine.

SECTION 11. That the said company shall have power to survey, locate and purchase such lands and rights of way within the limits of New Castle, Christiana, Mill Creek, White Clay Creek and Pencader hundreds, as said company may deem necessary for their purposes, and in case said company shall be unable to agree with the owner or owners (whether by reason of the minority of such owner or owners, or otherwise), for the purchase of such lands or rights of way as may be required for the purposes of this act, the Superior Court of New Castle county in term time, or any judge of the same in vacation, shall, upon application by the company, appoint five commissioners who shall be freeholders of New Castle county, to view the premises and assess the damages which the said owner or owners shall sustain by reason of the taking of the said lands and rights of way for the use of said company. Before entering upon the premises, the said freeholders shall be sworn or affirmed before some judge, justice of the peace or notary public, faithfully and impartially to perform the duty assigned them, and they shall give five days written notice to the occupant or owner of said premises, if within this State, and the same notice to the

May acquire land.

Commissioners to assess damages.

Notice.

OF RAILROADS.

Return. president of said company, of the time of their meeting upon the premises for the discharge of their duty; and the said freeholders, or a majority of them, shall certify their finding and award to both parties. Whereupon, the said

Payment of damages. company, on paying the damages so assessed, or depositing the same in the Farmers' Bank of the State of Delaware at New Castle, to the credit of said owner or owners, shall become entitled to have, use and enjoy the said lands and rights of way for the purposes of said company 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 certified 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

Appeal. 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, and costs of the commissioners shall be paid by the company.

Finding of jury final. The fee of a commissioner shall be one dollar per day, 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 its successors and assigns shall become vested and perfect.

Fees. Work not delayed.

SECTION 12. That this act shall be deemed and taken to be a public act, and power to revoke, alter or amend the same is hereby expressly reserved to the Legislature.

Passed at Dover, May 14, 1897.

OF RAILROADS.

CHAPTER 526.

OF RAILROADS.

A SUPPLEMENT to the act entitled "An act to incorporate the Dover and Milford Railway Company," passed at Dover, March 4, 1895,

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 act entitled "An act to incorporate the Dover and Milford Railway Company," passed at Dover, March 4, 1895, be and the same is hereby revised and re-enacted; *provided, however*, that the construction of the railway therein authorized to be built shall be substantially and bona fide commenced within six months after the passage of this act, and it shall be completed and equipped and in operation within three years thereafter, otherwise this act shall be come void, and all the rights, privileges and franchises herein granted, or granted by the act to which this is a supplement, shall wholly cease and determine. Act re-enacted.
Work commenced and completed when.

SECTION 2. That the commissioners named in the act to which this is a supplement, shall act as commissioners under this act, and that before any organization shall be effected, as is provided by Section 2 of said original act, at least ten thousand dollars of the capital stock subscriptions therein authorized shall be fully paid in cash. Commissioners.
When to be organized.

SECTION 3. That this act shall be deemed and taken to be a public act.

Passed at Dover, May 26, 1897.

OF RAILROADS.

CHAPTER 527.

OF RAILROADS.

AN ACT to incorporate the Maryland and Woodland Beach Railway 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):

- Corporators.** SECTION 1. That Lucius P. Campbell, John Cosgriff, Edwin R. Cochran, Franklin Temple and William A. C. Hardcastle be and they are hereby appointed commissioners to procure and cause to be opened, at such time and place as a majority of them shall deem proper, a suitable book for subscriptions to the capital stock of the "Maryland and Woodland Beach Railway Company," and may permit such persons to subscribe in said book for such number of shares of said capital stock as a majority of said commissioners may deem proper.
- To open books for subscriptions to stock.**
- When incorporated.** SECTION 2. That as soon as two hundred shares of the said capital stock shall have been subscribed for, and at least ten per centum of said capital stock subscribed for, fully paid in, the persons subscribing therefor and such others as shall at any time become shareholders in said company, their successors and assigns, shall be and they are hereby declared to be incorporated by the style and title of
- Style.** "Maryland and Woodland Beach Railway Company," and by that name shall have perpetual succession, and by that
- Powers.** name shall have power and capacity to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in any and all courts and places whatsoever, whether in this State or elsewhere, in all manner of actions, suits, complaints, pleas, causes, matters and demands whatsoever; and shall have power to purchase, lease, take, own and hold by contract, deed, devise, bequest, gift, assignment, or otherwise, estate, real, personal or mixed, of every kind, and the same to grant, mortgage, sell, lease, alien, convey and dispose of in such manner and on such terms and conditions as the said company or its successors shall think proper;
- Dividends.** to declare dividends out of the net profits of the company;
- Seal.** to have a common seal; to ordain by-laws for the government
- By-laws.**

OF RAILROADS.

of the said company; to exercise and enjoy all the franchises incident to a corporation, and generally to do all and singular those matters and things which appertain to the well being and ordering of said company; *provided*, that no authority herein given shall be so construed as to authorize the exercise of banking powers. No banking powers.

SECTION 3. That the object and purpose of the corporation hereby created is to construct, maintain, and operate a railway from a point on the Maryland line to Woodland Beach in the State of Delaware, or to any intermediate point or points in said route; and for the purpose of securing such construction, maintenance and operation the company hereby created is authorized and empowered to construct, operate and maintain a railway between the points and over the streets, roads and routes hereinafter named; the cars or carriages of said railway to be moved or propelled by horses, by electricity, by cable motor, or by any improved motive power (other than steam) which the said company may, in its discretion, at any time adopt; the right being hereby given to said company to erect, construct, operate and maintain such devices, contrivances 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. Object to construct railway. Termini. Motive power.

SECTION 4. That the Maryland and Woodland Beach Electric Railway Company shall have power, and they are hereby authorized to locate and construct a railway from a determined point on the Maryland line at or within one mile of the point where the counties of Kent and Queen Anne of the State of Maryland join the County of Kent in the State of Delaware to Woodland Beach on the Delaware bay, beginning at said point on the Maryland line, running thence to the town of Clayton, Kent county, and running thence through such streets in said town as the town council shall designate, and thence either by the public road or partly by the public road and partly by some other route as may be determined upon by the directors of said company, to the town of Smyrna, Kent county; thence running through such streets in said town of Smyrna as the town council shall designate, and thence by the public road, or partly by the public road and partly by some other route as may be determined upon by the directors of said company, to Woodland Beach, Kent county, Delaware; *and provided further*, that the said company shall have the power to acquire and use May use certain trucks, &c.

OF RAILROADS.

either by lease or purchase, the tracks and roadbed of the Baltimore and Delaware Bay Railroad now built between the said town of Clayton and Woodland Beach; and the said company shall have power to cross all county bridges, railroads or crossings of any kind; *provided*, they shall not interfere with public travel and public traffic to Woodland Beach as aforesaid.

Use of
bridges, &c.

Tracks.

May con-
tract with
other
companies.

Lease to be
ratified by
stock-
holders.

Commenc-
ing work.
When
completed.

Proviso.

County
bridges to
be widened

The railway to be constructed under this act, or any part thereof, may be laid with a single or double track, or at any time be altered from one to the other, as the directors may from time to time deem expedient, together with all sidings, turnouts, switches, turntables, poles, wires, cables, motors, dynamos, chains, contrivances and appliances necessary for the proper working of said railway. The corporation hereby created, and any other railway company now in operation, or which may be operated hereafter, may contract the one with the other, for the transfer and carriage of the cars and passengers of the company hereby incorporated over the tracks of said other company or companies, or any part thereof, and to make such other agreements as to furnish power, equipment, service, appliances and other necessities as may be mutually agreed upon. Any agreement for lease, to be legal, valid and binding, must first be ratified by a vote of a majority of the stockholders of both companies; *provided*, *however*, that the construction of the railway herein authorized shall be commenced within six months after the passage of this act, and it shall be completed, equipped and in operation within three years thereafter, otherwise this act shall become void, and all the rights, privileges, and franchises herein granted shall wholly cease and determine; *provided*, *however*, that if the aforesaid railway be laid with a double track only one of said tracks, together with the necessary sidings and turnouts, shall be laid or constructed upon any street or highway; *and provided further*, that whenever the said railway shall cross any county bridge, the aforesaid railway company shall widen such bridge to the extent of the width of the track or tracks laid thereon, the expense of which shall be borne entirely by said company; and it is likewise further expressly provided that if the railroad to be constructed under authority of this act shall be so located as to cross the tracks of any railroad company using steam as a motive power, such crossing shall not be at grade, but shall be by either an overhead or undergrade crossing, which, if undergrade, shall be so located and constructed as not to dis-

OF RAILROADS.

turb the roadbed so intersected, or, if overhead, shall be at such an elevation as not to impede or interfere with the free and safe passage of engines and trains on the tracks so crossed.

SECTION 5. That the capital stock of said company shall be two hundred and fifty thousand dollars, divided into ten thousand shares of the par value of twenty-five dollars each, with the privilege of increasing said capital stock, by a vote of the stockholders at an annual or special meeting or meetings, to such amount as they may from time to time determine upon; *provided*, it does not at any time exceed three hundred and fifty thousand dollars. The said company shall have power to borrow money, and to issue its obligations therefor in the form of notes, bonds or otherwise, with the privilege of securing the payment of such of its obligations as it may desire so to secure by mortgage or mortgages of the said railway or any part thereof, or any part of its estate, real or personal, or of its corporate rights and franchises held under this act or any supplement thereto.

Capital stock.

May be increased.

Maximum.

May borrow money.

SECTION 6. That the business and concerns of said company shall be managed by a board of directors, consisting of not less than three nor more than nine members, who shall be elected by the stockholders from their own number at such times and in such manner as may be provided by the by-laws, and who shall continue in office until their successors are duly chosen; any director ceasing to be a stockholder shall cease to be a director. The board of directors shall elect from their own number a president, and shall have power to elect such other officers, agents or servants as it may deem for the welfare of said company, determining their duties, fixing their compensation, and requiring, when in their judgment it may be desirable, security for the due and faithful performance of their duties. A majority of the whole number of directors shall constitute a quorum for the transaction of all business. Any vacancy in the board of directors or in the office of president shall be filled by appointment made by a majority of the whole board of directors.

Directors.

When and how elected and terms.

Officers.

Quorum.

Vacancy.

SECTION 7. That as soon as convenient, after one hundred shares of the capital stock of said company have been subscribed for and at least twenty-five per centum of said capital stock subscribed for fully paid in the said commissioners, or a majority of them, shall call a meeting of the persons so subscribing for the purpose of organizing said

First meeting of stockholders.

OF RAILROADS.

company by the election of a board of directors, the number of which shall be determined by said meeting and the adoption of by-laws. Said meeting shall be held at such time and place as a majority of said commissioners shall determine, and notice of the time and place of such meeting shall be mailed to each subscriber at least one week prior to said meeting. At said meeting a board of directors shall be elected by ballot, who shall continue in office until their successors are duly chosen in accordance with the by-laws, and by-laws for the regulation and government of said company shall be adopted. At said meeting any three of the commissioners shall act as judges of election, and each subscriber shall be entitled in person or by proxy to one vote for each share of stock they have subscribed for. As soon as convenient after their election, the board of directors shall meet for the election of a president and such other officers as they may determine upon, and for the transaction of such other business as may be brought before them.

Time and place.

Election.

By-laws.

Voting.

Meeting of directors.

Annual meeting.

Special meetings.

Change of by-laws.

Quorum.

Dividends.

SECTION 8. There shall be an annual meeting of the stockholders of the said company for the purpose of electing a board of directors and transaction of such other business as may properly be brought before it, which meeting shall be held at such time and place as the by-laws may prescribe. Special meetings of the stockholders may from time to time be called and held pursuant to the provisions of the by-laws. At all stockholders' meetings each stockholder shall be entitled, in person or by proxy, to one vote for each share of stock held by such stockholder. At any stockholders' meeting, whether special or annual, subject to the provisions of the by-laws, any by-law or by-laws may be altered, amended or repealed, or any new by-law or by-laws adopted by a majority of all the votes cast; *provided*, that notice of the intention to alter, amend or repeal such by-laws or adopt such proposed new by-law or by-laws be given in the call for said stockholders' meeting. The by-laws shall prescribe the proportion of the stock of the company that shall constitute a quorum of stockholders' meetings, and all other things relating to the government of said company not specifically provided for in this act.

SECTION 9. That the board of directors may from time to time make and declare dividends of the net profits of the business of the said company, or of such portion of such profits as said board may deem proper.

OF RAILROADS.

SECTION 10. 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 of Kent county in term time, or any judge of the same in vacation shall, upon application by the company, appoint five commissioners, who shall be freeholders, to 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 or agent in charge of the premises. The commissioners being sworn or affirmed to perform their duties with fidelity, shall assess fairly and impartially the damage of such owner or owners to be sustained by their 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 assessments under 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 Kent county, and paying to the owner or owners of the premises so assessed as aforesaid, or depositing the same to the credit of such owner or owners in the Farmers' Bank in the State of Delaware at Dover, shall become entitled to hold, use and enjoy the said premises exclusively to it, its successors and assigns forever; *provided*, that either party being dissatisfied with the damage so assessed may, on application to the prothonotary of Kent county within sixty 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 damage 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 as before provided; and if the damages are reduced, the owner shall refund the amount diminished. The cost of the inquisition shall be paid by the unsuccessful party. The work of the said company shall not be delayed by such application for a writ of *ad quod damnum*, but upon payment or deposit, as here-

Condemnation of lands.

Commissioners.

Oaths.

Return.

To be recorded.

Payment of damages.

Appeal.

Finding of jury final.

Costs.

OF RAILROADS.

inbefore provided, of the damages awarded by the commissioners, the title to 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.

May furnish light and electricity to towns.

Further powers.

Use of streets, &c.

SECTION 11. That the corporation hereby created shall have power to supply any or all of the towns on the line of its railway, hereinbefore provided for, with artificial light from electricity, and to this end, after having first obtained permission from the proper authorities of the towns so desired to be lighted by electricity as aforesaid, said corporation is hereby expressly invested with ample power and authority to erect the necessary poles, wires and other conductors for the proper distribution of electricity and of introducing the same into buildings of the towns aforesaid; and the said corporation is also expressly authorized and empowered to enter upon any public street, alley, lane or highway, by and with the consent of the proper authorities of the towns aforesaid, for the purpose of erecting any such poles, wires or other conductors, and for the building, constructing and operating of any such railway, and to repair, alter and inspect the same, doing as little damage as possible to such streets, lanes or alleys, and repairing the injury that may be done to the same as speedily as possible, and securing the citizens from accident and danger whilst so erecting the said poles, wires or other conductors, and building, constructing and operating the said railway. The said corporation hereby created shall also have full power and authority to construct and maintain the necessary buildings and introduce therein the proper machinery for the manufacture of electricity.

Damage to property.

Misdemeanor.

Punishment.

SECTION 12. And if any person shall wilfully or maliciously do or cause to be done any act or acts whatsoever, whereby any building, construction, machinery or works of said company, or if any wire or other conductor of electricity shall be stopped, obstructed, injured, destroyed, cut, broken, tampered with or otherwise interfered with, such person or persons so offending shall be considered guilty of misdemeanor, and upon indictment and conviction by the Court of General Sessions of the Peace and Jail Delivery in and for Kent county, shall be punished by a fine not exceeding two hundred dollars (\$200), or imprisoned not exceeding one year, or both, in the discretion of the court; *provided, however*, that such criminal prosecution shall not in any wise impair the right of

OF CORPORATIONS.

said company to a full compensation in damages by a civil ^{Damages.} suit.

SECTION 13. That this act shall be deemed and taken to be an act for public improvement and is declared to be a public act, and the power to revoke, alter or amend the same is hereby reserved to the Legislature.

Passed at Dover, May 28, 1897.

CHAPTER 528.

OF CORPORATIONS.

AN ACT to further amend "An act to incorporate 'The Wilmington Fountain Society.'"

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 Wilmington Fountain Society," ^{May maintain fountains, &c.} in addition to the powers conferred upon it, is further authorized and empowered in its discretion to erect and maintain such fountains, tanks, troughs or other receptacles for water for the gratuitous distribution to mankind and animals ^{Purpose.} on any public road or roads leading toward the City of Wilmington, and for that purpose may use water either from the ^{On public roads.} waterworks of the said city or from springs, streams, wells or brooks as they may find convenient and practicable; ^{Water supply.} subject, however, to the consent and approval of the water commissioners of said city or of the owners of said streams, springs, wells or brooks in every case.

SECTION 2. That this act, as well as the act incorporating said society and the act heretofore amending the same, are hereby declared to be acts for public improvement and shall be published as such; and the said corporation is authorized and empowered to hold such real estate and personal ^{Other powers.} property as shall be given, devised or bequeathed to it, the income therefrom to be applied to the purposes for which the said society was incorporated.

Passed at Dover, April 13, 1897.

OF CORPORATIONS.

CHAPTER 529.

OF CORPORATIONS.

AN ACT amending an act entitled "An act to incorporate the Union Cemetery Company of Georgetown," being Chapter 483, Volume 16, pamphlet Law of Delaware.

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):

Act amended.

Collection of taxes and assessments

Justices' jurisdiction

Owners may be released from further assessment, how.

Object of fund so raised.

SECTION 1. That Section one of said Chapter 483 be amended by adding to said Section 1 the following: "but that the said Union Cemetery Company shall have the power and is hereby authorized to collect all taxes or assessments upon the lot or lots in said cemetery from any other property belonging to the holder or holders of said lot or lots, and the justices of the peace for Sussex county shall severally have jurisdiction for the collection of the same. *And providing further*, that any person now owning or that may hereafter purchase a lot or lots in said cemetery, can by paying all back taxes or assessments, if any, and the further sum of ten dollars, if said lot or lots cost twenty dollars or more, or of the cost of said lot or lots be less than twenty dollars, then the one-half of the value of said lot or lots be by said Union Cemetery Company forever released from the payment of any further taxes or assessments thereon. That the fund so obtained from said tax or assessments or voluntary payment as aforesaid shall be invested by said "Union Cemetery Company" for the purpose of creating and maintaining a permanent fund to be used for the purpose of keeping said cemetery in good order and condition.

Passed at Dover, April 14, 1897.

OF CORPORATIONS.

CHAPTER 530.

OF CORPORATIONS.

AN ACT to incorporate "The Delaware Park and Amusement Association."

WHEREAS, The improvements along the line of the Delaware river, south of the City of Wilmington, (by the construction and operation of electric railway companies and otherwise) are now opening up the river front to the general public, it is deemed proper that suitable provisions shall be made for the establishment of some public parks and places of amusement, to which the people may have access, particularly during the summer months; 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 therein):

SECTION 1. That L. Taylor Dickson, James G. Shaw, ^{Corporators} Sr., Alexander B. Cooper, William B. McCoy and Hiram R. Borie and such other persons as may hereafter become stockholders in the association hereby incorporated, their successors and assigns be and they are hereby created a corporation ^{Incorporated.} by the name of "The Delaware Park and Amusement Association" and by that name shall have succession with power ^{Style.} to sue and be sued, to plead and be impleaded in all courts of law and equity, to make contracts, to lease, rent, purchase, take and hold, grant, sell, mortgage and dispose of lands, tenements and hereditaments, goods, chattles and effects, to have and use a common seal and the same to alter and renew ^{Powers.} Seal. at pleasure; to ordain by-laws and rules, not inconsistent ^{By-laws.} with the laws of this State or of the United States, and generally to exercise, enjoy and have all the powers, rights and franchises incident to a corporation, except banking powers. ^{No banking powers.}

SECTION 2. That the said corporation is created for the ^{Object.} purpose of having, holding, erecting, providing and keeping a public park or other places of public amusement and entertainment at some suitable place or places along the line of the Delaware river, south of the City of Wilmington; wherein all such sports, plays, performances, entertainments and amusements for adults and children, as are of a reputable and not immoral character, may be had, held, performed, con-

OF CORPORATIONS.

ducted and exhibited, under such contracts, regulations and conditions as the board of directors may from time to time determine. with power to buy, sell and dispose of all manner of food and refreshment, but shall not have power to sell intoxicating liquor, unless lawfully licensed so to do.

Capital stock. **SECTION 3.** The capital stock of said corporation shall not be less than five thousand dollars, divided into shares of twenty-five dollars each (and may be increased from time to time, as the stockholders may determine, to a sum not exceeding one hundred thousand dollars). The said stock shall be issued, certified, held and assigned, according to the provisions and requirements of the by-laws; *provided, however,* that before the said corporation shall commence active business at least one thousand dollars of subscription to its stock shall be paid in cash.

Meetings, annual. **SECTION 4.** There shall be an annual meeting of the stockholders on the second Tuesday in January in every year; special meetings of the stockholders may be called by the president, in the manner to be provided by the by-laws. At all meetings of stockholders all questions shall be decided by a majority of votes cast either in person or by proxy, and each share of stock shall be entitled to one vote.

Directors. **SECTION 5.** The affairs and business of the said corporation shall be managed by a board of directors of not less than three nor more than seven, who shall be stockholders, to be elected by the stockholders at their annual meeting; they shall be chosen by ballot and by a majority of votes cast according to the provisions of Section four of this act, and shall continue in office until the next annual meeting or until their successors are duly chosen; any vacancy in the board shall be supplied by a majority of the other directors. A failure to elect annually shall not dissolve the corporation. The directors, until the first annual meeting after the passage of this act shall be elected at a meeting of the corporators herein named.

How elected. **SECTION 6.** The directors shall elect from their number a president and vice president, whose term of office and duties shall be such as the by-laws may prescribe. The directors may also appoint a secretary and treasurer, and appoint and employ such other officers, agents, managers and servants as may be necessary in their judgment, and may prescribe their term of office, duties, fix their compensation and secure their fidelity by bond or otherwise as they shall deem proper.

Term.

Vacancy.

First directors.

Officers.

OF CORPORATIONS.

SECTION 7. The principal office of the said company shall be in the City of New Castle. Principal office.

SECTION 8. This shall be a public act and published as such.

Passed at Dover, April 29, 1897.

CHAPTER 531.

OF CORPORATIONS.

AN ACT to amend Chapter 628, 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 therein):

SECTION 1. That the words "Bay Head and New York Terminal Company" as they appear in the title of Chapter 628, Volume 18, Laws of Delaware, be stricken out and the words "Augustine Park Steamboat Company" be inserted in lieu thereof. Title amended.

SECTION 2. Amend Section one of Chapter 628, Volume 18, Laws of Delaware, by adding thereto the following: "That the said company for the purpose of adding improvements, purchasing, chartering and running boats shall have the power to borrow money, if the board of directors shall so determine, to an amount not exceeding the amount of twenty-five thousand dollars, and to secure payment of the same by the issue of bonds, or a bond and mortgage of the property of every description of the said "Augustine Park Steamboat Company" together with the corporate rights and franchises granted by this act. May borrow money. Amount. How secured.

SECTION 3. That Section 2 of Chapter 628, Volume 18 of the Laws of Delaware, be amended by adding the names of John Gam, James H. S. Gam, and Theodore G. Murphy as commissioners and by striking out the words "Bay Head and New York Terminal Company" when it occurs in said section and adding in lieu thereof the words "Augustine Park Steamboat Company." Additional commissioners.

OF CORPORATIONS.

Amend-
ments.

SECTION 4. Amend Section 3 of Chapter 628, Volume 18, Laws of Delaware by striking out the word "five" in second line of said section and inserting in lieu thereof the word "three," and by striking out the word "four" where it occurs in the thirty-first line and inserting in lieu thereof the word "two," and by striking out all of said section between the word "directors" in the fortieth line and the word "three" in the forty-third line and inserting the word "two" in lieu thereof, and by striking out all after the word "business" in the forty-fourth line and the word "the" in the forty-fifth line.

Passed at Dover, April 5, 1897.

CHAPTER 532.

OF CORPORATIONS.

AN ACT to incorporate "The Delaware Fuel 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):

Corporators	SECTION 1. That John R. Moore, Frank Lackey, Charles R. Miller, Henry D. Walter and Morris P. Satterthwaite, and such other persons as may hereafter become stockholders in the company hereby incorporated, their successors and assigns, be and they are hereby constituted a corporation and body politic by the name of "The Delaware Fuel Company,"
Incorporated.	and by that name shall have perpetual succession, with power to sue and be sued, to plead and be impleaded, complain,
Style.	answer and defend in all courts of law and equity; to purchase, take, lease and hold and enjoy all such estate and property, real, personal and mixed, as may come into its possession in the course of its dealings and business, having the same rights, powers and privileges, and subject to the same duties with respect thereto as any individual holder, whatsoever the same may be and wheresoever situate, and the same to invest, manage, sell, grant, convey, loan, mortgage and
Perpetual succession.	
Powers.	

OF CORPORATIONS.

otherwise dispose of at its pleasure; to have and use a common seal, and the same to alter and renew at pleasure; and generally to use, exercise and enjoy all the powers, rights, privileges and franchises incident to a corporation, except banking powers, which are proper and necessary to the transaction of the business of the corporation hereby created.

SECTION 2. The said corporation is further authorized generally to do such acts and things as may be proper and necessary in the conduct of the business of manufacturing, producing for fuel, and of buying and selling oils, gases and liquids and transporting or delivering the same through and by pipes and similar contrivances in all its various branches, and all appliances, stoves and fixtures for using the same. The said company shall have the power to occupy and use public streets, roads, lanes, alleys, avenues, turnpikes and waterways within this State, for the laying of pipes or underground conduits, or may purchase, lease or acquire any which are now or hereafter may be laid; *provided*, that before so using or occupying the same they shall obtain consent from the persons, boards or officials having the care and control thereof. The said company shall not, however, have the right to manufacture illuminating gas under authority of this act for delivering in the City of Wilmington, unless it shall first agree on the scope of its business with the Wilmington Coal Gas Company.

SECTION 3. The corporators named in Section 1 of this act, or a majority of them, shall have power and are hereby authorized to open books and secure subscriptions to the capital stock, at such times and places as they may deem expedient, which said capital stock shall consist of one thousand shares of the par value of one hundred dollars each, making a total capital of one hundred thousand dollars, and ten per centum thereof shall be paid in before active business may be commenced. The majority of the stockholders may increase the capital stock in their discretion from time to time to the total sum of five hundred thousand dollars. Such capital stock or such increase as shall be made shall be all common or in part preferred as the stockholders may determine.

SECTION 4. The principal office of the said company shall be in the City of Wilmington, where its annual meeting shall be held, at which meeting its directors shall be chosen by ballot and by a majority of votes cast, the stockholders being

Seal.

No banking powers.

Nature of business.

Use of streets, &c.

Consent of authorities.

Manufacture of gas in Wilmington.

Corporators to receive subscriptions to stock.

Capital stock.

When business commenced.

Stock may be increased.

Principal office.

Annual meeting.

Directors.

OF CORPORATIONS.

Terms. entitled to one vote for each share of stock held either in person or by proxy. They shall continue in office until the next annual meeting or until their successors shall be duly chosen. Any vacancy happening in the board shall be supplied by the other directors.

Vacancy.

Officers. SECTION 5. The directors shall choose from among their number a president and vice president and elect a secretary and treasurer and employ such other officers, agents and servants as may be necessary, and may secure their fidelity by bond or otherwise as they shall judge proper. They shall adopt such by-laws for the government of the affairs and business of said company as they may deem proper.

By-laws.

Lands how acquired.

Commissioners.

Duties.

Notice of meeting.

Oaths.

Assess damages.

Returns.

To be recorded.

Payment of damages.

SECTION 6. That whenever it is deemed by the said directors necessary to enter upon and occupy lands, tenements or hereditaments for the use of said corporation for laying lines of pipe, if the owner or owners of such lands, tenements and 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 of New Castle county in term time, or any judge of the same in vacation shall, upon application by the company, appoint 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 advantage to be derived to the owner or owners by reason of the location at the respective places of such pipe lines, and shall certify their proceedings, with their assessments 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 owner or owners in the Farmers' Bank of the State of Delaware, at Wilmington, shall be entitled to hold, use, occupy and enjoy the said premises for its lines of pipe, to it, its successors and assigns forever. *Provid-*

OF CORPORATIONS.

ed, 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 owners shall refund the amount diminished. The costs 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 to a juror one dollar and fifty cents. The work 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 the 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. 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.

Appeal.

Finding of jury final.

Costs.
Fees.

Work not to be delayed.

Vacancy.

SECTION 7. If any person or persons shall wilfully damage or obstruct the said pipe lines or any part thereof, or hinder or delay the laying, building of the same, or hinder or delay the passage of liquids, oils or gasses through the same, or damage any of the works or property of said company, such person or persons shall be liable to the company in a civil action for double the amount of the damages sustained and shall moreover be guilty of misdemeanor and on indictment and conviction thereof, shall be fined not exceeding three hundred dollars, at the discretion of the court.

Damage to property.

Damages.

Misdemeanor.
Fine.

SECTION 8. This act is hereby declared to be an act for the public improvement, and shall be deemed and taken to be a public act, and the power to revoke the same is hereby expressly reserved to the Legislature.

Passed at Dover, May 28, 1897.

OF CORPORATIONS.

CHAPTER 533.

OF CORPORATIONS.

AN ACT to incorporate the Society of Colonial Wars in 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):

<p>Corporators</p> <p>Incorporated.</p> <p>Style.</p> <p>Object.</p> <p>Powers.</p> <p>First meeting.</p>	<p>SECTION I. That John H. Rodney, Henry Ridgely, Jr., Hiram Rodney Burton, Victor DuPont, Jr., Ignatius C. Grubb, Francis N. Buck, John R. Nicholson, Edward G. Bradford, William A. La Motte, John R. Brinckle, William H. Swift, Thomas Robinson, Andrew Gray Wilson, Thomas Clayton Frame, Jr., Joseph Wilkins Cooch, Andrew Caldwell Gray, George W. Bush, Jr., Joseph Swift, Christopher L. Ward, Willard Hall Porter, Alexis Irene DuPont, George Gray and Thomas F. Bayard, and such other persons as now are or hereafter may be associated with them, are hereby constituted a body corporate by the name of "Society of Colonial Wars in the State of Delaware" for the purpose of perpetuating the memory of colonial events and of the brave and worthy men who in military, naval, and civil positions of high trust and responsibility, by their acts or counsel, assisted in the establishment, defence and maintenance of the American colonies and in the founding of this nation; of collecting and preserving colonial relics, records, manuscripts, rolls or other document; of providing suitable commemorations or memorials relating to the American colonial period, and of inspiring in its members the fraternal and patriotic spirit of their forefathers, and in the community respect and reverence for those whose public services made our freedom and unity possible, by such means as may be needful and proper for such purposes; and by that name they shall have continuance for twenty years; and generally have, exercise and enjoy all the powers, privileges and franchises incident to a corporation under the Constitution and laws of this State. The first meeting of the corporators herein named shall be called by a notice signed by any five of them and designating the time, place and purposes of the meeting, and such notice may be given by mailing it four days prior to the designated time of such meeting addressed</p>
---	---

OF CORPORATIONS.

to each of the said corporators respectively at his usual post office.

SECTION 2. That the capital stock of the said corporation may be of such amount, not exceeding fifty thousand dollars, and may be divided into shares of such value as the corporators shall from time to time determine, and the same may be certified, held and transferred according to such regulations and conditions as may be provided in the constitution, by-laws or regulation of the society, and that the value of the real and personal estate of which the corporators may become seized and possessed shall not exceed the sum of fifty thousand dollars.

SECTION 3. That this act of incorporation be and the same is hereby declared to be a public act, and the same shall continue in force for the period of twenty years unless sooner revoked by the Legislature in accordance with the provisions of the Constitution of the State.

Passed at Dover, March 18, 1897.

CHAPTER 534.

OF CORPORATIONS.

AN ACT to incorporate "The Wilmington Board of Trade,"

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 Enoch Moore, O. Edgar Fell, Levi A. Bertolette, D. Snellenburg, William B. Clark, J. R. Hudson, J. H. Mahaffy, Peter J. Ford, Daniel W. Taylor, George W. Bush, Nathaniel R. Benson, A. L. Johnson, John H. Danby, E. T. Warner, Spotswood Garland, J. Park Postles, John S. Mullin, Jr., John M. Rogers, Harry Simmons, George W. Pennington, Joseph Hill, Samuel Bancroft, Jr., John G. Hartman, G. G. Cameron, Job H. Jackson, Richard Patzowsky, J. Bailey, William Berl, Adam Lang, Wm. Betts,

OF CORPORATIONS.

Samuel H. Baynard, Frank Taylor, A. G. McCausland, H. C. Jones, John M. Solomon, James Megary, Daniel Ross, Alfred Gawthrop, Washington Hastings, W. H. Churchman, William Lawton, O. C. Purdy, C. E. Dubell, W. D. Mullin, Jr., James Casperson, Preston Lea, William H. Lobdell, William F. Sellers, N. B. Danforth, George W. Todd, Frank Pyle, A. S. Reed, Charles W. Pusey, Edward Betts, Lewis C. Vandergrift, Willard Thompson, Willard Saulsbury, Harry Stoeckle, Garrett J. Hart, M. Porter, B. F. Shaw, E. M. Hoopes, George A. Elliott, H. L. Evans, Hubert Cassidy, H. F. Pickles, F. F. Slocomb, Geo. B. Ward, H. A. Miller, J. Edward Addicks, Henry B. Thompson, Thomas J. Tally, Alvin R. Morrison, George W. Gray, John B. Martin, Joseph A. Bond, J. F. Higgins, George H. McCall, C. Russell Jakes, Calvin Q. Swayne, F. E. Smith, C. B. Johnson, E. A. Ainsworth, W. H. Heine, W. B. Norton, E. L. Rice, Jr., J. Frank White, George S. Allmond, Neil Conly, Lambert J. Foulk, William S. Hilles, J. E. Rhoades, Victor R. Pyle, James C. Dillon, Joseph L. Carpenter, Jr., Patrick Neary, George S. Capelle, Josiah Marvel, J. B. Hickman, W. B. Satherthwaite, Frank S. Dure, Elmer E. Mitchel, John R. Hudson, W. H. Kenworthy, J. Newlin Gawthrop, Julian B. Robinson, William Barr, George W. McCaulley, S. G. Simmons, George Seigler, W. W. Bullock, William D. Wilkins, J. M. Lenderman, L. W. Bevins, J. R. Kuce, Philip R. Tyre, Harry Hough, Thomas McComb, J. D. Carter, Homer Barry, N. K. Taylor, Harry Yeager, John F. Daley, Charles Burris, George W. Maxwell, John M. Davis, Patrick Fahey, Stephen Downey, John A. Lengel, Thomas Tatnall, J. J. Smith, Joshua A. Conner, Frank Woolley and such other persons as are now, or may be hereafter associated with them, be and they are hereby constituted a body corporate under the name and style of "The Wilmington Board of Trade," 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 and hereditaments, goods, chattels, rights and effects of any kind, 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.

Style.

Powers.

OF CITIES AND TOWNS.

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. ^{Management.}

SECTION 3. This act shall be taken to be a public act.

Passed at Dover March 25, 1897.

CHAPTER 535.

OF CITIES AND TOWNS.

AN ACT to re-incorporate the Town of Clayton.

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 limits of the town of Clayton be and the same are hereby established and declared to be the same as that shown on plot recorded in recorder's office in Dover, page 88, Volume seven, Book A. ^{Limits.}

SECTION 2. There shall be a council of the town of Clayton composed of five (5) members, the present members who were elected under charter passed April 15th, 1887, to remain in office until the time for which they were elected expires. On the first Saturday in May, 1897, and on the first Saturday in May in each succeeding year, there shall be held an election for one town councilman to serve for five (5) years and until his successor is duly elected. The councilmen shall be a resident freeholder of the town of Clayton at the time of their election, but any married man, resident of said town, whose wife is a freeholder of said town, may be elected a member of said council, although he may not be the owner in his own right of any real estate within the said town. Any councilman whose time has expired is eligible to re-election. The election shall be opened at 2 o'clock, p. m., and close at 4 o'clock p. m., and it is to be held in the council chamber, or some other suitable place designated by council. At such election, every male and female taxable ^{Council.} ^{Present members continued.} ^{Annual election.} ^{Who eligible.} ^{Election.}

OF CITIES AND TOWNS.

Who entitled to vote	of said town above the age of 21 years, who shall have paid the town tax last assessed to them, shall be entitled to vote.
Election, how held.	The election shall be held by the alderman and two of the holding over members of council, to be named by the president at the previous stated meeting. The alderman shall receive the ballots and deposit them in a box to be provided for that purpose, and the assisting councilmen shall each keep a list of the voters voting. When the election shall be closed the alderman or one of the assistants shall draw said tickets out of the box, open and read out the same and pass the same over to one of the others for his inspection while the third election officer shall tally the vote. In case of a tie for the person voted for the alderman may give the deciding vote. After the results shall have been ascertained the election officers shall make out a certificate and deliver to the councilman elected, with the hour and place of meeting of the town council at the first stated meeting after his election, a copy of same to be given to clerk of council to be entered on minutes of first stated meeting after election. Before entering upon his duties as councilman elect, he shall be sworn in at said meeting by the alderman or any subsequent meeting by the alderman or one of the holding over councilmen. If at any election the alderman or any of the persons whose duty it is to hold said election should not be present for that purpose at the time heretofore designated, the voters present may proceed to elect some one or more of their number in lieu of the alderman or absent persons. If any vacancy shall occur in said council by death, resignation, removal from town, refusal to serve or otherwise of any member thereof, or of the president thereof by removal from town, refusal to serve, or otherwise, the remaining councilmen and the president, if there is no vacancy in the office of president, and if there be, the remaining councilmen shall have the power to fill such vacancy or vacancies for the remainder of the whole term for which the person or persons whose vacancy or vacancies is or are to be supplied was or were elected.
Tie vote.	
Certificates	
Entry on minutes.	
Oath of office.	
Election officer in lieu of alderman.	
Vacancy in council.	
Alderman.	

SECTION 3. The town council, at the regular meeting next after each annual election, as hereinbefore provided for, or as soon thereafter as convenient, shall proceed to elect by ballot some suitable person, resident in the town, to be alderman of the town of Clayton who may or not be a justice of the peace, to serve as such for one year from the second Monday in May or until his successor shall be duly

Term.

OF CITIES AND TOWNS.

elected, subject, however, to be removed from office at any Removal.
 time by a vote of two-thirds of all the members composing
 the town council. Before entering upon the duties of his
 office he shall be sworn or affirmed, by the president of the Oath.
 town council or by any one of the councilmen, to perform
 the duties of his office honestly, faithfully and diligently. It
 shall be his duty to execute all laws enacted for the govern- Duties.
 ment of said town, and to carry into effect all orders and
 directions of the town council made in pursuance of any law
 of this State, or of any ordinance that the said town coun-
 cil may legally make and establish. He shall have all the
 powers of a justice of the peace within the town, and shall Powers.
 have jurisdiction and cognizance of all breaches of the peace
 and other offenses in said town, so far as to arrest and hold
 to bail or fine and imprison offenders, and also of all fines and
 forfeitures and penalties which may be prescribed by any law
 of this State or by any ordinance of the town council regu-
 larly passed and established for the government of the town,
 and also of all neglects, omissions or defaults of any town
 constable, collector, assessor, treasurer, town clerk, or any
 other officer or person whose duty it may be to collect,
 receive, pay over or account for any money belonging to said
 town, or to execute or obey any law or ordinance thereof;
provided, that he shall not impose any fine exceeding twenty
 dollars, or have jurisdiction in civil matters exceeding one
 hundred dollars, exclusive of costs. His fees for any service Fees.
 under this section shall be the same as those of a justice of
 the peace for like service, and for any service or duty for
 which no fee may be provided by law the fee may be estab-
 lished by ordinance of the town council. If any vacancy Vacancy.
 shall occur in the office of alderman of the town of Clayton
 by death, resignation, removal from office, or otherwise, such
 vacancy may be supplied by the town council at any meeting
 thereof for the residue of the term. If any alderman shall
 be removed from his office by the town council as hereinbe- If removed
to deliver
to successor
books, &c.
 fore provided, he shall deliver to his successor in office, with-
 in two days after the election of his successor, all the books
 and papers belonging to his office, and shall pay over to the
 treasurer of the town all moneys in his hands belonging to
 the town within five days after his removal. Upon his
 neglect or failure to pay over to the treasurer of the Neglect.
 town within the aforesaid time all moneys belonging to
 the town, he shall be deemed guilty of a misdemeanor,
 and, upon conviction thereof by indictment, shall be fined Fine.

OF CITIES AND TOWNS.

not less than twenty nor more than one hundred dollars.

Monthly
report of
alderman.

Neglect.

SECTION 4. The alderman shall, at every regular meeting of the town council, report to the council all fines imposed by him during the preceding month, and pay to the treasurer of the town of Clayton all such fines and penalties received by him during the said time, and in default of making such report or paying such fines and penalties for a period of twenty days after such report should be made and such fines and penalties should be paid as aforesaid, he shall be deemed guilty of a misdemeanor, and upon conviction thereof by indictment shall be fined not less than twenty nor more than one hundred dollars.

President
of council.
Duties.

SECTION 5. The duties of the president of council shall be to preside at the meetings of council; have the general supervision of all the streets, lanes and alleys in said town, and of the persons who may be employed by the town council; receive complaints of nuisances, and other complaints of citizens of violation of laws or ordinances, and present the same to the council at their first meeting for their action; and such infraction or violation of the law or ordinances as require immediate action to cause the same to be proceeded on before the alderman. He shall issue and sign all licenses for every exhibition within the town of Clayton, for which, Section 1 of Chapter 51 of the Revised Code a license therefor is required, and all other exhibitions licenses for which by law or ordinance may be required to be issued; 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 ordinances of the town council.

Person to
act in lieu
of.

If the president of council shall be incapacitated from acting by reason of absence, or for any other cause whatsoever, then all the powers and duties conferred and imposed upon him by this section, or any other law, or conferred or imposed by any ordinance or ordinances adopted by the town council, shall be exercised and performed by the person who at the time shall be chairman of the street committee.

Incorporated.

SECTION 6. The councilmen and the president of council, as hereinbefore provided for, shall be and they are hereby created a body politic and corporate in law and equity, and shall be able and capable to sue and be sued, plead and be impleaded in courts of law and equity in this State and elsewhere by the corporate name of "The Town of Clayton," and shall have a corporate seal, which they may alter, change

Style.
Seal.

OF CITIES AND TOWNS.

or renew at their pleasure; and may purchase, take, hold and ^{Powers.} enjoy lands, tenements and hereditaments in fee simple or otherwise, and also goods and chattels, rights and credits, and may alien, grant, demise and dispose of the same as they may deem proper, and may do all other things which a body politic and corporate may lawfully do to carry out and effect the object and purposes of this act. The president and coun- ^{Streets.} cilmien, for the time being, shall have the superintendence and oversight of all roads and streets now open or hereafter to be opened within the limits of said town, and no overseer of any such roads or streets shall be appointed by the Levy Court of Kent county, but the said Levy Court shall annually ^{Appropriation by Levy court.} appropriate for the repair of said roads and streets a sum of money, not less than 150.00 dollars, and shall make an order for the payment thereof to the treasurer of the town of Clayton for the use of said town.

SECTION 7. The town council shall have power, upon the ^{Opening streets.} application of ten or more citizens of the town, by petition for the purpose, to locate, lay out, and open any new street, lane or lanes, or alley or alleys, or widen any street, lane or alley heretofore laid out in said town, or reopen any old street or streets, lane or lanes, or alley or alleys, now closed, or which may hereafter be closed, which ten or more citizens may desire to be located, laid out and opened, or widened, or reopened, allowing to the persons respectively, through and over whose lands such street or streets, lane or lanes, or alley or alleys may pass, such compensation therefor as they shall deem just and reasonable under all circumstances, which compensation, if any be allowed, shall be paid by the treasurer of the town out of the moneys of said town upon warrants drawn upon him by order of the council aforesaid.

SECTION 8. Whenever the town council shall have deter- ^{Notice to owner.} mined to locate and lay out, or widen any street, lane or alley, and shall have fixed the compensation therefor, it shall be their duty immediately after the survey and location of the said street, lane or alley, to notify, in writing, the owner or owners of the real estate through or over which such street, lane or alley may run, of their determination to open or widen the same, and to furnish a general description of the location thereof, and also the amount of the damages or compensation allowed to each, and if such owner be not resident within the said town to notify the holder or tenant of said real estate, but if there be no holder or tenant resident

OF CITIES AND TOWNS.

in said town the said notice may be affixed to any part of the premises. If any owner be dissatisfied with the amount of the compensation or damages allowed by the town council, as aforesaid, he or she may, within ten days after such notice, as aforesaid, appeal from the said assessment of compensation or damages by serving a written notice to that effect on the president of said council, or the person performing the duties of president of council for the time being. In order to prosecute said appeal, such owner or owners shall within fifteen days after the expiration of the ten days allowed for appeals, and upon ten days notice to said president of council, or the person performing the duties of president of council for the time being, make written application to the associate judge or the Superior Court of this State, resident in Kent county, for the appointment of a commission to hear and determine the matter of damages or compensation, and thereupon the said associate judge shall issue a commission under his hand directed to five freeholders of the said county, three of whom shall be residents of said town of Clayton, and two of whom shall be non-residents of said town, commanding them to assess the damages which the owner of the real estate through or over whose lands said street, lane or alley shall pass, who shall have notified the said town council of their intention to appeal, may incur by reason thereof, and to make return of their proceedings to the said associate judge at a time therein appointed. The freeholders named in such commission being first sworn or affirmed, as in said commission shall be directed, shall view the premises, and they, or a majority of them, shall assess the damages as aforesaid, and shall make return, in writing, of their proceedings in the premises to the said associate judge, who shall deliver said return to said town council, which shall be final and conclusive. The said associate judge shall have power to fill any vacancy in the commission. The amount of damages being so ascertained, the town council may pay or tender the same to the person or persons entitled thereto, within one month after the same shall be finally ascertained, or if the person or persons so entitled reside out of, or are absent from town, during said period of one month, or are minors, then the same may be deposited to his or her credit in the National Bank of Smyrna within said time, and thereupon the said property or land may be taken or occupied for the uses aforesaid. In the ascertainment and assessment of damages by the freeholders appointed by the

Appeal.

Commissioners to hear same.

Return.

Payment of damages.

OF CITIES AND TOWNS.

associate judge aforesaid, if the damages shall be increased, the costs of the appeal shall be paid by the treasurer of the town out of any money in his hands belonging to the town, but if said damages shall not be increased the costs of the appeal shall be paid by the party appealing. The fees to the freeholders shall be two dollars per day to each, which shall be taxed as part of the costs. After the damages shall be fixed and ascertained by the freeholders as aforesaid, the town council shall have the option to pay damages assessed, within the time aforesaid and proceed with the said improvements, or, upon the payment of the costs only, may abandon the proposed improvements.

SECTION 9. The town council shall have power to enact ordinances to prevent nuisances, to preserve the health of the town, and to prevent the introduction of infectious or contagious diseases, for which purpose their jurisdiction shall extend to any distance within one mile of the limits of said town. The council may also pass ordinances to define and remove nuisances, to ascertain and fix the boundaries of streets, squares, lanes and alleys, or to repair and improve the same, or to alter, extend or widen any street, square, lane or alley, or open and lay out new ones, subject to the provisions in that behalf hereinbefore contained; to regulate and fix the ascents and descents of all streets, lanes and alleys, and the drainage thereof; to direct the paving or graveling of footways, and to prescribe the width thereof; to regulate and provide for the making of gutters, and the placing of gutter-stones or plates therein, and for curbing, wherever, in their opinion, such paving or graveling, making of gutters and the placing of gutter-stones or plates therein, and curbs, may be necessary or proper. to prescribe the extent of steps, porches, cellar-doors, and other inlets to lots and buildings; to regulate the construction and repair of chimneys, and to provide for keeping the same cleaned and in good order; to regulate the storage of gunpowder or any other dangerous or combustible materials, and to provide against casualties by fire. No person shall be obliged to pave any footway to a greater breadth than four and one-half feet in front of any vacant lot or lots not near or adjoining a dwelling-house, and no grading, curbing or widening of sidewalks shall, after the same has once been established, be directed to be altered or changed for a period of five years, except upon the petition of a majority of the property owners holding land on such street

OF CITIES AND TOWNS.

in said town the said notice may be affixed to any part of the premises. If any owner be dissatisfied with the amount of the compensation or damages allowed by the town council, as aforesaid, he or she may, within ten days after such notice, as aforesaid, appeal from the said assessment of compensation or damages by serving a written notice to that effect on the president of said council, or the person performing the duties of president of council for the time being. In order to prosecute said appeal, such owner or owners shall within fifteen days after the expiration of the ten days allowed for appeals, and upon ten days notice to said president of council, or the person performing the duties of president of council for the time being, make written application to the associate judge or the Superior Court of this State, resident in Kent county, for the appointment of a commission to hear and determine the matter of damages or compensation, and thereupon the said associate judge shall issue a commission under his hand directed to five freeholders of the said county, three of whom shall be residents of said town of Clayton, and two of whom shall be non-residents of said town, commanding them to assess the damages which the owner of the real estate through or over whose lands said street, lane or alley shall pass, who shall have notified the said town council of their intention to appeal, may incur by reason thereof, and to make return of their proceedings to the said associate judge at a time therein appointed. The freeholders named in such commission being first sworn or affirmed, as in said commission shall be directed, shall view the premises, and they, or a majority of them, shall assess the damages as aforesaid, and shall make return, in writing, of their proceedings in the premises to the said associate judge, who shall deliver said return to said town council, which shall be final and conclusive. The said associate judge shall have power to fill any vacancy in the commission. The amount of damages being so ascertained, the town council may pay or tender the same to the person or persons entitled thereto, within one month after the same shall be finally ascertained, or if the person or persons so entitled reside out of, or are absent from town, during said period of one month, or are minors, then the same may be deposited to his or her credit in the National Bank of Smyrna within said time, and thereupon the said property or land may be taken or occupied for the uses aforesaid. In the ascertainment and assessment of damages by the freeholders appointed by the

Appeal.

Commissioners to hear same.

Return.

Payment of damages.

OF CITIES AND TOWNS.

associate judge aforesaid, if the damages shall be increased, the costs of the appeal shall be paid by the treasurer of the town out of any money in his hands belonging to the town, but if said damages shall not be increased the costs of the appeal shall be paid by the party appealing. The fees to the freeholders shall be two dollars per day to each, which shall be taxed as part of the costs. After the damages shall be fixed and ascertained by the freeholders as aforesaid, the town council shall have the option to pay damages assessed, within the time aforesaid and proceed with the said improvements, or, upon the payment of the costs only, may abandon the proposed improvements.

SECTION 9. The town council shall have power to enact ordinances to prevent nuisances, to preserve the health of the town, and to prevent the introduction of infectious or contagious diseases, for which purpose their jurisdiction shall extend to any distance within one mile of the limits of said town. The council may also pass ordinances to define and remove nuisances, to ascertain and fix the boundaries of streets, squares, lanes and alleys, or to repair and improve the same, or to alter, extend or widen any street, square, lane or alley, or open and lay out new ones, subject to the provisions in that behalf hereinbefore contained; to regulate and fix the ascents and descents of all streets, lanes and alleys, and the drainage thereof; to direct the paving or graveling of footways, and to prescribe the width thereof; to regulate and provide for the making of gutters, and the placing of gutter-stones or plates therein, and for curbing, wherever, in their opinion, such paving or graveling, making of gutters and the placing of gutter-stones or plates therein, and curbs, may be necessary or proper. to prescribe the extent of steps, porches, cellar-doors, and other inlets to lots and buildings; to regulate the construction and repair of chimneys, and to provide for keeping the same cleaned and in good order; to regulate the storage of gunpowder or any other dangerous or combustible materials, and to provide against casualties by fire. No person shall be obliged to pave any footway to a greater breadth than four and one-half feet in front of any vacant lot or lots not near or adjoining a dwelling-house, and no grading, curbing or widening of sidewalks shall, after the same has once been established, be directed to be altered or changed for a period of five years, except upon the petition of a majority of the property owners holding land on such street

Costs.

Fees.

Option of council.

Powers of council.

Grades.

Building line.

Gun-powder

Pave-ments.

OF CITIES AND TOWNS.

or part of street where such alteration or change is proposed to be made, and upon such petition the town council shall have the option to make such change or alteration, or not.

Dogs. The town council shall also have power to enact ordinances in relation to the keeping or harboring of dogs, to provide for the registering of the same, and to regulate their running at large, and may impose an annual tax not exceeding one dollar on every male dog, or two dollars on every female dog, and may provide for the collection of the same from each and every person owning or harboring any dog or dogs; and also shall have power to impose fines and penalties for the enforcement of any of said ordinances. The said council shall have

Surveyor. power also, by ordinance, to appoint a town surveyor to make a plot or map, showing the ascent and descent of all streets, lanes and alleys, the building lines upon the same, and generally to do and perform all such matters and things as they may deem necessary for carrying into effect the provisions in this section contained.

Notice to
owners to
pave, &c.

SECTION 10. Whenever the said town council shall have determined that any paving, graveling, guttering, placing of gutter-stones, or plates in any gutter, and curbing, or any, or either, or all of them, shall be done, they shall notify the owners of the land in front of whose premises the same is to be done, particularly designating the nature and character thereof, and thereupon it shall be the duty of such owner to cause such paving, graveling, guttering, placing of gutter-stones or plates in any gutter, and curbing to be done in conformity with said notice. In the event of any owner neglecting to comply with said notice for the space of thirty days, the said council may proceed to have the same done, and when done, the treasurer of the town shall, as soon as convenient thereafter, present to the said owner or owners of such lands a bill, showing the expense of such paving, graveling, guttering, placing of gutter-stones or plates in any gutter, and curbing. If such owner or owners be not resident in the town of Clayton such bill may be presented to the occupier or tenant of said land, or if their be no occupier or tenant resident in the said town of Clayton such bill may be sent by mail to such owner or owners, directed to him or them at the post office nearest his or their residence. If such bill be not paid by the owner or owners of such lands within thirty days after the presentation thereof, as aforesaid, then it shall be the duty of said town council to issue a warrant in the name of the town of Clayton under the hand of the

Neglect.

Council to
have done.

Bill to
owner.

Neglect to
pay.

Collection
of same.

OF CITIES AND TOWNS.

president of the town council, and the seal of the said corporation, directed to the treasurer of the town of Clayton, commanding him that of the goods and chattels, lands and tenements of such owner or owners he should cause to be levied and made the amount of the said bill, together with all costs. It shall be the duty of the treasurer of the said town of Clayton as soon as convenient after the said warrant shall be delivered to him, and after ten days notice to the owner or owners of such lands, and after posting five or more notices of sale in at least five of the most public places in the town of Clayton at least ten days before the day of sale, to sell the goods and chattels of such owner or owners at public auction, or so much thereof as may be necessary to pay the amount of said bill with all costs. If no goods and chattels of such owner or owners can be found within said town sufficient to satisfy the amount of said bill with all costs, then it shall be the duty of the said treasurer of the said town of Clayton, after ten days notice to such owner or owners aforesaid, and after posting five or more notices of sale in at least five of the most public places of the town of Clayton, for at least ten days before the day of sale, and after causing such notice of sale to be published twice in one newspaper printed in the said town of Clayton (or, if there be no newspaper printed in the said town of Clayton, then in a newspaper printed anywhere in Kent county), to sell the lands and tenements of such owner or owners in front of which such paving, graveling, guttering, placing of gutter-stones or plates in any gutter, and curbing, or either of them, have been done, or so much of said lands and tenements as may be sufficient to satisfy the amount of said bill with all costs, and a deed from the treasurer of the said town of Clayton shall convey to the purchasers of such lands and tenements as full and complete title, in fee simple or otherwise, as if the same were executed by the owner or owners thereof. The claim for paving, graveling, guttering, placing of gutter-stones or plates in any gutter, and curbing, shall be a lien on the premises in front of which the said work was done, and said lien shall relate back to the time when the notice herein required shall have been served upon the owner or owners or occupants of said premises, and shall have priority over any lien, incumbrance, or conveyance suffered or made by the owner or owners after the service of said notice. It shall be the duty of the treasurer of said town, out of the purchase money of the said goods and chattels, or lands and tenements, sold as aforesaid, to pay all costs arising

From personal property.

From lands.

Lien for paving, &c.

Application of proceeds of land.

OF CITIES AND TOWNS.

ing from the said proceeds and sale to the parties entitled thereto, and to retain for the use of the said town the amount of the said bill as aforesaid, and the residue of the said purchase money, if any, shall immediately be deposited in the National Bank at Smyrna, to the credit of the said owner or owners. The treasurer of the said town shall be entitled to receive five dollars for every sale of personal property under this section, and ten dollars for every sale of real estate under this section, together with such additional sum as may be reasonable and proper for the keeping and taking care of such personal property, for selling the same, and for advertising, all of which shall be part of the costs to be paid out of the purchase money as aforesaid. Any notice required by this section to one owner shall be notice to all, and in case no owner shall reside in said town, notice served upon the occupier or tenant shall be sufficient, or if there be no owner or occupier or tenant of said premises resident in the said town, it shall be sufficient to send notice by mail to any owner of said premises, directed to him or her at the post office nearest his or her place of residence. The provisions hereinbefore contained in this section shall apply to any order made by the council of said town in respect to any pavement, sidewalk, gutter, placing of gutter-stones or plates in any gutter, or curb, heretofore made or done, which the said council may deem insufficient, or to need repairing. The said council, in addition to the provision of this section hereinbefore contained, shall have power and authority to enforce, by ordinance, all the requirements of this section by imposing such fines and penalties as shall, in the judgment of said council, be necessary and proper.

SECTION II. The council of said town shall have power and authority to make, establish and publish such ordinances as they may deem beneficial for the good government of the said town at any regular monthly meeting. Such regular meeting shall be held on the second Monday evening of May, June, August, October, December, February and April, also such additional meetings as may be provided by ordinance in that behalf, or whenever any twelve (12) taxables of said town shall in writing addressed to president of council, request special meeting, or whenever the president may deem it expedient, at any such regular or special meetings, ordinances or rules for the good government of said town, the improvements of its streets, the repairs and constructions of drains and water courses, the planting and protecting of or-

OF CITIES AND TOWNS.

namental trees, and for all other matters relating to the general welfare of said town may be ordained and enacted. They shall have and are hereby vested with power and authority to prescribe the fines or penalties for violations of any of the provisions of this act, or of the ordinances which they may enact in pursuance hereof, and which are not specially provided for in this act. All such fines and penalties which may be imposed, either by this act or the ordinances enacted as aforesaid, may be collected before the alderman of said town or any justice of the peace of said town, and in default of payment said alderman or justice of the peace may commit for any time not exceeding thirty days.

Other powers.

Fines, how collected.

SECTION 12. The council of said town may appoint such number of town constables as shall be deemed necessary, who, with the constable of Kent county residing in said town, shall constitute the town police. The council of said town shall also have power and authority to remove any of the town constables at any time and appoint others in the place of those removed, if it shall be deemed necessary to make such appointments.

Police.

SECTION 13. The council of said town shall have power and authority to make such regulations and enact such ordinances relating to the travelling over and upon the streets, lanes and alleys in said town, and to the use thereof, and the standing or placing of carts, carriages or other vehicles or obstructions in and upon any of said streets, lanes, alleys, or sidewalks, as they shall deem proper, to secure the free and uninterrupted use and enjoyment thereof, and if any person shall violate the regulations and ordinances of the said council in that behalf, every person so offending shall forfeit and pay to the treasurer of said town, for the use of said town, a sum not exceeding ten dollars, to be recovered with costs, by the treasurer of said town, in the name of the town of Clayton, before the alderman of the said town or before any justice of the peace residing in said town, in the same manner as debts of like amount are recoverable by law.

Use of streets.

SECTION 14. It shall and may be lawful for the council of said town to use the jail of Kent county for the purpose of carrying into effect any judgment or sentence pronounced under the provisions of this act, or for carrying into effect any ordinance or regulation adopted under the provision of this act, and it shall be the duty of the keeper of said jail to

Use of county jail.

OF CITIES AND TOWNS.

receive and lock up in said jail any person committed to his custody under the provisions of this act, or under the provisions of any ordinance of the council of said town.

SECTION 15. The council of said town shall have the power and authority to use the money in the treasury of said town, or any portion thereof, for the improvement, benefit and ornament thereof, as they may deem advisable. In the general performance of their duties, the acts, doings and determination of a majority of the council of said town shall be as good and binding as the acts, doings and determinations of the whole. In case of a vacancy or vacancies in the council of said town, the remaining members, until such vacancy or vacancies shall be filled as hereinbefore provided, shall have the same power and authority as the whole.

SECTION 16. It shall be the duty of the alderman of said town and council of said town, and of the constables of Kent county residing in said town, and of the town constables, to suppress all riotous, turbulent, disorderly, or noisy assemblages or gathering of persons in or about any buildings used for any fair, festival, concert, or any other social, literary, or religious meeting, or any entertainment whatsoever, or in the streets, lanes, squares, or alleys of said town, at any time or season whatever; to prevent all gatherings whatever which may obstruct or interfere with the free use of the streets or sidewalks, and for this purpose it shall be the duty of any of said constables to seize and arrest any such persons so offending and carry them before the alderman of said town, whose duty it shall be to hear and determine the case, and upon conviction before him the alderman shall sentence any such person so convicted to pay a fine not exceeding ten dollars, and may commit the party to prison for a period not exceeding thirty days, or until said fine and costs shall be paid. It shall be the duty of the alderman of said town, upon complaint made before him of any such riotous, turbulent or noisy assemblages or gathering as aforesaid, to issue his warrant to any of the constables aforesaid, commanding him to arrest and bring any such person so offending as aforesaid before him for trial. It shall be the duty of the constable aforesaid, or any one of them, to arrest any drunken or disorderly person they may see on the streets, lanes or alleys of said town, and take such person so arrested before the alderman of said town, who shall proceed forthwith to hear and determine the case, and upon conviction before him he shall

OF CITIES AND TOWNS.

sentence such person in the same manner and to the same punishment provided in this section for the punishment of persons brought before him for the offences in this section first enumerated. If upon view of the person or persons who may be brought before the alderman of said town for violation of this section it shall appear to the alderman that in his judgment such person or persons are not in a condition to be heard and tried, he may commit such person to the keeper of the jail of Kent county to wait a trial at a time by him to be fixed; such time shall in no case be more than twenty-four hours from the time of commitment, unless the expiration of the said twenty-four hours would be on the Lord's day, and then not later than ten o'clock on the Monday morning following. The fee to the alderman of said town for the trial of any cause under this section shall be fifty cents, and to the constable making the arrest fifty cents. In case of commitment the constable shall receive an additional fee of fifty cents, and the keeper of said jail shall be entitled to a like fee of fifty cents for each commitment, whether by a constable or by the alderman of said town, and he shall be entitled to the same pay for board of the person so committed as is allowed by the Levy Court for board of prisoners.

Trial of intoxicated person.

Fees.

SECTION 17. The alderman of said town, the council of said town, and the town constables shall have power and authority to suppress, extinguish and prevent all bonfires in any of the streets, lanes, alleys, or squares of the said town, and to suppress and prevent the firing of guns or pistols, or the setting off of fire crackers or other fireworks, or the making and throwing of fireballs within the limits of said town, and the council of said town may, by ordinance or ordinances, impose fines and penalties upon the persons violating the provisions of this section, and may provide for the collection of such fines and penalties so imposed.

Bonfires, firing of guns, fireworks, &c.

SECTION 18. The council of said town are hereby authorized and required to prohibit the use, maintenance or establishment of any building or structure wherein any cattle, sheep or swine are now, or may hereafter be slaughtered, and to further prohibit any offal or refuse matter from any such building or structure being brought within the limits of said town. To cause all obstructions and nuisances that may at any time be and exist within the limits of said town whether in the streets, lanes or alleys, or on the sidewalks, or in any other place within the limits aforesaid, to be removed and

Slaughter houses.

Obstructions and nuisances on streets.

OF CITIES AND TOWNS.

Removal.

abated. The council of said town, or a majority of them, may proceed, either on their own view or upon complaint of any other citizen, in writing, stating the character of the obstruction or nuisance, and where the same exists. If the council of said town, or a majority of them, either of themselves or upon such information, or upon view, shall determine that an obstruction or nuisance exists and ought to be removed, they shall give notice in writing, signed by the president of said council, or the chairman of the street committee of said council, if the president of said council be absent from the town or otherwise be incapacitated from acting, to the person causing the obstruction or nuisance, or who is responsible for its existence or continuance, to remove or abate the same, and if such person shall refuse or neglect for the space of two days after such notice to remove or abate such obstruction or nuisance, the council of said town shall have power and authority to cause such obstruction or nuisance to be removed or abated; and for this purpose the council of said town may issue a warrant in the name of the town of Clayton under the hand of the president of the council, or the chairman of the street committee, and the seal of the said corporation, and directed to any constable of the town of Clayton, commanding him forthwith to remove or abate such obstruction or nuisance; whereupon the constable to whom the said warrant may be delivered, shall forthwith proceed to remove or abate the same, and for this purpose he shall have full power and authority to enter into and upon any lands and premises within the the town of Clayton, and to take with him such assistants, implements, horses, carts, wagons, or other things, as may be necessary and proper, and do and perform all matters and things, right and proper to be done for the removal of such obstruction or the abatement of such nuisance.

Costs

How collected.

The costs and damages of all the proceedings shall be determined and adjudged by the council of said town, and if the same be not paid to the treasurer of said town for the use of the town by the person causing the obstruction or nuisance, or who is responsible for its existence or continuance, within ten days after a bill stating the amount of such costs and damages shall have been presented to such person, then the council of said town may proceed to collect the same out of the goods and chattels of such person by warrant issued to the treasurer of said town in the same manner as provided in Section 10 of this act for the collection of the expense of any paving, graveling, &c., and the treasurer of said town, upon

OF CITIES AND TOWNS.

the receipt of such warrant, shall have all the powers to sell the goods and chattels of such person conferred and shall proceed in the same manner as directed by said Section 10 of this act, on warrants directed to him under said section to collect the expense of paving, graveling, &c., except that nothing in this section contained shall confer any power upon the treasurer of said town to sell any lands and tene-ments. If the person causing such obstruction or nuisance, or who is responsible for its existence or continuance, shall neglect or refuse to remove or abate the same for the space of two days after such notice aforesaid, he shall, in addition to the provisions hereinbefore in this section in that behalf contained, forfeit and pay to the treasurer of said town for the use of the town the sum of five dollars, and one dollar additional for each and every day such obstruction or nuisance shall continue unremoved or unabated after the expiration of the two days notice as aforesaid, to be recovered with costs of suit, in the name of the town of Clayton, before the alderman of said town or any justice of the peace residing in said town, as debts of like amount are recoverable. In ascertaining the amount of the judgment the person before whom the case is heard and determined shall compute the time beginning with and including the day following the expiration of the said two days notice up to and including the day on which judgment is rendered, if the obstruction or nuisance be then not removed or abated, or if then removed or abated, up to and exclusive of the day on which such obstruction or nuisance was removed or abated, and one dollar for every such day shall be added to the five dollars and judgment rendered accordingly. If the amount of the judgment, exclusive of costs, will exceed one hundred dollars, the case shall not be cognizable before the alderman or a justice of the peace, but in such case suit in the name of the town of Clayton may be brought in the Superior Court of the State of Delaware, in and for Kent county. These last provisions shall be cumulative and additional to the provisions hereinbefore in this section contained.

SECTION 19. If any constable shall neglect or refuse to perform any of the duties required of him by this act he shall be deemed guilty of a misdemeanor, and it shall be the duty of the council of said town to present him to the grand jury of Kent county, and upon conviction thereof by indictment he shall be fined in a sum not less than ten nor more than one hundred dollars, and may be imprisoned, in the discretion of

Neglect to
remove
nuisance.

Fine.

Ascertain-
ment of
judgment.

When suit
in court.

Constable
neglecting
duty.

Punish-
ment.

OF CITIES AND TOWNS.

the court, for any term not exceeding one year, and upon such conviction he shall *ipso facto* forfeit his office.

Treasurer
and secre-
tary.

Collector.
Oath of
treasurer.

Bond.

Duties.

Compensa-
tion of
officers.

SECTION 20. It shall be the duty of the council of said town, at the meeting on the second Monday in May in each and every year, or as soon as conveniently may be thereafter, to elect by ballot a treasurer and secretary, who shall hold their offices until the second Monday in May next after their election and until their successors shall be duly elected and qualified. The treasurer and secretary may or may not be the same person, and they may at same time hold the office of councilman. The said council shall also have authority to elect by ballot a collector of taxes in any year they may think proper to do so. The treasurer, before entering upon the duties of his office, shall be sworn or affirmed faithfully, honestly and diligently to perform the duties of his said office, which oath or affirmation may be administered to him by the president of said council, or by any member thereof, or by any judge, justice of the peace, or notary public. He shall also, before entering upon the duties of his office, give bond to the town of Clayton, with sufficient surety to be approved by the council of said town, in the penal sum of eight hundred dollars, conditioned for the faithful discharge of the duties of his said office and for the payment to his successor in office of all sums of money belonging to said town which may remain in his hands upon the settlement of his accounts, to which said bond and condition there shall be annexed a warrant of attorney for the confession of judgment for said penalty. The said treasurer shall pay all orders drawn on him by order of said council, and signed by the president thereof, out of any moneys in his hands belonging to said town. He shall settle his accounts with the said council annually, by the second Monday in April, and oftener and at such other times as the said council may require. The treasurer, secretary and assessor of said town shall each receive a reasonable compensation for their services, to be determined by the council of said town; *provided*, the compensation of the said treasurer, as such, shall not exceed five per cent. on all moneys received by him belonging to said town, and of the secretary, acting as collector, shall not exceed eight per cent. on the taxes collected by him. The officers elected under the provisions of this section in 1896 shall continue in office until the second Monday in May, A. D. 1897, and until their successors are duly elected.

OF CITIES AND TOWNS.

SECTION 21. That at the first regular meeting held in ^{Assessor.} May, 1897, and on the first regular meeting in May each year thereafter, there shall also be an assessor elected, who shall be an inhabitant of the town of Clayton, and who shall not be a member of the town council during the year of his services as assessor.

SECTION 22. The town council may fix the sum to be as- ^{Assess-}essed upon each and every male citizen residing in said ^{ments.} town, above the age of twenty-one years, as well those owning as those not owning real estate within the limits of said town; but the sum so to be fixed shall be one and the same for every class and description of said citizen, and shall not exceed the sum of nine hundred dollars.

SECTION 23. The town council are hereby authorized ^{Taxes.} and empowered to levy and collect from the taxables of said town according to the terms and provisions of this act such sum as may be deemed by them necessary to carry out the provisions of this act, clear of all delinquencies and expenses of collection. *Provided*, nevertheless, that the citizens of the town may assemble in town meeting any evening during the ^{Meeting of} year to determine whether any additional sum or sums shall ^{citizens} be levied and collected for any specific purpose or purposes; ^{relative to} notice of which meeting, the place of meeting and the special ^{additional} purpose or purposes for which said additional sum or sums ^{taxes for} are desired having been published by the town council, in ^{special} five public places in the town immediately preceding the time ^{purposes.} of said meeting. At said meeting a resolution or resolutions shall be prepared stating explicitly the additional sum or sums needed or desired, and the specific purpose or purposes to which the said sum or sums shall be applied. The qualified voters of the town shall then proceed to vote yea or nay, by ballot, upon said resolution or resolutions, and the result shall be certified to the town council; and if a majority of those voting shall approve of said resolution or resolutions then the town council shall levy and collect said additional sum or sums and apply the same for the purpose or purposes specified; and if more has been levied and collected than was necessary for the purpose or purposes named or specified the residue shall be carried into the treasury of the town for general purposes.

SECTION 24. It shall be the duty of the assessor of said ^{Duties of} town, annually, to make a true, just and impartial valuation ^{assessor.} and assessment of all the real estate within said town, and

OF CITIES AND TOWNS.

also an assessment of all the male citizens residing in said town above the age of twenty-one years, as well those owning as those not owning real estate within the limits of said town, and also the personal property of such citizens subject to county assessment and taxation. Also to ascertain the number of dogs within the said town and assess the owner or keeper of a dog or dogs one dollar for each male dog and two dollars for each female dog. The said assessor shall make such assessment and return the same to the council of said town within three weeks next after his election in 1897, and within three weeks after the first Monday in May in each year thereafter. The council of said town shall assess the real estate and person and assessable personal property of the assessor. The council of said town shall, as soon as conveniently may be after receiving said assessment list, cause a full and complete transcript of said assessment list to be prepared and hung up in the post office, or such other public and convenient place as the said council may select in said town, where it shall remain for at least five days thereafter for public inspection; and the said town council shall, on the first Monday in June, hold a court of appeal, which shall continue open from 7 o'clock p. m. to 9 o'clock p. m. of said day, when they shall hear and determine appeals from the said assessment, and may make correction of, additions to, or alterations in the said assessment. The said council may adjourn the court of appeals from day to day. Notice of the hanging up of said assessment list, and also, at the same time, notice of the time and place of hearing appeals shall be given by posting such notices in at least five public places in the town of Clayton. The determination of the council of said town upon any appeal, or upon any matter relating to such assessment, shall be final and conclusive. No member of council of said town shall sit upon his own appeal, but the same shall be heard and determined by the other members of said council. After the said valuation and assessment shall be examined and adjusted by the council of said town, all taxes shall be levied, assessed and raised on the real estate, personal property and persons thus valued and assessed, in just and equal proportions and rates. The said assessor, before entering upon the duties of his office, shall be sworn or affirmed diligently, faithfully and impartially to perform the duties of his office to the best of his ability, knowledge and judgment, which oath or affirmation may be administered to him by any judge, justice of the peace or notary public.

Assessment
of property.
Assessment
of assessor.

Assessment
to be
hung up.

Appeal.

Oath of
assessor.

OF CITIES AND TOWNS.

SECTION 25. The council of said town, after having ascertained the sum necessary to be raised on the said town for the purposes of this act, and after having apportioned the same on the assessment and valuation aforesaid, shall annually, in the month of June, or as soon thereafter as convenient, cause to be delivered to the collector of taxes, if there be one elected by the council of said town, in said year, or, if there be none, to the secretary of said town, a list containing the names of the taxables, as well the owners of real estate as those not owning real estate, and opposite the name of each the amount of the real estate, his poll and assessable personal property, and the tax on the whole valuation and assessment, and the rate per hundred dollars, and which list shall be signed by the president of said council. The collector of taxes, or, if there be none elected in said year, the secretary of said town, immediately after receiving said list, shall proceed to collect the taxes rated and contained in said list, and in collecting the same shall have all the powers conferred by law on the collectors of county rates and levies by the provisions of Chapter 12 of the Revised Code of 1852. In the collection of said taxes, the council of said town shall have the power and authority to order the collector of taxes, or, if there be none, the secretary, to deduct eight per cent. from the amount of the tax assessed against the person or property of any one who will pay such tax by the first day of August in any year following the assessment of the said tax. The collector of taxes, before entering upon the duties of his office, shall give bond to the town of Clayton, with sufficient surety to be approved by the council of said town, in the penal sum of eight hundred dollars, conditioned for the faithful performance of the duties of his office and the payment to the treasurer of said town of all moneys collected by him belonging to said town and for the settlement of his accounts with the treasurer of said town in the month of April next following his election as collector of taxes, and at such other times as the council of said town may require, to which said bond and condition there shall be annexed a warrant of attorney for the confession of judgment for said penalty. The collector of taxes shall receive a reasonable compensation for his services, to be determined by the council of said town; *provided*, that he shall not receive more than eight per cent. on the taxes collected by him.

Duplicates
and war-
rant to
collector.

Collection
of taxes.

Powers of
county
collectors.

Discount
for payment
of taxes by
August 1.

Collector's
bond.

Compensa-
tion.

SECTION 26. That in addition to the powers hereinbefore given to the collector of town or other taxes for the town of

Powers of
collector.

OF CITIES AND TOWNS.

Attach-
ment.

Clayton, it shall and may be lawful for the collector of the town of Clayton, 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 Clayton 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 Clayton, before any justice of the peace in the town of Clayton, 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 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.

Proceed-
ings, &c.Manufact-
uring
estab-
lish-
ments
exempt
from
taxation.

SECTION 27. That the town council of the town of Clayton 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 Clayton, employing not less than six

OF CITIES AND TOWNS.

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.

SECTION 28. The secretary, if the duties of treasurer and secretary are not performed by one person, before entering upon the duties of his office, shall be sworn or affirmed, faithfully, honestly and diligently to perform the duties of his said office. Which oath or affirmation may be administered by the president of said council, or by any member thereof, or by the alderman, judge, justice of the peace or notary public; he shall also, before entering upon the duties of his office, give bond to the town of Clayton, with sufficient surety, to be approved by the council of said town, in the penal sum of three hundred dollars, conditioned for the faithful performance of his duties, and for the payment of all sums of money belonging to the town of Clayton collected by him to the treasurer of the town of Clayton at each and every regular or special meeting of the town council, and to settle in full on the second Monday in April of each year. The said secretary shall also in any year when no collector of taxes shall be elected by council of said town, and when required to do so by said council, collect all the taxes assessed in said town as hereafter provided. It shall be the duty of the secretary of said town to keep a true and faithful record of all the proceedings of the council of the said town at all meetings held by them, and to do and perform such other matters and things as may be required of him by this act, or which may be provided by any ordinance or ordinances enacted by said council.

SECTION 29. That the Levy Court of Kent county shall have charge of the following bridges, namely, the bridge over run on south end of Bassett and Rodney streets, and the bridge on road leading from school house to Kenton road. The said Levy Court shall keep said bridges and abutments thereof in good order and repair, and shall, when necessary, rebuild the same. The said bridges shall be protected at the sides by a wall or railing at least three feet above the grading of said street or roads. All work of rebuilding or repairs to said bridges to be under supervision of chairman of street committee of town council of Clayton.

OF CITIES AND TOWNS.

Officers
continued.

SECTION 30. The present alderman, treasurer, secretary, assessor, collector and town constables shall continue to hold their respective offices until the first Monday in May, 1897, at which time they shall be elected or appointed, subject to the provisions of this act.

Acts
repealed.

Saving con-
ditions.

SECTION 31. The act to incorporate the town of Clayton, passed at Dover, April 15th, 1887, and an act to amend the said act, passed at Dover, April 19th, 1893, and the several acts and parts of acts inconsistent with or supplied by this act are hereby repealed and made null and void, saving and excepting, however, from the effect of such repeal, and hereby expressly declaring that all the ordinances of the town of Clayton, heretofore enacted or adopted, and now in force in pursuance of any law of this State, shall continue in full force and effect until repealed, altered or amended by the council of said town. That all the acts and doings of the council of said town, or of any officer of said town, lawfully done or performed under the provisions of any law of this State, or of any ordinance of the council of said town, are hereby ratified and confirmed. That all the debts, fines or penalties and forfeitures due to said town of Clayton, and all debts due from said town of Clayton to any person or persons whomsoever, or to any corporation, are hereby declared to be unaffected and unimpaired by this repeal, and all laws of this State for the collection and enforcement thereof shall continue in full force until the same shall be fully paid and discharged. That all the powers now conferred by law upon the collector for the collection and enforcement of all taxes in said town heretofore assessed and uncollected shall continue in full force and effect until all of said taxes shall be fully collected and paid; that the official bond of said collector, and other officers required to give bond, shall be unaffected and unimpaired by this repeal, and that they and their sureties therein shall continue liable for any breeches of any of the conditions of said bonds, and that all proceedings heretofore commenced for the collection of any penalty, fine, forfeiture or debt due to said town, under any law or ordinance, shall not be affected or impaired by this repeal, but the same may be prosecuted to judgment and execution until the same be fully paid, liquidated and discharged.

SECTION 32. That this act shall be deemed and taken to be a public act.

Passed at Dover, March 17, 1897.

OF CITIES AND TOWNS.

CHAPTER 536.

OF CITIES AND TOWNS.

AN ACT in relation to a Public Road adjoining the town of Clayton.

WHEREAS, It appears that by a petition signed by the required number of freeholders of the town of Clayton, in Kent county, to the commissioners of said town of Clayton, to close all that portion of the public road lying entirely within the limits of said town and leading from the public school house of the said town to the public road leading from the town of Smyrna to the town of Kenton, and beginning at a point at an angle in said road, to open and extend in a straight line with and of a uniform width of that portion of the unchanged portion of said road; and,

WHEREAS, It appears that the limits of said town of Clayton extend only to the centre of said proposed extension:

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

SECTION 1. That when the commissioners of the said town of Clayton shall have laid out, changed and opened, at the expense of the said town of Clayton, the said road, and put the same in good order for public travel, making the said road to be the width as is now required by law, and after the said road shall have been made, opened and put in good order and condition for public travel as aforesaid, that then and from thenceforth that the said portion of the said road lying outside of the limits of the said town of Clayton shall be deemed, considered and adjudged to be a public road, and shall be repaired and kept in repair at public expense as other public roads in Kent county.

Road to be opened.

Kept up by county.

SECTION 2. This act shall be deemed and taken to be a public act.

Passed at Dover, March 16, 1897.

OF CITIES AND TOWNS.

CHAPTER 537.

OF CITIES AND TOWNS.

AN ACT to re-incorporate 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):

- Limits. SECTION 1. That the limits and boundaries of the town of Smyrna in Kent county, be and the same shall remain as now fixed and established, and as marked and defined by boundary stones.
- Council. SECTION 2. There shall be a council of the town of Smyrna to be composed of seven members, and the seven members who now compose the council of the town of Smyrna shall continue in office until their successors shall be duly elected. In order that the council may be distributed over the said town equally, the said town shall be divided
- Districts. into six districts as follows, viz: That portion of the said town lying east of Main street, shall be the first district; that portion of the said town lying south of South street, west of Main street, and east of Union street, shall be the second district; that portion of said town lying south of Commerce street, west of Main street, north of South street and east of Union street, shall be the third district; that portion of the said town lying north of Commerce street, west of Main street, south of Mt. Vernon street and east of Union street, shall be the fourth district; that portion of said town lying west of Main street, north of Mt. Vernon street and east of Union street, shall be the fifth district, and that portion of said town lying west of Union street shall be the sixth district. On the first Monday in March in the year 1898, there shall be elected seven councilmen to succeed those who are now in office and whose term of office shall then expire,
- Election in 1898. one of whom shall be a resident of the first district; one of whom shall be a resident of the second district; one of whom shall be a resident of the third district; one of whom shall be a resident of the fourth district; one of whom shall be a resident of the fifth district, and two of whom shall be residents
- Residence of councilmen. of the sixth district. The term of office of the councilmen so to be elected as aforesaid, shall be for one year from the
- Terms.

OF CITIES AND TOWNS.

day of their election and until their successors are duly elected and qualified. And after the first Monday in March in the year 1898, there shall be annually elected on the first Monday in March, councilmen to succeed those whose term of office will then expire, and said councilmen shall be taken from said districts as in the previous election. The said councilmen shall be resident freeholders of the said town of Smyrna at the time of their election. Elected annually.

SECTION 3. That an election shall be held on the first Monday in March in every year at the town hall in the said town, or at such other convenient place as may be appointed by any councilman of said town, between the hours of two o'clock in the afternoon and five o'clock in the afternoon for the election of councilmen, an assessor, and treasurer of said town, each of whom must be above the age of twenty-one years and the owner of real estate in his own right, within the said town. At such election every male citizen of said town who shall be of the age of twenty-one years, and shall have paid a town tax within twelve months, shall have the right to vote, and persons arriving at the age of twenty-one years since the last town assessment shall also have the right to vote; *and further*, each male citizen must be a resident of the district thirty days previous to the day of election, and in voting for councilman can only vote for a person from the district in which he resides. Immediately after the election is closed the votes shall be read from each district separately and counted, and the persons having the highest number of votes resident in the district shall be elected, and shall continue in office for one year, and the assessor and treasurer for one year and until successors are duly elected. Every election shall be held under the superintendence of three qualified voters to be appointed for that purpose by the councilmen; but if in any year on the first Monday in March at two o'clock in the afternoon there shall not be present at the place of holding the election three qualified voters duly appointed and willing and ready to hold said election, in such case the persons entitled to vote at such election present at the place of holding the same shall immediately after two o'clock appoint *viva voce* some qualified voter entitled to vote at such election to be judge of the choice and appointment of an inspector to hold said election and shall immediately after said judge is appointed, under his superintendence, choose without ballot some qualified voter entitled to vote at such election to be Annual election.

Electors.

Counting of votes.

Terms of office.

Officers of election.

OF CITIES AND TOWNS.

CHAPTER 537.

OF CITIES AND TOWNS.

AN ACT to re-incorporate 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):

- Limits.** SECTION 1. That the limits and boundaries of the town of Smyrna in Kent county, be and the same shall remain as now fixed and established, and as marked and defined by boundary stones.
- Council.** SECTION 2. There shall be a council of the town of Smyrna to be composed of seven members, and the seven members who now compose the council of the town of Smyrna shall continue in office until their successors shall be duly elected. In order that the council may be distributed over the said town equally, the said town shall be divided
- Districts.** into six districts as follows, viz: That portion of the said town lying east of Main street, shall be the first district; that portion of the said town lying south of South street, west of Main street, and east of Union street, shall be the second district; that portion of said town lying south of Commerce street, west of Main street, north of South street and east of Union street, shall be the third district; that portion of the said town lying north of Commerce street, west of Main street, south of Mt. Vernon street and east of Union street, shall be the fourth district; that portion of said town lying west of Main street, north of Mt. Vernon street and east of Union street, shall be the fifth district, and that portion of said town lying west of Union street shall be the sixth district. On the first Monday in March in the year 1898,
- Election in 1898.** there shall be elected seven councilmen to succeed those who are now in office and whose term of office shall then expire,
- Residence of councilmen.** one of whom shall be a resident of the first district; one of whom shall be a resident of the second district; one of whom shall be a resident of the third district; one of whom shall be a resident of the fourth district; one of whom shall be a resident of the fifth district, and two of whom shall be residents of the sixth district. The term of office of the councilmen
- Terms.** so to be elected as aforesaid, shall be for one year from the

OF CITIES AND TOWNS.

day of their election and until their successors are duly elected and qualified. And after the first Monday in March in the year 1898, there shall be annually elected on the first Monday in March, councilmen to succeed those whose term of office will then expire, and said councilmen shall be taken from said districts as in the previous election. The said councilmen shall be resident freeholders of the said town of Smyrna at the time of their election.

SECTION 3. That an election shall be held on the first Monday in March in every year at the town hall in the said town, or at such other convenient place as may be appointed by any councilman of said town, between the hours of two o'clock in the afternoon and five o'clock in the afternoon for the election of councilmen, an assessor, and treasurer of said town, each of whom must be above the age of twenty-one years and the owner of real estate in his own right, within the said town. At such election every male citizen of said town who shall be of the age of twenty-one years, and shall have paid a town tax within twelve months, shall have the right to vote, and persons arriving at the age of twenty-one years since the last town assessment shall also have the right to vote; *and further*, each male citizen must be a resident of the district thirty days previous to the day of election, and in voting for councilman can only vote for a person from the district in which he resides. Immediately after the election is closed the votes shall be read from each district separately and counted, and the persons having the highest number of votes resident in the district shall be elected, and shall continue in office for one year, and the assessor and treasurer for one year and until successors are duly elected. Every election shall be held under the superintendence of three qualified voters to be appointed for that purpose by the councilmen; but if in any year on the first Monday in March at two o'clock in the afternoon there shall not be present at the place of holding the election three qualified voters duly appointed and willing and ready to hold said election, in such case the persons entitled to vote at such election present at the place of holding the same shall immediately after two o'clock appoint *viva voce* some qualified voter entitled to vote at such election to be judge of the choice and appointment of an inspector to hold said election and shall immediately after said judge is appointed, under his superintendence, choose without ballot some qualified voter entitled to vote at such election to be

Elected annually.

Annual election.

Electors.

Counting of votes.

Terms of office.

Officers of election.

OF CITIES AND TOWNS.

- Record and certificates of election.** inspector to hold the same. Immediately after such election the person or persons under whose superintendence the same is held shall enter in a book to be provided for that purpose a minute of such election containing the names of the persons chosen councilmen, assessor and treasurer, and shall subscribe the same, and shall give to the councilmen, assessor and treasurer elect, certificates of their election; the book containing such minutes shall be preserved by the council and shall be evidence. In case of a tie of persons voted for three qualified voters holding said election shall by lot among themselves decide which of them shall have the casting vote; or if said election be held by an inspector, he shall have the casting vote. The regular meeting of the council, of the said town of Smyrna, shall be held on the second and fourth Friday evenings of every month and at such hour and place as the said council shall determine. At their meeting on the second Friday in the month of April in every year, they shall
- Meetings of council.** organize by the election of a president whose duties shall be such as the said council may determine and also by the election of a clerk whose duties shall be to keep a true and faithful record of all the proceedings of the council of the said town at all meetings held by them and to do and perform such other matters and things as may be prescribed by this act or the said council may direct. Before entering upon the duties of their office the councilmen elect shall be sworn in by a justice of the peace or one of the councilmen whose term has expired, to faithfully and impartially perform their duties as councilmen of the town of Smyrna.
- Officers of council.**
- Oath of councilmen.**
- Majority acts.** That in the general performance of their duties the acts, doings and determination of a majority of the council shall be as good as the acts, doings and determination of the whole, and in case of vacancy among councilmen by death, removal from the district, resignation or otherwise the remaining councilmen shall elect other or others to serve for the residue of the term. In case the office of assessor or treasurer becomes vacant the council may appoint until the next election.
- Vacancy.**
- Vacancy in office of assessor or treasurer.**
- Contracts with members of council unlawful.** It shall be unlawful for the said council of the town of Smyrna to make or enter into any contract for materials, supplies or work and labor for the use and benefit of the said town of Smyrna with any member of the said town council, or with any corporation in which any member of said town council is a director or stockholder, or with any firm or company in which any one of said town council is a member or

OF CITIES AND TOWNS.

pecuniarily interested, and any such contract shall be absolutely null and void without the unanimous consent of the said council.

SECTION 4. The town council, at the regular meeting Alderman. next after each annual election, as hereinbefore provided for, or as soon thereafter as convenient, shall proceed to elect by ballot some suitable person, resident in the town, to be alderman of the town of Smyrna who may or not be a justice of the peace, to serve as such for one year or until his successor shall Term. be duly elected, subject, however, to be removed from office at Removal. any time by majority vote of all the members composing the town council. Before entering upon the duties of his Oath. office he shall be sworn or affirmed, by the president of the town council or by any one of the councilmen, to perform the duties of his office honestly, faithfully and diligently. It Duties. shall be his duty to execute all laws enacted for the government of said town, and to carry into effect all orders and directions of the town council made in pursuance of any law of this State, or of any ordinance that the said town council may legally make and establish. He shall have all the powers of a justice of the peace within the town, and shall Powers. have jurisdiction and cognizance of all breaches of the peace and other offenses in said town, so far as to arrest and hold to bail or fine and imprison offenders, and also of all fines and forfeitures and penalties which may be prescribed by any law of this State or by any ordinance of the town council regularly passed and established for the government of the town, and also of all neglects, omissions or defaults of any town constable, collector, assessor, treasurer, town clerk, or any other officer or person whose duty it may be to collect, receive, pay over or account for any money belonging to said town, or to execute or obey any law or ordinance thereof; *provided*, that he shall not impose any fine exceeding twenty dollars, or have jurisdiction in civil matters exceeding two hundred dollars, exclusive of costs. His fees for any service Fees. under this section shall be the same as those of a justice of the peace for the like service, and for any service or duty for which no fee may be provided by law the fee may be established by ordinance of the town council. If any vacancy Vacancy. shall occur in the office of alderman of the town of Smyrna by death, resignation, removal from office, or otherwise, such vacancy may be supplied by the town council at any meeting thereof for the residue of the term. If any alderman shall be removed from his office by the town council as hereinbe- If removed to deliver to successor books, &c.

OF CITIES AND TOWNS.

fore provided, he shall deliver to his successor in office, within two days after the election of his successor, all the books and papers belonging to his office, and shall pay over to the treasurer of the town all moneys in his hands belonging to the town within five days after his removal. Upon his neglect or failure to pay over to the treasurer of the town within the time aforesaid all moneys belonging to the town, he shall be deemed guilty of a misdemeanor, and, upon conviction thereof by indictment, shall be fined not less than twenty nor more than one hundred dollars.

Neglect.

Fine.

Monthly
report of
alderman.

Neglect.

SECTION 5. The alderman shall, at every monthly meeting of the town council, report to the council all fines imposed by him during the preceding month, and pay to the treasurer of the town of Smyrna all such fines and penalties and all moneys in his hands belonging to said town received by him during the said time, and in default of making such report or paying such fines and penalties for a period of twenty days after such report should be made and such fines and penalties and other money belonging to said town should be paid as aforesaid, he shall be deemed guilty of a misdemeanor, and upon conviction thereof by indictment shall be fined not less than twenty nor more than one hundred dollars.

President
of council.

Duties.

SECTION 6. The duties of the president of council shall be to preside at the meetings of council; have the general supervision of all streets, lanes and alleys in said town, and of the persons who may be employed by the town council; receive complaints of nuisances, and other complaints of citizens of violation of laws or ordinances, and present the same to the council at their first meeting for their action; and such infraction or violation of the law or ordinances as require immediate action to cause the same to be proceeded on before the alderman. He shall issue and sign all licenses for every exhibition within the town of Smyrna, for which, by Section 1 of Chapter 51 of the Revised Code a license therefor is required, and all other exhibitions licenses for which by law or ordinance may be required to be issued; 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 ordinances of the town council.

Person to
act in lieu
of.

If the president of council shall be incapacitated from acting by reason of absence, or for any other cause whatsoever, then all the powers and duties conferred and imposed upon him

OF CITIES AND TOWNS.

by this section, or any other law, or conferred or imposed by any ordinance or ordinances adopted by the town council, shall be exercised and performed by the person acting as president for the time.

SECTION 7. That it shall and may be lawful for the said ^{Prison.} council to build and maintain a suitable place as a prison or jail for the use of said town, and any justice of the peace or alderman of said town, acting under the provisions of this act, or carrying into execution any judgment or sentence pronounced under its authority, or the authority of any ordinance or regulation adopted by virtue of the power herein conferred, may commit to the said prison or jail, for any time not exceeding five days, and for want of such prison or jail, ^{Use of county jail.} to the common jail of Kent county. The said town council shall at one of their regular monthly meetings in the month of March annually elect by ballot some suitable person resident of said town to be the collector of the town taxes of said ^{Collector.} town of Smyrna who, before entering upon the duties of his office, shall give bond to the town of Smyrna, with sufficient ^{Bond.} surety to be approved by the council of said town, in the penal sum of four thousand dollars, conditioned for the faithful performance of the duties of his office and the payment to the treasurer of said town of all moneys collected by him belonging to said town, and for the settlement of his accounts with the treasurer of said town in the month of February next following his election as collector of taxes, and at such other times as the council of said town may require, to which said bond and condition there shall be annexed a warrant of attorney for the confession of judgment for said penalty. ^{The Compensation.} The collector of taxes shall receive for his services such compensation as the council of said town shall determine.

SECTION 8. The councilmen and the president of council, ^{Incorporated.} as hereinbefore provided for, shall be and they are hereby created a body politic and corporate in law and equity, and shall be able and capable to sue and be sued, plead and be impleaded in courts of law and equity in this State and elsewhere by the corporate name of "The Town of Smyrna," ^{Style.} and shall have a corporate seal, which they may alter, change ^{Seal.} or renew at their pleasure; and may purchase, take, hold and ^{Powers.} enjoy lands, tenements and hereditaments in fee simple or otherwise, and also goods and chattels, rights and credits, and may alien, grant, demise and dispose of the same as they may deem proper, and may do all other things which a body

OF CITIES AND TOWNS.

Streets. politic and corporate may lawfully do to carry out and effect the object and purposes of this act. The president and councilmen, for the time being, shall have the superintendence and oversight of all roads and streets now open or hereafter to be opened within the limits of said town, and no overseer of any street or roads shall be appointed by the Levy Court of Kent county, but the said Levy Court shall annually appropriate for the repair of said roads and streets a sum of money, not less than four hundred dollars, and shall make an order for the payment thereof to the treasurer of the town of Smyrna for the use of said town.

Appropriation by Levy court.

Opening streets SECTION 9. The town council shall have power, upon the application of a majority of the freeholders in the district by petition for the purpose, to locate, lay out, and open any new street, lane or alley or alleys, or widen any street, lane or alley heretofore laid out in said town, or reopen any old street or streets, lane or lanes, or alley or alleys, now closed, or which may hereafter be closed, which ten or more citizens may desire to be located, laid out and opened, or widened, or reopened, allowing to the persons respectively, through and over whose lands such street or streets, lane or lanes, or alley or alleys may pass, such compensation therefor as they shall deem just and reasonable under all circumstances, which compensation, if any be allowed, shall be paid by the treasurer of the town out of the moneys of said town upon warrants drawn upon him by order of the council aforesaid.

Notice to owner. SECTION 10. Whenever the town council shall have determined to locate and lay out, or widen any street, lane or alley, and shall have fixed the compensation therefor, it shall be their duty immediately after the survey and location of the said street, lane or alley, to notify, in writing, the owner or owners of the real estate through or over which such street, lane or alley may run, of their determination to open or widen the same, and to furnish a general description of the location thereof, and also the amount of damages or compensation allowed to each, and if such owner be not resident within the said town to notify the holder or tenant of said real estate, but if there be no holder or tenant resident in said town the said notice may be affixed to any part of the premises. If any owner be dissatisfied with the amount of the compensation or damages allowed by the town council, as aforesaid, he or she may, within ten days after such notice as aforesaid, appeal from the said assessment of com-

Appeal.

OF CITIES AND TOWNS.

pension or damages by serving a written notice to that effect on the president of said council, or the person performing the duties of president of council for the time being. In order to prosecute said appeal, such owner or owners shall within fifteen days after the expiration of the ten days allowed for appeals, and upon ten days notice to said president of council, or the person performing the duties of president of council for the time being, make written application to the associate judge of the Superior Court of this State, resident in Kent county, for the appointment of a commission to hear and determine the matter of damages or compensation, and thereupon the said associate judge shall issue a commission under his hand directed to five freeholders of the said county, three of whom shall be residents of said town of Smyrna, and two of whom shall be non-residents of said town, commanding them to assess the damages which the owner of the real estate through or over whose lands said street, lane or alley shall pass, who shall have notified the said town council of their intention to appeal, may incur by reason thereof, and to make return of their proceedings to the said associate judge at a time therein appointed. The freeholders named in such commission being first sworn or affirmed, as in said commission shall be directed, shall view the premises, and they, or a majority of them, shall assess the damages as aforesaid, and shall make return, in writing, of their proceedings in the premises to the said associate judge, who shall deliver said return to said town council, which shall be final and conclusive. The said associate judge shall have power to fill any vacancy in the commission. The amount of damages being so ascertained, the town council may pay or tender the same to the person or persons entitled thereto, within one month after the same shall be finally ascertained, or if the person or persons so entitled reside out of, or are absent from town, during said period of one month, or are minors, then the same may be deposited to his or her credit in the Fruit Growers' National Bank of Smyrna within said time, and thereupon the said property or land may be taken or occupied for the uses aforesaid. In the ascertainment and assessment of damages by the freeholders appointed by the associate judge aforesaid, if the damages shall be increased, the costs of the appeal shall be paid by the treasurer of the town out of any money in his hands belonging to the town, but if said damages shall not be increased the costs of the appeal shall be paid by the party appealing. The fees of the

Commissioners to hear same.

Return.

Payment of damages.

Costs.

OF CITIES AND TOWNS.

- Fees.** freeholders shall be two dollars per day to each, which shall be taxed as part of the costs. After the damages shall be fixed and ascertained by the freeholders as aforesaid, the town
- Option of council.** council shall have the option to pay damages assessed, within the time aforesaid and proceed with the said improvements, or, upon the payment of the costs only, may abandon the proposed improvements.
- Powers of council.** **SECTION 11.** The town council shall have power to enact ordinances to prevent nuisances, to preserve the health of the town, and to prevent the introduction of infectious or contagious diseases, for which purpose their jurisdiction shall extend to any distance within one mile of the limits of said town. The council may also pass ordinances to define and remove nuisances, to ascertain and fix the boundaries of streets, squares, lanes and alleys, or to repair and improve the same, or to alter, extend or widen any street, square, lane or alley, or open and lay out new ones, subject to the provisions in that behalf hereinbefore contained; to regulate and fix the ascents and descents of all streets, lanes and alleys, and the drainage thereof; to direct the paving or graveling of footways, and to prescribe the width thereof; to regulate and provide for the making of gutters, and the placing of gutter-stones or plates therein, and for curbing, wherever, in their opinion, such paving or graveling, making of gutters and the placing of gutter-stones or plates therein, and curbs, may be necessary or proper; to prescribe the extent of steps, porches, cellar-doors, and other inlets to lots and buildings; to regulate the construction and repair of chimneys, and to provide for keeping the same cleaned and in good order; to regulate the storage of gunpowder or any other dangerous or combustible materials, and to provide against casualties by fire. No person shall be obliged to pave any footway to a greater breadth than four feet in front of any vacant lot or lots not near or adjoining a dwelling-house, and no grading, curbing or widening of sidewalks shall, after the same has once been established, be directed to be altered or changed for a period of ten years, except upon the petition of a majority of the property owners holding land on such street or part of street where such alteration or change is proposed to be made, and upon such petition the town council shall have the option to make such change or alteration, or not.
- Dogs.** The town council shall also have power to enact ordinances in relation to the keeping or harboring of dogs, to provide
- Grades.**
- Building line.**
- Gunpowder.**
- Pavements.**

OF CITIES AND TOWNS.

for the registering of the same, and to regulate their running at large, and also shall have power to impose fines and penalties for the enforcement of any of said ordinances. The said council shall have power also, by ordinance, to appoint a town surveyor to make a plot or map, showing the ascent and descent of all streets, lanes and alleys, the building lines upon the same, and generally to do and perform all such matters and things as they may deem necessary for carrying into effect the provisions in this section contained. Surveyor.

SECTION 12. Whenever the said town council shall have determined that any paving, graveling, guttering, placing of gutter-stones, or plates in any gutter, and curbing, or any, or either, or all of them, shall be done, they shall notify the owners of the land in front of whose premises the same is to be done, particularly designating the nature and character thereof, and thereupon it shall be the duty of such owner to cause such paving, graveling, guttering, placing of gutter-stones or plates in any gutter, and curbing to be done in conformity with said notice. In the event of any owner neglecting to comply with said notice for the space of thirty days, the said council may proceed to have the same done, and when done, the alderman of the town shall, as soon as convenient thereafter, present to the said owner or owners of such lands a bill, showing the expense of such paving, graveling, guttering, placing of gutter-stones or plates in any gutter, and curbing. If such owner or owners be not resident in the town of Smyrna such bill may be presented to the occupier or tenant of said land, or if their be no occupier or tenant resident in the said town of Smyrna such bill may be sent by mail to such owner or owners, directed to him or them at the post office nearest his or their residence. If such bill be not paid by the owner or owners of such lands within thirty days after the presentation thereof, as aforesaid, then it shall be the duty of said town council to issue a warrant in the name of the town of Smyrna under the hand of the president of the town council, and the seal of the said corporation, directed to the alderman of the town of Smyrna, commanding him that of the goods and chattels, lands and tenements of such owner or owners he should cause to be levied and made the amount of the said bill, together with all costs. It shall be the duty of the alderman of the said town of Smyrna as soon as convenient after the said warrant shall be delivered to him, and after ten days notice to the owner or owners of such lands, and after posting five or more notices Notice to owners to pave, &c.

Neglect.

Council to have done.

Bill to owner.

Neglect to pay.

Collection of same.

OF CITIES AND TOWNS.

of sale in at least five of the most public places in the town of Smyrna at least ten days before the day of sale, to sell the goods and chattels of such owner or owners at public auction, or so much thereof as may be necessary to pay the amount of said bill with all costs. If no goods and chattels of such owner or owners can be found within said town sufficient to satisfy the amount of said bill with all costs, then it shall be the duty of the said alderman of the said town of Smyrna, after ten days notice to such owner or owners aforesaid, and after posting five or more notices of sale in at least five of the most public places of the town of Smyrna, for at least ten days before the day of sale, and after causing such notice of sale to be published twice in one newspaper printed in the said town of Smyrna (or, if there be no newspaper printed in the said town of Smyrna, then in a newspaper printed anywhere in Kent county), to sell the lands and tenements of such owner or owners in front of which such paving, graveling, guttering, placing of gutter-stones or plates in any gutter, and curbing, or either of them, have been done, or so much of said lands and tenements as may be sufficient to satisfy the amount of said bill with all costs, and a deed from the alderman of the said town of Smyrna shall convey to the purchasers of such lands and tenements as full and complete title, in fee simple or otherwise, as if the same were executed by the owner or owners thereof. The claim for paving, graveling, guttering, placing of gutter-stones or plates in any gutter, and curbing, shall be a lien on the premises in front of which the said work was done, and said lien shall relate back to the time when the notice herein required shall have been served upon the owner or owners or occupants of said premises, and shall have priority over any lien, incumbrance, or conveyance suffered or made by the owner or owners after the service of said notice. It shall be the duty of the alderman of said town, out of the purchase money of the said goods and chattels, or lands and tenements, sold as aforesaid, to pay all costs arising from the said proceeds and sale to the parties entitled thereto, and to retain for the use of the said town the amount of the said bill as aforesaid, and the residue of the said purchase money, if any, shall immediately be deposited in the Fruit Growers' National Bank of Smyrna, to the credit of the said owner or owners. The alderman of the said town shall be entitled to receive five dollars for every sale of personal property under this section, and ten dollars for every sale of real estate under this section, together with such additional

From personal property.

From lands.

Lien for paving, &c.

Application of proceeds of land.

Cost of sale.

OF CITIES AND TOWNS.

sum as may be reasonable and proper for the keeping and taking care of such personal property, for selling the same, and for advertising, all of which shall be part of the costs to be paid out of the purchase money as aforesaid. Any notice required by this section to one co-owner shall be notice to all, and in case no owner shall reside in said town, notice served upon the occupier or tenant shall be sufficient, or if there be no owner or occupier or tenant of said premises resident in the said town, it shall be sufficient to send notice by mail to any owner of said premises, directed to him or her at the post office nearest his or her place of residence. The provisions hereinbefore contained in this section shall apply to any order made by the council of said town in respect to any pavement, sidewalk, gutter, placing of gutter-stones or plates in any gutter, or curb, heretofore made or done, which the said council may deem insufficient, or to need repairing. The said council, in addition to the provisions of this section hereinbefore contained, shall have power and authority to enforce, by ordinance, all the requirements of this section by imposing such fines and penalties as shall, in the judgment of said council, be necessary and proper.

SECTION 13. The council of said town shall have power and authority to make, establish and publish such ordinances as they may deem beneficial for the good government of the said town at any regular monthly meeting. Such regular meeting shall be held on the second and fourth Friday evenings of each month. They shall have and are hereby vested with power and authority to prescribe the fines or penalties for violations of any of the provisions of this act, or of the ordinances which they may enact in pursuance hereof, and which are not specially provided for in this act. All such fines and penalties which may be imposed, either by this act or the ordinances enacted as aforesaid, may be collected before the alderman of said town or any justice of the peace of said town, and in default of payment said alderman or justice of the peace may commit for any time not exceeding five days.

SECTION 14. The council of said town may appoint such number of town constables as shall be deemed necessary, who, with the constable of Kent county residing in said town, shall constitute the town police. The council of said town shall also have power and authority to remove any of the town constables at any time and appoint others in the place of those removed, if it shall be deemed necessary to make such appointments.

OF CITIES AND TOWNS.

Annual
statement
to be
published.

SECTION 15. The council of said town shall cause a statement of their receipts and expenditures, up to the first Monday in February in each and every year, to be published in at least one newspaper published in said town of Smyrna the week preceding the annual election.

Use of
streets.

SECTION 16. The council of said town shall have power and authority to make such regulations and enact such ordinances relating to the travelling over and upon the streets, lanes and alleys in said town, and to the use thereof, and the standing or placing of carts, carriages or other vehicles or obstructions in and upon any of said streets, lanes, alleys, or sidewalks, as they shall deem proper, to secure the free and uninterrupted use and enjoyment thereof, and if any person shall violate the regulations and ordinances of the said council in that behalf, every person so offending shall forfeit and pay to the treasurer of said town, for the use of said town, a sum not exceeding ten dollars, to be recovered with costs, by the treasurer of said town, in the name of the town of Smyrna, before the alderman of the said town or before any justice of the peace residing in said town, in the same manner as debts of like amount are recoverable by law.

Use of town
money.

SECTION 17. The council of said town shall have the power and authority to use the money in the treasury of said town, or any portion thereof, for the improvement, benefit and ornament thereof, as they may deem advisable. In the

Acts of ma-
jority.

general performance of their duties, the acts, doings and determination of a majority of the council of said town shall be as good and binding as the acts, doings and determina-

Vacancy
in council.

tions of the whole. In case of a vacancy or vacancies in the council of said town, the remaining members, until such vacancy or vacancies shall be filled as hereinbefore provided, shall have the same power and authority as the whole.

Conserv-
ators of the
peace.

SECTION 18. It shall be the duty of the alderman of said town and council of said town, and of the constables of Kent county residing in said town, and of the town constables, to suppress all riotous, turbulent, disorderly, or noisy assemblages or gathering of persons in or about any buildings used for any fair, festival, concert, or any other social, literary, or religious meeting, or any entertainment whatsoever, or in the streets, lanes, squares, or alleys of said town, at any time or season whatever; to prevent all gatherings whatever which may obstruct or interfere with the free use of the streets or

OF CITIES AND TOWNS.

sidewalks, and for this purpose it shall be the duty of any of said constables to seize and arrest any such persons so offending and carry them before the alderman of said town, whose duty it shall be to hear and determine the case, and upon conviction before him the alderman shall sentence any such persons so convicted to pay a fine not exceeding ten dollars, and may commit the party to prison for a period not exceeding five days, or until said fine and costs shall be paid. It shall be the duty of the alderman of said town, upon complaint made before him of any such riotous, turbulent or noisy assemblages or gathering as aforesaid, to issue his warrant to any of the constables aforesaid, commanding him to arrest and bring any such person so offending as aforesaid before him for trial. Any constable arresting any person so offending as aforesaid after the hour of ten o'clock at night, may take such person so arrested and deliver him into the custody of the keeper of the prison or jail of said town to await a trial before the alderman of said town. It shall be the duty of the constable aforesaid, or any one of them, to arrest any drunken or disorderly person they may see on the streets, lanes or alleys or squares of said town, and take such person so arrested before the alderman of said town, who shall proceed forthwith to hear and determine the case, and upon conviction before him he shall sentence such person in the same manner and to the same punishment provided in this section for the punishment of persons brought before him for the offences in this section first enumerated. If upon view of the person or persons who may be brought before the alderman of said town for violation of this section it shall appear to the alderman that in his judgment such person or persons are not in a condition to be heard and tried, he may commit such person to the keeper of the said prison or jail of said town to wait a trial at a time by him to be fixed; such time shall in no case be more than twenty-four hours from the time of commitment, unless the expiration of the said twenty-four hours would be the Lord's day, and then not later than ten o'clock on the Monday morning following. The fee to the alderman of said town for the trial of any cause under this section shall be fifty cents, and to the constable making the arrest and commitment fifty cents. And the keeper of said prison or jail shall be entitled to such pay for board of the person so committed as may be allowed by the town council.

Arrests.

Hearing.

Commitment.

Warrant for arrest.

Trial of intoxicated person.

Fees.

SECTION 19. The alderman of said town, the council of

OF CITIES AND TOWNS.

Bonfires,
firing of
guns, fire-
works, &c.

said town, and the town constables shall have power and authority to suppress, extinguish and prevent all bonfires in any of the streets, lanes, alleys, or squares of the said town, and to suppress and prevent the firing of guns or pistols, or the setting off of fire crackers or other fireworks, or the making and throwing of fireballs within the limits of said town, and the council of said town may, by ordinance or ordinances, impose fines and penalties upon the persons violating the provisions of this section, and may provide for the collection of such fines and penalties so imposed.

Obstruc-
tions and
nuisances
on streets.

SECTION 20. The council of said town are hereby authorized and required to cause all obstructions and nuisances that may at any time be and exist within the limits of said town whether in the streets, lanes or alleys, or on the sidewalks, or in any other place within the limits aforesaid, to be removed and abated. The council of said town, or a majority of them, may proceed, either on their own view or upon complaint of any other citizen, in writing, stating the character of the obstruction or nuisance, and where the same exists. If the council of said town, or a majority of them, either of themselves or upon such information, or upon view, shall determine that an obstruction or nuisance exists and ought to be removed, they shall give notice in writing, signed by the president of said council, or by the person acting as president for the time, if the president of said council be absent from the town or otherwise be incapacitated from acting, to the person causing the obstruction or nuisance, or who is responsible for its existence or continuance, to remove or abate the same, and if such person shall refuse or neglect for the space of two days after such notice to remove or abate such obstruction or nuisance, the council of said town shall have power and authority to cause such obstruction or nuisance to be removed or abated; and for this purpose the council of said town may issue a warrant in the name of the town of Smyrna under the hand of the president of the council, or by the person acting as president for the time, and the seal of the said corporation, and directed to any constable of the town of Smyrna, commanding him forthwith to remove or abate such obstruction or nuisance; whereupon the constable to whom the said warrant may be delivered, shall forthwith proceed to remove or abate the same, and for this purpose he shall have full power and authority to enter into and upon any lands and premises within the the town of Smyrna, and to take with him such assistants, implements, horses, carts, wagons, or

Removal.

OF CITIES AND TOWNS.

other things, as may be necessary and proper, and do and perform all matters and things, right and proper to be done for the removal of such obstruction or the abatement of such nuisance. The costs and damages of all the proceedings shall be determined and adjudged by the council of said town, and if the same be not paid to the treasurer of said town for the use of the town by the person causing the obstruction or nuisance, or who is responsible for its existence or continuance, within ten days after a bill stating the amount of such costs and damages shall have been presented to such person, then the council of said town may proceed to collect the same out of the goods and chattels of such person by warrant issued to the treasurer of said town in the same manner as hereinbefore provided in this act for the collection of the expense of any paving, graveling, &c., and the alderman of said town, upon the receipt of such warrant, shall have all the powers to sell the goods and chattels of such person conferred on him and shall proceed in the same manner as hereinbefore directed on warrants directed to him to collect the expense of paving, graveling, &c., except that nothing in this section contained shall confer any power upon the alderman of said town to sell any lands and tenements. If the person causing such obstruction or nuisance, or who is responsible for its existence or continuance, shall neglect or refuse to remove or abate the same for the space of two days after such notice aforesaid, he shall, in addition to the provisions hereinbefore in this section in that behalf contained, forfeit and pay to the alderman of said town for the use of the town the sum of five dollars, and one dollar additional for each and every day such obstruction or nuisance shall continue unremoved or unabated after the expiration of the two days notice as aforesaid, to be recovered with costs of suit, in the name of the town of Smyrna, before the alderman of said town or any justice of the peace residing in said town, as debts of like amount are recoverable. In ascertaining the amount of the judgment the person before whom the case is heard and determined shall compute the time beginning with and including the day following the expiration of the said two days notice up to and including the day on which judgment is rendered, if the obstruction or nuisance be then not removed or abated, or if then removed or abated, up to and exclusive of the day on which such obstruction or nuisance was removed or abated, and one dollar for every such day shall be added to

Costs.

How collected.

Neglect to remove nuisance.

Fine.

Ascertainment of judgment.

OF CITIES AND TOWNS.

When suit in court. the five dollars and judgment rendered accordingly. If the amount of the judgment, exclusive of costs, will exceed two hundred dollars, the case shall not be cognizable before the alderman or a justice of the peace, but in such case suit in the name of the town of Smyrna may be brought in the Superior Court of the State of Delaware in and for Kent county. These last provisions shall be cumulative and additional to the provisions hereinbefore in this section contained.

Constable neglecting duty.

Punishment.

SECTION 21. If any constable shall neglect or refuse to perform any of the duties required of him by this act he shall be deemed guilty of a misdemeanor, and it shall be the duty of the council of said town to present him to the grand jury of Kent county, and upon conviction thereof by indictment he shall be fined in a sum not less than ten nor more than one hundred dollars, and may be imprisoned, in the discretion of the court, for any term not exceeding one year, and upon such conviction he shall *ipso facto* forfeit his office.

Oath of treasurer.

Bond.

Duties.

Compensation of officers.

Assessments.

SECTION 22. The treasurer of said town, before entering upon the duties of his office, shall be sworn or affirmed faithfully, honestly and diligently to perform the duties of his said office, which oath or affirmation may be administered to him by the president of said council, or by any member thereof, or by any judge, justice of the peace, or notary public. He shall also, before entering upon the duties of his office, give bond to the town of Smyrna, with sufficient surety to be approved by the council of said town, in the penal sum of three thousand dollars, conditioned for the faithful discharge of the duties of his said office and for the payment to his successor in office of all sums of money belonging to said town which may remain in his hands upon the settlement of his accounts, to which said bond and condition there shall be annexed a warrant of attorney for the confession of judgment for said penalty. The said treasurer shall pay all orders drawn on him by order of said council, and signed by the president thereof, out of any moneys in his hands belonging to said town. He shall settle his accounts with the said council annually, by the fourth Friday in February, and oftener and at such other times as the said council may require. The treasurer, clerk and assessor of said town shall each receive a reasonable compensation for their services, to be determined by the council of said town.

SECTION 23. The town council may fix the sum to be assessed upon each and every male citizen residing in said

OF CITIES AND TOWNS.

town, above the age of twenty-one years, as well those owning as those not owning real estate within the limits of said town; but the sum so to be fixed shall be one and the same for every class and description of said citizen.

SECTION 24. The town council are hereby authorized Taxes. and empowered to levy and collect from the taxables of said town according to the terms and provisions of this act such sum as may be deemed by them necessary and proper, which sum shall in no year exceed four thousand dollars, clear of all delinquencies and expenses of collection. *Provided*, nevertheless, that the citizens of the town may assemble in town Meeting of citizens relative to additional taxes for special purposes. meeting on the evening of the third Monday in February in year to determine whether any additional sum or sums shall be levied and collected for any specific purpose or purposes; notice of which meeting, the place of meeting and the special purpose or purposes for which said additional sum or sums are desired having been published by the town council, or by any taxable of the town, in a newspaper of the town twice immediately preceding the time of said meeting. At said meeting a resolution or resolutions shall be prepared stating explicitly the additional sum or sums needed or desired, and the specific purpose or purposes to which the said sum or sums shall be applied. The qualified voters of the town shall then proceed to vote yea or nay, by ballot, upon said resolution or resolutions, and the result shall be certified to the town council; and if a majority of those voting shall approve of said resolution or resolutions then the town council shall levy and collect said additional sum or sums and apply the same for the purpose or purposes specified; and if more has been levied and collected than was necessary for the purpose or purposes named or specified the residue shall be carried into the treasury of the town for general purposes.

SECTION 25. It shall be the duty of the assessor of said town, annually, to make a true, just and impartial valuation Duties of assessor. and assessment of all the real estate within said town, and also an assessment of all the male citizens residing in said town above the age of twenty-one years, as well those owning as those not owning real estate within the limits of said town. The said assessor shall make two copies of such Assessment of property. assessment and return the same to the council of said town Assessment of assessor. within four weeks next after his election. The council of said town shall, after receiving the said two copies of such assessment and after assessing the real estate and person of

OF CITIES AND TOWNS.

Assessment to be hung up. the assessor, cause the two lists to be hung up in public and convenient places as the said council may select in said town, where they shall remain for at least ten days thereafter for public inspection; and the said town council shall,

Appeal. on the first Monday in May in every year, hold a court of appeal, which shall continue open from one o'clock p. m. till five o'clock p. m. of said day, when they shall hear and determine appeals from the said assessment, and may make corrections of, additions to, or alterations in the said assessment. The said council may adjourn the court of appeals from day to day. Notice of the hanging up of the said assessment lists, and also, at the same time, notice of the time and place of hearing appeals shall be given by posting such notices in at least six public places in the town of Smyrna. The determination of the council of said town upon any appeal, or upon any matter relating to such assessment, shall be final and conclusive. No member of council of said town shall sit upon his own appeal, but the same shall be heard and determined by the other members of said council. After the said valuation and assessment shall be examined and adjusted by the council of said town, all taxes shall be levied, assessed and raised on the real estate, and persons thus valued and assessed, in just and equal proportions and rates. The said assessor, before entering upon the duties of his office, shall be sworn or affirmed diligently, faithfully and impartially to perform the duties of his office to the best of his ability, knowledge and judgment, which oath or affirmation may be administered to him by any judge, justice of the peace or notary public, or by the president of said council.

Duplicates and warrant to collector.

SECTION 26. The council of said town, after having ascertained the sum necessary and proper to be raised on the said town and after having apportioned the same on the assessment and valuation aforesaid, shall annually, in the month of May or as soon thereafter as convenient cause to be delivered to the collector of taxes of said town, a list containing the names of the taxables, as well the owners of real estate as those not owning real estate, and opposite the name of each the amount of the real estate, and his poll and the tax on the whole valuation and assessment, and the rate per hundred dollars, and which list with the warrant for the collection of the taxes assessed shall be signed by the president of said council. The collector of taxes, immediately after receiving said list, shall proceed to

Collection of taxes.

OF CITIES AND TOWNS.

collect the taxes rated and contained in said list, and in collecting the same shall have all the powers conferred by law on the collectors of county rates and levies by the provisions of Chapter 12 of the Revised Code of this State. In the collection of said taxes, the council of said town shall have the power and authority to order the collector of taxes to deduct six per cent. from the amount of the tax assessed against the person or property of any one who will pay such tax by the first day of June next following the assessment of the said tax.

Powers of county collectors.

Discount for payment of taxes by June 1.

SECTION 27. That in addition to the powers hereinbefore given to the collector of said town for the collection of taxes, it shall and may be lawful for him, after demand made by him upon the person against whom a tax may be assessed, either poll or on 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 believe 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, if he have any, 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 Smyrna from said delinquent taxable, and all cost 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 Smyrna, before any justice of the peace in the town of Smyrna, 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 the written notice shall be the same as now provided by law in cases of attachment. The

Powers of collector.

Attachment.

Proceedings, &c.

OF CITIES AND TOWNS.

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.

Manufacturing establishments exempt from taxation.

SECTION 28. That the town council of the town of Smyrna 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 Smyrna, 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.

Paving streets.

SECTION 29. That the town council of the town of Smyrna, upon the petition of a majority of persons owning property along any of the streets, or a portion of any of the streets of said town, asking that such street, or a portion of such street, between the curb lines thereof, be paved with stone, macadamized, or shelled with oyster shells, as the case may be, may direct the said street, or such portion of said street as set forth in the petition, to be paved with stone, macadamized, or shelled with oyster shells between the curb lines thereof, in such manner as they in their judgment may deem best.

How paid for.

SECTION 30. That the expense incurred by the paving, macadamizing, or shelling of any of the streets of said town or any portion of the said streets between the curb lines thereof, shall be borne by the town of Smyrna.

Paving material.

SECTION 31. That in making the improvement on any of the streets contemplated by this act, the same kind of material shall be used on any one street from one end to the other, so that there shall be a uniformity in the class of material used; *provided, however*, that the town council may elect to pave with stone, macadamize, or shell with oyster shells any street, or portion of a street, notwithstanding the petitioners may have designated in their petition the particular kind of material to be used.

OF CITIES AND TOWNS.

SECTION 32. The present alderman, treasurer, clerk, assessor, collector and town constables shall continue to hold their respective offices until their successors shall be chosen under the provisions of this act. Officers continued.

SECTION 33. That the town council shall have full power and authority, by a vote of the majority of all the members composing the said town council, to remove at any time, any of the officers or employes of said town, elected or appointed by said town council, when they shall deem it expedient and proper so to do. The president of council, or the person acting as such, shall have full power and authority to demand and remove the badge or insignia of office from any constable or officer elected or appointed by the town council of the town of Smyrna for drunkenness or other misconduct, and to suspend such constable or officer from the performance of his duty until the next meeting of the said town council thereafter. Removal of officers.
Drunkenness, &c., of officer.

SECTION 34. That all acts, and parts of acts which are supplied by, or are inconsistent with this act, be and the same are hereby repealed.

Passed at Dover, April 7, 1897.

CHAPTER 538.

OF CITIES AND TOWNS.

AN ACT to amend an act entitled "An act to reincorporate the town of Smyrna."

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 reincorporate the town of Smyrna," passed at Dover, April 7, 1897, be amended as follows: By striking out in line fifteen of Section 3 of said act the words "thirty days," and by inserting in lieu thereof the words "six months." Act amended.

OF CITIES AND TOWNS.

Electors.

SECTION 2. That all male citizens living in any of the districts in the town of Smyrna, and having a legal residence therein as required by the charter of said town, at the time of the holding of the next municipal election in said town shall have the right to vote at said election. *Provided, however,* that in case of those persons who were not assessed at the last assessment in said town shall, before exercising the privilege of voting at said election, pay to the collector of municipal taxes the sum of one dollar on or before the day of said election.

Passed at Dover, May 17, 1897.

CHAPTER 539.

OF CITIES AND TOWNS.

AN ADDITIONAL SUPPLEMENT to an act entitled "An act for the better regulation of the streets of Delaware City, and for other purposes," passed at Dover March 5th, 1851.

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

Water
works.

SECTION 1. That the mayor and commissioners of Delaware City are hereby authorized and empowered to grant by ordinance hereafter to be passed by them permission to private party or parties the privilege for a term of twenty years to establish water works within the limits of Delaware City with sufficient capacity and an ample supply of pure water for domestic purposes and for protecting the said city against fire.

Contract
for water
supply.

SECTION 2. The said mayor and commissioners are hereby authorized and empowered to contract with the said water company for a term of twenty years for an ample supply of water for protecting said city against fire and flushing gutters, &c., the same to be at a cost of not more than three hundred dollars per annum, the mayor and commissioners under no circumstances to relieve the water company from responsibility for any damage they may do to private property, the

Cost
limited.

OF CITIES AND TOWNS.

said contract with the water company not to be signed by the mayor and commissioners until after it is submitted to the citizens at a town meeting for their approval or rejection.

Contract submitted to vote of taxables.

SECTION 3. The mayor and commissioners are hereby authorized and empowered to relieve the said water works from all municipal taxation for a period of twenty years from date of contract.

Works exempt from taxation.

SECTION 4. The said mayor and commissioners shall not be required to grade the streets for the purpose of laying the water pipes.

Water pipes.

SECTION 5. That at the expiration of said term of twenty years the said mayor and commissioners of Delaware City may, at their option, purchase the water plant and appurtenances erected in pursuance of said agreement at a price agreed upon by three of five arbitrators, two of said arbitrators to be selected by the party owning the plant, two by the said "The mayor and commissioners of Delaware City," and the other by the resident county judge of the Superior Court. Should the said "The Mayor and Commissioners of Delaware City" not desire to purchase said plant at the expiration of the term aforesaid, then they may renew the said agreement, entered into under and by virtue of this act, for a further term of ten years.

City may purchase works.

Price.

Passed at Dover, March 22, 1897.

OF CITIES AND TOWNS.

CHAPTER 540.

OF CITIES AND TOWNS.

AN ACT concerning the Town of Middletown.

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):

Vacancy in
board of
town com-
missioners.

SECTION 1. That after the passage of this act it shall be lawful for the remaining town commissioners of the town of Middletown to fill any and all vacancies that may occur in said board of town commissioners by death, removal, resignation or otherwise; said vacancy or vacancies shall be filled for the unexpired term or terms of said commissioner or commissioners.

Officer of
town
election.

SECTION 2. That in case of inability or otherwise of the justice of the peace holding the election of the town of Middletown, as is provided in Section 1 of an act to incorporate the town of Middletown, Chapter 457, Volume 15, Laws of Delaware, passed at Dover, February 20, 1877, the town commissioners of said town shall, on the day of holding said election, appoint some one being a citizen of said town to hold said election, and his acts in the premises shall be valid as if the election was held by the said justice of the peace.

Passed at Dover, April 5, 1897.

OF CITIES AND TOWNS.

CHAPTER 541.

OF CITIES AND TOWNS.

AN ACT to amend Chapter 745, Volume 19, 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 1. Amend Section 2 of Chapter 745, Volume 19, Laws of Delaware, by striking out the words "within one", ^{Act amended,} in the twenty-eighth line of said section and inserting in lieu thereof "for the." And further amend said section by inserting between the word "witnessed" in the thirty-first line and the word "no" in the thirty-second line, the words, *provided, however*, that the owner of real estate at the time of said election shall possess the right of voting the tax upon property acquired during the preceding year; *and provided* ^{Election officers at town election.} further, that poll taxables who shall have ceased to be residents of the said town shall not be entitled to vote at said election. And further amend said section by inserting between the word "representative" in the thirty-ninth line and "who" in the fortieth line, the words "or in his absence, inability or disability the taxpayers present shall choose a person to hold said election." ^{Election officer.}

SECTION 2. Amend Section 7 of Chapter 745, Volume 19, Laws of Delaware, by inserting between the word "rents" in the twelfth line and "all" in the thirteenth line the words "and the said board of light and water commission shall have the power to impose fines and penalties for the violation of the rules and regulations adopted by them, which said fines and penalties shall be recovered by the said board of light and water commission in action before the alderman of the said town of Middletown or any justice of the peace residing in New Castle county." ^{Fines imposed by light and water commission.}

SECTION 3. Amend Section 10 of Chapter 745, Volume 19, Laws of Delaware, by striking out all of said section ^{Act amended.} after the word "county" in the tenth line.

SECTION 4. This act shall be deemed a public act.

Passed at Dover, May 25, 1897.

OF CITIES AND TOWNS.

CHAPTER 542.

OF CITIES AND TOWNS.

AN ACT to amend an act entitled "An act to incorporate the town of Townsend," being Chapter 569, Volume 17, Laws of Delaware.

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

\$200 may be
raised
annually.

Poll tax.

SECTION 1. That Section 5, Chapter 569, Volume 17, Laws of Delaware, be and the same is hereby amended by striking out in the fifth line of said section the word "one" and inserting in lieu thereof the word "two," and by striking out in the seventeenth line of said section the words "twenty-five cents" and inserting in lieu thereof the words "fifty cents."

SECTION 2. That this act shall be deemed and taken to be a public act.

Passed at Dover, April 20, 1897.

OF CITIES AND TOWNS.

CHAPTER 543.

OF CITIES AND TOWNS.

AN ACT to amend Chapter 161, Volume 18, Laws of Delaware, entitled
 "An act to re-incorporate the Town of Milford."

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 5 of Chapter 161, Volume 18, Laws of Delaware, be and the same is hereby amended by striking out the word "ten" at the end of the fifteenth line of said section and inserting in lieu thereof the word "twenty."
Fine imposed by alderman not to exceed \$20.

SECTION 2. That Section 2 of said chapter be and the same is hereby amended by striking out all of said section between the word "treasurer" in the tenth line of said section and the word "the" in the eleventh line of said section.
Act amended.

SECTION 3. That Section 6 of said chapter be and the same is hereby amended by striking out the words "and assessor" in the third line of said section and the words "or assessor" in the sixteenth and twenty-first lines of said section.
Act amended.

SECTION 4. That the said chapter be further amended by striking out all of Section 13 before the word "and" in the nineteenth line of said section and substituting in lieu thereof the following: "Section 13. *And be it further enacted, as aforesaid,* that, beginning with the year 1898, there shall, in the month of February in every fourth year, be made a true, just and impartial valuation and assessment of all the real estate within the said town, except as mentioned in the seventh section hereof, and also an assessment of all the male citizens residing in said town above the age of twenty-one years, as well those owning as those not owning real estate within its limits, the said valuation and assessment shall be made by an assessor to be elected by a majority vote of the town council at the first meeting of the said council held after the town election in January, A. D. 1898, and every fourth year thereafter. The said assessor shall be a freeholder within the corporate limits of the town of Milford,"
Assessment
Assessor elected by council.
Term.

OF CITIES AND TOWNS.

Qualifica-
tion.Annual
revision of
assessment.Duplicates
of assess-
ment to be
hung up.Act
amended.Compensa-
tion to
assessor.Alderman
may com-
mit for
thirty days.

who shall, before entering upon the duties of his office, be duly qualified by oath or affirmation, to be administered by one of the justices of the peace of the said town, to perform the duties of his office to the best of his knowledge and without favor or partiality. The town council shall annually, except in the years when the assessment is made by the assessor, make a scrap assessment in the month of February, assessing all improvements made during the year and all male citizens above the age of twenty-one years who have taken up their residence in said town during the year, and dropping from the assessment the names of those who have removed from the said town during the year. The said quarterly assessment, as changed annually by said town council, and as finally made up as hereinafter provided, shall form the basis for the tax duplicate provided for by Section 14 of this act. The said assessor shall forthwith, after making such assessment, deliver to the said town council for the time being a duplicate containing the names of all the persons assessed and the amount of their assessment, distinguishing the real and personal assessment of each. The council shall assess the real estate and personal estate of the assessor. The said council shall between the tenth and twentieth days of February of each year cause two copies of a full and complete transcript of said duplicate, or of the said scrap assessment hereinbefore referred to, to be hung up, one in the post office and the other in some public place in the said town, there to remain for the space of twenty days thereafter for public information.

SECTION 5. That Section 3 of said chapter be and the same is hereby amended by striking out the words "and assessor" in the fourteenth and thirty-eighth lines of said section and the words "and assessors" in the thirty-sixth line of said section.

SECTION 6. That Section 20 of said chapter be and the same is hereby amended by striking out the words between the word "shall" in the second line of said section and the word "and" in the third line of said section, and substituting in lieu thereof the following words: "receive such compensation for his services as the said council shall determine, not to exceed the sum of fifty dollars."

SECTION 7. That Section 12 of said chapter be and the same is hereby amended by striking out the word "five" in the ninth line of said section and inserting in lieu thereof the

OF CITIES AND TOWNS.

word "thirty;" and by inserting between the word "jail" and "to" in the tenth line of said section the following words: "or on account of its overcrowded, unhealthy or un-^{When to} county jail. safe condition."

SECTION 8. That Section 13 of said chapter be and the ^{Act} same is hereby amended by striking out all of said section ^{amended.} after the word "rates" in the thirty-fourth line thereof.

SECTION 9. That Section 14 of said chapter be and the ^{List of} same is hereby amended by adding after the word "require" ^{delinquent} in the twenty-seventh line of said section the following ^{poll taxa-} words, to wit: "The collector and treasurer of the said town ^{bles to be} shall annually on or about the first Monday in November ^{published.} prepare a true and correct list of all uncollected poll taxes, and furnish a true copy of the same to the said town council at its first meeting thereafter, which list shall be published for the period of one issue in one or more newspapers in the town of Milford."

SECTION 10. That Section 15 of said chapter be and the ^{Fines for} same is hereby amended by striking out the word "ten" in ^{\$20 may be} the twenty-ninth line of the said section and inserting in lieu ^{imposed.} thereof the word "twenty;" and by striking out the word "five" in the thirtieth line of said section and inserting in ^{Imprison-} lieu thereof the word "thirty." ^{ment for}

Passed at Dover, April 20, 1897.

OF CITIES AND TOWNS.

CHAPTER 544.

OF CITIES AND TOWNS.

AN ACT to enable the Town of Milford to Refund its Debt.

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):

May
borrow
money.

Purpose.

SECTION 1. That the town council of Milford be and they are hereby authorized and empowered to borrow on the credit of said town on the first day of July, A. D. 1897, the sum of forty-two thousand dollars (\$42,000) which shall be applied, appropriated and expended for the purpose of paying and redeeming the bonds of the said town issued pursuant to the provisions of Chapter 232, Volume 19, Laws of Delaware, and for the purpose of paying the indebtedness now a lien upon the property whereon the light and water plant is located.

Bonds to be
issued.

Rate.

When due.

SECTION 2. 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 expressly directed to issue the bonds of the town of Milford, of such denominations as they shall deem best, bearing interest at a rate not exceeding four per centum per annum, payable semi-annually on the first days of January and July respectively in each year at the First National Bank of Milford. The principal of such bonds shall be made payable in thirty years from the date of the issue thereof, the said town council reserving to itself power and authority of redeeming said bonds, or any part of them, at the expiration of ten years from the date of the issue of the same; *provided, however*, that if the said town council elect to redeem any of said bonds at the expiration of ten 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 the said town of Milford; and in calling said bonds for redemption they shall be called consecutively, commencing with the lowest num-

OF CITIES AND TOWNS.

ber; the interest on all bonds so called shall cease from the date of the payment thereof, and said bonds when paid shall be cancelled.

SECTION 3. 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 said town council and countersigned by the secretary, and shall be sealed with the corporate seal of the said town and shall be exempt from all State, county and municipal taxation; as the said bonds and coupons thereon are paid the same shall be cancelled in such manner as the said town council shall direct.

SECTION 4. That the provisions of Chapter 232, Volume 19, Laws of Delaware, regarding a sinking fund for the payment of the bonds by said chapter authorized, shall remain and continue in full force and effect for the payment of the bonds by this act authorized.

SECTION 5. That this act shall be deemed and taken to be a public act.

Passed at Dover, May 3, 1897.

OF CITIES AND TOWNS.

CHAPTER 545.

OF CITIES AND TOWNS.

AN ACT to allow the Commissioners of Lewes to bond the town of Lewes 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 thereof concurring therein):

May
borrow
money.

For light-
ing town.
Bonds.

When due.

Form.
How
executed.

Treasurer
to give
additional
security.

Lighting
plant.

Powers to
acquire
land.

SECTION 1. That the Commissioners of Lewes shall have power and authority to borrow on the faith and credit of said town of Lewes 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 six per centum per annum, payable semi-annually; the principal of said bonds shall be made payable at such time or times, not less than three years 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 and treasurer of the said Commissioners of Lewes and sealed with the corporate seal of said Commissioners of Lewes, and shall be exempt from all taxation.

SECTION 2. That the treasurer of said Commissioners of Lewes 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 Lewes 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 of Lewes to acquire land for any purpose connected with the lighting said town, and if such land cannot be acquired by agreement with the owner or owners thereof and the said commissioners of Lewes, the same may be taken for the purpose aforesaid, in the name of the said commissioners of Lewes, in the same

OF CITIES AND TOWNS.

manner and subject to the same conditions and proceedings as are now prescribed by law in relation to the said town of Lewes 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 Commissioners of Lewes shall have authority to draw from time to time upon the fund aforesaid, sufficient to meet the costs of such electric works, or gas works, with their respective appurtenances, and the said Commissioners of Lewes and the treasurer thereof 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 newspaper printed in Lewes.

Drafts on fund.
Accounts.
To be published.

SECTION 5. That the said Commissioners of Lewes 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.

May purchase 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 town taxes.

May employ workmen to operate plant.
Rents for light.

SECTION 7. That before the preceding provisions of this act shall go into effect it shall be the duty of the said Commissioners of Lewes to call a town meeting, upon one month's notice posted in at least five public places in said town of Lewes, and at such meeting the borrowing of a sum of money not exceeding ten thousand dollars, as aforesaid, shall be approved by a majority of the votes cast thereat; every resident freeholder in said town, whether male or female, shall have a right to vote at said election.

Town meeting.
Notice.
Object.
Who may vote.

SECTION 8. That upon a vacancy in the office of mayor of the said town of Lewes by reason of a failure to elect, death, resignation, removal, refusal to serve or otherwise, the said commissioners shall appoint some suitable person, a resident of said town, to fill the office of mayor until the next annual town election, and the person so appointed shall have

Vacancy in office of mayor.

OF CITIES AND TOWNS.

all the powers and authority and perform all the duties conferred upon the office of mayor under the act incorporating said town of Lewes with the several amendments thereto.

Vacancy in
any office.

SECTION 9. That in event of the removal, resignation or death of any commissioner, collector, treasurer or other officer of said town, the said commissioners shall have authority to appoint some suitable person to fill said vacancy until the next town election, who shall have all the powers and authority given such officer under the act incorporating the town of Lewes.

Passed at Dover, May 17, 1897.

CHAPTER 546.

OF CITIES AND TOWNS.

AN ACT to further amend an act entitled "An act incorporating the Rehoboth Beach 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 of the Legislature concurring therein):

Act
repealed.

SECTION 1. That Section 1 of Chapter 229, Volume 19, Laws of Delaware, be and the same is hereby amended by inserting after the word "Delaware" and before the word "be" in the fifth line thereof, the words "Chapter 392, Volume 14 of the Laws of Delaware."

Hours for
holding
election.

SECTION 2. That Section 4 of said act be and the same is hereby amended by striking out the words "four o'clock and eight," between the word "of" in the ninth line thereof, and the word "in" in the tenth line thereof, and inserting in lieu thereof the words "one o'clock and three o'clock." And that said section be further amended by striking out the words "one treasurer, who shall also be collector," after the word "commissioners" in the eleventh line thereof, and insert in lieu thereof the words "and a collector of taxes for the City of Rehoboth." And that said section be further amended by adding after the word "years" in the fifteenth

Collector.

OF CITIES AND TOWNS.

line thereof, the following: "The board of commissioners shall appoint some freeholder of Lewes and Rehoboth hundred, who shall be treasurer of the City of Rehoboth, and ^{Treasurer.} who shall give such bond as shall be determined by the board ^{Bond.} of commissioners of said City of Rehoboth."

SECTION 3. That Section 5 of said act be and the same is hereby amended by striking out the words "the tax last assessed to him" after the word "paid" in the twenty-fourth line thereof, and inserting in lieu thereof the following: "all ^{Qualifications of voters.} taxes which may have been assessed against any real estate and unpaid which he may own in the City of Rehoboth."

SECTION 4. That Section 6 of said act be and the same is hereby amended by adding at the end thereof the following: ^{Compensation to secretary.} "The board of commissioners may allow the secretary, who may or may not be a member of the board of commissioners, such reasonable compensation for his services as they deem proper."

SECTION 5. That Section 7 of said act be and the same is hereby amended by adding at the end thereof the following: "if a person convicted of a nuisance or obstruction shall pay the fine but continue the nuisance or obstruction he may be arraigned again, and if found guilty subjected to an additional fine of ten dollars (\$10.00), and may continue to be arraigned, and if found guilty be fined ten dollars (\$10.00) from time to time until the nuisance or obstruction shall be abated or removed, and there be no longer any cause of complaint therefrom." ^{Re-arrest and fine for continuing nuisance.}

SECTION 6. That Section 13 of said act be and the same is hereby amended by striking out all of the words in brackets in the thirteenth and fourteenth lines of said section between the word "collector" in said thirteenth line and "before" in said fourteenth line. And that said section be further amended by striking out the words "one thousand dollars" after the word "sum" in the sixteenth line thereof, ^{Amount of collector's bond.} and inserting in lieu thereof the words "double the amount of the duplicate of taxes for any one year." And that said section further be amended by striking out the words "combined offices" in the fifteenth line thereof and before the word "shall," and insert in lieu thereof the word "office."

SECTION 7. That the Governor is hereby authorized and empowered to appoint an additional justice of the peace in ^{Additional justice of the peace.} and for Sussex county, to reside in the City of Rehoboth or

OF THE CITY OF WILMINGTON.

Powers. vicinity, and who shall, in addition to the powers and authority now vested in justices of the peace by the Constitution and Laws of this State, have power and authority to execute and enforce by fine and imprisonment the violation of the charter of the City of Rehoboth and the ordinances ordained thereunder by the board of commissioners, and shall have all the authority given to alderman of the City of Rehoboth.

Passed at Dover, May 19, 1897.

CHAPTER 547.

OF THE CITY OF WILMINGTON.

AN ACT to protect the Health of the Citizens of Wilmington.

WHEREAS, Large quantities of refuse and sewerage are unavoidably discharged into the stream of water called "Silver Brook" running through a portion of the Twelfth Ward of the City of Wilmington; and,

WHEREAS, A public drain or sewer has become necessary for the drainage, growth and development of the southwesterly part of the said city; 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 therein):

Sewer. SECTION 1. The mayor and council of Wilmington is hereby authorized, directed and required, within one year after the passage of this act, through the agency of the Board of Directors of the Street and Sewer Department for the said city, to lay and construct a sewer drain pipe of the diameter

Location. of not less than twelve inches, beginning at the intersection of Third and Webb streets in the said city and running thence southerly with the said Webb street to its intersection with Lancaster avenue, and thence by such course as the said board may deem most expedient to the Christiana river;

Powers. and also to acquire by purchase or condemnation the lands, waters and water rights necessary for laying and constructing the said sewer drain pipe.

OF THE CITY OF WILMINGTON.

SECTION 2. In case the said board of directors shall not be able to agree with the owners of said property for the purchase thereof, the said board shall cause the same, whether within or without the bounds of the said city, to be condemned for the use of the said city for the purpose aforesaid in like manner and by like proceedings as are now provided by law for the condemnation of land for extending, widening, laying out or opening streets within said city. Condemnation of land

SECTION 3. The cost, expenses and damages which may be incurred in the purchase or condemnation of said property and in laying, constructing and maintaining said sewer drain pipe shall be raised, collected and paid in the same manner as now provided by law for the cost and expenses of opening and maintaining public drains or sewers within the said city. Expenses how paid.
Provided, however, that no costs or charges shall be laid or levied upon owners of abutting property for the construction of said sewer, unless it shall be actually used for drainage purposes by said owners; *and provided further,* that the Jessup and Moore Paper Company and the Ford Morocco Company shall each pay the sum of four thousand dollars towards the construction of the said sewer, which said sum of eight thousand dollars shall be paid within thirty days after the work of the construction of the said sewer shall be commenced; *and provided further,* that the total cost of the construction of the said sewer shall not exceed the sum of thirty-two thousand dollars. Jessup and Moore Paper Co. and Ford Morocco Co. to pay certain sums. Total cost.

SECTION 4. The council of the said city shall cause to be raised by taxation or otherwise, and paid to the said street and sewer department, such amount as may be necessary for the purposes of this act. Taxes to be collected.

Passed at Dover, January 18, 1897.

OF THE CITY OF WILMINGTON.

CHAPTER 548.

OF THE CITY OF WILMINGTON.

A BILL entitled an act to further confirm and establish an act entitled "An act to provide a sinking fund for the payment of the City Debt 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 herein):

Act
construed.

SECTION 1. That the provisions, terms and conditions of the act entitled "An act to provide a sinking fund for the payment of the city debt of Wilmington," being Chapter 186 of Volume 11, Delaware laws, be and the same are hereby construed, established, extended, considered and held to apply to the original issues of the bonds of the City of Wilmington, amounting in the aggregate to two hundred thousand dollars, issued under the provisions of an act entitled "A further supplement to the act entitled 'An act to limit the city debt of Wilmington and to provide for the discharge thereof,' " passed at Dover, March 20, 1877.

Issue of
bonds.

SECTION 2. That the finance committee of the city council and the commissioners of the sinking fund shall on or before the days and times when the said bonds shall fall due and become payable cause other new bonds to be issued and the mayor and city council of Wilmington are hereby authorized to issue the same, said new bonds, so issued, to be made payable in the amounts and at the time specified as follows: One or more of said bonds for the sum of thirty-seven hundred dollars to fall due and become payable on April 1st, 1910; one or more of said bonds for the sum of twenty-six thousand five hundred and fifty dollars to fall due and become payable on October 1st, 1910; one or more of said bonds for the sum of twenty-seven thousand four hundred dollars to fall due and become payable on April 1st, 1911; one or more of said bonds for the sum of twenty-eight thousand two hundred dollars to fall due and become payable on October 1st, 1911; one or more of said bonds for the sum of twenty-nine thousand and fifty dollars to fall due and become payable on April 1st, 1912; one or more of said bonds for the sum of twenty-nine thousand nine hundred and fifty dollars to fall

When
payable.

OF THE CITY OF WILMINGTON.

due and become payable on October 1st, 1912; one or more of said bonds for the sum of thirty thousand eight hundred dollars to fall due and become payable on April 1st, 1913; and one or more of said bonds for the sum of twenty-four thousand three hundred and fifty dollars to fall due and become payable on October 1st, 1913.

SECTION 3. That all acts or parts of acts inconsistent with the provisions of this act be and the same are hereby repealed.

Passed at Dover, January 20, 1897.

CHAPTER 549.

OF THE CITY OF WILMINGTON.

AN ACT to amend an act entitled "An act amendatory of 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 branch therein concurring):

SECTION 1. That Section 1 of an act entitled, "An act ^{Act} amendatory of the charter of the City of Wilmington," ^{amended.} passed at Dover, February 7th, 1887, being Chapter 177, Volume 18, Laws of Delaware, and which said act was further amended by an act entitled, "An act to amend an act entitled, 'An act amendatory of the charter of the City of Wilmington,'" passed at Dover, April 13th, 1895, be and the same is further amended by adding at the end of the said ^{Appropriation to fire} Section 1 the words "and a like sum not exceeding two ^{company.} thousand dollars annually to the Weccacoe Fire Company, No. 8, for the use of its chemical engine."

Passed at Dover, February 25, 1897.

OF THE CITY OF WILMINGTON.

CHAPTER 550.

OF THE CITY OF WILMINGTON.

AN ACT amendatory of the Charter of the City of Wilmington.

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

Act
amended.

Lien of
judgments
obtained by
board of
health in
abatement
of nuisance.

Lien book.

After one
year lands
may be sold

Deed.

SECTION 1. That Section 137 of said charter as amended April 5th, 1893, be further amended by inserting in the second line thereof after the word "health" and before the word "that" the following: "for the improvement of the sanitary condition and for the better drainage of the City of Wilmington;" and in the tenth line thereof, after the word "drainage" and before the word "and" the following: "or any other drainage whatsoever." And to still further amend by inserting after the word "recoverable," being the last word in the first paragraph of said section, the following: "and if the expense incurred by the board of health in making the aforesaid connections together with any other expense that may be incurred by the said board of health in the abatement of any nuisance be not paid after the recovering of judgment thereof then the same shall become a lien against the property or properties on which said work has been performed and shall be entered in a book to be kept in the city auditor's office, which book shall be known as a lien book. The amount of said lien shall bear interest at the rate of six per cent from the date of said entry; if, however, any such lien or part of such lien shall remain unpaid at the end of one year after the date of entry as aforesaid, it shall be the duty of the mayor of the city to issue his warrant, directed to the said board of health of the City of Wilmington, commanding them to levy the same, with interest thereon accrued and all cost thereon, upon the grounds or buildings of such owner or owners as aforesaid, which such grounds or buildings or any part thereof shall be sold by the said board of health at public auction after thirty 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 ex-

OF THE CITY OF WILMINGTON.

ecuted by said owner thereof. And it shall be the duty of the said board of health 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 lien with accrued interest thereon as aforesaid. The residue of said purchase money shall be immediately deposited by the said board of health in the Union National Bank of said city to the credit of the owner or owners of the property or properties so sold." ^{Application of proceeds.}

SECTION 2. That in all cases where complaint has been made in respect to privy wells it shall be the duty of the board of health for such district in which said nuisance exists to have said privy wells thoroughly cleaned to the bottom within ten days of receipt of such complaint being made to said board of health, and it shall be the duty of the executive officer having the said district in charge to see to it that the work is done in manner and form as above provided. And in case the executive officer refuses or neglects to discharge his duty as provided for in this act the board of health shall at once dismiss him from his office. ^{Privy wells} ^{Duty of executive officer.}

Passed at Dover, February 25, 1897.

CHAPTER 551.

OF THE CITY OF WILMINGTON.

AN ACT to vacate the Rockford or Bancroft Road 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 concurring):

SECTION 1. That the road situated in the City of Wilmington and known as the Rockford or Bancroft road, extending from Delaware Avenue to Pennsylvania Avenue, shall be vacated when and as the adjacent and corresponding parts of Woodlawn Avenue shall be declared by the board of directors of the street and sewer department open for travel. ^{Road vacated.} ^{When.}

OF THE CITY OF WILMINGTON.

Adjacent
owners may
enclose
land.

SECTION 2. That the land of said road as it shall be vacated shall be or become the property of the respective owners of real estate bordering thereon, each of the said owners to have respectively ownership therein the width of his front to the middle of said road.

Passed at Dover, March 10, 1897.

CHAPTER 552.

OF THE CITY OF WILMINGTON.

AN ACT to amend an act entitled "An act to vacate the Rockford or Bancroft Road in the City of Wilmington," passed at Dover, March 18th, 1897.

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,

Damages to
adjacent
owners for
vacating
road.

SECTION 1. That the act entitled "An act to vacate the Rockford or Bancroft road in the City of Wilmington," passed at Dover, March 18, 1897, be and the same is hereby amended by adding to or inserting at the end of Section 1 thereof the following, to wit: "*Provided*, that the owner or owners of all lands abutting on said Rockford or Bancroft road shall be allowed compensation for damages incurred by reason of such vacating or closing of said Rockford or Bancroft road; such damages to be determined, assessed and paid in the same manner in all respects as is now provided by law for the assessment and payment of damages incurred by the opening of new streets in the City of Wilmington."

Passed at Dover, May 20, 1897.

OF THE CITY OF WILMINGTON.

CHAPTER 553.

OF THE CITY OF WILMINGTON.

AN ACT to further amend Chapter 206, Volume 17, Laws of Delaware, entitled "An act for the Protection of the harbor of Wilmington and the Improvement of the Navigation of the waters thereof."

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 Legislature concurring therein):

SECTION 1. That Section 6 of said act be stricken out and the following inserted and enacted in lieu thereof: "From and after the making of said return by the said commissioners to the said council as aforesaid, no person shall erect, place or maintain in the tideway of said rivers or either of them, within the limits aforesaid, any wharf, pier, bulkhead or other structure or obstruction beyond the lines established and determined by said commissioners in and by their return as aforesaid. *Provided, however,* that the establishment and determination of any such line or lines by said commissioners as aforesaid, shall not render unlawful the maintenance of any wharf, pier, bulkhead or other structure which before that time had been erected or placed in the tideway of either of said rivers beyond such line or lines. *And provided further,* that nothing contained in this section shall be construed to render unlawful or to prevent the erection and maintenance of suitable abutments, piers, piling and spans for bridges that are or may be authorized by the laws of this State or of the United States, or the erection and maintenance of suitable fenders and bulkheads for the protection of drawbridges from ice and freshets, such protecting fenders and bulkheads not to extend into the waterway within the lines of the open span or draw or obstruct navigation or interfere with the free passage of vessels through the same; and whenever such protecting fenders or bulkheads shall be deemed necessary for the safety of any drawbridge by the Levy Court of New Castle county having charge of the construction and maintenance of such bridges they may be so erected and constructed. *And provided further,* that the board of port wardens shall have power in their discretion to, from time to time, alter, readjust and establish the exterior

Building
line for
wharves, &c

Wharves,
&c. hereto-
fore erected
not affected

Proviso.

Building
line may be
changed.

OF THE CITY OF WILMINGTON.

lines of wharves, piers and bulkheads in any of said rivers within the limits named, not extending, however, said exterior line beyond the line of mean low water; and in every such case such alteration or readjustment shall be drawn and recorded on the returns or plots mentioned in Section 4 of this act, and they shall have power also to restore and replace where necessary the landmarks establishing said line whenever said landmarks shall be found to have been destroyed or removed."

Limit.

Change to
be recordedMay re-es-
tablish
land marks.

SECTION 2. *And be it enacted*, That this act shall be deemed and taken to be a public act and shall be published as such, and that all acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed.

Passed at Dover, March 18, 1897.

CHAPTER 554.

OF THE CITY OF WILMINGTON.

AN ACT to amend an act entitled "An act amendatory of 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 branch thereof concurring therein):

Act
amended.Annual
appropria-
tion to fire
company.

SECTION 1. That Section 1 of an act entitled, "An act amendatory of the charter of the City of Wilmington," passed at Dover, February 7th, 1887, being Chapter 177, Volume 18, Laws of Delaware, be and the same is hereby amended by adding to the said section, as the same now stands, the following: "*Provided, however*, that the said council shall pay to the Delaware Fire Company, Number 3, of Wilmington, Delaware, the sum of thirty-five hundred dollars per annum."

Passed at Dover, March 19, 1897.

OF THE CITY OF WILMINGTON.

CHAPTER 555.

OF THE CITY OF WILMINGTON.

AN ACT relating to Taxation in certain Parts of the City of Wilmington.

WHEREAS, All that portion of the City of Wilmington bounded by Seventh street on the south, Twelfth street extended on the north, Woodlawn avenue on the east, and Greenhill avenue on the west, the same having but two dwelling houses erected thereon, and deriving no benefit from being within the limits of the said city, and will not derive any benefit for years to come; 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 shall by the City Council, after the assessment for taxes has been made in each year for city and school purposes of persons and estates in the above described plot of ground, levy and collect from the owners thereof both for city and school purposes in full for all taxes at a rate not exceeding one-fourth of the regular rate levied on persons and estates in the remaining parts of the said city.

Rate of
taxation for
certain
district.

SECTION 2. That this act shall take effect from the day of its passage and continue in force until the thirty-first day of December, 1907, and no longer.

Act void
after De-
cember 31,
1907.

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

Passed at Dover, March 22, 1897.

OF THE CITY OF WILMINGTON.

CHAPTER 556.

OF THE CITY OF WILMINGTON.

AN ACT to repeal an act in reference to the Water Witch Steam Fire Engine Company, No. 5, of Wilmington, Delaware, passed April 12th, 1893, being Chapter 718, Volume 19, Laws of Delaware, and to repeal the acts by said act restored, revived and renewed, and to reincorporate the said company under the name of The Water Witch Fire Company, No. 5, of Wilmington, Delaware.

WHEREAS, The Water Witch Steam Fire Engine Company, No. 5, of Wilmington, Delaware, exists as a corporation by virtue and authority of three public acts, that is to say: Chapter 306, Volume 8; Chapter 514, Volume 16; and Chapter 718, Volume 19, Laws of Delaware; and,

WHEREAS, The said acts are in some degree inconsistent and vague, and do not clearly give to said corporation the powers necessary to the proper performance of its duties as a fire company under existing conditions; and,

WHEREAS, The said corporation is desirous of having its powers fully set out in one act; and,

WHEREAS, Said acts are public acts and can only be modified, changed or repealed by a public act; therefore,

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 therein concurring):

Act
repealed.

Members
and prop-
erty of old
company
transferred
to new.

Company
incorpor-
ated.

SECTION 1. That Chapter 306, Volume 8; Chapter 514, Volume 16; and Chapter 718, Volume 19, Laws of Delaware, be and the same are hereby repealed and made null and void, and that the members of the Water Witch Steam Fire Engine Company, No. 5, of Wilmington, Delaware, the corporation by said acts created, be and the same are hereby declared to be members of the corporation hereinafter created and reincorporated, and that the real and personal property of the said corporation is hereby absolutely vested in the said corporation hereby reincorporated and created.

SECTION 2. That the members of the Water Witch Steam Fire Engine Company, No. 5, of Wilmington, Delaware, shall be and hereby are created a body politic and corporate,

OF THE CITY OF WILMINGTON.

to have continuance and succession as a corporation for the period of twenty years from and after the passage of this act and no longer.

SECTION 3. The name and style of said body politic and corporation shall be "The Water Witch Fire Company, No. 5, of Wilmington, Delaware." Style.

SECTION 4. That the general purposes for which said corporation is organized shall be the extinguishment of fires, and that it shall have power to adopt, use and employ any Object. and all means and appliances by it deemed advisable and not contrary to law to carry out said purposes. Powers.

SECTION 5. That the said corporation shall have power to purchase, take, hold, buy, sell, convey and demise real and personal property not inconsistent with the purposes for which it is created to the value of forty thousand dollars and no more. Powers as to property.

SECTION 6. That the said corporation shall have full power to make, adopt, change and alter constitutions and by-laws for the government of itself and its members, not inconsistent with nor repugnant to the laws of the State of Delaware, and to adopt and use a common seal. By-laws.

SECTION 7. That the said corporation shall have all the powers and be subject to all the liabilities usually belonging and incident to corporations created under the Constitution and laws of the State of Delaware. Seal. Subject to State laws.

SECTION 8. That the council of the City of Wilmington is hereby authorized and directed to pay to the said Water Witch Fire Company, No. 5, of Wilmington, Delaware, the sum of two thousand dollars semi-annually in the months of March and September. Semi-annual appropriation by council of Wilmington.

SECTION 9. That no misnomer of the corporation hereby created shall invalidate any deed, will, testament, gift, grant, demise or other instrument, provided there be sufficient therein to ascertain the intent of the parties thereto. Misnomer in deed, &c.

SECTION 10. That all acts or parts of acts repugnant to or inconsistent herewith be and the same are hereby repealed.

SECTION 11. That this act shall take effect from its passage and shall be deemed and taken to be a public act, and the power to revoke, alter and amend the same is hereby expressly reserved to the Legislature.

Passed at Dover, March 23, 1897.

OF THE CITY OF WILMINGTON.

CHAPTER 557.

OF THE CITY OF WILMINGTON.

AN ACT for the better Efficiency of the Board of Health of the City of Wilmington, Delaware.

WHEREAS, The changing of the members of the board of health annually acts to the detriment of the efficiency of the same, inasmuch as it takes several months to become familiar with the duties of said board, and for the purpose of conforming with the appointment of other city officials (said officials being appointed for a term of two years) with whom they are associated while in office; 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 therein):

Terms of
members of
board of
health.

SECTION 1. That Section 136 of the charter of the City of Wilmington be amended by striking out in the second line thereof after the word "directed" and before the word "on" the word "annually," and to further amend by inserting in the third line thereof after the word "may" and before the word "to," the following: "A. D. 1898, and biennially thereafter," and to still further amend by inserting in the eighth line thereof after the word "such" and before the word "the," the following: "and the terms of the present members of said board are hereby extended until the first Thursday in May, A. D. 1898."

Passed at Dover, March 26, 1897.

OF THE CITY OF WILMINGTON.

CHAPTER 558.*

OF THE CITY OF WILMINGTON.

AN ACT to amend an act entitled "An act to incorporate the owners and possessors of a certain tract of meadow, marsh and cripple, known by the name of the Brandywine Marsh, in the Borough of Wilmington and County of New Castle."

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. Amendment to Section 1: Striking out at the end of the section the words "Brandywine Marsh Company" and substituting the words "Brandywine & Christiana Land Co." ^{Title changed.}

Passed at Dover, April 5, 1897.

*This act is published from the original bill, the enrolled bill being incomplete.

OF THE CITY OF WILMINGTON.

CHAPTER 559.

OF THE CITY OF WILMINGTON.

A FURTHER SUPPLEMENT to "An act to provide for Public Parks for the use of the Citizens of Wilmington and its Vicinity," passed March 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 herein concurring):

May
borrow
money.

SECTION 1. That the Mayor and Council of Wilmington are hereby empowered, under an ordinance or ordinances of the city council to be passed with the concurrence of two-thirds of all the members thereof, to borrow a sum or sums not exceeding in the aggregate \$25,000.00 to be applied under the charge of the Board of Park Commissioners in the improvement of the parks, but not more than \$15,000.00 shall be borrowed in any one calendar year.

For im-
provement
of parks.

Form, &c.
of bonds.

SECTION 2. 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 9th, 1855, entitled, "An act to provide a sinking fund for the City of Wilmington," and the various amendments and supplements thereto.

Passed at Dover, April 5, 1897.

OF THE CITY OF WILMINGTON.

CHAPTER 560.

OF THE CITY OF WILMINGTON.

AN ACT to amend Chapter 177, Volume 18, Laws of Delaware, entitled "An act amendatory of 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 branch herein concurring):

SECTION 1. That Section 1 of "An act amendatory of the charter of the City of Wilmington," passed at Dover February 7, 1887, being Chapter 177, Volume 18, Laws of Delaware, be and is hereby amended by adding after the word "year" in the tenth line of the said section the following words, to-wit: "But to any fire company not having a chemical engine or combination hose and chemical wagons the amount granted shall not be in excess of thirty-five hundred dollars in any one fiscal year." Annual appropriations to fire companies.

Passed at Dover, April 21, 1897.

OF THE CITY OF WILMINGTON.

CHAPTER 561.

OF THE CITY OF WILMINGTON.

AN ACT to amend Chapter 731, Volume 19, Laws of Delaware.

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

Additional
police
officer.

SECTION 1. That Chapter 731, Volume 19, Laws of Delaware, be and the same is hereby amended by adding to Section 6 of said chapter, the following: "In addition to the officers heretofore named, the said board of police commissioners are hereby authorized and required to appoint, enroll and employ an officer, whose duty it shall be to attend at the public square bounded by Franklin street, Broome street, Seventh street and Eighth street in the City of Wilmington, and who shall perform such other duties as shall be prescribed by the said board. The pay of such officer shall be seven hundred and sixty dollars per year, and to be paid monthly.

Passed at Dover, April 26, 1897.

CHAPTER 562.

OF THE CITY OF WILMINGTON.

AN ACT to amend an act entitled, "An act to provide a Sinking Fund for the payment of the City debt of Wilmington," passed at Dover, February 9, 1855.

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 Section 7 of the above entitled act be and the same hereby is amended by adding at the end of said section the following: "And the bond herein above required

OF THE CITY OF WILMINGTON.

to be given may be placed with any legitimate surety company, and the premiums to be paid therefor be paid by the Mayor and Council of Wilmington.

Bond by
surety
company.
How paid
for.

Passed at Dover, April 29, 1897.

CHAPTER 563.

OF THE CITY OF WILMINGTON.

AN ACT to authorize the Mayor and Council of Wilmington to borrow Fifteen Thousand Dollars and provide for the Payment thereof.

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 mayor and council of Wilmington shall have power and authority and are hereby authorized under an ordinance of city council to be passed with the concurrence of a majority of all the members thereof for the time being, at any time hereafter to borrow upon the faith and credit of the city, the sum of fifteen thousand dollars to be applied to the erection of a city crematory.

May borrow \$15000 for erection of crematory.

SECTION 2. The bonds which shall be issued under the provisions of this act shall be issued and the payment thereof made in such manner and at such time or times as the council shall by ordinance prescribe.

Bonds.

Passed at Dover, May 6, 1897.

OF THE CITY OF WILMINGTON.

CHAPTER 564.

OF THE CITY OF WILMINGTON.

AN ACT in relation to Taxation of unimproved Land in the Second Ward of the City of Wilmington.

WHEREAS, That portion of the Second ward in the City of Wilmington in this State, hereinafter described, is very sparsely inhabited and has very few buildings thereon erected, and as it consists in a great measure of farm land, it derives very little if any benefit or advantage from being included within the limits of said city. The said portion of said ward is bounded and described as follows: Beginning in the centre line of the Baltimore and Philadelphia Railroad on the southeasterly side of Christiana river; thence with the centre line of said railroad in a southeasterly direction to the line of the west side of French street; thence with the said side of French street in a northeasterly direction to the southwest side of Christiana river; thence down the same and bounding thereon to the westerly side of Church street; thence with the said side of Church street southwesterly to the said centre line of said Baltimore and Philadelphia Railroad; thence with the centre line of said railroad to the easterly side of Heald street; thence with said side of Heald street, southwesterly to the northeasterly side of D street; thence by the said side of D street, southeasterly to northwesterly side of Goodman street; thence by the said side of Goodman street, northeasterly to the easterly side of Christiana avenue; thence by said side of said avenue to the southerly side of Commerce street; thence by said side of Commerce street, easterly to Christiana river; thence down the said Christiana river and binding thereon to its mouth at the River Delaware; and thence down the Delaware river and binding thereon in a southerly direction to the city line; thence with said city line in a northwesterly direction to the southeasterly side of the Christiana river; thence down the Christiana river and binding thereon to the place of beginning; 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 therein):

Taxes at

SECTION 1. That the Mayor and Council of Wilmington

OF THE CITY OF WILMINGTON.

shall by the city council, after the assessment has been made in each year for city and school purposes of the persons and estates in the above described portion of said Second ward, levy and collect from the said persons and estates taxes for both city and school purposes in full of all taxes at a rate not exceeding one-half of the rate levied on persons and estates in the remaining parts of said city. ^{one-half regular rates.}

SECTION 2. That this act shall take effect from the date of its passage, and continue in force until the thirty-first day of December, A. D. nineteen hundred and six, and no longer. ^{Act void after December 31, 1906.} *Provided, however,* that this act shall not apply to any marsh or meadow which are now exempt from taxation by act of the General Assembly. ^{Proviso.}

Passed at Dover, May 10, 1897.

CHAPTER 565.

OF THE CITY OF WILMINGTON.

AN ACT to vacate a Portion of a certain Street in the City of Wilmington.

WHEREAS, By two certain acts of the General Assembly heretofore passed certain portions of Reed street extending to Monroe street have been vacated for the use and benefit of manufacturing and trading establishments in that vicinity; and,

WHEREAS, All the land fronting on the said Reed street between the said Monroe street and the easterly side of Adams street is now owned and possessed in fee simple by one firm and of little use to the public, being out of the ordinary line of travel; now, therefore, following the precedent with respect to the vacation of the said street,

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 1 of Chapter 597, Volume 17, ^{Act} Laws of Delaware, be and the same is hereby amended by ^{amended.}

OF THE CITY OF WILMINGTON.

inserting between the fifth and sixth lines thereof the following words, to wit: "And all that portion of the said Reed street from the westerly side of Monroe street to the easterly side of Adams street. That within ten secular days after the passage of this act the firm of F. Blumenthal & Co. shall pay to the Mayor and Council of Wilmington the sum of two thousand (2000) dollars indemnity for the vacation of Reed street in the City of Wilmington, Delaware, from the westerly side of Monroe street to the easterly side of Adams street. That the Street and Sewer Department and Water Department or their successors shall at all times have access to the vacated part of Reed street referred to in this act, to examine, inspect or repair the respective property under their jurisdiction.

Passed at Dover, May 12, 1897.

CHAPTER 566.

OF THE CITY OF WILMINGTON.

AN ACT to authorize the Mayor and Council of Wilmington, acting through the Board of Directors of the Street and Sewer Department, to take by condemnation the right to build sewers or lay sewer pipes or to acquire the right to use such pipes already laid, or to use certain water courses of lands outside of the said City and within one mile thereof.

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):

May build
or acquire
sewers
within one
mile of city.

SECTION I. That the Mayor and Council of Wilmington, acting through the Board of Directors of the Street and Sewer Department, be and it is hereby authorized and empowered to build sewer or sewers and to acquire the right to use such sewer or sewers already built outside the limits of said city and within one mile thereof, as the public interests, in their judgment, require. *And further*, to acquire and take such small streams and water courses, and the beds thereof, within the distance aforesaid outside the limits of the said city, as the public interests may require; *provided*, that such small

Use of
small
streams.

OF THE CITY OF WILMINGTON.

streams or water courses shall be drained into sewers by it to be constructed, and that the authority for taking any such under the provisions of this act shall not be construed to authorize the taking of any streams or water rights, or the condemnation thereof, where the same are now used by or for the benefit of manufacturing establishments in or near said city, or for producing power therefor; and if the said board of directors shall be unable amicably to agree with the owner or owners thereof, or of the land through which the same shall pass or may need to be constructed, the damages to such land owners or to the owners thereof shall be assessed in the same manner as damages are now assessed where land is condemned for opening, widening or laying out streets in the said city, and all sums which shall be agreed upon or assessed as damages in such cases shall be paid out of the funds provided for the purpose of building sewers.

Damages to
land
owners.

How
assessed.

How paid.

Passed at Dover, May 13, 1897.

OF THE CITY OF WILMINGTON.

CHAPTER 567.

OF THE CITY OF WILMINGTON.

AN ACT to authorize The Mayor and Council of Wilmington to borrow a certain sum of money for the construction of the Silverbrook Sewer and the elimination of grade Crossings of Railroads, and for the improvement of Streets and Avenues in the City of Wilmington, Delaware.

WHEREAS, To enable the municipal authorities of the City of Wilmington, Delaware, to construct the Silverbrook sewer, as heretofore by law directed by an act entitled "An act to protect the health of the citizens of Wilmington," passed at Dover, January 18, 1897; also to do away with certain grade crossings of railroads, it is necessary that funds be provided; and,

WHEREAS, The sum required cannot be conveniently raised by taxation; 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 herein):

May
borrow
money.

SECTION 1. That The Mayor and Council of Wilmington shall have power and authority, and they are hereby directed to borrow the sum of one hundred and twenty-five thousand dollars (\$125,000), and to issue bonds of said city for the payment thereof with interest, said payment to be made at such times and in such manner as the city council of the said City of Wilmington shall by ordinance prescribe and appoint, and the said sum of one hundred and twenty-five thousand dollars (\$125,000) shall, in the discretion of the Board of Directors of the Street and Sewer Department of the said City of Wilmington be appropriated, applied and expended by the said board for the following public improvements, that is to say: For the construction of said Silverbrook sewer, the abolition of grade crossings of railroads within the limits of the City of Wilmington, for the opening, widening, paving and improvement of streets, avenues, lanes or alleys in the said City of Wilmington.

How
applied.

Loan at
discretion
of street
and sewer
department

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

OF THE CITY OF WILMINGTON.

amounts as the Board of Directors of the Street and Sewer Department of the said 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 seventy-five thousand dollars (\$75,000) in any one year, and the same 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 over the said work and the expenditure of money necessary with respect thereto. All moneys borrowed as aforesaid for the purposes hereinbefore mentioned, shall be placed on special deposit by the said Board of Directors of the Street and Sewer Department of the said City of Wilmington, and no warrant or order for the payment of money shall be drawn against such funds except such order or warrant is for payment for work done upon and about some one of the improvements provided for in this act; *provided, however*, that it shall be discretionary with the Board of Directors of the Street and Sewer Department as to which improvement or improvements, any or all of said money or moneys shall be applied."

Limit of
amount
borrowed
annually.

How
expended.

Money to
be separate
fund.

Proviso.

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 for in the act passed at Dover, February 9, 1855, entitled "An act to provide a sinking fund for the City of Wilmington," and the various amendments and supplements thereto.

Form, &c.
of bonds.

SECTION 4. That all acts or parts of acts inconsistent with the provisions of this act be and the same are hereby repealed.

Passed at Dover, May 14, 1897.

OF THE CITY OF WILMINGTON.

CHAPTER 568.

OF THE CITY OF WILMINGTON.

AN ACT in relation to the Assessment and Collection of Taxes 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 concurring therein):

Act
amended.

SECTION 1. That Section 90 of an act entitled "An act to revise and consolidate statutes relating to the City of Wilmington," Chapter 207, Volume 17, Laws of Delaware, passed at Dover April 13, A. D. 1883, be and the same hereby is amended as follows: By striking out the words "from the said assessment until the thirty-first day of December in the succeeding year," in the fourth and fifth lines respectively of said section, and inserting in lieu thereof the following: "for the period of four years from the first day of July succeeding the assessment of said taxes."

Lien of
taxes.

Lien for
1895 ex-
tended.

SECTION 2. That the liens for taxes for the year 1895 be and the same hereby are extended for the period of two years from the first day of July, A. D. 1897.

Passed at Dover, May 17, 1897.

OF THE CITY OF WILMINGTON.

CHAPTER 569.

OF THE CITY OF WILMINGTON.

AN ACT to vacate a portion of "Old Ferry Road."

WHEREAS, By an act passed at Dover April 9, A. D. 1873, (Laws of Delaware, Volume 14, page 658,) it is provided that so much of the "Old Ferry Road" or "King's Road" laid out under an act passed A. D. 1762 as lies between the west of Heald street, the same being rendered useless by the opening of the streets of the city, and the persons through whose land the said road runs or passes are hereby authorized to enclose and hold the same; and

WHEREAS, By reason of the fact that the description of the portion of the said Old Ferry Road proposed to be vacated by said act is so imperfect that a question may arise as to the part of said road vacated thereby; 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 herein):

SECTION 1. That such part of the Old Ferry Road as lies on the westerly side of Heald street and between said Heald street and the Christiana river, be and the same is hereby vacated, and the person or persons through whose land the said road runs or passes, or heretofore ran or passed, are hereby authorized to enclose and hold the same to them and each of them, their respective heirs, successors and assigns, and all things done and proceedings taken pursuant to the said act of April 9, A. D. 1873 (14 Del. Laws, page 658), are hereby ratified and confirmed.

Part of old
ferry road
vacated.

Adjacent
owners may
enclose.

Passed at Dover, May 19, 1897.

OF THE CITY OF WILMINGTON.

CHAPTER 570.

OF THE CITY OF WILMINGTON.

AN ACT in relation to Taxation in part of 9th Ward in the City of
Wilmington.

WHEREAS, All that portion of the Ninth Ward in the City of Wilmington, bounded by the Brandywine creek, by the city line, by the Wilmington and Great Valley Turnpike and by Park Lane extended as laid down on the plan of the City of Wilmington, but not yet opened, consists of rough wooded and farm lands, distant from city streets and derives very little, if any, benefit from being included in the limits of the city; 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):

Taxes at
one-half
regular
rates.

SECTION 1. That the The Mayor and Council of the City of Wilmington shall, by the city council after the assessment has been made in each year for city and school purposes of the persons and estates in the said part of the Ninth Ward, levy and collect from the said persons and estates taxes for both city and school purposes in full of all taxes at a rate not exceeding one-half of the rate levied on persons and estates in the remaining parts of the city.

SECTION 2. That this act shall take effect from the date of its passage and continue in force for a period of six years thereafter.

Passed at Dover, May 19, 1897.

OF THE CITY OF WILMINGTON.

CHAPTER 571.

OF THE CITY OF WILMINGTON.

AN ACT to amend an act entitled "An act to prevent bogus sales within the City of Wilmington," being Chapter 661, 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 the act entitled "An act to prevent ^{Act amended.} bogus sales within the City of Wilmington," being Chapter 661, Volume 18, Laws of Delaware, passed at Dover, April 23, 1889, be and the same is hereby amended by inserting after the word "kind" in the seventh line thereof, and before the word "any," the following words, to wit: "nor shall it ^{Special sale of mer-} be lawful for any person to engage in the sale of any goods, ^{chandise.} wares or merchandise, within the corporate limits of the City of Wilmington, which shall have been brought to said city or consigned to any person in said city, for the purpose of the special sale thereof, as a removed stock of goods, or for the purpose of any sale thereof in any other than a regular business manner, by regular established merchants of the said city; *provided*, that this act shall not be so construed as ^{Proviso.} to prevent any person from embarking in the regular business of a merchant by any other method than those herein or elsewhere in the laws of this State prohibited. *And provided* ^{Goods from other points in Dela-} *further* that the provisions of this act shall not apply to goods ^{ware not included.} and chattels shipped to said city from other points of the State of Delaware."

Passed at Dover, April 20, 1897.

OF THE CITY OF WILMINGTON.

CHAPTER 572.

OF THE CITY OF WILMINGTON.

AN ACT to vacate a portion of Hawley Street, in the City of Wilmington.

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

Portion of
Hawley
street
vacated.

When.

SECTION 1. That all that portion of Hawley street, as laid down on the maps of the City of Wilmington, shall be vacated at the point or points where said Hawley street is crossed by the Baltimore and Philadelphia Railroad Company whenever and as soon as a bridge shall have been built and opened for travel, crossing the said railroad at a point on the line of Fourth street.

SECTION 2. That 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, May 21, 1897.

CHAPTER 573.

OF THE CITY OF WILMINGTON.

AN ACT in relation to the Assessors' and Collectors' Clerks 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):

Salary of

SECTION 1. That Section 8 of an act entitled "An act in relation to the assessment and collection of taxes in the City of Wilmington," Chap. 185, Vol. 18, Laws of Delaware, passed at Dover, April 12th, A. D. 1887, be and the same hereby is amended as follows: By striking out the words

OF THE CITY OF WILMINGTON.

"seven hundred and twenty" in the eighth and ninth lines respectively of said section, inserting in lieu thereof the following "eight hundred and sixty."

Passed at Dover, May 25, 1897.

CHAPTER 574.

OF THE CITY OF WILMINGTON.

AN ACT to provide for the payment of compensation to the members of the Commission appointed by the General Assembly to consider the question of Municipal Government so far as it relates to the City of Wilmington, and to provide for the payment of the expenses of the Members of said Commission.

WHEREAS, The commission appointed and organized under and by virtue of an act of the General Assembly, passed April 24, 1895, to consider the question of municipal government so far as it relates to the City of Wilmington, has, as required by the provisions of said act, submitted its report to 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 concurring):

SECTION 1. That The Mayor and Council of Wilmington be and it is hereby authorized and directed to pay to John S. Rossell, secretary of said commission, the sum of two thousand dollars, to be by said commission apportioned among the members thereof as compensation for their services, the said commission taking into consideration the services rendered by each member respectively.

SECTION 2. That the said The Mayor and Council of Wilmington be and it is hereby further authorized and directed to pay to the said John S. Rossell, secretary as aforesaid, the further sum of three hundred and seventy-four dollars and thirty two cents, to be by said commission applied to the payment of the following bills of expenses incurred by the members of said commission, viz:

Compensation to commission relating to municipal government of Wilmington.

Appropriation for certain bills.

OF THE CITY OF WILMINGTON.

Bill of Daniel W. Taylor for twenty-five dollars and fifty cents; bill of John S. Rossell for forty-one dollars and sixty-seven cents; bill of Charles M. Smith for twenty-eight dollars and forty cents, and the bill of the Star Publishing Company for two hundred and seventy-eight dollars and seventy-five cents.

How provided for and paid.

SECTION 3. That the said several sums to be paid by The Mayor and Council of Wilmington as authorized and directed by Sections 1 and 2 of this act, shall be paid as other expenses of said city are paid, and shall be provided for as council may, by ordinance, direct.

SECTION 4. That this act shall be deemed and taken to be a public act, and that all acts or parts of acts inconsistent herewith be and the same are hereby repealed.

Passed at Dover, May 27, 1897.

CHAPTER 575.

OF THE CITY OF WILMINGTON.

AN ACT increasing the salary of the City Solicitor of the City of Wilmington, and providing for an Assistant City Solicitor.

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):

Salary of city solicitor.

SECTION 1. That the salary of the City Solicitor of the City of Wilmington, known under its corporate title as The Mayor and Council of Wilmington, shall be eighteen hundred dollars per annum, payable monthly.

Assistant city solicitor.

SECTION 2. That there shall be an assistant, to be known as the Assistant City Solicitor, who shall receive a salary of six hundred dollars per annum, payable monthly.

Salary.

Duties.

SECTION 3. That the duties of the Assistant City Solicitor shall be to attend the municipal court when requested by the City Solicitor so to do, and in general to assist the City Solicitor in all legal matters pertaining to the city.

OF THE CITY OF WILMINGTON.

SECTION 4. That this act shall take effect and become operative on the first day of July, A. D. 1897.

Passed at Dover, May 28, 1897.

CHAPTER 576.

OF THE CITY OF WILMINGTON.

AN ACT in relation to Auctions and Auctioneers 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 concurring therein):

SECTION 1. That the The Mayor and Council of Wilmington be and they hereby are empowered to license, tax and regulate auctions and auctioneers in and for the City of Wilmington in such manner as the city council, by ordinance, shall prescribe.

Auctions
and auc-
tioneers li-
cense, &c.

Passed at Dover, May 29, 1897.

TITLE ELEVENTH.

Of the Domestic Relation.

CHAPTER 577.

OF MARRIAGE.

AN ACT to punish Incest.

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

Unlawful
marriages.

Misde-
meanor.

Punish-
ment.

SECTION 1. If any person shall commit incestuous fornication or adultery, or intermarry within the degrees of consanguinity or affinity, according to the following table (established by law), he or she shall be deemed guilty of a misdemeanor, and upon conviction thereof in the Court of General Sessions of the Peace and Jail Delivery shall be fined not exceeding five hundred dollars, and shall be imprisoned for a term not exceeding seven years; and all such marriages are declared void.

The table of degrees of consanguinity and affinity is as follows:

DEGREES OF CONSANGUINITY.

- A man may not marry his mother.
- A man may not marry his father's sister.
- A man may not marry his mother's sister.
- A man may not marry his sister.
- A man not marry his daughter.
- A man may not marry the daughter of his son's daughter.
- A woman may not marry her father.
- A woman may not marry her father's brother.
- A woman may not marry her mother's brother.

OF MARRIAGE.

A woman may not marry her brother.

A woman may not marry her son.

A woman may not marry the son of her son or daughter.

DEGREES OF AFFINITY.

A man may not marry his father's wife.

A man may not marry his son's wife.

A man may not marry his son's daughter.

A man may not marry his wife's daughter.

A man may not marry the daughter of his wife's son or daughter.

A woman may not marry her mother's husband.

A woman may not marry her daughter's husband.

A woman may not marry her husband's son.

A woman may not marry the son of her husband's son or daughter.

SECTION 2. All acts or parts of acts inconsistent herewith are hereby repealed.

Passed at Dover, May 28, 1897.

TITLE TWELFTH.

Of Titles to Real Property.

CHAPTER 578.

OF ALIENS.

AN ACT in relation to Estate 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 :

Convey-
ances to
aliens prior
to Jan. 1,
1897 made
valid.

Likewise
convey-
ances from
aliens.

SECTION 1. That all grants, bargains, sales, conveyances and devises of lands, tenements and hereditaments within the State made before the first day of January, A. D. 1897, to any person or persons who, at the time of making the same, was an alien or were aliens shall be good and effectual to vest in the grantee or grantees, bargainee or bargainees, devisee or devisees, such estate and interest and as good a right and title in the same as he or she or they could have taken by the same grant, bargain, sale, conveyance or devise, if he, or she, or they had been legally naturalized at the time of making the same; and all deeds and conveyances made of any lands, tenements or hereditaments within this State by any such alien or aliens, or his or her or their legal representatives before the first day of January, A. D. 1897, or by virtue of any legal process directed to the sheriff or coroner before that time, shall be as good and effectual to vest in the grantee or grantees, bargainee or bargainees, devisee or devisees, such estate and as good a right and title in and to the same lands, tenements and hereditaments as such grantee, bargainee, or devisee could have taken by the same if the grantor, bargainor or devisor had been legally naturalized at the time of making such

OF ALIENS.

grant, bargain, sale, conveyance or devise last mentioned; and any mortgage or other security taken by any alien to secure the payment of purchase money or any part thereof of lands, tenements or hereditaments sold and conveyed by such alien, shall be as good and effectual and collectible by the same process of law as if the person in whose favor the same was or may be taken had been legally naturalized at the time of making such mortgage or other security.

SECTION 2. *And be it further enacted as aforesaid*, that the widow, child or children respectively of any alien who died before the first day of January, A. D. 1897, shall be held to have acquired and taken the same interest, right and estate as they would have done if such alien had been a citizen at the time of his death, and all conveyances made by such widow, child or children, or their or any of their rights or estates by legal proceedings, shall be as valid and effectual to convey such rights and estates as if such alien had been a citizen at the time of his death.

Title of widow or child of alien who died prior to Jan 1, 1897 made valid. Conveyances by same.

SECTION 3. *And be it further enacted as aforesaid*, that all conveyances and all letters of attorney relating to conveyances of lands, tenements and hereditaments within this State, which shall have been acknowledged before any consular agent and attested under the seal of such consular agent before the first day of January, A. D. 1897, shall be deemed and taken to have been legally and properly acknowledged, and if not already recorded may and shall be admitted of record in the county in which the lands, tenements and hereditaments conveyed thereby are situated, and all such conveyances, or a duly certified copy of the record thereof, shall be evidence in any court of law or equity in this State.

Certain acknowledgments valid. Record of same.

Passed at Dover, February 9, 1897.

OF CONVEYANCES.

CHAPTER 579.

OF CONVEYANCES.

AN ACT to supplement Chapter 477, Volume 15 of the Laws of Delaware, entitled "An act in respect to Chattel Mortgages."

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

Chattel
mortgage
act
amended.

Certain
transac-
tions ex-
empt from
effect of

SECTION 1. That Chapter 477, Volume 15 of the Laws of Delaware, entitled "An act in respect to chattel mortgages," be and the same is hereby supplemented by adding at the end of Section 4 of said act the following: "Provided, that none of the provisions of this act shall be applicable to mortgages or deeds of trust, including both real and personal property, heretofore or hereafter executed by any corporation to secure an issue of bonds."

Passed at Dover, February 17, 1897.

CHAPTER 580.

OF CONVEYANCES.

AN ACT to make valid the record of certain Deeds.

WHEREAS, There are many conveyances of real estate within the State of Delaware executed and delivered bona fide by the corporations, grantors therein, under which the grantees in said conveyances, and those claiming under them, have entered into and continuously held quiet and uninterrupted possession of the premises so conveyed, which said deeds were not acknowledged and certified in accordance with the requirements of the laws of this State in force at the time of their execution, but have been, nevertheless, entered upon the records by the recorders of deeds in and for the several counties of this State; and

OF INTESTATES' REAL ESTATE.

WHEREAS, By reason of such defect the record of said deeds cannot be offered in evidence; therefore,

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

SECTION 1. That the record of any deed dated prior to the first day of January, A. D. one thousand eight hundred and ninety-seven, executed by any corporation having authority to make the same, which was duly signed and sealed by the party therein named as grantor or grantors, notwithstanding it may not appear that the execution and acknowledgment of the said conveyance was duly authorized by resolution of the directors, trustees or other managers, or by the legally constituted attorney of such corporation, shall be and the same is hereby made valid and effectual in law, as if said deed had been correctly acknowledged and certified, and the said record or any office copy thereof shall be admitted as evidence in all of the courts of this State, and shall for all purposes be valid and conclusive as if said deed had been in all respects acknowledged and the acknowledgment certified in accordance with the then existing laws.

Record of
certain
deeds made
valid.

Passed at Dover, February 25, 1897.

CHAPTER 581.

OF INTESTATES' REAL ESTATE.

AN ACT to amend Chapter 476 of Volume 12 of the Laws of Delaware.

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

Act
amended.

SECTION 1. That Chapter 476 of Volume 12 of the Laws of Delaware be and the same is hereby amended as follows, viz: By inserting between the words "therefore" and "the" in the eleventh line of Section 1 of the original act the words "or in case the person or persons so entitled or hereafter to become entitled shall refuse to receive the same."

Person
entitled to
share of
recogni-
zance in
Orphans'
Court
refusing to
receive
same.

OF INTESTATES' REAL ESTATE.

Further amend said Section 1 of said chapter by inserting between the words "therefor" and "shall" in the twenty-first line thereof the words "or that the person entitled to receive such share refuses to receive the same."

Costs.

Also further amend said Section 1 of said chapter by inserting after the word "section" and before the letter "a" in the twenty-third line thereof the words "except that in the case of refusal to receive such share and interest the cost of proceeding under this section shall be deducted from the amount of said share."

Passed at Dover, February 18, 1897.

TITLE THIRTEENTH.

Of the Administration of Estates.

CHAPTER 582.

OF THE SETTLEMENT OF PERSONAL ESTATES.

AN ACT to amend an act entitled "An act in relation to the settlement of a deceased person's interest in Firms and Copartnerships," passed at Dover, May 2, 1893.

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 settlement of a deceased person's interest in firms and co-^{Act amended.} partnerships," passed at Dover, May 2, 1893, being Chapter 774 of Volume 19 of the laws of Delaware, be and the same is hereby amended by adding at the end of Section 4 thereof the following: "*Provided, however,* that the provisions of this act shall not apply to any firm or copartnership having written articles of agreement between the members thereof providing for the adjustment or settlement of a deceased member's share or interest in such firm or copartnership." ^{Settlement of deceased person's interest in partnership effects.}

Passed at Dover, May 26, 1897.

OF THE SETTLEMENT OF PERSONAL ESTATES.

CHAPTER 583.

OF THE SETTLEMENT OF PERSONAL ESTATES.

A SUPPLEMENT to Chapter 89 of the Revised Statutes of the State of Delaware, entitled "Of the Settlement of Personal Estates."

WHEREAS, By Section 1 of Chapter 123 of the Revised Statutes of this State, entitled "Limitations of personal actions," it is provided that no action shall be brought upon administration or testamentary bonds against either the principal or sureties after the expiration of six years from the date thereof; and

WHEREAS, The performance and execution of the duties and trusts of executors and administrators *cum testamento annexo*, who are or may be entitled to the personal estates of deceased testators are secured only by bonds which expire after the lapse of six years from the date thereof, thereby leaving all those in remainder unprotected by sufficient and satisfactory bond or bonds; now therefore,

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

Bond of executor or administrator having interest in estate.

SECTION 1. That every executor or administrator *cum testamento annexo*, who is or may be entitled during his or her life to have and enjoy the use and benefit of the personal estate of the deceased testator upon due notice given by the register of wills after the passage of this act as hereinafter provided, shall bind himself, his heirs, executors or administrators by entering into a joint and several bond to the State of Delaware to be with the surety approved by the register of wills in a penal sum double the best estimate that can be made of said personal estate with condition which may be in the following form:

Condition of bond.

The condition of this obligation is such that if the above named _____, executor of the will of _____, deceased (or administrator with the will annexed, as the case may be), shall faithfully preserve said personal estate, whether it consist of money, bonds, mortgages, securities or other investments for those who may be entitled in remainder at the death of the said executor or administrator, and shall in all respects faithfully execute and perform all the trusts and

OF THE SETTLEMENT OF PERSONAL ESTATES.

duties imposed by the will of said testator, which said bond shall continue in force for the period of three years after the death of such executor or administrator. The register of wills may, at his pleasure, alter or vary the above form to suit the circumstances of any case that may arise.

SECTION 2. That the register of wills of the proper county shall, upon the application of any party interested, immediately give notice to such executor or administrator to appear before him with his or her sureties within ten days from the time of service of such notice, and enter into the bond as required by this act; and upon failure of such executor or administrator to enter into bond as aforesaid, within the time prescribed in said notice, it shall be the duty of the register of wills to remove such executor or administrator thus in default from his or her office; and the said register of wills shall certify the same to the register in chancery of the proper county. And the chancellor, upon application made to him by any party in interest, shall appoint a trustee to execute and carry out the trusts contained in the will of the testator; and the executor or administrator removed as aforesaid shall forthwith deliver all moneys, papers, securities, effects or other personal property, except live stock, household goods and farming and mechanical implements and utensils to the trustee appointed as aforesaid. And the chancellor at his discretion may make such order as he shall deem proper in respect to the same, and may enforce obedience thereto by attachment.

Upon application of party interested Register to notify executor or administrator Failure to give bond. To be removed. Certified to Register in Chancery. Chancellor to appoint trustee. Moneys, &c. to be delivered. Property excepted. Orders of Chancellor.

SECTION 3. That the trustee, for the purpose of settling and closing the estate of the testator, shall have all the powers which the executor or administrator had.

Powers of trustee.

SECTION 4. That hereafter the bond of every executor or administrator *cum testamento annexo*, who, during his life, shall be entitled under the will of any deceased testator to the personal estate of such deceased testator, to be given or entered into, shall continue in force for the period of three years after the death of such executor or administrator.

Limitation of executor's or administrator's bond.

Passed at Dover, May 29, 1897.

TITLE FOURTEENTH.

Of Courts of Justice.

CHAPTER 584.

OF THE SUPERIOR COURT.

AN ACT to amend an act entitled "An act authorizing the Superior Court in and for New Castle County to make Certain Rules."

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

Superior
Court may
make rules.

SECTION 1. That Section 1, Chapter 135, Volume 16, Laws of Delaware, be and the same is hereby amended by striking out the words "in and for New Castle County" after the word "sitting" in the first line and the word "may" in the second line thereof, and inserting in lieu thereof the words "in any county of this State."

Title
amended.

SECTION 2. That the title of said Chapter 135 be also amended by striking out all the words thereof after the word "court" therein, and inserting in lieu thereof the words "of this State, to make certain rules."

Passed at Dover, April 14, 1897.

OF SUPERIOR COURT AND COURT OF GENERAL SESSIONS.

CHAPTER 585.

OF THE SUPERIOR COURT AND COURT OF GENERAL SESSIONS.

AN ACT to amend an act entitled, "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:

SECTION 1. That Section 1 of Chapter 255, Volume 19, Laws of Delaware, be and the same is hereby amended by striking out the word "third" where it occurs in each of the fourth and fifth lines thereof, and inserting in lieu thereof the word "fourth."

Time of
holding
Superior
Court in
Kent
county.

SECTION 2. That the April Term of said courts in Kent county in the present year 1897 shall be held at the time fixed by law for the holding of the same prior to the passage of this act.

Passed at Dover, May 13, 1897.

TITLE FIFTEENTH.

Of the Justices of the Peace.

CHAPTER 586.

OF THE JUSTICES OF THE PEACE.

AN ACT to amend an act entitled "An act creating an additional Justice of the Peace, Notary Public and Constable in and for Kenton Hundred, Kent County," being Chapter 178, Volume 15, Laws of Delaware.

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

Justice,
notary and
constable
for Clayton
not limited
to Kenton
hundred.

SECTION 1. That Section 1, Chapter 178, Volume 15, Laws of Delaware, be and the same is hereby amended by striking out in the fourth line of said section the words "Kenton Hundred in."

SECTION 2. This act shall be deemed and taken to be a public act.

Passed at Dover, April 13, 1897.

OF THE JUSTICES OF THE PEACE.

CHAPTER 587.

OF THE JUSTICES OF THE PEACE.

AN ACT to provide for an additional Justice of the Peace in and for
Lewes and Rehoboth 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 the Governor of this State be and he is hereby authorized, empowered and directed to appoint an additional justice of the peace in and for Lewes and Rehoboth hundred, Sussex county.

SECTION 2. That this act shall be deemed and taken to be a public act.

Passed at Dover, May 20, 1897.

TITLE SIXTEENTH.

Of Civil Actions in General.

CHAPTER 588.

OF PLEADING AND PRACTICE IN CIVIL ACTIONS.

AN ACT to amend Chapter 106 of the Revised Statutes.

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

Want of
considera-
tion as
defense.

Exception.

Proviso

SECTION I. That Chapter 106 of the Revised Statutes concerning pleading and practice in civil actions be amended by adding thereto the following, to wit: "Section 36. That want or failure in whole or in part of the consideration of bills and notes for the payment of money may be shown as a defense total or partial, as the case may be, except to negotiable paper transferred to an innocent holder for value and without notice before maturity; *provided, however*, that this act shall not apply to any suit now at issue brought on a foreign attachment.

Passed at Dover, May 29, 1897.

OF JURIES.

CHAPTER 589.

OF JURIES.

AN ACT in relation to the Competency of Jurors to sit in a cause of action after a Mistrial of 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 of the Legislature concurring therein):

SECTION 1. In any cause of action that shall hereafter be tried before a jury that shall result in a mistrial for any reason whatsoever it shall not be competent for any juror or jurors who sat in a first trial of said cause, to sit in any subsequent trial or trials of said cause either at the same or any subsequent term of court unless the consent, in writing, of the attorneys of both the plaintiff and defendant be first had and obtained for that purpose.

Juror may not sit in second trial of same cause, except by agreement.

Passed at Dover, April 1, 1897.

CHAPTER 590.

OF JURIES.

AN ACT in relation to Petit Jurors in New Castle County.

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

SECTION 1. That from and after the passage of this act the prothonotary and clerk of the peace in and for New Castle county shall, at least twenty days before the commencement of each term of the Superior Court and Court of General Sessions of the Peace and Jail Delivery in and for said county, in the manner and at the place prescribed by Section 4 of Chapter 109 of the Revised Code of the State of Dela-

Selecting panel of petit jurors.

OF JURIES.

ware, as amended and published in A. D. 1893, draw from the boxes marked "Petit Jurors" thirty names of persons placed therein as now required by law, and the persons so drawn shall constitute and be denominated the panel of petit jurors who shall, if summoned, attend and serve as petit jurors at and through the then next term of the said Superior Court and the said Court of General Sessions of the Peace and Jail Delivery.

Present
law appli-
cable.

SECTION 2. The jurors drawn as prescribed in the preceding section shall be summoned, returned and paid, and shall serve in like manner as is now prescribed by law and shall be subject to all the provisions of law respecting petit jurors that are not inconsistent with the provisions of this act.

To be regu-
lar panel.

SECTION 3. The jurors drawn in accordance with the provisions of this act shall not be deemed and taken to be as an increase in the number of petit jurors for said courts, but shall be deemed and held to be the jurors who are to constitute the regular panel of petit jurors for said courts at the terms thereof next ensuing any such drawing.

Special
juries as
heretofore.

SECTION 4. That special juries shall be allowed, drawn, struck, summoned and shall serve as now provided by law.

SECTION 5. That all acts or parts of acts inconsistent with the provisions of this act be and the same are hereby repealed.

Passed at Dover, April 5, 1897.

OF JUDGMENTS.

CHAPTER 591.

OF JUDGMENTS.

AN ACT to 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 Section 5 of Chapter 145, Volume 16, Laws of Delaware, entitled "An act in relation to mechanics' liens" be and the same is hereby amended by striking out the words "four days" in the fourth line and substituting in lieu thereof the words "one year."

Amend in
action for
Mechanics'
Lien
against ves-
sel may be
filed within
one year.

Passed at Dover, March 29, 1897.

TITLE SEVENTEENTH.

Of Proceedings in Special Cases.

CHAPTER 592.

OF FUGITIVES FROM JUSTICE.

AN ACT to amend Chapter 223, 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:

Requisition
of Governor
for person
charged
with crime.

SECTION 1. That Section 1 of Chapter 223, Volume 17 of the Laws of Delaware be and the same is hereby amended by inserting after the word "felony" in the seventh line of said section the words "or other crime."

Passed at Dover, March 25, 1897.

CHAPTER 593.

OF LANDLORD AND TENANT.

AN ACT to amend Section 55, Chapter 120 of the Revised Code of 1893.

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

Act
amended.

SECTION 1. That Section 55 of Chapter 120 of the Revised Code of 1893 be and the same is hereby amended by striking out all after the figures "55" in the first line thereof,

OF LANDLORD AND TENANT.

and substituting in lieu thereof the following: "Section 1. If the tenant deny the demand of rent, whether the same be ^{Tenant denying rent, issue to jury or referees.} in arrears or falling due, the court or justice of the peace shall direct an issue to be tried by a jury at the bar of the court or by a reference to three judicious and impartial citizens before a justice of the peace, one of whom shall be chosen by the justice of the peace, and the other two, one ^{Choosing of referees.} each by the plaintiff and defendant, for ascertaining whether there be a just demand of rent and the amount thereof, and the verdict upon such shall be final and conclusive. And ^{No appeal.} that all acts or parts of acts inconsistent with the foregoing provisions of this section be and they are hereby repealed and made null and void.

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

Passed at Dover, May 7, 1897.

TITLE EIGHTEENTH.

Of the Limitation of Actions.

CHAPTER 594.

OF LIMITATION OF PERSONAL ACTIONS.

AN ACT in relation to Pleading and Practice.

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

Limitation
of action
for dam-
ages for
personal in-
juries.

SECTION 1. That from and after the passage of this act no action for the recovery of damages upon a claim for alleged personal injuries shall be brought after the expiration of one year from the date upon which it is claimed that such alleged injuries were sustained.

SECTION 2. That this act shall be deemed and taken to be a public act.

Passed at Dover, May 28, 1897.

TITLE TWENTIETH.

Of Crimes and Punishments.

CHAPTER 595.

OF OFFENCES AGAINST PUBLIC POLICY.

AN ACT to Amend Chapter 273, Volume 19, 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 273, Volume 19, Laws of Delaware, be and the same is hereby amended by striking out all of Section 2 of said chapter and inserting in lieu thereof the following: "Any life insurance company, its agent or agents, violating Section 1 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 or be imprisoned for a term of not less than one month nor more than six months on each and every violation where the amount of insurance is one hundred thousand dollars or less."

Act prohibiting discrimination by life insurance companies amended.

Passed at Dover, March 16, 1897.

GENERAL PROVISIONS CONCERNING CRIMES AND PUNISHMENTS.

CHAPTER 596.

GENERAL PROVISIONS CONCERNING CRIMES AND PUNISHMENTS.

AN ACT to amend Section 12 of Chapter 133 of the Revised Code of 1893.

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

Payment of
costs in
criminal
cases.

SECTION 1. That Section 12 of Chapter 133 of the Revised Code of 1893, be and the same is hereby amended by striking out in said section after the word "acquitted" in the first line thereof the following words: "or if he, being convicted, shall not be able to pay the costs."

Passed at Dover, February 18, 1897.

CHAPTER 597.

GENERAL PROVISIONS CONCERNING CRIMES AND PUNISHMENTS.

AN ACT in relation to Certain Fines.

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

Law and
Order Soci-
ety of Wil-
mington to
receive
one-half of
fines, when.

SECTION 1. Hereafter one-half of all the fines, penalties and forfeitures imposed and collected in any county of this State where the evidence to secure the conviction shall be produced and furnished by the Law and Order Society of Wilmington, Delaware, a corporation of the State of Delaware, or its agent or agents, shall inure and be paid to such society in aid of the purposes for which it was incorporated.

SECTION 2. All acts or parts of acts inconsistent with this act are hereby repealed.

Passed at Dover, May 26, 1897.

GENERAL PROVISIONS CONCERNING CRIMES AND PUNISHMENTS.

CHAPTER 598.

GENERAL PROVISIONS CONCERNING CRIMES AND PUNISHMENTS.

AN ACT to amend an act entitled "An act to provide for the Arrest of Persons violating the Laws of this State and to appropriate money to pay for such Arrests," being Chapter 345, Volume 15, 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 1 of said act be and the same is hereby amended by striking out the words "he is satisfied," between the word "whenever" and the word "that" in the fourth line thereof, and inserting in lieu thereof the words "there are reasonable grounds for the belief." Further amend said Section 1 by striking out the words "and delivery in a jail of this State" between the word "arrest" and the word "of" in the seventh line thereof, and inserting in lieu thereof the words "and conviction." And further amend said Section 1 by striking out all of the tenth line thereof after the word "such" and inserting in lieu thereof the words "arrest and conviction and upon the arrest and conviction."

Passed at Dover, May 27, 1897.

GENERAL PROVISIONS CONCERNING CRIMES AND PUNISHMENTS.

CHAPTER 599.

GENERAL PROVISIONS CONCERNING CRIMES AND PUNISHMENTS.

AN ACT to amend Chapter 133 of the Revised Code.

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

Act
amended.

Who may
be present
at hanging
of criminal.

SECTION 1. That Section 30 of Chapter 133 of the Laws of Delaware as published in the Revised Code be and the same hereby is amended by inserting after the word "execution" in the ninth line thereof the following: "*Provided, further,* that in addition to the above number newspaper representatives having proper credentials from their paper approved by the chief justice, resident judge, attorney general or his deputy, shall be admitted.

Passed at Dover, May 29, 1897.

RESOLUTIONS.

CHAPTER 600.

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 these two Houses adjourn it shall be until at 10 o'clock a. m. January 11, 1897. Adjournment.

Adopted at Dover, January 5, 1897.

CHAPTER 601.

Joint Resolution in regard to canvassing the vote for Governor.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

That the members of the Senate and members of the House of Representatives assemble in the hall of the House of Representatives at 11 o'clock on Tuesday, the 12th inst., to be present at the opening and publishing according to the Constitution of this State of the returns of 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. Canvass of vote for Governor.

Adopted at Dover, January 11, 1897.

RESOLUTIONS.

CHAPTER 602.

Joint Resolution appointing a Joint Committee to draft Rules governing the intercourse between the two Houses of this General Assembly.

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

Committee
on rules.

That a committee of two on the part of the Senate and three on the part of the House be appointed to draft rules governing the intercourse between the two Houses.

Adopted at Dover, January 11, 1897.

CHAPTER 603.

Joint Resolution appointing a Joint Committee to make arrangements for the Inauguration of the Governor-Elect.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Inaugural
committee.

That a joint committee consisting of two on the part of the Senate and three on the part of the House of Representatives be appointed to make arrangements for the inauguration of the Governor-elect.

Adopted at Dover, January 11, 1897.

RESOLUTIONS.

CHAPTER 604.

Joint Resolution authorizing the State Treasurer to pay Three Hundred and Fifty Dollars for expenses of the Inauguration of Governor.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

That the Speakers of the two Houses be and they are hereby authorized to draw upon the State Treasurer for the sum of three hundred and fifty dollars (\$350) to pay for expenses incurred in the inaugural ceremonies attending the inauguration of the Governor-elect. Expenses of inauguration of Governor.

Adopted at Dover, January 13, 1897.

CHAPTER 605.

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 until Friday, January the 15th, 1897, at 11 o'clock a. m. Adjournment.

Adopted at Dover, January 13, 1897.

RESOLUTIONS.

CHAPTER 606.

Joint Resolution in relation to Adjournment.

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 it be to meet on Monday next, the 18th inst., at 5 o'clock p. m.

Adopted at Dover, January 13, 1897.

CHAPTER 607.

Joint Resolution convening the two Houses 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:

Inaugural
ceremonies.

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 19th, 1897, for the purpose of attending the Governor-elect while the oaths of office are administered to him.

Adopted at Dover, January 18, 1897.

RESOLUTIONS.

CHAPTER 608.

Joint Resolution relating to the State Library Building.

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 whom shall be referred the report of the commissioners named in the act entitled "An act providing for an addition to the State Library building," being Chapter 2, Volume 20, Laws of Delaware.

Committee
in relation
to State
Library
building.

The committee hereby appointed shall be authorized to take into consideration improvement to the second story of the addition, the uses to which the same may be put, and also to fix the compensation of the commissioners.

Duties.

Adopted at Dover, January 18, 1897.

CHAPTER 609.

Joint Resolution in regard to the appointment of a Joint Committee to settle with the State Treasurer and State Auditor.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

That a joint committee of two on the part of the Senate and three on the part of the House be appointed to settle with the State Treasurer and State Auditor.

Committee
to settle
with State
Treasurer.

Adopted at Dover, January 18, 1897.

RESOLUTIONS.

CHAPTER 610.

Joint Resolution adjourning both Houses.

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

Adjournment.

That when the two Houses adjourn they adjourn to meet Monday next 11 a. m.

Adopted at Dover, January 20, 1897.

CHAPTER 611.

Joint Resolution in relation to Enrolling Clerk.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Enrolling clerk.

That a committee of conference consisting of two on the part of the Senate and three on the part of the House be appointed to take into consideration the matter of the appointment of an Enrolling Clerk.

Adopted at Dover, January 20, 1897.

RESOLUTIONS.

CHAPTER 612.

Joint Resolution appointing a State Treasurer.

Resolved by the House of Representatives of the State of Delaware by and with the concurrence of the Senate :

That Willie M. Ross be and he is hereby appointed State Treasurer. State Treasurer appointed.

Adopted at Dover, January 20, 1897.

CHAPTER 613.

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 :

That Beniah L. Lewis be and he is hereby appointed Auditor of Accounts. Auditor of accounts appointed.

Adopted January 20, 1897, at Dover.

RESOLUTIONS.

CHAPTER 614.

Joint Resolution appropriating Eight Hundred Dollars 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:

Contingent
fund of
Secretary
of State.

That the sum of eight hundred dollars be and the same is hereby appropriated and made payable to William H. Boyce, 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.

Adopted [at Dover,] January 20, 1897.

CHAPTER 615.

Joint Resolution appointing a Joint Committee to settle with J. Harvey Whiteman, late Secretary of State.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Committee
to settle
with late
Secretary
of State.

That a joint committee of two on part of the Senate and three on part of the House of Representatives be appointed to settle with J. Harvey Whiteman, late Secretary of State.

Adopted at Dover, January 21, 1897.

RESOLUTIONS.

CHAPTER 616.

Joint Resolution adjourning both Houses.

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

That when the two Houses adjourn, they adjourn to meet Adjourn-
ment.
Monday next, January 25th, 2 p. m.

Amendment to House joint resolution entitled Joint Resolution adjourning both houses: Amend by striking out the words "2 p. m." and inserting the words "11 a. m." in lieu thereof.

Adopted at Dover, January 21, 1897.

CHAPTER 617.

Joint Resolution in relation to Hon. Edward L. Martin.

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

That both Houses attend in a body the funeral of the late Funeral of
Hon. Ed-
ward L.
Martin.
Hon. Edward L. Martin, at Seaford, at 1.30 o'clock p. m.,
Monday, January 25th inst.

Also, that a joint committee, consisting of two on the part of the Senate and three on the part of the House, be appointed to prepare appropriate resolutions upon the death of the late Hon. Edward L. Martin.

Adopted at Dover, January 25, 1897.

RESOLUTIONS.

CHAPTER 618.

Joint Resolution appropriating Five Hundred Dollars to the Contingent Expenses of the Office of Attorney General.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Contingent
fund for
Attorney
General.

That the sum of five hundred dollars be and the same is hereby appropriated and made payable to Robert C. White, Attorney General, 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.

Adopted at Dover, January 26, 1897.

CHAPTER 619.

Senate Joint Resolution entitled "Resolution relating to the Columbia Institution for the Deaf and Dumb."

Resolved by the Senate and House of Representatives in General Assembly met :

Columbia
Institution
for Deaf
and Dumb.

That we set aside for the purpose of giving an audience to the representative of the Columbia Institution for the Deaf and Dumb of Washington, D. C., on February 9th, 1897, from 2 until 4 o'clock p. m., for the purpose of illustrating their methods of education to the deaf and dumb children.

Adopted at Dover, January 26, 1897.

RESOLUTIONS.

CHAPTER 620.

Joint Resolution in regard to the State Treasurer.

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

That Charles H. Atkins, State Treasurer, and Wilbur H. Burnite, late State Treasurer, be and they are hereby authorized and empowered to pay unto Willie M. Ross, State Treasurer-elect, when he shall take charge of the State Treasurer's office, the sums of eighteen hundred and sixty dollars and three hundred and twenty dollars respectively, standing to their credit in the Farmers' Bank at Wilmington, deposited there for the purpose of paying interest coupons on State bonds, loan of 1891, which have not yet been presented for payment, and the said Willie M. Ross, State Treasurer-elect, shall use the said moneys so paid over to him for the purpose of paying the said interest coupons when presented and account for said moneys in the same manner as for other funds in his hands as State Treasurer.

Also, that Charles H. Atkins, the retiring State Treasurer, be and he is hereby authorized to have printed and bound five hundred copies of his biennial report and distribute the same as follows: One hundred and fifty copies to the Senate, two hundred and fifty copies to the House and one hundred copies personally; and that he be allowed the sum of three hundred dollars for extra services during the year 1896, and for superintending the printing and binding of his biennial report, which said sum shall be paid him out of any moneys in the State treasury not otherwise appropriated.

Adopted at Dover, January 27, 1897.

RESOLUTIONS.

CHAPTER 621.

Joint Resolution appointing directors for the Farmers' Bank of the State of Delaware for the Branch at Wilmington.

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

Directors
of Farmers'
Bank at
Wilmington.

That on the part of the State, agreeably to the act of the General Assembly in such case made and provided, James Megary, William Baxter and Henry C. Conrad be and they are hereby appointed directors of the Farmers' Bank of the State of Delaware for the branch at Wilmington.

Adopted at Dover, January 28, 1897.

CHAPTER 622.

Joint Resolution in relation to the death of the Hon. Edward L. Martin.

WHEREAS, the General Assembly has heard with feelings of profound regret of the sudden demise of the Hon. Edward L. Martin on the morning of the 22d instant; and

WHEREAS, The State has in his death sustained the loss of one of her most estimable and valuable citizens, a public spirited gentleman, an eminent statesman, possessed of varied accomplishments and culture of a high character; and

WHEREAS, for nearly half a century past the deceased devoted the best of his time and energies for the development and progress of our State and the prosperity of our people and ever discharged the duties of the many posts of public trust and honor which were conferred upon him by his people with entire faithfulness; and

WHEREAS, wherever known, whether within or without our State, the deceased was esteemed, respected and honored

*So enrolled

RESOLUTIONS.

for his kindliness of disposition, genial habits and sterling character, which obtained with him both in his private and public life; therefore,

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

That the members of the General Assembly tender to the family of the deceased their deepest sympathy in their sudden and sad bereavement;

Resolutions
on the
death of
Hon. Ed-
ward L.
Martin.

That an engrossed copy of these resolutions, signed by the Speakers of both Houses, attested by the respective clerks thereof, be transmitted to the family of the deceased.

Adopted at Dover, January 28, 1897.

CHAPTER 623.

Joint Resolution in relation to the Struggling Patriots of the Island of Cuba.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

That we extend to the struggling patriots of the island of Cuba our heartfelt sympathy in their noble and courageous efforts to throw off the bonds of tyrannical government, and we condemn the brutal manner in which the war is being conducted by the Spanish government and officers, and we request our Senators and Representative from this State in the national Congress to use their best efforts to secure cessation of hostilities and the freedom of the people of the island.

Adopted at Dover, January 28, 1897.

RESOLUTIONS.

CHAPTER 624.

Joint Resolution appointing a Joint Committee on Taxation.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Committee
on taxa-
tion.

That a joint committee consisting of two on the part of the Senate and three on the part of House be and are hereby appointed a joint committee on taxation.

Adopted at Dover, January 28, 1897.

CHAPTER 625.

Joint Resolution appointing a Joint Committee to investigate and improve the sanitary Condition of the State House.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Committee
relative to
condition of
State
House.

That a committee of three on the part of the House and two on the part of the Senate be appointed to investigate and improve the sanitary condition of the State House. And they are empowered to secure a janitor, if they deem it necessary, in order to carry out the provisions of this resolution.

Adopted at Dover, January 29, 1897.

RESOLUTIONS.

CHAPTER 626.

Joint Resolution in relation to the State Library Addition to the State House.

Be it resolved by the Senate and the 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 William T. Records, John Pyle, Henry H. McMullen and John W. Jolls each the sum of two hundred dollars (\$200) out of any moneys in the State treasury not otherwise appropriated, for services rendered in superintending the erection of the State Library addition to the State House. Also, that a joint committee consisting of two on the part of the Senate and three on the part of the House be appointed to take into consideration the necessary changes to the interior of the State House to render it suitable for the various purposes for which it should be used, and that said committee report to the present General Assembly the changes deemed necessary by them and the approximate cost thereof, so that appropriate legislation may be enacted to carry into effect such changes in the most expeditious and economical manner possible.

Compensation to committee for superintending improvements to State House Committee relative to interior changes to State House

Report of Committee

Adopted at Dover, February 2, 1897.

CHAPTER 627.

Joint Resolution appointing a Joint Committee of the two Houses to investigate the Insurance of the Property of the State.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

That a committee of two on part of the Senate and three on the part of the House be and they are hereby appointed to investigate and report to this General Assembly the amount of insurance upon the State House, the Library and other property of the State.

Committee relative to insurance on State property.

Adopted at Dover, February 2, 1897.

RESOLUTIONS.

CHAPTER 628.

Joint Resolution in relation to the death of Hon. Leonard E. Wales, Judge of the United States District Court in and for the District of Delaware.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Resolutions
relative to
death of
Hon. Leon-
ard E.
Wales.

That the members of the General Assembly have heard with the deepest sorrow of the death of Honorable Leonard E. Wales, judge of the United States District Court;

Resolved, That a committee consisting of three on the part of the House and two on the part of the Senate be appointed to draw appropriate resolutions and that a copy of these resolutions be forwarded to the family of the deceased.

Adopted at Dover, February 2, 1897.

CHAPTER 629.

Joint Resolution regarding the Report of the Commissioners to ascertain the Boundary lines between Kent and Sussex Counties.

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

Report
relative to
line be-
tween Kent
and Sussex.

That a joint committee consisting of two on the part of the Senate and three on the part of the House be appointed to take into consideration the report of the commissioners to ascertain the boundary line between Kent and Sussex counties and make suitable recommendations concerning the same.

Adopted at Dover, February 3, 1897.

RESOLUTIONS.

CHAPTER 630.

Joint Resolution in relation to the Arbitration Treaty secured by President Cleveland's Administration.

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

That we, the representatives of the people of this State, heartily commend the administration of President Cleveland in its endeavor to secure a treaty of arbitration between the two great English speaking nations of the world. Arbitration
treaty.

We recognize that arbitration is the handmaiden of peace and believe that civilization demands that the two greatest nations of the world shall be bound together by the strongest ties of friendship. We rejoice that the Anglo Saxon nations have learned the lesson that wisdom and justice in policy are a stronger security than weight of armament. We commend the treaty of arbitration to the Senate of the United States and request that it ratify the same at the earliest day consistent with its grave responsibility in the premises. We believe that by so doing it will lay the corner stone for that splendid edifice of International Arbitration.

Adopted February 5, 1897, at Dover.

CHAPTER 631.

Joint Resolution appointing Directors on the part of the Farmers' Bank of Delaware at Dover.

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

That the following named persons be and they are hereby appointed directors of the Farmers' Bank of the State of Delaware at Dover: George H. Gildersleve, John W. Casson, Peter K. Meredith. Directors
of Farmers'
Bank at
Dover.

Adopted at Dover, February 9, 1897.

RESOLUTIONS.

CHAPTER 632

House Joint Resolution authorizing the printing of the Ninth Biennial Report of the State Board of Health.

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

Report of
State
Board of
Health to
be printed.

That the printing committees of the two Houses jointly are hereby authorized to have printed 350 copies of the ninth (9th) biennial report of the State Board of Health under the supervision of the secretary of the board.

Adopted at Dover, February 9, 1897.

CHAPTER 633.

Joint Resolution appointing Directors on the part of the Farmers' Bank of Delaware at New Castle.

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

Directors of
Farmers'
Bank at
New
Castle

That the following named persons be and they are hereby appointed directors of the Farmers' Bank of the State of Delaware at New Castle: Albert H. Silver, David W. Elkinton, David Boulden.

Adopted at Dover, February 9, 1897.

RESOLUTIONS.

CHAPTER 634.

Joint Resolution in regards to attending the funeral of Late Honorable Leonard E. Wales.

Resolved by the Senate and the House of Representatives of the State of Delaware in General Assembly met:

That as a mark of respect the members of the General Assembly will attend in a body the funeral services of the late Honorable Leonard E. Wales on to-morrow, Thursday, February 11th, A. D. 1897, at 2 o'clock p. m.

Funeral of
Hon.
Leonard E.
Wales.

Adopted at Dover, February 10, 1897.

CHAPTER 635.

House Joint Resolution in regard to Adjournment.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

That when this General Assembly adjourns it adjourns to meet at 11 a. m. Monday next.

Adjourn-
ment.

Adopted at Dover, February 10, 1897.

RESOLUTIONS.

CHAPTER 636.

Joint Resolution in relation to bill of E. L. Jones & Co. for labor and material furnished for the State House.

WHEREAS, In 1895 E. L. Jones & Co., under the express order of Peter C. Gruwell, State Librarian and Custodian of the State House, furnished labor and material for said State House to the amount of four hundred and five dollars and twenty-one cents (\$405.21), which said amount still remains unpaid; and

WHEREAS, The said E. L. Jones & Co. has duly assigned the said account unto Stephen Slaughter, of Dover, Delaware; now, therefore,

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

Bill of E.
L. Jones
& Co.

That the sum of four hundred and five dollars and twenty-one cents (\$405.21) be and the same is hereby appropriated out of the treasury of the State of Delaware to pay the said bill of E. L. Jones & Co. for labor and material furnished, said bill having been contracted by the librarian and custodian, and that the State Treasurer be and is hereby authorized and directed to pay the same to Stephen Slaughter, assignee as aforesaid.

Adopted at Dover, February 10, 1897.

CHAPTER 637.

Joint Resolution authorizing the Custodian of the State House to purchase a Flag.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Flag for
State
House.

That the custodian of the State House be and he is hereby empowered to purchase an American flag to be displayed on

RESOLUTIONS.

the capitol building during the sessions of the General Assembly.

Adopted at Dover, February 10, 1897.

CHAPTER 638.

Joint Resolution in relation to the publication of Equity Reports.

WHEREAS, In accordance with Chapter 223, Volume 14, Laws of Delaware, being a joint resolution authorizing the publication of the reports of the Chancellor, the Chancellors of this State have collected, reported, and from time to time published certain equity cases as therein provided; and,

WHEREAS, James L. Wolcott, ex-Chancellor of this State, has gone out of office leaving certain cases determined by himself unpublished, which said cases are altogether about sufficient to complete an additional volume of Chancery Reports; therefore,

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

That James L. Wolcott, Jr., be and he is hereby authorized and requested to prepare for publication and publish the cases in equity determined by the said James L. Wolcott, as Chancellor, upon the same terms and subject to the requirements of the said resolution, passed at Dover, March 29th, 1871, except as to the number of pages to be contained in such volume; and the said James L. Wolcott, Jr., shall have full power and authority to select such cases and other papers which came before the said James L. Wolcott, as Chancellor, as in his discretion he may deem proper for publication. And for such service the said James L. Wolcott, Jr., shall receive the sum of one hundred dollars.

Publication
of decisions
of James
L. Wolcott,
ex-Chan-
cellor.

Compensa-
tion to
James L.
Wolcott, Jr.

Adopted at Dover, February 22, 1897.

RESOLUTIONS.

CHAPTER 639.

Joint Resolution appointing a joint committee to make arrangements to attend the Inauguration of President-elect McKinley.

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

Committee
relative to
inauguration
of
President

That a committee of two on the part of the Senate and three on the part of the House be appointed to confer with a like committee on the part of the Constitutional Convention to make suitable arrangements for the respective bodies to attend the inauguration of President-elect McKinley.

Adopted at Dover, February 23, 1897.

CHAPTER 640.

Joint Resolution extending an invitation to the Hon. William Jennings Bryan to address the General Assembly.

WHEREAS, The people of the State of Delaware are at this time much interested and agitated on the vital questions of taxation and finance; and

WHEREAS, It is desired to have information on these most important questions from those who are competent to impart the same; therefore,

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

Invitation
to William
Jennings
Bryan.

That we intend to that able statesman, that finished orator, that living representative of true Americanism and exponent of true Democratic principles, that great leader with whose life the future destinies of the Democratic party are entwined, the Hon. William Jennings Bryan, late candidate of the Democratic party for President of the United States, an invitation to address this General Assembly on the sub-

RESOLUTIONS.

jects of taxation and finance, and the respective clerks are hereby directed to forward a copy of these resolutions to Mr. Bryan.

Adopted at Dover, February 26, 1897.

CHAPTER 641.

Joint Resolution in relation to the Delaware State Hospital at Farnhurst.

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

That in addition to the sum of fifteen thousand dollars heretofore appropriated by this General Assembly for the use and support of "The Delaware State Hospital at Farnhurst," the further sum of thirty-five thousand dollars be and the same is hereby appropriated for the use and support of the said hospital for the year 1897, and the sum of forty thousand dollars be and the same is hereby appropriated for the use and support of the said hospital for the year 1898, and that any and all annual appropriations now in force for said hospital be and the same are hereby repealed.

Appropriation to Farnhurst.

That "The State Board of Trustees of the Delaware State Hospital at Farnhurst" be and it is hereby authorized, empowered and directed to purchase, take and hold the tract of land on the south side of the public road leading from Farnhurst to the City of Wilmington, lying opposite the property now owned and occupied by them, containing about thirty-six acres of land, more or less, and to pay for the same out of the moneys appropriated by this resolution for the year 1897; *provided*, that the price paid for the said land shall not exceed the sum of one hundred and twenty-five dollars per acre.

Authorized to purchase land.

That it is hereby expressly ordered and directed that any and all moneys now due or to become due for the board and maintenance of any and all pay patients in the said hospital shall be deposited in bank to the credit of the treasurer of the said State board of trustees, and shall be paid out only on

Funds from pay patients; how used.

RESOLUTIONS.

orders drawn on the said treasurer by the president of the said State board of trustees, attested by the secretary of the said board.

Adopted at Dover, May 28, 1897.

CHAPTER 642.

Joint Resolution in relation to the State Insane Hospital at Farnhurst.

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

Committee
to visit
Farnhurst
and make
investiga-
tion.

That a committee of two on the part of the Senate and three on the part of the House be appointed to visit the State Insane Hospital at Farnhurst for the purpose of ascertaining by inspection of the books and records of that institution their exact expenses for the last two years and the probable or approximate expenses for the next two years, and that the said committee make a report to the two Houses, in writing, the result of their investigations. Also that the said committee be empowered to send for all papers or to summon any and all persons that will aid them in their investigation.

Adopted at Dover, March 17, 1897.

RESOLUTIONS.

CHAPTER 643.

Joint Resolution authorizing the State Treasurer to pay to the Delaware State Hospital for the Insane Fifteen Thousand Dollars.

WHEREAS, The annual appropriation of the State for the support of the Delaware State Hospital for the Insane has been expended and left the authorities of said institution [without] any funds to pay the current expenses; 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 directed to pay to the treasurer of the Delaware State Hospital for the Insane fifteen thousand dollars, said amount to be deducted from the biennial appropriation hereafter to be made by this General Assembly at its present session.

Appropriation to Farnhurst.

Adopted at Dover, March 1, 1897.

CHAPTER 644.

Joint Resolution authorizing the State Treasurer to purchase for the use of his office a Typewriter and Desk.

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 purchase for the use of his office a typewriter and desk, the cost of which shall not exceed one hundred and twenty-five dollars, and that said State Treasurer is directed to pay for the same out of any moneys in the treasury not otherwise appropriated.

Typewriter for State Treasurer.

Adopted at Dover, March 3, 1897.

RESOLUTIONS.

CHAPTER 645.

Joint Resolution adjourning both Houses of the General Assembly.

Adjourn-
ment.

Resolved, That when the Senate and House adjourn it be until the usual hour on Monday, March 8th, 1897.

Approved at Dover, March 3, 1897.

CHAPTER 646.

House Joint Resolution appointing directors on the part of the State for the Farmers' Bank at Georgetown.

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

Directors of
Farmers'
Bank at
Georget-
town

That the following named persons be and they are hereby appointed directors of the Farmers' Bank of the State of Delaware at Georgetown: Thomas H. Riggin, Charles W. McFee and William B. Tomlinson.

Adopted at Dover, March 9, 1897.

RESOLUTIONS.

CHAPTER 647.

House Joint Resolution in regard to the Robbins Hose Company, No. 1,
of Dover, Delaware.

*Resolved by the Senate and House of Representatives of
the State of Delaware in General Assembly met :*

That the sum of two hundred dollars be appropriated out of the moneys of the State to the Robbins Hose Company, No. 1, of Dover, Delaware, for the purpose of repairing and improving apparatus, and for the better protection of State property.

Appropriation to
Robbins
Hose Co.

Adopted at Dover, March 10, 1897.

CHAPTER 648.

Joint Resolution appointing a committee to settle with ex-Attorney General John R. Nicholson.

*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 to make settlement with ex-Attorney General John R. Nicholson.

Committee
to settle
with John
R. Nicholson.

Adopted at Dover, March 15, 1897.

RESOLUTIONS.

CHAPTER 649.

Joint Resolution in relation to the State College for Colored Students.

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

Appropriation to College for Colored Students.

That the State Treasurer be and he is hereby directed to pay to the treasurer of the State College for Colored Students the sum of four thousand dollars to be expended in replacing the buildings which were destroyed by the cyclone of May last, and for other necessary improvements.

Adopted at Dover, March 16, 1897.

CHAPTER 650.

Joint Resolution establishing the division line between the Counties of Kent and Sussex from a fork in the Mispillion Creek at the junction of the Tan-trough Branch and Beaver-dam Branch to the line dividing the State of Maryland and Delaware.

WHEREAS, By a joint resolution of the Senate and House of Representatives of the State of Delaware, in General Assembly met (adopted at Dover, March 9th, 1893, Chapter 835, Volume 19, Laws of Delaware), entitled "Joint resolution appointing commissioners to run and mark the division line between the counties of Kent and Sussex," Andrew Lord and Thomas Curry, of Sussex county, and Nicholas R. Johnson and Charles J. Harrington, of Kent county, were appointed commissioners to run and mark the division line between the counties of Kent and Sussex from a fork in the Mispillion creek at the junction of the Tan-trough branch and Beaver-dam branch to the line dividing the States of Maryland and Delaware, and William A. Atkinson was appointed surveyor to assist the said commissioners; and the said commissioners were required to make returns of their proceedings to the next General Assembly, together with the

RESOLUTIONS.

plot showing the courses and distances of said line and location of the stones by them established to mark said line; and

WHEREAS, The said William A. Atkinson, so appointed surveyor as aforesaid, died before entering upon any of the duties required of him in said joint resolution, and John C. Hopkins and Alfred Short were appointed in his place and stead as surveyors to assist said commissioners, by a joint resolution of the Senate and House of Representatives of the General Assembly of the State of Delaware, passed at Dover, February 13th, 1895, Chapter 147, Volume 20, Laws of Delaware; and

WHEREAS, Also, the said commissioners have first fully completed and ended their duties required of them in said first recited joint resolution, and have duly made their report and return of their proceedings to the present General Assembly, together with a plot showing the courses and distances of said division line and the location of the stones by them established in said division line; and the said John C. Hopkins and Alfred Short have fully and faithfully performed their work as surveyors to assist said commissioners; now, therefore,

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

That the return and report of the proceedings of the said commissioners, together with the plot thereto annexed, be approved, and the line as therein marked and set forth be and the same is hereby established and declared to be the true division line between the counties of Kent and Sussex from a fork in the Mispillion creek, at the junction of the Tan-trough branch and Beaver-dam branch, to the line dividing the States of Maryland and Delaware.

And the State Treasurer is hereby authorized and required to pay the sum of one hundred dollars to Charles J. Harrington for the services of the said Charles J. Harrington, Nicholas R. Johnson, Andrew Lord and Thomas Curry as such commissioners, and to pay the further sum of three hundred and fifty dollars to John C. Hopkins for the work and services of the said John C. Hopkins and Alfred Short, as surveyors in assisting said commissioners; and the State Treasurer is further authorized and required upon the recording of the plot and return aforesaid in the counties of Kent and Sussex,

Report of
Commission
on
boundary
line be-
tween Kent
and Sussex
counties.

Compensa-
tion to
commis-
sioners and
surveyors.

RESOLUTIONS.

as prescribed in said first recited joint resolution, to pay to the recorder of deeds in and for said counties respectively, their proper and legal charges for the same; and all moneys necessary for the purposes as herein provided for, are hereby appropriated and set aside for said purposes.

Adopted at Dover, March 16, 1897.

CHAPTER 651.

Joint Resolution in relation to paying the Delaware Society for the Prevention of Cruelty to Children the sum of Twelve Hundred Dollars.

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

Appropriation to Society for Prevention 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 twelve hundred dollars.

Adopted at Dover, March 17, 1897.

CHAPTER 652.

Joint Resolution to authorize the State Treasurer to pay for the Telephone now used in the State House.

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

Payment for telephone.

That the State Treasurer be and he is hereby authorized and empowered to pay the sum of sixteen dollars to the telephone company for the use of the telephone now in the State House, said sum being the cost for one year.

Adopted at Dover, March 30, 1897.

RESOLUTIONS.

CHAPTER 653.

Senate Joint Resolution in relation to receiving new Business.

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

That no new business will be received by either branch of ^{New business.} this General Assembly after Monday, April 19, 1897.

Adopted at Dover, April 5, 1897.

CHAPTER 654.

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:

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 re-adopted 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. 1897, during which time, viz., from the first day of April, A. D. 1897, to the first day of April, A. D. 1899, the State Treasurer is hereby authorized, empowered and directed to 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. 1897; the further sum of twelve thousand five hundred dollars (\$12,500) on the first day of April, A. D. 1898; the further sum of twelve thousand five hundred dollars (\$12,500) on the first day of October, A. D. 1898, and the further sum of twelve thousand five hundred dollars (\$12,500) on the first day of April, A. D. 1899. ^{Resolution re-adopted.} ^{Commutation taxes.}

Adopted at Dover, April 7, 1897.

RESOLUTIONS.

CHAPTER 655.

House Joint Resolution appointing a Joint Committee to Examine and Audit the account of the State Librarian and settle with Him.

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

Committee
to settle
with Librarian.

That there be appointed a joint committee of three on the part of the House and two on the part of the Senate to examine and audit the accounts of the State Librarian and to settle with him.

Adopted at Dover, April 7, 1897.

CHAPTER 656.

Joint Resolution in relation to the Laws governing the General Election.

WHEREAS, It has become manifest from occurrences at the last election that many changes are desirable, and would be productive of fair and orderly elections, in the laws governing the general election and the certification and ascertainment of the results of such election; and

WHEREAS, Such changes should be made in a careful and consistent manner by those having practical knowledge of the operations of our present laws, and so that the whole system of election laws may be cohesive and consistent; now, therefore,

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

Committee
to prepare
amend-
ments to
election
laws.

That William H. Boyce, John D. Hawkins and Willard Saulsbury, William C. Spruance, James Pennewill, Robert G. Houston, be and they are hereby requested to prepare and submit to the General Assembly at this present session, a bill embodying such changes as experience has shown would conduce to fair and honest elections, and prevent force and fraud thereat, and they are requested to render this service without

RESOLUTIONS.

compensation, but for the good of the State, but are authorized and empowered to incur expenses for clerical services and obtaining copies of laws of other States which they may desire to examine, a sum not to exceed two hundred dollars.

Adopted at Dover, April 9, 1897.

CHAPTER 657.

Joint Resolution in relation to bill of E. S. R. Butler & Son for Stationery and Supplies furnished General Assembly.

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

That the sum of nine hundred and forty-six dollars and ninety-three cents (\$946.93) be and the same is hereby appropriated out of the Treasury of the State of Delaware to pay the bill of E. S. R. Butler & Son for stationery and supplies, said bill being contracted by the librarian, and the State Treasurer is hereby authorized and directed to pay the same.

Bill for
stationery
ordered
paid.

Adopted at Dover, April 20, 1897.

CHAPTER 658.

Joint Resolution directing the State Librarian to have the old Latin Bible repaired and a case made to preserve the same.

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

That the State Librarian is hereby authorized and directed to have the old Latin Bible repaired and a case made to preserve the same in. The said case to be glass on at least

Latin
Bible.

RESOLUTIONS.

three sides. The cost of repairs and case not to exceed the sum of twenty-five dollars. And the State Treasurer is hereby directed to issue his warrant for the same on the order of the librarian.

Adopted at Dover, April 26, 1897.

CHAPTER 659.

Joint Resolution for the relief of the State Library.

WHEREAS, The ex-State Librarian, by reason of the removal of the books to the new State Library, which necessitated the printing of new labels for the arrangement and assortment of the books, has expended the contingent fund of the library except a small sum of about \$2.50; and

WHEREAS, The present librarian has received bills against the library, which must be paid; now, therefore,

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

Contingent
fund for
State Li-
brary.

That the State Treasurer be and he is empowered and directed to pay to the State librarian the sum of twenty-five dollars (\$25) to go to the contingent fund of the State Library, the same to be drawn and accounted for in the same manner as the general contingent fund of said library.

Adopted at Dover, April 26, 1897.

RESOLUTIONS.

CHAPTER 660.

House Joint Resolution in regards to adjourning both Houses of General Assembly.

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

That when both bodies of the General Assembly adjourn ^{Adjourn-} they adjourn to meet Monday, May 3d, 10 o'clock a. m. ^{ment.}

Adopted at Dover, April 29, 1897.

CHAPTER 661.

Joint Resolution directing the Attorney General to appear and defend a suit in the Court of Chancery in and for Sussex County.

WHEREAS, The Delaware, Maryland and Virginia Railroad Company has filed a bill in equity in the Court of Chancery in and for Sussex County against Wm. F. Smith and others under the partnership name of John Jacoby & Co., praying for an injunction against the said Wm. F. Smith and others from cutting the proposed canal intended as a free inland waterway connecting Assawamun bay with Delaware bay; and

WHEREAS, A preliminary injunction has been granted in said cause by the Chancellor of the State of Delaware; and

WHEREAS, The State of Delaware has already appropriated a considerable sum of money for the condemnation of the lands through and over which said proposed canal runs; and

WHEREAS, Work upon said canal has ceased by reason of said injunction to the loss of the State and detriment of our people; therefore,

RESOLUTIONS.

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

Attorney
General to
defend suit
in Chan-
cery.

That the Attorney General be and he is hereby authorized, empowered and directed to appear for the respondents and defend the suit now pending in the Court of Chancery in and for Sussex County wherein the Delaware, Maryland and Virginia Railroad Company is complainant and Wm. F. Smith and others under the partnership name of John Jacoby & Co. are respondents, and to prosecute said suit to a final determination as speedily as possible, to the end that the work on said canal shall and may be resumed and completed.

Adopted at Dover, May 10, 1897.

CHAPTER 662.

Joint Resolution regarding the unveiling of the Washington Monument at Philadelphia.

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

Unveiling
Washing-
ton monu-
ment.

'That a committee consisting of two on the part of the Senate and three on the part of the House be appointed to arrange for the attendance of the Legislature at the ceremonies attendant upon the unveiling of the Washington Monument at Philadelphia on Saturday next, 15th inst.

Adopted at Dover, May 12, 1897.

RESOLUTIONS.

CHAPTER 663.

Joint Resolution in relation to the unveiling of the Washington Monument in the City of Philadelphia.

WHEREAS, The State of Pennsylvania has resolved to celebrate in a proper way the unveiling of the Washington Monument in a becoming manner in the City of Philadelphia on May the fifteenth, A. D. 1897; and

WHEREAS, Delaware, as one of the original thirteen States and the first to adopt the Federal Constitution, that sublimest achievement of mankind, has and should have the profoundest interest in the remembrance and celebration of those events that gave and secured to the American people their freedom and liberty; now, therefore,

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

That the Governor be and he is hereby authorized and empowered to make such arrangements as he shall deem necessary for a proper participation of the State in the celebration of the unveiling of the Washington Monument, to be held in Philadelphia on the fifteenth instant next, and to defray such expenses the Governor is authorized to draw upon the State Treasurer for any sum of money not exceeding five hundred dollars.

Attendance upon unveiling of Washington monument.

Adopted at Dover, May 12, 1897.

CHAPTER 664.

Joint Resolution authorizing the State Librarian to make certain purchases.

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

That the State librarian be authorized to purchase for the use of the State Library fifty-four (54) brackets, at a cost not

Brackets for Library.

RESOLUTIONS.

to exceed twenty-two (\$22) dollars, and to draw his order on the State Treasurer for payment for the same, and the State Treasurer is hereby authorized and directed to pay for the same out of any funds in his hands not otherwise appropriated.

Adopted at Dover, May 13, 1897.

CHAPTER 665.

Joint Resolution providing for the compensation of William C. Spruance as Chancellor ad litem.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Compensation to William C. Spruance as Chancellor ad litem.

That the State Treasurer be and he is hereby directed to pay to William C. Spruance out of any moneys in the treasury not otherwise appropriated the sum of four hundred dollars as compensation to him for his services as Chancellor ad litem in the case of Walter L. Virden vs. The Board of Pilot Commissioners.

Adopted at Dover, May 14, 1897.

RESOLUTIONS.

CHAPTER 666.

Joint Resolution in relation to the indigent Deaf and Dumb of this State, maintained by the Columbia Institution for the Deaf and Dumb at Washington, D. C.

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

That the annual sum of two hundred and fifty dollars per annum be and the same is hereby appropriated for the last scholastic year past, and for each and every year hereafter, for the board, tuition and clothing for each and every pupil from this State at the Columbia Institution for the Deaf and Dumb, at Washington, D. C., and the Governor of this State is hereby empowered and directed to sign and issue the proper warrants for the same, to be drawn on the trustee of the school fund in conformity with Chapter 58, Volume 15, Laws of Delaware.

Pay for
State pupils
in Colum-
bia Institu-
tion for
Deaf and
Dumb.

Adopted at Dover, May 20, 1897.

CHAPTER 667.

Joint Resolution in relation to the School Laws.

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

That the State Auditor be and he is hereby authorized, empowered and directed to codify the school laws and have printed in pamphlet form one thousand copies, one of which copies shall be furnished for the use of each school district, and that the expenses for the same be charged to the school fund of this State.

State Audi-
tor to codi-
fy school
laws.

Adopted at Dover, May 18, 1897.

RESOLUTIONS.

CHAPTER 668.

Joint Resolution in regard to the use of the Guard Boat by the Fish Commissioner.

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

Fish commissioner
to use guard
boat.

That the fish commissioner be and he is hereby authorized to use the police guard boat now under control of the collector of oyster revenue in the prosecution of his duties as fish commissioner whenever its use by the said fish commissioner shall not interfere with the duties of the said boat for the purposes of collector of oyster revenue; *provided, however*, that when the said police guard boat shall be so called into use the same shall be in command and under the control of the officers and crew of said boat.

Adopted at Dover, May 26, 1897.

CHAPTER 669.

Joint Resolution providing for temporary deficiency in the Treasury.

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

State
Treasurer
to borrow
money
from
school fund.

That the State Treasurer be and he is hereby authorized to borrow temporarily from the trustee of the school fund for general purposes such sums of money as may be necessary to meet any deficiency that may occur in said general fund; and in the event of being unable to return the same at such times as it may be required and to issue a certificate or certificates for the same and the faith of the State is hereby pledged for the payment thereof.

Adopted at Dover, May 27, 1897.

RESOLUTIONS.

CHAPTER 670.

Joint Resolution appointing a committee to make necessary changes, improvements and alterations in the interior arrangement of the State House and repairs of the same.

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

That a joint committee of two on the part of the Senate and three on the part of the House be appointed by the respective Speakers of the Senate and House, whose duties shall be to cause to be made such changes, alterations and improvements in the interior of the State House as they may deem necessary; to have erected a fire proof vault in said State House for the preservation of papers and documents of the State, and to repair or replace the roof on the old part of the said State House at a cost not to exceed the sum of eight thousand dollars (\$8,000.)

Committee to make changes in interior of State House.

The said committee shall have all needful power and authority therefor when appointed. They shall advertise for proposals for all work to be done under the provisions of this resolution and shall award the contract therefor to the lowest and best bidder or bidders. They shall render their accounts of expenditures, together with a full report of all their proceedings to the next session of this General Assembly, and all accounts in the meantime shall be presented to the State Auditor for settlement. The acts of a majority of said joint committee shall be as valid as if agreed upon by all, and they shall be paid for their services a reasonable compensation to be allowed at the next session of the General Assembly. The committee shall have power from time to time to draw upon the State Treasurer for such sum or sums of money as they may deem necessary to complete the work; *provided*, that such sum or sums in the aggregate shall not exceed the sum of eight thousand dollars (\$8,000.) The State Treasurer be and he is hereby authorized and empowered and directed to pay out of any moneys in the treasury, not otherwise appropriated, the sum authorized to be expended under the provisions of this resolution and present his vouchers to the committee appointed to settle with the State Treasurer by this General Assembly, or to the General Assembly.

Proposals for work.

Accounts. Report.

Compensation.

May draw on State Treasurer.

Maximum cost.

State Treasurer authorized to pay sum appropriated

Adopted at Dover, May 28, 1897.

RESOLUTIONS.

CHAPTER 671.

Joint Resolution in relation to claims against the State.

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 and directed to pay the following claims:

James W. Wise, \$58.00; Dover Machine Works, \$32.46; James C. Tomlinson, \$58.00; Model Heating Company, \$335.00; Wilbur Short, \$7.00; Clark & McDaniel, \$32.99; Alonza Scotten, \$22.00; Wilkinson & Wilkinson, \$9.45; Samuel L. Shaw, \$43.50; M. E. Haman, \$45.45; Stephen K. Betts, \$56.38; C. R. Ferguson, \$8.20; William T. Hutson, \$198.10; Layton & Layton, \$35.25; Peter C. Gruwell, \$300.00; T. K. Jones & Bro., \$126.50; Richard B. Cooper, \$300.00; E. S. R. Butler & Son, \$25.49; George P. Jarrell, \$45.75; Julian B. Robinson, \$378.40; A. R. Boyle, \$9.50; C. F. Thomas, \$55.00; J. S. Godwin, \$23.75; W. K. Knowles, Supt., \$105.05; Slaughter & Bice, \$591.34; Willard T. Smith, Supt., \$55.00; Dover Gas Light Co., \$260.44; C. C. Tindal, Supt., \$123.65; H. C. Collison, \$150.00; Peter K. Meredith, \$79.15; James A. Clifton, \$311.15; Walter S. Hendrickson, oyster revenue, \$107.00; T. O. Culbreth, \$12.95; State Sentinel, \$25.00; John H. Rodney, \$200.00; B. P. Gravenor, \$130.00; L. M. Wright, \$12.50; Samuel J. Burton, \$80.31; News Publishing Co., \$35.98; Delaware Democrat, \$204.30; Middletown Transcript, \$45.58; Wilmington Free Press, \$143.58; Delaware Pilot, \$86.52; Peninsula News and Advertiser, \$19.40; Delaware Record \$20.00; Sussex Republican, \$150.00; Robert D. Hoffecker, \$150.00; Clayton Call, \$100.00; Milford Chronicle, \$76.30; James Kirk & Son, \$1100.00; The Dover Index, \$382.80; Evening Journal, \$650.00; The Delawarean, \$602.55; Every Evening, \$445.67; State Sentinel, \$214.75; Republican Printing Co., \$100.00; E. D. C. Hedgeman, \$280.00; Freeman & Weber, \$575.00; Delaware Farm and Home, \$20.00; Sunday Herald, \$40.00; Sunday Star, \$327.95; Sussex Journal, \$40.00; Milford Herald, \$11.34; B. L. Lewis, State Auditor \$38.00.

Adopted at Dover, May 28, 1897.

RESOLUTIONS.

CHAPTER 672.

Joint Resolution in relation to recording the Report of the Boundary Commission.

WHEREAS, By a certain act passed at Dover, April 25, 1889, entitled, "An act in relation to the boundary line between the State of Delaware and the Commonwealth of Pennsylvania," certain citizens of the State of Delaware were appointed commissioners to examine, survey and re-establish the boundary which separates this State from the Commonwealth of Pennsylvania; and

WHEREAS, In Section 1 of said act it is provided that one of said duplicates, together with the field notes of survey, description of monuments, maps and other items of interest connected with said work, shall be taken by the commissioners appointed by and on behalf of the Commonwealth of Pennsylvania and the other of the said duplicates, together with the field notes of surveys, description of monuments, maps and other items of interest connected with said work, shall be taken by the commissioners appointed by and on behalf of the State of Delaware and shall by said last mentioned commissioners be recorded in the recorder's office of New Castle county, State of Delaware, and after being so recorded shall be forwarded to and filed in the office of the Secretary of State of the State of Delaware, and by him recorded and filed and carefully preserved in his office as are other official documents deposited by law in said office; and

WHEREAS, The said commissioners have duly filed in the office of recorder of deeds in and for New Castle county the duplicates, field notes of surveys, description of monuments, maps and other items of interest connected with said work,

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

That the Treasurer of the State of Delaware shall pay to the recorder of deeds in and for New Castle county out of any money in the treasury of the State of Delaware, not otherwise appropriated, a just and reasonable compensation for his services in recording the duplicates, field notes of surveys, description of monuments, maps and other items of interest connected with said work, and in doing and perform-

Compensation to Recorder of N. C. Co. for recording survey &c. of Delaware and Pennsylvania line.

RESOLUTIONS.

ing all other things enjoined upon him by the statute aforesaid, which compensation shall be fixed by the committee on accounts of the Senate and House of Representatives of the State of Delaware upon application to them by the said recorder.

Adopted at Dover, May 29, 1897.

CHAPTER 673.

Joint Resolution authorizing the State Treasurer to pay Robert J. Reynolds, ex-Governor of the State of Delaware for services Rendered in the Distribution of Direct Tax.

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

Compensa-
tion to
Robert J.
Reynolds
for distri-
bution of
direct tax

That the State Treasurer be, and he is hereby authorized to pay out of any moneys in his hands to Robert J. Reynolds, ex-Governor of the State of Delaware, the sum of five hundred dollars for services rendered in the distribution of the Direct Tax refunded by the Federal government.

Adopted at Dover, May 29, 1897.

TITLES OF ACTS OF INCORPORATION AND OTHER ACTS OF A PRIVATE NATURE

EXCLUDED FROM PUBLICATION

BY ACT OF FEBRUARY 17, 1866.

ACTS OF INCORPORATION.

CHAPTER 674.

An Act for the relief of the "Germania Building and Loan Association, No. 2."

Passed at Dover, February 2, 1897.

CHAPTER 675.

An Act to renew the charter of the "Wilmington Club" in the City of Wilmington, Delaware.

Passed at Dover, February 16, 1897.

CHAPTER 676.

An Act to incorporate the "Pocono Ice and Coal Company."

Passed at Dover, February 16, 1897.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 677.

An Act incorporating the Peninsula Press Company.

Passed at Dover, February 17, 1897.

CHAPTER 678.

An Act to renew and continue the charter of "The Immaculate Conception Beneficial Society of Wilmington, Delaware."

Passed at Dover, February 18, 1897.

CHAPTER 679.

An act to amend, renew, re-enact and extend the act entitled "An Act to incorporate the Delaware State Grange Mutual Fire Insurance Company."

Passed at Dover, February 23, 1897.

CHAPTER 680.

An Act to amend an act entitled "An Act to incorporate the Fred-
erica and Philadelphia Navigation Company."

Passed at Dover, February 23, 1897.

CHAPTER 681.

A Supplemental Act to the act entitled "A Supplement to the act
entitled 'An Act to incorporate the Weccacoe Hose Company, No.
2, of Wilmington, Delaware,'" passed at Dover, January 23d, 1879.

Passed at Dover, February 25, 1879.

CHAPTER 682.

An Act to incorporate Wilmington Bicycle Club.

Passed at Dover, February 25, 1897.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 683.

An Act incorporating "The Greater Wilmington Printing and Publishing Company."

Passed at Dover, March 10, 1897.

CHAPTER 684.

An Act to amend an act incorporating the Citizens' Building and Loan Association of New Castle, Delaware, passed at Dover, March 22, 1889.

Passed at Dover, March 10, 1897.

CHAPTER 685.

An Act to incorporate The Realty Company of Georgetown.

Passed at Dover, March 17, 1897.

CHAPTER 686.

An Act to incorporate "The Delaware Oil and Fertilizer Company."

Passed at Dover, March 17, 1897.

CHAPTER 687.

An Act to incorporate the Rehoboth Heat, Light and Power Company.

Passed at Dover, March 17, 1897.

CHAPTER 688.

An Act to incorporate Brady Steamboat Company of Smyrna.

Passed at Dover, March 23, 1897.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 689.

An Act to incorporate Pocomoke Tribe, No. 29, Improved Order of Red Men.

Passed at Dover, March 25, 1897.

CHAPTER 690.

An Act to incorporate the Centreville Hall Company.

Passed at Dover, March 25, 1897.

CHAPTER 691.

An Act to incorporate "The Comegys Free Library Association of the State of Delaware."

Passed at Dover, March 26, 1897.

CHAPTER 692.

An Act to amend an act entitled "An Act to reincorporate the Washington Steam Fire Engine and Hook and Ladder Company, No. 7, of the City of Wilmington, Delaware," passed at Dover, February 6th, 1889.

Passed at Dover, March 26, 1897.

CHAPTER 693.

An Act to incorporate "The Guarantee Trust, Title and Insurance Company."

Passed at Dover, March 24, 1897.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 694.

An Act for the renewal of the charter of the "Trump Bros. Machine Company," passed at Dover, February 11th, 1879.

Passed at Dover, March 29, 1897.

CHAPTER 695.

An Act to re-enact, revive and renew the act entitled, "An act to incorporate the Beneficial Society of the United Children of the Light," passed at Dover, January 26, 1877.

Passed at Dover, March 29, 1897.

CHAPTER 696.

An Act to incorporate "McDaniel Cycle Company."

Passed at Dover, March 29, 1897.

CHAPTER 697.

An Act to amend an act entitled "An act to incorporate The Minqua Iron and Supply Company."

Passed at Dover, March 29, 1897.

CHAPTER 698.

A Further Supplement to an act entitled "An act to incorporate the Harlan and Hollingsworth Company," passed at Dover, Delaware, March 6th, 1867.

Passed at Dover, March 30, 1897.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 699.

An Act to incorporate the "Central Market Company."

Passed at Dover, March 31, 1897.

CHAPTER 700.

An Act to amend an act entitled "An act for incorporating the Reliance Fire Company, in the borough of Wilmington."

Passed at Dover, April 1, 1897.

CHAPTER 701.

An Act to incorporate Clayton Lodge, No. 5, Shield of Honor.

Passed at Dover, April 1, 1897.

CHAPTER 702.

An Act to incorporate "The St. Bernard Club."

Passed at Dover, April 5, 1897.

CHAPTER 703.

An Act to incorporate John M. Clayton Council, No. 24, Junior Order American Mechanics.

Passed at Dover, April 5, 1897.

CHAPTER 704.

An Act to incorporate "The New Castle News Publishing Company."

Passed at Dover, April 5, 1897.

TITLES OF ACTS OF INCORPORATION

CHAPTER 705.

An Act to incorporate "The Joseph Garribaldi Italian Club of the City of Wilmington, Delaware."

Passed at Dover, April 5, 1897.

CHAPTER 706.

An Act to further amend the act entitled "An act for incorporating the Friendship Fire Company of the borough of Wilmington," being Chapter 168, Volume 3, Laws of Delaware, passed at Dover, January 15th, 1805, and amended by a private act, passed at Dover, March 29th, 1871.

Passed at Dover, April 5, 1897.

CHAPTER 707.

An Act to incorporate the Democratic League of Delaware at Wilmington.

Passed at Dover, April 7, 1897.

CHAPTER 708.

An Act to re-enact, revive and renew the act entitled "An act to incorporate Union American Circle Friendship located in Delaware," passed at Dover, March 1, 1875.

Passed at Dover, April 7, 1897.

CHAPTER 709.

An Act to incorporate Union Castle, Number 17, Knights of the Golden Eagle, Smyrna, Delaware.

Passed at Dover, April 7, 1897.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 710.

An Act to incorporate "The Trustees of the Delaware Annual Conference of the Union American Methodist Episcopal Church."

Passed at Dover, April 7, 1897.

CHAPTER 711.

An Act to incorporate "The College Settlement Company."

Passed at Dover, April 9, 1897.

CHAPTER 712.

An Act to incorporate the Citizens' Trust and Insurance Company.

Passed at Dover, April 9, 1897.

CHAPTER 713.

An Act to incorporate the Laurel Publishing Company.

Passed at Dover, April 13, 1897.

CHAPTER 714.

An Act incorporating the Peninsula Press Company.

Passed at Dover, April 14, 1897.

CHAPTER 715.

An Act to incorporate the Delaware Insurance Company.

Passed at Dover, April 14, 1897.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 716.

An Act to re-incorporate and renew the Fame Hose Company, No. 1, of the City of Wilmington, under the name of the Fame Fire Company, No. 6, of Wilmington, Delaware, and for other purposes.

Passed at Dover, April 15, 1897.

CHAPTER 717.

An Act to incorporate Stars & Stripes Publishing Company.

Passed at Dover, April 15, 1897.

CHAPTER 718.

An Act for the renewal of the charter of the Phoenix Fire Company in the City of Wilmington under the name of the Phoenix Fire Company, No. 4, of Wilmington, Delaware, and for other purposes.

Passed at Dover, April 15, 1897.

CHAPTER 719.

An Act to incorporate the "Riverside Brick Works."

Passed at Dover, April 16, 1897.

CHAPTER 720.

An Act to incorporate "Venus Temple, No. 9, Grand Order of Union American Circle of Glasgow, New Castle county, State of Delaware."

Passed at Dover, April 19, 1897.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 721.

An Act to incorporate "Guarantee Storage and Warehouse Company of Delaware."

Passed at Dover, April 19, 1897.

CHAPTER 722.

An Act to incorporate Stars and Stripes Council, No. 26, Jr. O. U. A. M. of Smyrna, Delaware.

Passed at Dover, April 20, 1897.

CHAPTER 723.

An Act to incorporate "William D. Mullen Company."

Passed at Dover, April 20, 1897.

CHAPTER 724.

An Act incorporate "Chas. M. Smith Printing and Stationery Company."

Passed at Dover, April 20, 1897.

CHAPTER 725.

An Act to incorporate "The Mortgagees' Protective and Title Guarantee Company."

Passed at Dover, April 20, 1897.

CHAPTER 726.

An Act to enable "Guarantee Storage and Warehouse Company" to hold real estate.

Passed at Dover, April 20, 1897.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 727.

An Act to incorporate Winona Council, No. 9, Junior Order United American Mechanics.

Passed at Dover, April 21, 1897.

CHAPTER 728.

An Act to incorporate the "Call Printing Company."

Passed at Dover, April 21, 1897.

CHAPTER 729.

An Act to incorporate the "Greenwood Manufacturing Company."

Passed at Dover, April 22, 1897.

CHAPTER 730.

An Act to incorporate The Newark Building and Loan Association.

Passed at Dover, April 22, 1897.

CHAPTER 731.

An Act to incorporate "Star of Bethel Lodge, I. O. O. F., No. 19, of Brandywine hundred, New Castle county, State of Delaware."

Passed at Dover, April 23, 1897.

CHAPTER 732.

An Act to incorporate "The McDonough Mill Fish Association."

Passed at Dover, April 28, 1897.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 733.

An Act to incorporate the "Security Loan Association."

Passed at Dover, April 28, 1897.

CHAPTER 734.

An Act to incorporate the Peninsula Campmeeting and Summer School Association.

Passed at Dover, April 29, 1897.

CHAPTER 735.

An Act to incorporate "The Wilmington Title and Trust Company."

Passed at Dover, May 3, 1897.

CHAPTER 736.

An Act to incorporate the Bimetallic Publishing Company of the State of Delaware.

Passed at Dover, May 5, 1897.

CHAPTER 737.

An Act for the relief of the Newark Building and Loan Association.

Passed at Dover, May 5, 1897.

CHAPTER 738.

An Act to amend an act entitled "An act to incorporate the Liberty Steam Fire Engine Co., No. 9, of the City of Wilmington, Delaware."

Passed at Dover, May 5, 1897.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 739.

An Act to incorporate the Delaware Life Insurance Company.
Passed at Dover, May 6, 1897.

CHAPTER 740.

An Act to incorporate the General Pulaski Polish American Club of
Wilmington, Delaware.
Passed at Dover, May 7, 1897.

CHAPTER 741.

An Act to incorporate "The Ocean View Improvement Company."
Passed at Dover, May 7, 1897.

CHAPTER 742.

An Act to incorporate the "Stanton Store Company."
Passed at Dover, May 10, 1897.

CHAPTER 743.

An Act to incorporate the Equitable Land Company.
Passed at Dover, May 10, 1897.

CHAPTER 744.

An Act to incorporate the Christiana Yacht Company of Delaware.
Passed at Dover, May 10, 1897.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 745.

An Act to incorporate the "Standard Printing Company."

Passed at Dover, May 11, 1897.

CHAPTER 746.

An Act to incorporate The Rehoboth Land and Improvement Company.

Passed at Dover, May 12, 1897.

CHAPTER 747.

An Act to incorporate the "Sussex Land, Investment and Improvement Company."

Passed at Dover, May 12, 1897.

CHAPTER 748.

An Act to incorporate "The Hart and Quigley Company."

Passed at Dover, May 13, 1897.

CHAPTER 749.

An Act to incorporate "The Commercial Fire Insurance Company of Wilmington, Delaware."

Passed at Dover, May 13, 1897.

CHAPTER 750.

An Act to incorporate the Spring Valley Distilling Company.

Passed at Dover, May 17, 1897.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 751.

An Act to incorporate "The Delaware Food Company."
Passed at Dover, May 17, 1897.

CHAPTER 752.

An Act to incorporate the "Santa Maria Council, No. 195, Knights of Columbus," of Wilmington, Delaware.
Passed at Dover, May 19, 1897.

CHAPTER 753.

An Act to incorporate the "Delaware Building and Loan Association."
Passed at Dover, May 19, 1897.

CHAPTER 754.

An Act to incorporate "The Christiana Fire Insurance Company."
Passed at Dover, May 19, 1897.

CHAPTER 755.

An Act to incorporate "The Eastern Inspectors Association."
Passed at Dover, May 19, 1897.

CHAPTER 756.

An Act to incorporate "The Diamond State Lumber Company."
Passed at Dover, May 20, 1897.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 757.

An Act to further amend and supplement an act entitled "An act to incorporate The Georgetown Building and Loan Association, of Georgetown, Delaware," passed at Dover, March 12th, 1885, and amended April 16th, 1889.

Passed at Dover, May 24, 1897.

CHAPTER 758.

An Act to incorporate the "J. Ford Fox Piano Manufacturing Company."

Passed at Dover, May 24, 1897.

CHAPTER 759.

An Act to amend an act entitled "An act to incorporate the Chandler Trustee Company."

Passed at Dover, May 24, 1897.

CHAPTER 760.

An Act to incorporate "The Wilmington Building Company."

Passed at Dover, May 24, 1897.

CHAPTER 761.

An act to incorporate "National Building, Loan and Provident Association."

Passed at Dover, May 25, 1897.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 762.

An Act to incorporate "the Delmarvia Insurance Company."

Passed at Dover, May 25, 1897.

CHAPTER 763.

An Act to incorporate The Newark Building and Loan Association.

Passed at Dover, May 25, 1897.

CHAPTER 764.

An Act to amend an act entitled "An act to incorporate The Enterprise Manufacturing and Supply Company."

Passed at Dover, May 25, 1897.

CHAPTER 765.

An Act to incorporate Diamond Council, No. 5, Junior Order United American Mechanics.

Passed at Dover, May 26, 1897.

CHAPTER 766.

An Act to incorporate the "Delaware Casualty Company."

Passed at Dover, May 27, 1897.

CHAPTER 767.

An Act to incorporate the Times Publishing Company of Milton, Delaware.

Passed at Dover, May 27, 1897.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 768.

An Act to amend the charter of the Hartman and Fehrenbach Brewing Company.

Passed at Dover, May 28, 1897.

CHAPTER 769.

An Act for the relief of the Newark Building and Loan Association.

Passed at Dover, May 28, 1897.

CHAPTER 770.

An Act to incorporate "The Delaware Press and Publication Company."

Passed at Dover, May 29, 1897.

PRIVATE ACTS.

CHAPTER 771.

An Act confirming the sale of certain real estate in the City of Wilmington.

Passed at Dover, January 27, 1897.

CHAPTER 772.

An Act to change the name of Bennett Maas to Bennett Mays.

Passed at Dover, February 23, 1897.

CHAPTER 773.

An Act to change the name of Clayton Clyne Worthington.

Passed at Dover, March 1, 1897.

CHAPTER 774.

An Act to change the name of Edward T. Merritt to that of Edward T. O'Neal, and for other purposes.

Passed at Dover, March 22, 1897.

TITLES OF PRIVATE ACTS.

CHAPTER 775.

An Act to appoint Elias S. R. Butler trustee to sell the lands of Sallie A. Butler in Sussex county, and to empower him to grant a good and sufficient deed for the same.

Passed at Dover, March 31, 1897.

CHAPTER 776.

An Act for the relief of Kate Eliason.

Passed at Dover, April 7, 1897.

CHAPTER 777.

An Act to change the name of Mary C. Steel.

Passed at Dover, April 14, 1897.

CHAPTER 778.

An Act for the relief of Effie Strawbridge Cobb.

Passed at Dover, April 22, 1897.

CHAPTER 779.

An Act to change the name of Elizabeth Cook to the name of Bessie Wright, and to make her by adoption a daughter and heir-at-law of Elisha Wright, of Willow Grove, Delaware.

Passed at Dover, April 22, 1897.

CHAPTER 780.

An Act to change the name of Martha Patterson to Martha Barnes.

Passed at Dover, May 3, 1897.

TITLES OF PRIVATE ACTS.

CHAPTER 781.

An Act for the relief of George E. Warrington.

Passed at Dover, May 20, 1897.

CHAPTER 782.

An Act to authorize the sale of certain real estate in the town of Seaford and make valid certain conveyances relative thereto.

Passed at Dover, May 20, 1897.

DIVORCE ACTS.

CHAPTER 783.

An Act to divorce John Magilley from his wife, Jane E. Magilley, *a vinculo matrimonii*.

Passed at Dover, February 9, 1897.

CHAPTER 784.

An Act to Divorce Joseph H. Perkins from his wife, Annie M. Perkins.

Passed at Dover, February 16, 1897.

CHAPTER 785.

An Act to divorce Fannie Beach from her husband, Harvey C. Beach.

Passed at Dover, February 16, 1897.

CHAPTER 786.

An Act to divorce Caroline Bolte and William T. Bolte from the bonds of matrimony.

Passed at Dover, February 19, 1897.

TITLES OF PRIVATE ACTS.

CHAPTER 787.

An Act to divorce Maggie M. Bryant from her husband, Harvey H. Bryant, *a vinculo matrimonii*.

Passed at Dover, February 19, 1897.

CHAPTER 788.

An Act to divorce William A. Bennum and Mary E. Bennum, his wife.

Passed at Dover, February 23, 1897.

CHAPTER 789.

An Act to divorce William B. Lowery from his wife, Mary Lowery, *a vinculo matrimonii*.

Passed at Dover, February 23, 1897.

CHAPTER 790.

An Act divorcing William J. Pierce and Mary E. Pierce from the bonds of matrimony.

Passed at Dover, February 23, 1897.

CHAPTER 791.

An Act to divorce William J. Lane and Minnie Lane, his wife, from the bonds of matrimony.

Passed at Dover, February 23, 1897.

CHAPTER 792.

An Act to divorce Teresa P. Dicus and James A. Dicus, her husband, from the bonds of matrimony.

Passed at Dover, February 23, 1897.

TITLES OF PRIVATE ACTS.

CHAPTER 793.

An Act to divorce Annie M. Roach and Rufus A. Roach, her husband.

Passed at Dover, February 23, 1897.

CHAPTER 794.

An Act to divorce Fannie Mason and Robert J. Mason from the bonds of matrimony.

Passed at Dover, February 23, 1897.

CHAPTER 795.

An Act to divorce Albert Cole from his wife, Juliet Cole.

Passed at Dover, February 24, 1897.

CHAPTER 796.

An Act to divorce Major T. Faucett from his wife, Jane Faucett.

Passed at Dover, February 24, 1897.

CHAPTER 797.

An Act to divorce Isaac H. Wright from his wife, Laura L. Wright, *a vinculo matrimonii*.

Passed at Dover, February 24, 1897.

CHAPTER 798.

An Act to divorce Mollie P. Griffith from her husband, Daniel T. Griffith.

Passed at Dover, February 24, 1897.

TITLES OF PRIVATE ACTS.

CHAPTER 799.

An Act to divorce Mary J. Vandyke from her husband, William T. Vandyke.

Passed at Dover, February 26, 1897.

CHAPTER 800.

An Act to divorce Kate A. Bogart from her husband, John C. Bogart.

Passed at Dover, February 26, 1897.

CHAPTER 801.

An Act divorcing Lena M. Cole from her husband, George F. Cole.

Passed at Dover, March 8, 1897.

CHAPTER 802.

An Act to divorce Joseph S. Durham from his wife, Mary J. Durham.

Passed at Dover, March 8, 1897.

CHAPTER 803.

An Act to divorce Ella Dellop from her husband, Charles W. Dellop,
a vincula matrimonii.

Passed at Dover, March 8, 1897.

CHAPTER 804.

An Act to divorce Seymour C. Downs from his wife, Mary E. Downs.

Passed at Dover, March 10, 1897.

TITLES OF PRIVATE ACTS.

CHAPTER 805.

An Act divorcing Clara D. Farrow and Edward S. Farrow from the bonds of matrimony.

Passed at Dover, March 10, 1897.

CHAPTER 806.

An Act to divorce Jennie Rickerby from her husband, Robert Rickerby.

Passed at Dover, March 16, 1897.

CHAPTER 807.

An Act to divorce James R. Cannon and Sarah Cannon.

Passed at Dover, March 16, 1897.

CHAPTER 808.

An Act for the relief of Lewis E. Eliason.

Passed at Dover, March 18, 1897.

CHAPTER 809.

An Act to divorce William J. Hickman from his wife, Mary M. Hickman, from the bonds of matrimony.

Passed at Dover, March 19, 1897.

CHAPTER 810.

An Act to divorce Emma Hooten from her husband, John L. Hooten.

Passed at Dover, March 19, 1897.

TITLES OF PRIVATE ACTS.

CHAPTER 811.

An Act to divorce Martha P. Argo from her husband, Robert H. Argo.

Passed at Dover, March 19, 1897.

CHAPTER 812.

An Act to divorce Mabel O. Till from her husband, William J. Till.

Passed at Dover, March 22, 1897.

CHAPTER 813.

An Act to divorce George T. Hannahs from his wife, Mary E. Hannahs.

Passed at Dover, March 22, 1897.

CHAPTER 814.

An act to divorce Mary D. Smith and Durbin Smith, her husband, from the bonds of matrimony.

Passed at Dover, March 23, 1897.

CHAPTER 815.

An Act to divorce Christian Bonasch and Margaretha Bonasch from the bonds of matrimony.

Passed at Dover, March 24, 1897.

CHAPTER 816.

An Act divorcing Mary A. Morgan from her husband, Robert Morgan.

Passed at Dover, March 25, 1897.

TITLES OF PRIVATE ACTS.

CHAPTER 817.

An Act to divorce Mary E. Montesi from James Montesi.

Passed at Dover, March 26, 1897.

CHAPTER 818.

An Act to divorce Eva S. Gregg from her husband, William M. Gregg.

Passed at Dover, March 26, 1897.

CHAPTER 819.

An Act to divorce William W. Jones and Jennie Jones, his wife, from the bonds of matrimony.

Passed at Dover, March 26, 1897.

CHAPTER 820.

An Act to divorce J. Curtis James from his wife, Emma L. James.

Passed at Dover, March 26, 1897.

CHAPTER 821.

An Act to divorce Joseph P. Fryling from his wife, Dellie E. Fryling.

Passed at Dover, March 26, 1897.

CHAPTER 822.

An Act to divorce Florence T. Boss and Albert L. Boss, her husband, from the bonds of matrimony.

Passed at Dover, March 30, 1897.

TITLES OF PRIVATE ACTS.

CHAPTER 823.

An Act to divorce Mary J. Blackburn from her husband, Walter Blackburn.

Passed at Dover, March 30, 1897.

CHAPTER 824.

An Act to divorce Florence Russell from her husband, John Russell.

Passed at Dover, March 30, 1897.

CHAPTER 825.

An Act to divorce Mary Sullivan and her husband, Charles P. Sullivan, from the bonds of matrimony.

Passed at Dover, March 31, 1897.

CHAPTER 826.

An Act to divorce Mary Hunter from her husband, Samuel B. Hunter.

Passed at Dover, April 5, 1897.

CHAPTER 827.

An Act to divorce Mary Herbert from her husband, Paul F. Herbert.

Passed at Dover, April 5, 1897.

CHAPTER 828.

An Act to divorce Laura C. Mayne from her husband, Leonard Mayne.

Passed at Dover, April 5, 1897.

TITLES OF PRIVATE ACTS.

CHAPTER 829.

An Act to divorce Henry F. Stroud and Louela Stroud, his wife,
from the bonds of matrimony.

Passed at Dover, April 5, 1897.

CHAPTER 830.

An Act to divorce George E. Warrington from his wife, Mary E.
Warrington.

Passed at Dover, April 9, 1897.

CHAPTER 831.

An Act to divorce Mary S. Stanton from her husband, Nathan Stan-
ton.

Passed at Dover, April 9, 1897.

CHAPTER 832.

An Act to divorce Keziah F. Hayes and her husband, Richard E.
Hayes, from the bonds of matrimony.

Passed at Dover, April 9, 1897.

CHAPTER 833.

An Act to divorce Mary R. Shrom from her husband, George Shrom.

Passed at Dover, April 9, 1897.

CHAPTER 834.

An Act to divorce James A. Daniels from his wife, Eliza J. Daniels.

Passed at Dover, April 12, 1897.

TITLES OF PRIVATE ACTS.

CHAPTER 835.

An Act to divorce Annie F. Edmonds and Milton J. Edmonds.
Passed at Dover, April 13, 1897.

CHAPTER 836.

An Act to divorce John W. Sanderson from his wife, Mary L. Sanderson.
Passed at Dover, April 13, 1897.

CHAPTER 837.

An Act to divorce Elizabeth P. Rulon from her husband, William H. Rulon.
Passed at Dover, April 14, 1897.

CHAPTER 838.

An Act to divorce Katie S. Heal from her husband, Harry E. Heal, and to change her name.
Passed at Dover, April 14, 1897.

CHAPTER 839.

An Act to divorce Benjamin Doran from his wife, Sarah J. Doran.
Passed at Dover, April 14, 1897.

CHAPTER 840.

An Act to divorce William S. Wiley from his wife, Kate L. Wiley.
Passed at Dover, April 14, 1897.

TITLES OF PRIVATE ACTS.

CHAPTER 841.

An Act to divorce Gertrude P. Kitchen from her husband, William T. Kitchen.

Passed at Dover, April 16, 1897.

CHAPTER 842.

An Act to divorce Mary E. Warrington from her husband, Rufus W. Warrington.

Passed at Dover, April 16, 1897.

CHAPTER 843.

An Act to divorce Wesley T. Wright and his wife, Lizzie Wright, from the bonds of matrimony.

Passed at Dover, April 16, 1897.

CHAPTER 844.

An Act to divorce Annie F. Harris from her husband, Thomas H. Harris.

Passed at Dover, April 16, 1897.

CHAPTER 845.

An Act to divorce Sallie E. Redmond from her husband, W. Dennis Redmond.

Passed at Dover, April 19, 1897.

CHAPTER 846.

An Act to divorce Mary Josephine Reed from her husband, Joseph Howard Reed, *a vinculo matrimonii*.

Passed at Dover, April 19, 1897.

TITLES OF PRIVATE ACTS.

CHAPTER 847.

An Act to divorce Sallie Sholes from her husband, Robert Sholes.
Passed at Dover, April 19, 1897.

CHAPTER 848.

An Act to divorce Margaret A. Miller from her husband, Robert S. Miller.
Passed at Dover, April 20, 1897.

CHAPTER 849.

An Act to divorce Mary A. Garrett from Howard W. Garrett, *a vinculo matrimonii*.
Passed at Dover, April 20, 1897.

CHAPTER 850.

An Act to divorce Annie Clee from her husband, James Clee.
Passed at Dover, April 20, 1897.

CHAPTER 851.

An Act to divorce Alexander B. Russell from his wife, Ella B. Russell.
Passed at Dover, April 21, 1897.

CHAPTER 852.

An Act to divorce Edward S. Compton from his wife, Carrie Compton.
Passed at Dover, April 22, 1897.

TITLES OF PRIVATE ACTS.

CHAPTER 853.

An Act to divorce Ezmy K. Windsor from her husband, William B. H. Windsor.

Passed at Dover, April 23, 1897.

CHAPTER 854.

An Act to divorce Ella Colgain from her husband, Robert Colgain.

Passed at Dover, April 26, 1897.

CHAPTER 855.

An Act to divorce Grace Whitaker from her husband, William Whitaker.

Passed at Dover, April 26, 1897.

CHAPTER 856.

An Act to divorce Lucretia R. Hitch from her husband, William S. Hitch.

Passed at Dover, April 28, 1897.

CHAPTER 857.

An Act to divorce Keziah Belle Zebley from her husband, John Allison Zebley.

Passed at Dover, April 28, 1897.

CHAPTER 858.

An Act divorcing Caroline A. Shandley and Thomas J. Shandley, her husband, from the bonds of matrimony, and changing her name to Caroline A. Crouch.

Passed at Dover, April 28, 1897.

TITLES OF PRIVATE ACTS.

CHAPTER 859.

An Act to divorce Howard B. Springer from his wife, Sarah W. Springer.

Passed at Dover, April 28, 1897.

CHAPTER 860.

An Act to divorce Ananias Rogers from his wife, Sarah E. Rogers.

Passed at Dover, April 29, 1897.

CHAPTER 861.

An Act to divorce James S. Melvin from his wife, Sallie C. Melvin, *a vinculo matrimonii*.

Passed at Dover, April 29, 1897.

CHAPTER 862.

An Act to divorce Annie M. Jordan from her husband, William N. Jordan.

Passed at Dover, May 7, 1897.

CHAPTER 863.

An Act to divorce Emma L. Gordon from her husband, William Gordon, *a vinculo matrimonii*.

Passed at Dover, May 7, 1897.

CHAPTER 864.

An Act to divorce James A. Boyd and Sarah E. Boyd from the bonds of matrimony.

Passed at Dover, May 10, 1897.

TITLES OF PRIVATE ACTS.

CHAPTER 865.

An Act to divorce May E. Bailey from her husband, Henry H. Bailey.

Passed at Dover, May 10, 1897.

CHAPTER 866.

An Act divorcing John Taylor and Anna, his wife.

Passed at Dover, May 10, 1897.

CHAPTER 867.

An Act to divorce John W. Leager from his wife, Bessie Leager.

Passed at Dover, May 12, 1897.

CHAPTER 868.

An Act to divorce Mary A. Stanley from her husband, James Stanley.

Passed at Dover, May 13, 1897.

CHAPTER 869.

An Act to divorce Frank Cooper from his wife, Josephine Cooper.

Passed at Dover, May 13, 1897.

CHAPTER 870.

An Act to divorce Anna M. Reybold from her husband, George M. F. Reybold, *a vinculo matrimonii*.

Passed at Dover, May 13, 1897.

TITLES OF PRIVATE ACTS.

CHAPTER 871.

An Act to divorce Annie T. Jahnz and Gustav C. Jahnz.

Passed at Dover, May 19, 1897.

CHAPTER 872.

An Act to divorce Anna M. Bozman from her husband, Revel J. Bozman, *a vinculo matrimonii*.

Passed at Dover, May 21, 1897.

CHAPTER 873.

An Act to divorce William I. Hastings and Emma F. Hastings, *a vinculo matrimonii*.

Passed at Dover, May 21, 1897.

CHAPTER 874.

An Act to divorce Mary F. Demby from her husband, Thomas H. Demby.

Passed at Dover, May 24, 1897.

CHAPTER 875.

An Act to divorce Samuel W. Wright and Mary E. Wright from the bonds of matrimony.

Passed at Dover, May 24, 1897.

CHAPTER 876.

An Act to divorce Edward P. Harnish from his wife, Sallie V. Harnish.

Passed at Dover, May 25, 1897.

TITLES OF PRIVATE ACTS.

CHAPTER 877.

An Act to divorce Lewis G. Frankau and his wife, Kate A. Frankau, from the bonds of matrimony.

Passed at Dover, May 25, 1897.

CHAPTER 878.

An Act to divorce George A. Johnson from his wife, Mary E. Johnson.

Passed at Dover, May 25, 1897.

CHAPTER 879.

An Act to divorce George W. from Roberta M. Philips.

Passed at Dover, May 26, 1897.

CHAPTER 880.

An Act to divorce Mary L. Prettyman from William F. Prettyman.

Passed at Dover, May 26, 1897.

CHAPTER 881.

An Act to divorce Laura C. Acklan from her husband, William H. Acklan.

Passed at Dover, May 27, 1897.

CHAPTER 882.

An Act to divorce Mary D. Bell from Henry A. Bell, her husband.

Passed at Dover, May 29, 1897.

CHAPTER 883.

An Act to divorce Elenora Williamson, usually known as Dolly Williamson, from her husband, Robert H. Williamson.

Passed at Dover, May 29, 1897.

APPENDIX.

The act printed in this appendix is the original bill, the enrolled copy of which is printed on page 344. At the time of the publication of the laws it was discovered that several errors had been made in enrolling the bill, and I publish the original in appendix, as it appears by the endorsements of the Clerks of the respective Houses to have passed both branches of the General Assembly.

JAMES H. HUGHES,
Secretary of State.

APPENDIX.

OF THE LEVY COURT.

AN ACT in relation to the Collection of Taxes for New Castle County.

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

Laws
repealed.

SECTION 1. That Sections 7, 8, 9, 22, 23, 26 and 28 of Chapter 26, Volume 19 of the Laws of Delaware, entitled "An act in relation to the Levy Court of New Castle county," be and the same are hereby repealed, and that Chapter 562, Volume 19 of the Laws of Delaware be and the same is hereby amended by striking out Section 4 of said act.

Levy Court
of N. C. Co.
to appoint
collectors
outside of
Wilmington.

SECTION 2. That during the month of May in the year 1897 and during the month of May each two years thereafter, the Levy Court Commissioners of New Castle county, or a majority of them, shall appoint one collector of taxes for each hundred within New Castle county outside of the City of Wilmington. They shall also at the same time appoint two collectors of poll taxes for the City of Wilmington, one of whom shall reside south of Sixth street in said city, and one of whom shall reside north of Sixth street in said city, and it shall be the duty of said poll tax collectors to collect the poll taxes in their respective districts as hereinafter provided. That Wilmington hundred shall be divided, for the purpose of the collection of poll taxes, into two collection districts, as follows: All that portion of said hundred situate and lying north of the street called Sixth street, as now laid out and established by the ground plan of the City of Wilmington, shall be the northern district; and all that portion of said hundred, situate and lying south of said street now called Sixth street as aforesaid, shall be the southern district.

Also col-
lector of
poll taxes
for Wil-
mington.

Wilmington hundred
divided
into two
poll tax
collection
districts.

Northern
district.

Southern
district.

Receiver of
Taxes to
collect
county
taxes other
than poll
taxes in
Wilmington.

Collectors
to give
bond.

To be
approved
by Levy
Court.

The Receiver of Taxes shall collect all county taxes assessed within the City of Wilmington, other than poll taxes, and shall exercise and have all the powers in this act provided for the collector of taxes. Each collector, before his appointment shall be deemed complete, shall give bond to the State of Delaware with at least two sureties, being freeholders of the county, or by some trust company or surety company authorized to do business in this State, said bond to be approved by the Levy Court, in a penalty to be determined by said Levy Court, and to be as nearly as can be ascertained

APPENDIX.

double the amount which such collector is required to collect, with condition as follows, viz: The condition of the above obligation is such, that if the above bound ----- being collector of ----- hundred in New Castle county shall faithfully and diligently collect all the rates and taxes which he shall, according to the duplicate and warrant to be issued to him as such collector, be required to collect, and all taxes whatever which shall be committed to him for collection, and shall pay the amount of all such rates and taxes, excepting only so far as allowances shall be made to him by the Levy Court for delinquencies, commissions or otherwise, to the officers authorized by law to receive the same, in the manner and within the times prescribed by law, or legally appointed by the Levy Court Commissioners of said county for that purpose; *and furthermore*, if the said ----- shall perform the duties of his office of collector as aforesaid, in all things with fidelity, then the above obligation shall be void, otherwise to remain in full force and virtue. To 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. The said bond shall be proceeded on at the instance of the County Treasurer or the Levy Court Commissioners. If any person appointed a collector shall not give bond within ten days from the date of his appointment, the said appointment shall be void, and another appointment be made and so on until the person appointed give bond.

Amount.
Condition.

Bond by whom proceeded on.
Unless bond be given in ten days appointment void and another to be made.

SECTION 3. That it shall be the duty of the Levy Court Commissioners to have prepared from the assessment lists last made as required by law, duplicates of the taxes of each hundred or collection district for the use of the collectors, on or before the first day of July in every year, and shall fix the rate of county and poor taxes, and issue their warrant to the said collectors for the same. The Levy Court Commissioners shall have prepared for each hundred or collection district, a book of blank receipts numbered serially, which receipt when delivered upon payment of taxes shall show the amount of the assessment, distinguishing real, personal and poll assessments, and showing the rate 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. The said Levy Court Commissioners shall also have prepared for the use of the several collectors, seals of office, and

Levy Court Commissioners to have tax duplicates made by July 1.

And fix rate of taxes and issue warrant to collectors. To have collectors receipts prepared.

Contents of receipts.

Stub.

APPENDIX.

Collectors
seals.
To be
impressed
on each
receipt.

it shall be the duty of said collectors to put the impress of their respective seals upon each receipt for the payment of a tax.

County
Treasurer's
office in
Wilmington.
When to
attend
same in
person or
by deputy.

Notice.

SECTION 4. The said County Treasurer shall have his office in Wilmington, and it shall be his duty to attend either in person or by his deputy at his office every day except Sundays and legal holidays from ten o'clock a. m. until twelve o'clock m., and from two o'clock p. m. till five o'clock p. m., and it shall be his duty to attend his said office during the evening of one secular day of each week from seven o'clock p. m. till ten o'clock p. m., said evening to be fixed by him and to be advertised on Monday of each week in some newspaper of general circulation in the City of Wilmington.

Collectors
to give
public
notice
monthly.

At times
and places
where he
will receive
taxes.

Also notice
by hand
bills.

Neglect of
County
Treasurer
to attend
office as
required, or
of collector
as adver-
tised.

Penalty

To be re-
covered by
taxable
before
justice of
peace

Every collector of taxes for hundreds outside of the City of Wilmington and every collector of poll taxes within the City of Wilmington shall, on the first Monday of every month 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, notice that he will attend at convenient times and places during said month, stating the same, to receive such taxes; and he shall also at the same time give the same notice by hand bills posted in at least five of the most public places in the hundred or collection district of which he is collector. In case the County Treasurer shall fail to attend either in person or by deputy at his office in Wilmington at the times herein designated for his attendance or on the evening appointed by him for his attendance, or in case any other collector of taxes shall fail to attend at the times and places of which he has given notice, he shall, unless such failure to attend shall be shown to be unavoidable and not owing to his negligence, forfeit and pay to any person who may have called at such time for the purpose of paying his taxes, and did not find said County Treasurer or collector of taxes in attendance to receive the same, the sum of ten dollars to be recovered before any justice of the peace of New Castle county.

Receipt
books to be
delivered to
Comptrol-
ler who
shall pre-
serve same.

SECTION 5. That in the month of May of each year the County Treasurer and the collectors shall deliver to the County Comptroller the receipt books mentioned in this act,

APPENDIX.

with the blank receipts and all stubs, and the County Comptroller shall examine and preserve all the said books and stubs.

SECTION 6. The said Levy Court Commissioners shall, on or before the first day of July in every year cause to be issued to the collectors of each hundred outside the City of Wilmington a duplicate of the assessment list of the hundred of which he is collector. They shall also at the same time issue to the County Treasurer and Receiver of Taxes a duplicate of the assessment list for the City of Wilmington for all county taxes other than poll taxes, and they shall issue to the collectors of poll taxes for the City of Wilmington duplicates of the poll assessments for their respective districts. The said duplicates shall be certified by the Clerk of the Peace with a warrant thereto annexed. Said warrant shall be under the hand of three or more of the commissioners, and according to the following form, the blanks being properly filled:

Duplicates outside of Wilmington to be delivered to collectors.

And of Wilmington to County Treasurer by July 1.

And to poll tax collectors of Wilmington duplicate of poll assessments.

Duplicates how certified.

New Castle County, ss. The State of Delaware.
To the Collector of ----- Hundred, Greeting:

Form of Warrant.

We command you that you collect from the several persons named in the duplicates annexed, for their road, poor and county taxes for the year ----- the following rate percentum on the amount of their respective assessments, and so pro rata, that is to say, the rate of ----- per hundred dollars for the road tax, the rate of ----- per hundred dollars for the county tax and if any person named in said duplicate shall not pay the said rates in ten days after you have demanded the same, we command you in such case, that you levy and make the said rates, or the part thereof remaining unpaid, with lawful costs in the manner prescribed by law; and if goods or chattels, lands or tenements of such person cannot be found sufficient to satisfy such rates with costs in such case, that you take such person and convey him to the common jail and deliver him to the keeper thereof, who is commanded to receive and keep him in safe custody till the rates with costs be paid or such person be legally discharged. And we further command you that you pay the amount which, according to this warrant and the annexed duplicate, you are required to collect, in the manner and within the times appointed by law in this behalf. Hereof fail not at your peril.

APPENDIX.

Given at Wilmington by order of the Levy Court Commissioners under the hands of us, commissioners, the ----- day of -----, A. D. 18-----.

Seal of Office
of the
Clerk of the Peace.

Commissioners.

Attest:

Clerk of the Peace.

Warrant
how
executed.

Not to be
issued till
collector
fully
qualified.

Vacancy or
default by
collectors
relief to
sureties.

New
collector.

Collectors'
accounts
settled in
June before
Levy Court

Delin-
quents
allowed
when.

Name of
delinquent
when
struck
from list

Delinquent
list not

Every warrant shall be sealed with the seal of the Clerk of the Peace, and attested by him according to the foregoing form, but no warrant and duplicate for a hundred shall be issued, nor shall any such warrant be dated until a collector for such hundred shall be appointed and bond and surety given as provided by Section 2.

SECTION 7. In case a collector die, default in his accounts or settlements or remove from the county or be incapable of proceeding in the collection of taxes, and the sureties of such collector or their executors or administrators make application to the Levy Court for relief, the said court may appoint some citizen of the hundred collector in his place for the residue of the term, and may compel the delivery of the duplicate and warrant to such collector or cause a new one to be issued to him, after he shall have given bond as other collectors.

SECTION 8. At a meeting of the Levy Court in the month of June of each year, the said Levy Court shall examine and adjust the accounts of collectors, making all just allowances, and they shall at said meeting examine and settle the delinquent list of each collector and make allowance of delinquents; and upon such allowance the collector shall be credited with the amount thereof; *provided, however,* the Levy Court shall make no allowance for delinquents except upon satisfactory proof that the collector has exhausted all the remedies provided by this act for collecting such tax or taxes. The name of the delinquent, if he be dead or have removed from the State, shall be struck from the assessment list and also from the collector's duplicate, otherwise it shall remain on the assessment and be entered on the collector's duplicate for the succeeding year. A delinquent list shall not be allowed until the expiration of

APPENDIX.

five days from the day of its return by the collector; and any citizen of the county shall have the right, at any time after such return and before allowance, to inspect the same, upon making request to said court, if in session, or to the Clerk of the Peace, if the court is not in session; and if said commissioners, when application is made to them, shall not permit such inspection, they or such of them as refuse, shall be deemed guilty of a misdemeanor and shall be fined twenty dollars; and at the trial such refusal may be proved by oral testimony. The Levy Court, before they allow the delinquent list of any collector, shall require that such collector shall upon oath say that the delinquent list made out and returned by him to the Levy Court is true in all its statements to the best of his knowledge and belief; that he has exhausted all the remedies provided in this act for collecting the same, and that no tax has been collected from any person so returned by him as delinquent. The oath hereby prescribed may be administered by the clerk of said court, and any collector who shall swear falsely as to any matter to which he may be required to make oath by this section, shall be liable to the pains and penalties of perjury.

allowed
till five
days after
its return.
Citizens
right to
examine.

Levy Court
Commissioners
refusing
inspection
misdemeanor.

Proof.
Collectors
oath to
delinquent
list.

By whom
administered.
False
swearing
perjury.

SECTION 9. Every collector and his sureties shall, upon the delivery to him of the duplicate and warrant for his hundred or collection district, be responsible for the whole amount of the taxes he shall be required to collect or that shall be committed to him for collection, subject only to allowances made by the Levy Court Commissioners for delinquencies, commissions, or otherwise. His death shall not effect his liability but his powers shall devolve upon his executor or administrator. In case of the appointment of a collector as provided in Section 7 of this act, he and his sureties shall be chargeable with all taxes uncollected by his predecessor subject to allowances as aforesaid; such appointment shall not discharge the sureties of the first collector from any part of their responsibility, or otherwise affect it, but all sums collected by the last collector shall be credited to the first, he shall have the same powers and be subject to the same duties and liabilities as the collector first appointed; on his death they shall devolve upon his executor or administrator. If a new warrant be issued to him it and the duplicate shall bear date with the original.

Liability of
collector
and
sureties

SECTION 10. Each collector shall, on the first Tuesday of June next after the date of his warrant, render to the

Collector to
account to
Levy Court
on first
Tuesday of
June.

APPENDIX.

Levy Court a true account of all taxes it was his duty to collect and of all payments made and of all delinquents.

Taxes lien
on real
estate for
two years
from date
of duplicate
or till paid,
if land not
conveyed.

SECTION 11. All taxes assessed against the owner of real estate shall constitute a lien against all such real estate within the county for the space of two years after the date of the collector's duplicate, but if the said real estate remains the property of the person to whom it is assessed then the lien shall continue until the tax is collected.

Sale of land
or emolu-
ments
by collector
for
payment
of taxes.

SECTION 12. Whenever the real estate cannot, in the judgment of the collector, be divided without detriment, the collector may sell the wood growing upon said land absolutely, or the rents and profits of the whole, or a part thereof, at public auction, for a term of time sufficient to satisfy the taxes, interest, costs and expenses, or may sell the real estate and shall pay the overplus, if any, to the County Treasurer for the benefit of the owner or any person entitled to receive it.

Surplus of
proceeds.

Taxable's
entire tax
may be
collected
from one
parcel of
land.

Tax on
alienated
land col-
lected from
land still
held.

Life estate
first liable
for tax.

SECTION 13. If any person is taxed for several parcels of real estate, or for personal and real estate in the same tax, the whole of such person's taxes may be collected, either out of the real or personal estate, or any part thereof; *provided*, that no land alienated shall be sold, if the person taxed have other sufficient property.

SECTION 14. In the case of life estate, the interest of the tenant for life shall first be liable for the taxes.

Sale of real
estate by
collector.

SECTION 15. The collector may advertise and sell any real estate liable for taxes in the manner hereinafter directed. In all cases where any parcel of real estate is liable for payment of taxes so much thereof as is necessary to pay the taxes, interest, costs, expenses, shall be sold by the collector at public auction to the highest bidder, after notice has been given of the levy, of the amount of the taxes, and of the time and place of sale, in some newspaper published in New Castle county at least once a week for the space of three weeks, and the collector shall also post notices in five or more public places of the hundred in which the real estate so advertised is situate for the same period.

Notice

Further
notice to
resident
taxable.

SECTION 16. That if the person to whom the estate is taxed be a resident of this State, the collector shall, in addition to the foregoing, cause notice of his levy, of the amount of the taxes, and of the time and place of sale, to be left at his last and usual place of abode, or personally serve on him,

APPENDIX.

at least twenty days previous to the day of sale, and if the person so assessed is a non-resident the notice herein provided for shall be left with the tenant in possession, if there be one, or if there is none, then posted upon the premises. To non-resident taxable.

SECTION 17. In case the collector shall advertise for sale any property, real or personal, in which any person other than the person to whom the taxes are assessed has an interest, he shall, provided the interest of such other person appears upon the records of New Castle county, leave a copy of the notice of such sale at the last and usual place of abode or personally with such other persons, if within this State, twenty days prior to the time of said sale. Notice to person interested in the land other than the taxable if such person be a resident.

SECTION 18. If such other persons have no last and usual place of abode within this State, then a copy of said notice shall be sent by mail to such person at his place of residence, if known, twenty days prior to the time of such sale, and also posted upon the premises. Notice to non-resident.

SECTION 19. No entry upon the land by the collector shall be deemed necessary, but the collector in all cases of sales of real estate shall make a return of all his proceedings under oath to office of the Clerk of the Peace within ten days after the sale; which return shall be evidence of the facts therein stated. Collector's return of sale.

SECTION 20. The deed of any real estate, or any interest therein, sold for the payment of taxes, made and executed by the collector who shall sell the same, shall vest in the purchaser, subject to the right of redemption hereinafter provided, all the estate, right and title the owner thereof had in and to such real estate at the time said taxes were assessed, free from any interest or encumbrance thereon of any person to whom the notice required by the provisions of this act shall have been given; and the recitals in such deeds shall be evidence of the facts stated. Collectors deed.

SECTION 21. The person who owned any real estate sold for taxes, at the time of the assessment, or any interest therein, his heirs, assigns or devisees, may redeem the same upon repaying to the purchaser the amount paid therefor, with twenty per centum in addition, within two years after the sale, or within six months after final judgment has been rendered in any suit in which the validity of the sale is in question; *provided*, said suit be commenced within one year after such sale. Redemption by owner of land. Terms.

APPENDIX.

Distrain-
on and sale
of personal
property.

Notice.

Public
advertis-
ment of sale
of personal
property.

Sale.

Surplus
returned to
owner.

If owner
not found,
then to
County
Treasurer
for owner.

Personal
property
may be re-
moved from
owner's
premises.

Person or
property
removed
from hun-
dred may
be followed
by collector

Sale of real
or personal
property
may be
adjourned.

SECTION 22. The collector may distrain personal property and may sell the same in the manner hereinafter directed. In all cases the collector may seize and levy upon personal property for the payment of taxes, and where personal property shall be so levied or seized by any collector, he shall cause a notice thereof and of the time and place of sale to be left at the last and usual place of abode of the owner or personally to be given to him at least five days previous to the appointed time of sale, if such owner have a last and usual place of abode in this State or if personal notice can be given to him.

SECTION 23. The collector shall also, in all cases, advertise the same for three successive weeks in a newspaper published in New Castle county, and shall also post up notices in five public places of the hundred in which the said property is located, at least twenty days previous to the appointed time of sale.

SECTION 24. If such owner do not pay the amount of tax, with the interest or percentage, and all costs and charges, by the time appointed for the sale, the collector shall sell the same, or enough to pay said sums, at public auction.

SECTION 25. Any property or surplus of money remaining shall be returned to the owner or person entitled to receive it. If no owner or person entitled to receive the same can be found by the collector, he shall deliver such property or surplus of money to the County Treasurer, who shall hold the same subject to the call of the owner thereof.

SECTION 26. Any collector may, without the consent of the owner, remove personal property for sale to any town or place within the county, where it may be sold to the best advantage, giving notice to the owner as before provided and giving notice as provided by Section 22 of this act in the hundred where the sale is to be made.

SECTION 27. If any person or property taxed in one hundred removes or is removed into another hundred before the taxes are collected, the collector may follow such person or property into the hundred, and seize, levy or collect the taxes with the same power as if not removed.

SECTION 28. Any sale of real or personal estate or of any interest therein, liable for the payment of taxes by the provisions of this act, may be adjourned from time to time.

APPENDIX.

SECTION 29. The collector of any tax or taxes may recover the amount thereof in an action of debt against the person taxed before any justice of the peace of New Castle county; *provided*, the amount thereof be not more than two hundred dollars; and where the amount of the taxes is more than two hundred dollars, in the Superior Court for New Castle county, and it shall be sufficient to set forth that the action is to recover a specified sum of money, being a tax or taxes assessed against the defendant, and the time of assessing the same. The right of appeal shall be the same as in other civil actions.

Action of debt by collector before Justice of the Peace.

Or in Superior Court.

Appeal.

SECTION 30. If judgment be rendered in favor of the collector, he shall have an allowance for his reasonable trouble in attending to the suit, including counsel fees, to be taxed by the court in the costs and execution shall issue against the real estate or personal estate of the defendant; *provided*, no execution against the real estate shall issue except out of the Superior Court of New Castle county. Where such judgment is recovered before a justice of the peace, and it is the desire of the collector to proceed against the real estate of the defendant, the said collector shall take a transcript of the judgment from the justice of the peace, and cause the same to be entered on the dockets of the Superior Court. When such transcripts are entered, the subsequent proceedings shall be the same as upon other judgments. The lien of the judgment as aforesaid shall be deemed to relate back and take effect from the date of the collector's duplicate as aforesaid.

Judgment to include costs, fees, &c.

Proviso.

Transcript.

Date of lien

SECTION 31. Every collector shall have the same right to require the aid or assistance of the person or persons, in the performance of his duty, which a sheriff now has by law.

Collector's posse.

SECTION 32. If any person against whom a poll tax is assessed in accordance with the provisions of this act shall neglect or refuse to pay the same for thirty days after demand, the collector shall again demand the same of such person, together with thirty cents for the cost of such demand; and if any such person upon whom such second demand is made as aforesaid, shall neglect or refuse to pay such tax or taxes, together with the costs of making such second demand, within five days after the date of such second demand, then the collector of taxes shall seize upon the body of such person and commit him to the jail of New

Neglect to pay poll tax for 30 days.

Collector to make second demand.

Further neglect.

Arrest of taxable.

Imprisonment.

APPENDIX.

Terms. Castle county there to remain until he shall pay such tax and all legal costs, including the costs of making the second demand as aforesaid, and the costs of his board while so confined, or to be discharged therefrom in due course of law.

Employer of taxable to retain amount of tax when notified by collector.

Neglect.

Copy of this section to accompany notice.

Associate Judge to appoint committee to audit accounts of Comptroller and Treasurer.

Report.

Compensation of committee.

Statement of Comptroller and Treasurer.

Abatement for early payment of taxes.

Interest added to deferred payments.

SECTION 33. The collector of taxes may at any time notify the person or corporation by whom any taxable is employed that the tax of such employe is due and unpaid and it shall be the duty of such employer to deduct from the wages of such employe the amount of the tax due from such employe and charge the same against him, and if such employer refuse or neglect to comply with the provisions of this section within three months from the time of receiving such notice he shall be personally liable for the taxes of persons employed by him and the same may be recovered as in this act provided for the recovery of taxes. When such taxes are held by such employer he shall pay the same to the collector entitled to receive the same within thirty days thereafter. A copy of this section shall accompany all notices to such employers.

SECTION 34. That in the month of December in each year it shall be the duty of the associate judge of the Superior Court, resident in New Castle county, to appoint a committee of two freeholders of New Castle county, one from each of the two principal political parties, who shall inspect the books and accounts of the County Comptroller and the Receiver of Taxes and County Treasurer and make report under oath to said judge, who shall file the same in the office of the Clerk of the Peace for New Castle county within ten days. Each member of said committee shall receive one hundred and fifty dollars for his services. The County Comptroller and Receiver of Taxes and County Treasurer shall, during the said month of December, 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 oaths and shall be published in pamphlet form and in such number as will give the required public information.

SECTION 35. That on all taxes paid before the first day of August there shall be an abatement of five per centum; on all taxes paid before the first day of December there shall be an abatement of three per centum; on all taxes paid after the first day of December five per centum thereof shall be added thereto.

APPENDIX.

SECTION 36. The salaries of the collectors provided by this act, with the exception of the salary of the County Treasurer and Receiver of Taxes, and the poll tax collector for the City of Wilmington, shall be fixed and determined by the Levy Court Commissioners, at least five days prior to the appointment of such collector, and shall be proportioned as near as may be according to the amount of taxes on their respective duplicates, the said salaries to be paid upon warrant drawn by the Levy Court Commissioners as other salaries are paid in equal monthly installments. The poll tax collectors for the City of Wilmington shall receive twenty per centum of the amount collected, together with the additional charge of thirty cents as in this act provided.

Salary of collectors.

How paid.

SECTION 37. All tax collectors and the County Treasurer and Receiver of Taxes shall submit their duplicates, books and accounts to the County Comptroller at least once every two months to be audited.

Comptroller to audit accounts of collectors and Treasurer monthly.

SECTION 38. At some time during the first week of each and every month all tax collectors shall pay over to the County Treasurer all taxes collected by him during the preceding month and shall take from said County Treasurer two receipts therefor, one of which shall be held by him and the other he shall file forthwith with the County Comptroller of New Castle county. On the first secular day of each month the County Treasurer shall render to the Clerk of the Peace for the use of the Levy Court Commissioners a statement of the amount of taxes received from the different collectors during the preceding month, together with the amount of taxes collected by himself during the preceding month.

Taxes to be paid to Treasurer monthly.

Duplicate receipts.

Monthly statement by Treasurer.

SECTION 39. Each collector and the Receiver of Taxes shall at the end of two years from the date of his duplicate, deliver his duplicate to the Levy Court Commissioners and he shall be liable on his official bond for all unpaid taxes thereon and the said Levy Court Commissioners shall cause suit to be instituted against him and his sureties for the collection of such unpaid taxes.

Collectors and Receiver of Taxes to settle with Levy Court two years from date of duplicate.

Suit for unpaid taxes.

SECTION 40. Every collector of taxes appointed under the provisions of this act shall perform all the duties required of collectors by the provisions of Section 19 of Chapter 12 of the Revised Code of 1893.

Additional duties of collectors.

SECTION 41. All unpaid property taxes for the years 1895 and 1896 shall be continued and shall not become extinguished

Unpaid taxes for

APPENDIX.

1895-6 to be collected by present collectors. Additional powers to present collectors.

for a period of two years from the date of the passage of this act, but the collector or collectors of delinquent taxes under the provisions of Chapter 26, Vol. 19 of the Laws of Delaware, shall proceed to collect the same and in so doing shall be vested with all the powers in this act provided for the collection of taxes.

SECTION 42. That all acts or parts of acts inconsistent with this act or supplied with this act be and the same are hereby repealed.

SECTION 43. That the provisions of this act shall apply to New Castle county only.

Passed at Dover, May 29, 1897.

SECRETARY'S OFFICE,

DOVER, August 11, 1897.

In obedience to directions of Chapter 4 of the Revised Code, entitled "Of the Passing and Publication of Laws and 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 that part of the regular biennial session commenced on Tuesday, the fifth day of January, A. D. 1897, and ending on the 29th day of May, A. D. 1897.

The words between brackets throughout the work are inserted to complete the sense or correct errors in the original rolls.

Words and sentences noted with asterisks are printed as they appear on the rolls.

The Appendix is fully explained by the note at the head thereof.

Other irregularities are explained by foot notes to the pages on which they occur.

JAMES H. HUGHES,

Secretary of State.

GENERAL INDEX.

A

ABRAMS, RHODA W—	
Title of act to divorce from Albert B. Abrams,	307
ACETYLENE LIGHT COMPANY—	
Title of act to incorporate,	295
ACKLAN, LAURA C.—	
Title of act to divorce from William H. Acklan,	798
ACKNOWLEDGEMENTS—	
(See <i>Aliens</i> .)	
ACTIONS—	
Want of consideration as a defence in,	706
Exception, proviso,	706
Jurors not to sit in second trial of same cause after mistrial, exception,	707
Time of filing affidavit in Mechanics Lien against vessels,	709
Limitation of for damages for personal injuries,	712
ACTS—	
(See <i>Statutes</i> .)	
Recording private,	315
ACTS AMENDED—	
Section 2, Chapter 450, Volume 18,	3
Chapter 30, Volume 17,	9
Chapter 30 of the Revised Code,	11
Section 6, Chapter 36, Revised Code,	14
Chapter 39, Revised Code,	15
Chapter 67, Volume 18,	17
Section 5, Chapter 611, Volume 19,	18
Section 4, Chapter 602, Volume 19,	18

ACTS AMENDED—CONTINUED.

Section 6, Chapter 42, Revised Code of 1874,	19
Chapter 53, Volume 15,	31
Section 24, Chapter 53, amended Revised Code,	52
Chapter 653, Volume 19,	53
Section 3, Chapter 672, Volume 19,	57
Chapter 146, Volume 17,	89
Chapter 661, Volume 18,	90
Chapter 68, Revised Code,	91
Chapter 703, Volume 19,	95
Chapter 707, Volume 19,	140
Chapter 715, Volume 19,	144
Chapter 709, Volume 19,	145
Chapter 713, Volume 19,	153
Chapter 207, Volume 17,	154
Chapter 205, Volume 17,	156
Chapter 177, Volume 18,	157
Chapter 188, Volume 18,	163
Chapter 198, Volume 17,	165
Section 18 of Chapter 152, Volume 15,	166
Chapter 161, Volume 18,	169
Section 9, Chapter 745, Volume 19,	170
Chapter 229, Volume 19,	171
Chapter 647, Volume 19,	171
Chapter 767, Volume 19,	172
Section 1, Chapter 51, Revised Code,	173
Chapter 86, Revised Code,	176
Chapter 208, Volume 18,	178
Section 4, Chapter 90, Revised Code,	182
Chapter 218, Volume 18,	183
Section 13, Chapter 107, Revised Code,	187
Chapter 128, Revised Code,	190
Chapter 545, Volume 16,	192

ACTS AMENDED—CONTINUED.

Chapter 686, Volume 18,.....	192
Chapter 835, Volume 19,.....	205
Chapter 853, Volume 19,.....	211
Chapter 670, Volume 19,.....	219
Chapter 7, Volume 19,.....	223
Chapter 26, Volume 19,.....	223
Chapter 9, Revised Code of A. D. 1852,.....	224
Chapter 1, Volume 13,.....	225
Chapter 117, Volume 13,.....	226
Section 5, Chapter 29,.....	235
Chapter 22, Volume 15,.....	236
Chapter 446, Volume 17,.....	237
Chapter 108, Volume 14,.....	244
Chapter 637, Volume 18,.....	245
Chapter 480, Volume 13,.....	269
Chapter 181, Volume 17,.....	270
Chapter 175, Volume 18,.....	270
Chapter 530, Volume 12,.....	271
Chapter 89, Revised Code of 1852,.....	272
Chapter 556, Volume 19,.....	317
Chapter 11, Volume 15,.....	322
Chapter 23, Volume 19,.....	323
Chapter 117, Volume 13,.....	324
Chapter 9, Revised Statutes,.....	324
Chapter 23, Volume 19,.....	326
Chapter 26, Volume 19,.....	344
Chapter 566, Volume 19,.....	356
Chapter 18, Revised Statutes,.....	398
Chapter 47, Volume 19,.....	413
Chapter 34, Revised Code,.....	414
Chapter 31, Volume 14,.....	416
Chapter 17, Volume 20,.....	431
Chapter 17, Volume 20,.....	432
Chapter 457, Volume 17,.....	442
Chapter 605, Volume 19,.....	451
Chapter 637, Volume 19,.....	462
Chapter 639, Volume 19,.....	462
Chapter 630, Volume 17,.....	463
Chapter 123, Volume 19,.....	468
Chapter 36, Volume 18,.....	469
Chapter 53, Volume 12,.....	470
Chapter 418, Volume 14,.....	473-74
Chapter 653, Volume 19,.....	478-80
Chapter 144, Volume 19,.....	784
Chapter 665, Volume 19,.....	496

ACTS AMENDED CONTINUED.

Chapter 444, Volume 13,.....	498
Chapter 135, Volume 4,.....	503
Chapter 67, Volume 20,.....	542
Chapter 617, Volume 18,.....	543
Chapter 139, Volume 19,.....	547
Chapter 90, Volume 20,.....	557
Chapter 198, Volume 20,.....	568
Chapter 483, Volume 16,.....	590
Chapter 628, Volume 18,.....	593
Chapter 745, Volume 19,.....	649
Chapter 569, Volume 17,.....	650
Chapter 161, Volume 18,.....	657
Chapter 229, Volume 19,.....	658
Chapter 186, Volume 11,.....	662
Chapter 177, Volume 18,.....	653-75
Chapter 206, Volume 17,.....	667
Chapter 177, Volume 18,.....	668
Chapter 731, Volume 19,.....	676
Chapter 597, Volume 17,.....	679
Chapter 207, Volume 17,.....	684
Chapter 661, Volume 18,.....	687
Chapter 774, Volume 19,.....	699
Chapter 89, Revised Statutes,.....	700
Chapter 135, Volume 16,.....	702
Chapter 255, Volume 19,.....	703
Chapter 178, Volume 15,.....	704
Chapter 106, Revised Statutes,.....	705
Chapter 145, Volume 16,.....	709
Chapter 223, Volume 17,.....	710
Chapter 120, Revised Statutes,.....	710
Chapter 133, Revised Statutes,.....	714-16
Chapter 273, Volume 19,.....	713
Chapter 345, Volume 15,.....	715

ACTS REPEALED—

Sections 7, 8, 9, 22, 23, 26, 28 of Chapter 26, Volume 19,.....	344
Chapter 190, Volume 20,.....	460
Chapter 477, Current Volume,.....	499
Chapter 306, Volume 8,.....	670
Chapter 718, Volume 19,.....	670
Chapter 45 of Volume 19,.....	12
Chapter 42, Volume 20,.....	53
Chapter 778, Volume 19, so far as it relates to Kent and Sussex counties,.....	187

ADJUTANT GENERAL—

Staff of Governor,	360
Duties of,	360-69
Salary,	361
Ordering elections of officers,	363
Drawing appropriations,	372-73

ADMINISTRATOR—

(See *Executors and Administrators.*)

ALIENS—

Act in relation to estate of and to complete their title to the same, ..	694
Conveyances to and from prior to January 1, 1897, made valid,	694
Title of and conveyances by widow or child of aliens who died prior to January 1, 1897, made valid, ..	695
Acknowledgments before consular agents made valid,	695
Record of,	695

ANDRIE, WILLIAM W —

Title of act to divorce from Hettie C. Andrie,	302
--	-----

ANTHRAX—

Vaccination of domestic animals against,	462
Expenses, how paid,	463
Compensation for cremating domestic animals dying with,	463
Certificate of death from,	463

APPENDIX—

(See *at the end of book.*)

ARGO, MARTHA P.—

Title of act divorcing from Robert H. Argo,	781
---	-----

ARMS, PUBLIC AND DEFENCE—

Act to provide for the maintenance, discipline and regulation of the National Guard of Delaware,	359
Style of militia,	359
Number of companies, guns, &c., in time of peace, maximum force, ..	359
Increase of force,	359
Officers and privates of companies, ..	359

ARMS, PUBLIC AND DEFENCE—
CONTINUED.

Gatling gun detachment,	360
Officers of regiment,	360
Governor's staff,	360
Adjutant General's duties,	360
Salary,	361
Duties of other staff officers,	361
Privates, enlistment,	361
Oath of private, form, by whom administered, in triplicate, copies, ..	362
General staff commissioned by Governor, term,	362
Commissions of staff officers of regiments,	362
Election of field officers,	363
Election of commissioned officers of companies,	363
Appointment of non-commissioned officers,	363
Terms of commissioned officers, ..	363
Board of examiners, duty,	363
Oath of commissioned officers,	363
By whom administered, copy filed, ..	364
Discharge, certificate of,	364
Uniforms, arms, &c.,	365
Bond for care of property,	365
Misappropriation of public money, ..	365
Injury to military property,	366
Inspection of National Guard,	366
Examining board, appointment, ..	366
Report,	366
Boards of officers for settling disputes, &c.,	366
Force considered in actual service, ..	366
Rules, violation, punishment, ..	366-67
Excuses, valid,	367
Fines, refusal to pay, collection of,	367-68
Misapplication of money or property,	368
Deposit of military stores in armory,	368
Neglect, misdemeanor, punishment, ..	368
Disbandment of companies,	368
Commanding officer responsible for equipment,	369

ARMS, PUBLIC AND DEFENCE— CONTINUED.

Courts martial, approval,	369
Judge advocate, duties,	369
Arrested to have copy of charges,	369
Time and place of meeting of court martial, proceedings,	369
President of court martial, uniform,	369
Warrant for arrest of accused,	370
Fines,	370
Neglect or refusal of officers to execute process,	370
Failure to attend on call of commanding officer, trial, punishment,	370
Form of court martial procedure,	370
Governor may call out Guard,	370
Sheriff and Mayor and Council of Wilmington may require aid of to suppress riot,	370 71
Compensation of members when called out,	371
Neglect to respond, fine, revoking commission,	371
Exemption of members from arrest, when,	371
Right of way, proviso,	371
Injured to be cared for and compensated,	371
Horses, used in service, pay for, ..	372
Regulations in service,	372
Appropriation to infantry companies, galling gun detachment, regimental headquarters,	372
Compensation of officers and privates,	372
Troop B Armory State Arsenal,	373
State military board, meetings, &c., ..	373
Payment of bills,	373
Appropriation,	373
Ordering Guard into service,	373
Regulations while in service,	373
Violation by spectator, arrest,	373
Oaths, by whom may be administered,	374
Rules, form, force,	374
Other acts repealed,	374

ARMSTRONG, BENJAMIN V.—

Appointed clerk of School District No. 96, New Castle County,	438
--	-----

ARTIS, WILLIAM—

Farm transferred from School District No. 15 to No. 96 and 133½, ..	457
---	-----

ASHER, CORA C. —

Title of act to divorce from Benjamin Franklin Asher,	302
---	-----

ASSAWAMAN CANAL—

Further additional supplement to act in relation to proposed canal intended as a free inland waterway connecting Assawaman bay with Delaware bay,	547
Appropriation \$1,000,	547
Compensation of commissioners, ..	547
Award of commissioners, approval and filing of,	547
Names of commissioners,	548
Powers and duties of commissioners,	548

ASSESSMENT DISTRICTS FOR WILMINGTON HUNDRED—

Limits of,	9
Assessments and collection of taxes heretofore made, legalized,	10

ASSESSMENT OF TAXES—

Within extended limits of Wilmington,	162
---	-----

ASSESSORS —

Election of in South Murderkill Hundred,	3
Election of in Wilmington Hundred,	9-235
Assessment of investments,	334-35
Powers of,	337
Of Wilmington, to attain transfers of property from Recorder,	356
To deliver copies of transfers to Receiver of Taxes,	356
Salary of, of Wilmington,	357
Posting assessment list of Lewes and Rehoboth Hundred,	357

ASSESSORS—CONTINUED.

Governor to appoint for East election district of Little Creek Hundred	358
Salary of clerks of in Wilmington	688

ASSIGNATION HOUSE—

Act in relation to	272-274
--------------------------	---------

ASSOCIATE JUDGE—

In case of illness or absence of	184
--	-----

ATTORNEY-AT-LAW—

May administer oaths under act taxing investments	340
---	-----

ATTORNEY GENERAL—

Contingent fund	197-726
Salary	236
To defend certain suit in Court of Chancery of Sussex County	751

AUDITOR OF ACCOUNTS—

Appointment	11-723
Term of office	11
Vacancy	11
How filled	11
To have certificate of proceedings of school meetings	19
To settle with County Superintendents annually	21
Election of	204
To approve claims for printing	279
Member of commission to open bids for bonds	328
Meeting for opening bids	332
Compensation	334
To codify school laws	755

AUCTIONS AND AUCTIONEERS—

In Wilmington	691
License of	691

AUGUSTINE PARK STEAMBOAT COMPANY

593

AVNELL, ROBERT—

Farm transferred	238
------------------------	-----

B

BACK BAY DITCH COMPANY—

Incorporation	487
Commissioners, duties	487
Location of ditch	487
Surveyor, plot, return, recording	487
Oath of commissioners, vacancies in	487-88
Damages	488
Assessment of taxes	488
Meetings, notice, voting	488
Election of officers	488
Assessment to continue five years	488
New assessment	488
Opening ditch, accounts, payments	489
Levying tax	489
Treasurer, duties and powers, bond, settlement, compensation	489
Compensation of commissioners, managers, recorder, surveyor	489
Credit to taxable who has cut ditch	489
Incorporated, name, powers	490
Obstructions, forfeiture	490

BAILEY, MARY E.—

Title of act to divorce from Henry H. Bailey	796
--	-----

BALTIMORE AND PHILADELPHIA RAILROAD COMPANY—

Commutation of taxes	214-747
----------------------------	---------

BALTIMORE HUNDRED—

Divided into two election districts	313
Districts, voting places	313-14

BARCUS, JAMES E.—

Farm transferred	38
------------------------	----

BARNETT, MARY W.—

Farm transferred	240
------------------------	-----

BAY HEAD AND NEW YORK TERMINAL COMPANY

593

Title amended	593
May borrow money, amount, how secured	593
Additional commissioners	593

- BEACH, FANNIE.—
Title of act to divorce from Harvey
C Beach 782
- BEAVER DAM DITCH COMPANY
OF BALTIMORE HUNDRED—
Charter amended 56
Extension of ditch 486
- BELL, MARY D.—
Title of act to divorce from Henry
A. Bell 798
- BELLAH SUPPLY COMPANY—
Title of act to incorporate 283
- BELTZ, GEORGEANNA—
Title of act to divorce from Jeffer-
son D. Beltz 300
- BENEFICIAL SOCIETY OF THE
UNITED CHILDREN OF THE
LIGHT—
Title of act to renew charter 765
- BENNUM, WILLIAM A.—
Title of act to divorce from May E.
Bennum 783
- BETHEL, LAUREL AND SHARP-
TOWN TELEPHONE COM-
PANY—
An act to incorporate the Bethel,
Laurel and Sharptown Telephone
Company 122
Corporators 122
Powers 122
Compensation to owners of private
property 123
Capital stock 123
Officers 123
Meetings of directors 124
Dividends 124
Damage to property a misdemeanor 124
- BETHEL PUBLIC SCHOOLS—
(See *Schools, Free.*)
- BIMETALLIC PUBLISHING COM-
PANY—
Title of act to incorporate 772
- BLACKBURN, MARY J.—
Title of act to divorce from Walter
Blackburn 789
- BLACKISTON'S CROSS ROADS—
Return of commissioners to lay out
ditch near not to be confirmed if
majority of taxables protest 499
- BLACK SWAMP DITCH COM-
PANY—
Charter re-enacted and amended .. 491
- BLACKWATER MILL POND—
Act to authorize owners of swamps,
&c, on headwaters of, amended .. 497
Widening of ditch 497
- BLUE ROCK COUNCIL NO. 33.
LEGION RED CROSS—
Title of act to incorporate 292
- BOARD OF EDUCATION OF MAR-
SHALTON—
(See *Schools.*)
- BOARD OF ELECTION—
To hold primary elections in New
Castle County 376
- BOARD OF HEALTH—
(See *City of Wilmington.*)
- BOARD OF PHARMACY—
(See *Pharmacy.*)
- BOGART, KATE A.—
Title of act to divorce from John C.
Bogart 785
- BOGUS SALES—
Act to prevent 91
Prevented in Wilmington 687
- BOLTE, CAROLINE—
Title of act to divorce from Will-
iam T. Bolte 782
- BOMBAY HOOK LAND IMPROVE-
MENT AND TRANSPORTA-
TION COMPANY—
Title of act to incorporate 292

BONASCH, CHRISTIAN—		BROBSON'S LANE IN WILMING- TON—	
Title of act to divorce from Mar- garetta Bonasch.....	787	Vacated.....	161
BONDS—		BROTHERHOOD OF THE UNION—	
(See <i>Fiduciary Bonds</i> .)		Title of act to incorporate Enter- prize Circle No. 5, of Millville..	288
(See <i>State Bonds</i> .)		BRYAN, HON. WILLIAM JEN- NINGS—	
(See <i>Mitford</i> .)		Invitation to address General As- sembly	738
(See <i>Leroes</i> .)		BRYANT, MAGGIE M.—	
(See <i>Wilmington</i> .)		Title of act to divorce from Harvey H. Bryant.....	783
BOOKMAKING—		BUSH LUMBER COMPANY—	
Unlawful.....	51	Title of act to incorporate	290
BOSS, FLORENCE T.—		BUTLER, ELIAS S. R.—	
Title of act to divorce from Albert L. Boss.....	788	Title of act to appoint trustee to sell certain lands.....	780
BOUNDARY COMMISSION—		BUTLER, E. S. R. & SON—	
Recording report of.....	759	Payment to of bill for stationery..	749
BOUNDARY LINE—		BUTTERINE—	
Surveyor to survey line between Kent and Sussex Counties.....	295	Manufacture of unlawful.....	274
Resolution in relation to report of commissioners for ascertaining between Kent and Sussex Coun- ties	732		
Resolution establishing between Kent and Sussex Counties, &c..	744		
Resolution relating to recording of report of boundary commission.	759		
BOYD, JAMES A.—			
Title of act to divorce from Sarah E. Boyd.....	795		
BOZMAN, ANNA M.—			
Title of act to divorce from Revel J. Bozman.....	797		
BRADY STEAMBOAT COMPANY OF SMYRNA—			
Title of act to incorporate	763		
BRANDYWINE MARSH COM- PANY—			
Name changed.....	673		
BROAD CREEK HUNDRED—			
Act to change voting place of....	412		

C

CALHOUN JONES COMPANY—	
Title of act to incorporate.....	295
CALL PRINTING COMPANY—	
Title of act incorporating.....	771
CANALS—	
(See <i>Corporations</i> .)	
CANNON, JAMES R.—	
Title of act to divorce from Sarah Cannon	786
CARPENTER, MARGUERITE R.—	
Name changed	296
CENTRAL MARKET COMPANY—	
Title of act to incorporate.....	766
CENTREVILLE HALL COM- PANY—	
Title of act to incorporate	764

- CHANDLER TRUSTEE COMPANY—
 Title of act to amend charter of.. 776
- CHAS. M. SMITH PRINTING AND STATIONERY COMPANY—
 Title of act to incorporate 770
- CHATTEL MORTGAGES—
 Act in respect to amended..... 696
 Mortgages and deeds of trust of real and personal property made by corporation to secure issue of bonds, exempted 696
- CHESTER AND WILMINGTON ELECTRIC RAILWAY COMPANY—
 Time for completion extended.. 144
- CHIEF JUSTICE—
 Salary of..... 183
- CHRISTIANA FIRE INSURANCE COMPANY, THE—
 Title of act to incorporate 775
- CHRISTIANA HUNDRED—
 Act to equalize election districts of 410
 Boundaries 410-11
 Voting place 411
- CHRISTIANA YACHT COMPANY OF DELAWARE—
 Title of act to incorporate 773
- CIDER—
 Sale of in Seaford and North West Fork Hundreds..... 472
- CITIES AND TOWNS—
 (See *Clayton*.)
 (See *Smymna*.)
 (See *Delaware City*.)
 (See *Middletown*.)
 (See *Townsend*.)
 (See *Milford*.)
 (See *Leves*.)
 (See *Rehoboth Beach Association*.)
- CITIZENS' BUILDING AND LOAN ASSOCIATION OF NEW CASTLE—
 Title of act to amend charter of.. 763
- CITIZENS' LIGHT AND POWER COMPANY OF DOVER—
 Title of act to amend charter..... 290
- CITY AND SUBURBAN REAL ESTATE COMPANY—
 Title of act to incorporate 290
- CITY OF REHOBOTH—
 (See *Rehoboth Beach Association*.)
- CITY SOLICITOR OF WILMINGTON—
 Salary of..... 690
 Assistant to..... 690
- CLAIMS—
 Resolution for payment of..... 758
- CLAIMS AGAINST THE STATE FOR PRINTING—
 State Treasurer may pay, when.... 279
- CLARKE & McDANIEL—
 Resolution to pay claim of..... 205
- CLAYTON—(TOWN)
 Act to re-incorporate the town of.. 601
 Limits of town..... 601
 Council, number 601
 Present council continued 601
 Annual election..... 601
 Qualifications of council..... 601
 Election, how held, &c..... 601-2
 Oath of office..... 602
 Who to hold election..... 602
 Vacancies in council..... 602-612
 Alderman, term of, removal, oath, duties, powers, fees, vacancy, delivery of books, &c 602-3
 Monthly report of alderman, neglect 604
 President of council, duties..... 604
 Incorporation..... 604
 Name, seal, powers 604-5
 Streets, appropriation for..... 605
 Opening streets..... 605

CLAYTON—(TOWN) CONTINUED.

Notice to owners, appeal.....	605-6
Assessment of damages; return, payment of damages, costs, &c.....	606-7
Powers of council, grades, pave- ments, &c.....	607-10
Use of gunpowder.....	607
Dogs.....	608
Town surveyor.....	608
Paving, notice, &c.....	608-9
Sale of lands, cost, notice, &c.....	609-10
Ordinances.....	610
Meetings, business.....	610
Fines, collection of.....	611
Police.....	611
Use of streets.....	611
Use of County Jail.....	611
Town money, expenditure.....	612
Conservator of the peace.....	612
Arrests, hearing, &c.....	612
Trial of intoxicated persons.....	613
Bonfires, firing guns, fireworks, &c.....	613
Slaughter houses.....	613
Obstructions and nuisances in streets.....	613
Cost, collection.....	614
Neglect to remove nuisance, fine.....	615
Judgment, amount.....	615
Duties of constable, neglect, pun- ishment.....	615
Treasurer and secretary, election.....	616
Collector.....	616
Oath and duties of treasurer.....	616
Compensation of officers.....	616
Assessor, election of, oath, duties of.....	617-18
Assessment.....	617
Taxes.....	617
Additional taxes, meeting relative to.....	617
Transcript of assessment to be hung up.....	618
Appeal.....	618
Delivery of duplicate to collector.....	619
Collection of taxes.....	619
Collector, powers, bond, compensa- tion, &c.....	619-20

CLAYTON—(TOWN) CONTINUED.

Exemption of manufacturing estab- lishments from taxation.....	620
Secretary, oath, bond, duties.....	621
Bridges, who to repair, &c.....	621
Continuance of officers.....	622
Saving provisions.....	622
(See <i>Roads.</i>)	

CLAYTON LODGE NO. 5, SHIELD
OF HONOR—

Title of act to incorporate.....	766
----------------------------------	-----

CLEE, ANNIE—

Title of act to divorce from James Clee.....	793
---	-----

CLERK OF THE ORPHANS'
COURT—

(See *Indices.*)

Of Kent County to ascertain amount of funds paid into court, invested and not invested.....	426
---	-----

CLERK OF THE PEACE—

Statement to be sent to Auditor..	224
Of New Castle County to issue li- censes to pawnbrokers and junk dealers.....	317
To make bi-monthly settlements for moneys received.....	324
To have ballots folded.....	406
Entry of transfer of assignment of liquor licenses, fee.....	471
Duty of, of New Castle County in selecting panel of jurors.....	707

CLERKS OF ELECTION—

(See *Primary Elections.*)

CLERK, W. B., COMPANY

Title of act to incorporate.....	286
----------------------------------	-----

COBB, ALBERT A—

Title of act to divorce from Effie Strawbridge Cobb.....	307
---	-----

COBB, EFFIE STRAWBRIDGE—

Title of act for relief of.....	780
---------------------------------	-----

COLE, ALBERT—

Title of act to divorce from Juliet Cole.....	784
--	-----

COLE, CECIL A.—

Title of act to divorce from Martha
Cole 304

COLE, LENA M.—

Title of act to divorce from George
P. Cole 785

COLGAIN, ELLA—

Title of act to divorce 794

COLLECTORS—

Powers of under act taxing invest-
ments 337-38

NEW CASTLE COUNTY.

Levy Court to appoint for poll
taxes for New Castle County 344
Districts 344
Bond 344
Duplicates, receipts, seals, &c. 344-45-47
Notice, monthly, of times and
places to receive taxes 346
Delivery of receipt books to comp-
troller 346
Warrant 347
Vacancy or default of collectors 348
Settlement of accounts of 348-49
Delinquent lists 349
Liability of collectors and sureties 349
Lien of taxes 350
Sale of land for tax, notice 350-51
Return of sale, deed 351
Redemption 351
Distraint and sale of personal prop-
erty 352
Removal of property 352
Following person or property re-
moved from hundred 352
Adjournment of sale 352
Action on debt for taxes 352-53
Judgment, transcript, lien 353
Posse 353
Neglect to pay tax, demand 353
Arrest and imprisonment of taxable 353
Payment of tax by employer 354
Notice to employer 354
Auditing accounts of comptroller .. 354
Abatement for payment 354

COLLECTORS—NEW CASTLE COUN-
TY—CONTINUED

Salary of collectors 354
Auditing accounts of 355
Payment of taxes to Treasurer 355
Settlement with Levy Court 355
Additional duties of 355
Salaries of clerks of in Wilmington 688

SUSSEX COUNTY.

Governor to appoint for West elec-
tion district of Little Creek hun-
dred 358

COLLEGE SETTLEMENT COM-
PANY, THE—

Title of act to incorporate 768

COLORED SCHOOLS—

(See *Schools*)

COMEGEYS' FREE LIBRARY AS-
SOCIATION—

Title of act to incorporate 764

COMMERCIAL FIRE INSURANCE
COMPANY OF WILMING-
TON—

Title of act to incorporate 774

COMMISSIONERS OF DEEDS—

Oaths of office to be recorded 14
When to take effect 14
Acts heretofore done not invalidat-
ed 14

COMPTON, EDWARD S.

Title of act to divorce from Carrie
Compton 793

COMPTROLLER—

Of New Castle County not to coun-
tersign warrant for money not in
treasury 342
Committee to audit accounts of ... 354
To audit accounts of collectors and
treasurer 355

CONDITIONAL SALES—

Of rolling stock of railways 89

CONNELL, CAR HEATING COMPANY—	
Charter amended	292
CONSENT—	
Age of	192
CONSTABLES—	
Act providing special repealed	12
Additional for New Castle County	237
Act to amend Chapter 34 of Revised Code	414
Term of office of in Appoquinimink hundred not limited	414
Additional for Kent County, to reside in Cheswold	415
In First election district of Mispillion hundred authorized to appoint deputy	415
Chapter 31, Volume 14, amended	416
Of East Dover hundred, authorized to appoint deputy	416
Powers and duty of deputy	416
Additional constable for Georgetown hundred, how appointed	417
Term, vacancies	417
Bond, approval, certified and recorded	417
For Clayton, not limited to Kenton hundred	704
CONSTITUTIONAL CONVENTION—	
Ascertainment of election relative to calling	200
Committee relative to	203
Opinion of Judiciary relative to bill	216
An act providing for a	231
Joint committee to formulate bill for	277
CONSUMERS' ICE AND COAL COMPANY—	
Title of act to incorporate	284
CONVEYANCES—	
(See <i>Aliens</i> .)	
Title of act to make valid certain in Seaford	781
CONVICTS, YOUTHFUL—	
Released on recognizance in certain cases	193
COOK, ELIZABETH—	
Title of act to change name and adopt	780
COOK, ROBERT—	
Title of act for the relief of the heirs of	299
COOPER, FRANK—	
Title of act to divorce from Josephine Cooper	796
COPARTNERSHIPS—	
Dissolution of and appointment of receiver	88
Settlement of deceased person's interest in	699
CORPORATIONS—	
Surety companies, act in relation to	96
State tax on	225
To pay cost of publishing acts of incorporation	226
President and secretary of to make returns to assessors	336
Neglect, misdemeanor	336
What officers to make affidavit	339
Act to incorporate the trustees of the Wilmington Annual Conference of the Methodist Episcopal Church (see trustees of, &c.)	428
Chattel mortgages by to secure issue of bonds exempted from provisions of Chapter 477, Volume 15	696
Deeds by, without resolution authorizing made valid	697
Suretyship by	546
FOREIGN.	
To do no banking business	95
To file with prothonotary in each county certificate of name of authorized agent on whom service of process may be made	544
Service of process	544

CORPORATIONS—FOREIGN—CON-
TINUED

Records to be kept by prothono- taries.....	544
Fee of prothonotary.....	545
Change of agent.....	545
Qualification of agent.....	545
Vacancies in agency.....	545
Violation, misdemeanor, fine.....	545
Violation by agent, fine.....	545

ACTS.

Delaware Baptist State Mission So- ciety incorporated.....	16
Delaware Industrial School for Girls, act to incorporate amend ed.....	44
St. Augustine Marsh Company, act supplement to act to incorporate	55
Act re-incorporating the Marshy Hope Improvement Company amended.....	55
Incorporation of Brandywine hun- dred for certain purposes.....	64
New Castle County Mutual Insur- ance Company, supplement to act to incorporate.....	101
The Farmers' Mutual Insurance Company of St. George's and Ap- poquinimik hundreds, supple- ment to act incorporating.....	102
The Sussex Mutual Insurance Com- pany, incorporated.....	103
The Kent and Sussex Mutual Fire and Marine Insurance Company of Milford, Delaware, incorpo- rated.....	108
Home for Aged Women, charter renewed.....	115
St. Michael's Day Nursery and Hospital for Babies, charter amended.....	116
Diamond State Protective Associa- tion of New Castle County, Dela- ware.....	117
The Bethel, Laurel and Sharptown Telephone Company, act to in- corporate.....	122

CORPORATIONS—ACTS—CON-
TINUED.

The Silverbrook Cemetery Com- pany, incorporated.....	119
Delmarvia Telephone Company, incorporated.....	245
Canal connecting Assawamau bay with Delaware bay, further addi- tional supplement to act relating to.....	547
Lewis River (formerly Lewis Creek) Improvement Company, incorporated.....	548
The Diamond State Telephone Company, incorporated.....	553
Trans-Peninsular Telegraph and Telephone Company, incorpo- rated.....	555
The Wilmington Fountain Society, incorporated.....	589
The Union Cemetery Company, act to incorporate amended.....	590
The Delaware Park and Amuse- ment Association, incorporated..	591
The Delaware Fuel Company, in- corporated.....	594
The Society of Colonial Wars in the State of Delaware, incorporated..	598
The Wilmington Board of Trade, incorporated.....	599

(See *Cities and Towns.*)(See *Railroads*.)

COSTS—

Payment of in criminal cases.....	714
-----------------------------------	-----

COUNTY TREASURERS—

Official bond liable for colored school moneys.....	19
Compensation for services.....	19-21
Estimate of expenses of colored schools.....	20
Of New Castle County to pay col- ored school tax in Wilmington hundred to treasurer of the Board of Public Education in Wilmington.....	21
To purchase text books.....	21

COUNTY TREASURERS—CONTINUED.

To deposit road taxes for Brandywine hundred in Union National Bank	63
Duty of under act taxing investments	338
Increase of bond of	338

COURTS—

Title of act authorizing to open a certain judgment	297
Act to amend act authorizing the Superior Court in and for New Castle County to make certain rules	702
Act to amend act to fix time for holding, &c.	703
Time of holding courts in Kent County	703
Selecting panel of jurors for, in New Castle County	707-08

CON. ROBERT CARTER—

Title of act changing name and adopting	296
---	-----

CRIMES AND PUNISHMENTS—

Practicing or attempting to practice medicine or surgery contrary to Chapter 40, Volume 20, Laws of Delaware, a misdemeanor	49
Punishment	49
Keeping or using book or device for recording bets, etc.	51
Owner or occupant of premises where books or device for receiving, recording or registering bets or wagers are kept, guilty of misdemeanor	51
Person employed to receive or register bet guilty of misdemeanor.	51-52
Punishment	52
Injury to cemetery property	121
Injury to telephone property	124
Injury to property of Dover and Milford Railway Company ...	138-39
Injury to property of Elsmere and	

CRIMES AND PUNISHMENTS—CONTINUED.

Wilmington Electric Railway Company	152
Unlawful to cast refuse matter into Mispillion river	189
Unlawful to interfere with sluices, etc.	190
Injury to libraries, museums and educational institutions	191
Lasciviously playing with female child under sixteen years	192
Sexual intercourse with a female under eighteen years	192
Display of foreign flag on public building	193
Youthful convicts, release of	193
Aiding or harboring of girls escaping from the Delaware Industrial School for Girls	240
Act for the protection of certain game	241
Damage to property of Henlopen Electric Light and Railway Company	247
Damage to property of Sussex Electric Railway Company	260
Keeping house of ill-fame, etc.	272, 274
Manufacturing imitation butter ...	274
Pawnbrokers violating Section 8 of act to regulate business of, penalty	320
Violation of provisions of said act.	322
Officer of corporation neglecting to make return under act taxing investments	336
Misdemeanor	336
Misdemeanor for creditor to permit borrower to pay tax	336
Perjury under act taxing investments	337
Forfeiture for failure of collector to attend to receive taxes in New Castle County	346
Misdemeanor for refusal to allow delinquent list to be examined in New Castle County	349

- Perjury to make false oath to delinquent list..... 349
 (See *Arms, Public and Defence.*)
 (See *Primary Elections.*)
 (See *Elections, General.*)
 (See *Health.*)
 (See *Cider.*)
 (See *Intoxicating Liquors.*)
 (See *Fish.*)
 (See *Oysters.*)
 (See *Ditches.*)
 (See *Corporations.*)
 (See *Delaware Fuel Company.*)
 (See *Clayton.*)
 (See *Smyrna.*)
 Unlawful marriages, punishment... 692
 Discrimination of life insurance companies, penalty 713
 Payment of cost in criminal cases. 714
 Half of certain fines to go to the Law and Order Society of Wilmington..... 714
 Awards by Governor for arrests... 715
 Who may be present at hangings.. 716
- CUBA—
 Resolution in relation to..... 729
- D**
- DAILY, AMANDA—
 Title of act to divorce from John T. Daily..... 301
- DANIELS, JAMES A.—
 Title of act to divorce from Eliza J. Daniels 790
- DANIELS, MARY J.—
 Title of act to divorce from William J. Daniels, Jr..... 302
- DAVIDSON, JAMES J.—
 Title of act in relation to real estate 298
- DAVIS, PHILLIP E.—
 Lands transferred from District No. 39 to No. 176 458
- DAVISON, CARRIE—
 Title of act to divorce from William E. Davison 304
- DEAF AND DUMB—
 Annual pay for board and tuition of in Columbia institution for... 755
- DECEDENTS' ESTATE—
 Order of distribution of married woman's 272
- DEEDS—
 (See *Conveyances.*)
 Title of act to make valid records of certain deeds..... 297
 Title of act authorizing recorder of New Castle County to place upon record..... 298
 By corporations, not having been authorized by resolution to make made valid..... 697
- DELAWARE ANNUAL CONFERENCE OF THE UNION AMERICAN METHODIST EPISCOPAL CHURCH, THE—
 Title of act to incorporate..... 768
- DELAWARE BAPTIST UNION—
 Title of supplement to the act incorporating..... 287
- DELAWARE BUILDING AND LOAN ASSOCIATION—
 Title of act to incorporate 775
- DELAWARE BAPTIST STATE MISSION SOCIETY—
 The Delaware Baptist State Mission Society incorporated..... 16
 Incorporators 16
 Powers..... 16
 Property limited..... 16
 By-laws..... 16
 Funds, how used..... 16
 Certain property of extinct societies to vest in..... 16
 Reversionary interest not affected. 17

DELAWARE CITY—		
Additional supplement to act for the better regulation of the streets of, &c.....	646	
Ordinance for permission to establish water works.....	646	
Contract for water supply, limit.....	646	
Submission of contract to vote of taxables	647	
Exemption from taxation.....	647	
Water pipes.....	647	
City may purchase water works.....	647	
DELAWARE FOOD COMPANY, THE—		
Title of act to incorporate	775	
DELAWARE FUEL COMPANY—		
Act to incorporate.....	594	
Corporators, name, succession, &c.....	594	
Use of streets.....	595	
Objects and powers	595	
Subscriptions to stock.....	595	
Capital stock, increase	595	
Office	595	
Meetings, directors, election of officers, &c.....	595-96	
Condemnation proceedings.....	596-97	
Damage to property.....	597	
DELAWARE INDUSTRIAL SCHOOL FOR GIRLS—		
Act to incorporate amended.....	44	
\$1,500 appropriated annually to...	462	
DELAWARE INSURANCE COMPANY—		
Title of act to incorporate	768	
DELAWARE IRON COMPANY—		
Title of act to incorporate	293	
DELAWARE LIFE INSURANCE COMPANY—		
Title of act to incorporate	773	
DELAWARE LODGE NO. 2, SHIELD OF HONOR OF DELAWARE—		
Title of act to incorporate	285	
DELAWARE OIL AND FERTILIZER COMPANY—		
Title of act to incorporate	763	
DELAWARE PARK AND AMUSEMENT ASSOCIATION—		
Act to incorporate.....	591	
Corporators, names, powers, &c....	591	
Object	591	
Capital stock	592	
Meetings, elections, officers, directors, &c.....	592	
Act to amend Chapter 628, Volume 18, Laws of Delaware	593	
Title changed.....	593	
Borrowing money, security, &c....	593	
Additional commissions.....	593	
Other amendments.....	594	
DELAWARE PRESS AND PUBLICATION COMPANY—		
Title of act to incorporate	778	
DELAWARE STATE GRANGE MUTUAL FIRE INSURANCE COMPANY—		
Title of act to amend, renew, reenact and extend.....	762	
DELAWARE RIVER LUMBER COMPANY—		
Title of act to incorporate	291	
DELAWARE STATE HOSPITAL AT FARNHURST—		
(See <i>Insane, Delaware State Hospital for the.</i>)		
DELAWARE STREET SWEEPING COMPANY—		
Title of act to incorporate	292	
DELAWARE STATE SOCIETY OF THE CINCINNATI—		
Title of act to incorporate	288	
DELLOP, ELLA—		
Title of act to divorce from Charles W. Dellop.....	785	
DELMARVIA INSURANCE COMPANY, THE—		
Title of act to incorporate	777	

- DELMARVIA TELEPHONE COMPANY—
 An act to incorporate..... 245
 Corporators..... 245
 Powers..... 245
 Use of streets, etc..... 246
 Capital stock..... 246
 Meeting for organization..... 246
- DELTA-PII LITERARY SOCIETY
 OF DELAWARE COLLEGE—
 Title of act to renew charter..... 286
- DEMBY, MARY F.—
 Title of act to divorce from Thomas
 H. Demby..... 797
- DEMOCRATIC LEAGUE OF DELAWARE,
 AT WILMINGTON—
 Title of act to incorporate..... 767
- DEPARTMENT OF ELECTIONS
 (Wilmington)—
 (See *Primary Elections*.)
- DETECTIVES
 (See *State Detectives*.)
- DEVALLINGER, MAY E.—
 Title of act to divorce from William
 T. Devallinger..... 301
- DIAMOND COUNCIL, NO. 5, JR. O.
 U. A. M.—
 Title of act to incorporate..... 777
- DIAMOND STATE IRON COMPANY—
 Title of supplement to act of incor-
 poration..... 292
- DIAMOND STATE LUMBER COMPANY
 Title of act to incorporate..... 775
- DIAMOND STATE PROTECTIVE
 ASSOCIATION OF NEW CAS-
 TLE COUNTY, DELAWARE—
 An act to incorporate..... 117
 Corporators..... 117
 Powers..... 118
 Value of property limited..... 118
 No banking powers..... 118
- DIAMOND STATE PROTECTIVE
 ASSOCIATION OF NEW CAS-
 TLE COUNTY, DELAWARE—
 CONTINUED.
 Objects of association..... 118
 Officers..... 118
- DIAMOND STATE TELEPHONE
 COMPANY—
 An act to incorporate..... 553
 Corporators..... 553
 Name..... 553
 Perpetual succession..... 553
 Powers..... 553
 Nature of business..... 553
 Use of streets, roads, &c..... 553-54
 Capital stock..... 554
 Subscriptions to stock..... 554
 Meeting of stockholders..... 554
 Directors, election of, vacancies,
 votes..... 554
 Office..... 554
 Annual meeting..... 554
 Officers..... 554
 By-laws..... 554
- DICUS, TERESA P.—
 Title of act to divorce from James
 A. Dicus..... 783
- DISORDERLY HOUSES—
 Act in relation to..... 272
- DISTILLERS
 Of grain to procure license..... 325
 Schedule of cost of..... 325
 May sell products in quantities not
 to be drunk on premises..... 325
- DITCHES
 Hudson's Branch Ditch Company..... 54
 St. Augustine Marsh Company..... 55
 Marshy Hope Improvement Com-
 pany..... 55
 Isaacs' Branch Ditch Company..... 181
 St. George's Branch Ditch Com-
 pany..... 484
 The Holland Creek Land Company..... 485
 Beaver Dam Ditch Company..... 580
 Back Bay Ditch Company..... 487

DITCHES—CONTINUED.

The Holland Creek Land Company	485
Beaver Dam Ditch Company	486
Back Bay Ditch Company	487
Black Swamp Ditch Company	491
Horse Penn Drain Ditch Company	492
Salt Pond Ditch Company	493
St Augustine Marsh Company	496
Ditch through headwaters of Black-water mill pond	497
Act in relation to	499
Return of commissioners on ditch near Blackiston's cross roads, not to be confirmed if majority of taxables protest against it	499

DIVORCE—

Titles of divorce acts	300-308
------------------------	---------

"D" STREET IN THE CITY OF WILMINGTON—

Change in made valid	158
----------------------	-----

DOCTORS—

(See <i>Practice of Medicine and Surgery</i>)	45
--	----

DOGS—

To be registered in town of Newark	270
------------------------------------	-----

DORAN, BENJAMIN—

Title of act to divorce from Sarah J. Doran	791
---	-----

DOVER AND BAY SHORE RAILWAY COMPANY—

Act to incorporate	560
Corporators	560
Subscriptions to capital stock	560
Stock subscribed and paid in before doing business	561
Name of, powers	561
Seal, by-laws	561
Dividends	561
Object	561
Termini	561
Motive power	561
Route	562
Use of bridges	562
Acquiring land	562
Consent of authorities	562

DOVER AND BAY SHORE RAILWAY COMPANY—CONTINUED.

No grade crossing	562
Tracks	563
Connecting with other companies	563
Leases, ratification	563
Commencement and completion	563
Widening county bridges	563
Increase of capital stock	563
Borrowing money	563
Directors, election of	564
Officers, quorum, vacancies	564
Meetings of stockholders, time, place	564
Election, voting	564
Meetings, annual, special	565
Quorum	565
By-laws, change of	564-65
Dividends	565
Condemnation of lands	565
Commissioners, oaths	565
Return, recording	566
Appeal	566
Payment of damages	566
Finding of jury final, cost	566
Furnishing light and electricity to towns	566
Erecting poles, &c	566
Use of streets, roads, &c	566
Consent of authorities	567
Damage to property	567

DOVER AND MILFORD RAILWAY COMPANY—

An act to incorporate	132
Corporators	132
When incorporated	132
Perpetual	132
May merge with other companies	132
Dividends	133
Termini	133
Motive power	133
Route	133
May use county bridges, etc	133
May acquire private property	133
Time for completion	134
Capital stock	135
May borrow money	135

DOVER AND MILFORD RAILWAY
COMPANY—CONTINUED.

Directors	135
Officers	135
Vacancy	135
Annual meeting of stockholders ..	136
Dividends	136
Acquisition of private property ..	137
May supply electric light	138
Damage to property a misdemeanor ..	138
Supplement to act to incorporate ..	581
Act re-enacted	581
Commencement and completion of road	581
Commissioners	581
Amount to be paid in	581

DOWER —

In sale of real estate for payment of debts may be paid into court	182
---	-----

DOWNS, SEYMOUR C.—

Title of act to divorce from Mary E. Downs	745
---	-----

DUNCAN AVENUE IN WILMING-
TON —

Vacated	158
---------------	-----

DU PONT, E. I., DE NEMOURS &
COMPANY—

Notary public for firm of	13
---------------------------------	----

DURHAM, JOSEPH S.—

Title of act to divorce from Mary J. Durham	785
--	-----

E

EARL PUBLISHING COMPANY —

Title of act to incorporate	287
-----------------------------------	-----

EASTERN INSPECTORS ASSOCI-
ATION, —THE

Title of act to incorporate	775
-----------------------------------	-----

ECONOMIC INSURANCE COM-
PANY OF AMERICA —

Title of act to amend charter	291
-------------------------------------	-----

EDMONDS, ANNIE F.—

Title of act to divorce from Milton J. Edmonds	791
---	-----

EDUCATION, STATE BOARD OF—

Meeting for changing text books ..	237
Contracts for purchase of books ..	238

EDUCATIONAL INSTITUTIONS—

Injury to property of	191
-----------------------------	-----

ELECTIONS—

(See *Primary Elections.*)

Act to amend Chapter 18 of the Re- vised Statutes	398
Certain sections repealed	398
Election officers to make their cer- tificates, contents	398
How secured	398
Tally lists	398
Board of canvass	399
Clerks of board of canvass	399
Act to further provide for the se- crecy and purity of the ballot ..	403
Office of voters' assistant abolished ..	403
What voters may have assistance ..	403
Feigning physical defect, penalty ..	403
Printing of ballots	403
Stamping ballots	403
Changing ballots	403
Marked ballot	404
Challengers to be peace officers ..	404
Challengers not to enter polling place	404
Resisting challengers, misdemeanor ..	404
Challengers to act as clerks of elec- tion in Wilmington	404
Oath	404
How appointed	404
Judges, how selected	404
Words defined	404
Special officers at entrance to poll- ing place	405
Unlawfully entering voting room or doing other unlawful act, pen- alty	405
Party representation at preparation for and opening of election	405
Clerks of the peace to have ballots folded	406
Initials of clerks of election on back of ballots	406

ELECTIONS—CONTINUED.

Folding of ballots by voter.....	406
Voters' assistant disclosing nature of vote, penalty.....	406
Officer of election committing unlawful act, punishment.....	406
Secreting self in election room, punishment.....	406
Violations of act, punishment.....	407
Municipal elections of Wilmington in 1897 excepted from certain of the provisions.....	407
Voting place of Northern district of Pencader hundred established.....	408
Voting place for Eastern election district of White Clay Creek hundred.....	409
Act to equalize election districts of Christiana hundred.....	410
Boundary lines.....	410-11
Voting place of East election district of Christiana hundred.....	411
Act to change voting places in Broad Creek hundred.....	412
ELECTION DISTRICTS—	
Baltimore hundred divided into two.....	313
ELECTIONS OF ASSESSORS AND INSPECTORS—	
In South Murderkill hundred.....	3
In Wilmington hundred.....	9
Meeting of inspectors in Wilmington hundred on day succeeding general election.....	235
ELECTRIC LIGHT AND RAILWAY COMPANY—	
Act to incorporate Henlopen.....	247
ELIASON, JAMES D.—	
Appointed commissioner of School District No. 96, New Castle county.....	438
ELIASON, KATE—	
Title of act for relief of.....	780
ELIASON, LEWIS E.—	
Title of act for relief of (divorce from Kate Eliason).....	786

ELSMERE AND WILMINGTON
ELECTRIC RAILWAY COM-
PANY—

An act to incorporate.....	147
Corporators.....	147
Powers.....	148
Capital stock.....	148
May borrow money.....	148
Principal office.....	149
Directors.....	149
Vacancy.....	149
Dividends.....	149
Terminals.....	150
Route.....	150
Motive power.....	150
When begun and completed.....	151
Commissioners to assess damages.....	151
Vacancy in commission.....	152
Damage to property a misdemeanor.....	152
Act to amend act to incorporate.....	557
Time for completing road extended.....	557

ENTERPRISE CONSTRUCTION
COMPANY—

Title of act to incorporate.....	294
----------------------------------	-----

ENTERPRISE MANUFACTUR-
ING COMPANY, THE—

Title of act to incorporate.....	777
----------------------------------	-----

ENTERPRISE MANUFACTUR-
ING AND SUPPLY COM-
PANY—

Title of act to incorporate.....	291
----------------------------------	-----

EQUITABLE LAND COMPANY—

Title of act to incorporate.....	773
----------------------------------	-----

ESTATES—

(See *Executor and Administrator*.)

Settlement of interest of, of deceased member of firm or copartnership.....	699
---	-----

EVANS, STEPHEN E.—

Lands transferred.....	240
------------------------	-----

EVIDENCE—

When books may be required to be produced.....	187
--	-----

EVIDENCE—CONTINUED.

State chemist's certificate of analysis of imitation butter 276

EXECUTORS AND ADMINISTRATORS—

May transfer securities or other personal property to guardian of beneficiary 178-180

To take receipt for same and file with register of wills 179-181

Supplement to Chapter 89, Revised Statutes 700

Bond of, *cum testamento annexo*, where he has life estate in personal estate, condition 700

Application for, notice 701

Failure to give bond, removal 701

Certification of removal 701

Appointment of trustee by Chancellor 701

Delivery of money, &c., exception 701

Orders of Chancellor 701

Powers of trustee 701

Limitation of bond of executor or administrator 701

F

FAIRVIEW LODGE NO. 8, I. O. OF G. T., OF MILL CREEK HUNDRED, STATE OF DELAWARE—

Title of act to incorporate 289

FAME HOSE COMPANY NO. 1, OF WILMINGTON—

Title of act to reincorporate 769

FARMERS' BANK—

Appointment of directors for Wilmington branch 728

Appointment of directors of at Dover 733

Appointment of directors of at New Castle 734

Appointment of directors of at Georgetown 742

FARMERS' AND MERCHANTS' NATIONAL BUILDING AND LOAN ASSOCIATION OF DELAWARE—

Title of act to incorporate 284

FARMERS' MUTUAL INSURANCE COMPANY OF ST. GEORGE'S AND APPOQUINIMINK HUNDREDS—

May insure against damage by lightning 102

FARMERS' MUTUAL FIRE INSURANCE COMPANY OF THE STATE OF DELAWARE

Title of act supplement to and renewing charter 281

FARMERS' STORE COMPANY—

Title of act to incorporate 284

FARMERS' UNION STORE COMPANY—

Title of act to incorporate 282

FARNHURST, STATE HOSPITAL AT—

(See *Insane, &c.*)

FARROW, CLARA D.—

Title of act to divorce from Edward S Farrow 786

FAUCETT AND COMPANY—

Title of act to incorporate 293

FAUCETT, MAJOR T.—

Title of act to divorce from Jane Faucett 784

FELTON—

Board of education.

(See *Schools.*)

FELTON COUNCIL NO. 15, JUNIOR ORDER UNITED AMERICAN MECHANICS, OF FELTON—

Title of act to incorporate 289

FEMALE CHILD—

Lasciviously playing with 192

- FEMALE—
 Sexual intercourse with a 192
- FIDELITY STORAGE COMPANY—
 Title of act to incorporate 293
- FIDUCIARY BONDS—
 Suretyship on 546
 Maximum charge 546
- FIRE COMPANIES—
 (See *Wilmington City*.)
- FISH—
 Fishing in Drummond's mill pond,
 or Silver Lake or Noxentown
 mill pond with certain appliances
 unlawful 475
 Violation, punishment 475
 Appeal 476
 Act for protection of sturgeon 476
 Unlawful to catch or have in pos-
 session sturgeon from Delaware
 bay between June 30 and Decem-
 ber 1 476
 Penalty, how recovered 476
 Certain act not affected 476
- FISH COMMISSIONER—
 To use police guard boat 756
- FLAGS—
 United States, to be displayed by
 each school district during school
 hours 32
 Unlawful to display foreign on pub-
 lic buildings 193
 United States and State 216
- FLEMING CANNING COMPANY—
 Title of act to incorporate 294
- FLORAL EMBLEM—
 Peach blossom to be State flower.. 277
- FLY, MARY ALICE—
 Title of act to change name 296
- FOORD BOTTLING COMPANY—
 Title of act to incorporate 294
- FOREIGN CORPORATIONS—
 (See *Corporations*.)
- FOREIGN FIRE AND LIFE IN-
 SURANCE COMPANY—
 (See *Insurance*.)
- FRANKAU, LEWIS G.—
 Title of act to divorce from Kate A.
 Frankau 798
- FRANKLIN IMPROVEMENT
 COMPANY—
 Title of act to incorporate 290
- FREDERICA—
 Town charter amended 271
 Limits changed 271
 Amount of annual tax 271
 Board of education established.... 444
 (See *Schools*.)
- FREE SCHOOLS—
 (See *Schools, Free*.)
- FREDERICA AND PHILADEL-
 PHIA NAVIGATION COM-
 PANY—
 Title of act to amend act to incor-
 porate 762
- FRIED, ESTELLE—
 Title of act to divorce from Isadore
 Fried 305
- FRIENDSHIP FIRE COMPANY—
 Title of act to further amend act to
 incorporate 767
- FRYLING, JOSEPH P.—
 Title of act to divorce from Della
 E. Fryling 788
- FUGITIVES FROM JUSTICE—
 (See *Requisitions*.)
- FUNDED DEBT—
 Act to provide for payment of part
 of State 327
 (See *State Bonds*.)

G

- "G" STREET IN WILMINGTON—
 Act to vacate 158
- GAMBLING—
 Act for the suppression of 51

- GAME—
 Hunting season..... 243
- GARRETT, MARY A.—
 Title of act to divorce from Howard W. Garrett..... 793
- GENERAL PULASKI POLISH-AMERICAN CLUB, OF WILMINGTON—
 Title of act to incorporate 773
- GEORGETOWN BUILDING AND LOAN ASSOCIATION—
 Title of further supplement to charter 776
- GERMANIA BUILDING AND LOAN ASSOCIATION, NO. 2—
 Title of act for relief of..... 761
- GLOBE LODGE NO. 40, I. O. OF O. F. OF BRIDGEVILLE—
 Title of act to incorporate 283
- GODWIN, EDDIE E.—
 Property transferred from School district No. 31 to No. 120 459
- GOLDEY WILMINGTON COMMERCIAL AND SHORTHAND COLLEGE—
 Title of act to incorporate 286
- GOOD SAMARITAN LODGE NO. 9, OF I. O. O. F., OF MIDDLETOWN—
 Title of act to renew and continue charter 282
- GORDON, EMMA L.—
 Title of act to divorce from William Gordon 795
- GORDON HEIGHTS RAILWAY COMPANY—
 Supplement to act to incorporate 153
- GOVERNOR—
 To appoint additional notary public 12-13
 To appoint additional justice of the peace for Brandywine hundred 185
- GOVERNOR—CONTINUED.
 To appoint additional justice of the peace and notary public for Sussex county..... 186
 To appoint additional constable for New Castle county 237
 To sign State bonds 332
 Commander-in-Chief. (See *Arms, Public and Defence.*)
 To appoint inspectors of election for general election of 1898..... 397
- GRACE, MARY E.—
 Title of act to divorce from Robert G. Grace 300
- GRAVES, LUCY—
 Title of act for the relief of..... 298
- GRAVES, ROBERT—
 Title of act for the relief of the heirs of 298
- GREAT COUNCIL OF DELAWARE OF THE IMPROVED ORDER OF RED MEN—
 Title of act to incorporate 284
- GREATER WILMINGTON PRINTING AND PUBLISHING COMPANY—
 Title of act incorporating..... 763
- GREENWOOD HOTEL—
 Fractional liquor license may be granted to occupant of 474
- GREENWOOD MANUFACTURING COMPANY—
 Title of act to incorporate 771
- GREGG, EVA S.—
 Title of act to divorce from William M. Gregg..... 788
- GRIFFITH, MOLLIE P.—
 Title of act to divorce from Daniel T. Griffith..... 784
- GUARANTEE STORAGE AND WAREHOUSE COMPANY—
 Title of act to incorporate 770
 Title of act to enable to hold real estate..... 770

GUARANTEE TRUST, TITLE AND INSURANCE COMPANY, THE—	
Title of act to incorporate	764
GUARDIAN—	
Care of ward's interest in de- cedent's estate	178-180
GUARDIAN OF CHILD UNDER TEN YEARS—	
St. Michael's Day Nursery and Hospital for Rabies may become ..	116

H

HAINES, ISAAC C.—	
Title of act to divorce from Annie M. Haines	303
HANNAHS, GEORGE T.—	
Title of act to divorce from Mary E. Hannahs	787
HARBOR—	
Of Wilmington. (See <i>Wilmington City</i> .)	
HARLAN & HOLLINGSWORTH COMPANY—	
Title to further supplement to act to incorporate	765
HARNISH, EDWARD P.—	
Title of act to divorce from Sallie V. Harnish	797
HARRINGTON—	
Town taxes increased	269
Levy Court to appropriate \$400 to town of	270
HARRINGTON, ALBERT—	
Authorized to straighten road	242
HARRINGTON, FREDERICA AND DENTON ELECTRIC RAIL- WAY COMPANY—	
An act to incorporate	254
Corporators	254
Capital stock	255
Powers	255
First meeting	256
Annual meeting	256

HARRINGTON, FREDERICA AND DENTON ELECTRIC RAIL- WAY COMPANY—CONTINUED.	
Route	256
May secure private lands	257
Crossing of steam railway	257
Motive power	257
Damages	258
Transfer of stock	259
When commenced and completed ..	259
HARRIS, ANNIE F.—	
Title of act to divorce from Thomas H. Harris	792
HART AND QUIGLEY COMPANY, THE—	
Title of act to incorporate	774
HARTMAN AND FEHRENBACH BREWING COMPANY—	
Title of act to amend charter	778
HASTINGS, WILLIAM L.—	
Title of act to divorce from Emma F. Hastings	797
HAYES, KEZIAH F.—	
Title of act to divorce from Rich- ard E. Hayes	790
HEAL, KATIE S.—	
Title of act to divorce from Harry E. Heal	791
HEALTH, PUBLIC—	
Refuse matter in Delaware bay and certain creeks	189
Report of State board of	221
(See <i>Anthracite</i> .)	
(See <i>Wilmington</i> .)	
Act for the better protection of fe- male and other employees	464
Accommodations for employees	464
Canning establishments excepted ..	464
Storekeepers to provide seats for employees	464
Heating working rooms	464
Abusive language or maltreatment of female employees	464
Violation, punishment	465
Prosecutions, how and where made ..	465

HEALTH, PUBLIC—CONTINUED.

Appeal, commitment, &c.....	465
Female inspector, to be appointed by Chief Justice, duties.....	466
Inspector to be admitted in place of business.....	466
Refusal of employer, punishment.....	466
Term of office, salary, report.....	467
Act applicable only to incorporated cities and towns in New Castle county.....	468
Act to amend Chapter 123 of Vol- ume 19, Laws of Delaware.....	468
Experience and examination of as- sistant pharmacists.....	468
Registration of pharmacists and as- sistants.....	469

HENDRICKSON, JOHN E.—

Title of act granting certain marsh land.....	297
--	-----

HENLOPEN ELECTRIC LIGHT
AND RAILWAY COMPANY—

An act to incorporate.....	247
Corporators.....	247
Powers.....	248
Motive power.....	248
Route.....	249
Capital stock.....	250
Officers.....	250-51
Vacancy.....	251
Annual meeting.....	251
Quorum.....	252
Dividends.....	252
Damages.....	253
May supply electric lights.....	253
Act to amend act to incorporate.....	568
Amendment.....	568
Time for completing road extend- ed.....	568

HERBERT, MARY—

Title of act to divorce from Paul F Herbert.....	789
---	-----

HICKMAN, WILLIAM J.—

Title of act to divorce from Mary M. Hickman.....	786
--	-----

HISTORICAL SOCIETY—

Injury to property of.....	191
----------------------------	-----

HITCH, LUCRETIA R.—

Title of act to divorce from Will- iam S. Hitch.....	794
---	-----

HITCHENS, ANNIE M.—

Title of act to divorce from Will- iam C. Hitchens.....	306
--	-----

HOLIDAYS—

In Wilmington Saturdays after 12 M. for banking and trust com- pany purposes.....	86
Effect upon negotiable paper.....	86
Provisions of act making Saturday half, in City of Wilmington, ex- tended to New Castle County ex- cept St. George's hundred.....	542

HOLLAND CREEK MARSH—

Repair of dams, sluices, &c.....	485
Overdue taxes, suits for.....	485

HOLLINGSWORTH, MARY A.—

Title of act to divorce from Will- iam H. Hollingsworth.....	301
---	-----

HOLLIS, ADDIE L.—

Title of act to divorce from John F. Hollis.....	303
---	-----

HOLT, CYRUS—

Farm transferred.....	240
-----------------------	-----

HOME FOR AGED WOMEN—

Act to renew the charter of.....	115
----------------------------------	-----

HOMOEOPATHIC HOSPITAL AS-
SOCIATION OF DELAWARE—

Title of act for the relief of.....	298
-------------------------------------	-----

HOOTEN, EMMA—

Title of act to divorce from John L. Hooten.....	786
---	-----

HOPKINS, HENRIETTA—

Title of act to divorce from Thomas A. Hopkins.....	302
--	-----

HORSE PEN DRAIN DITCH COM-
PANY—

Charter revived.....	492
Meaning of act.....	492

HORSE RACING—

Registering bets upon unlawful... 51

HOUSE OF ILL-FAME AND ASSIGNATION—

Act in relation to 273

HUDSON'S BRANCH DITCH COMPANY—

Supplement to act to incorporate... 54

Commissioners to lay out extension..... 54

Location 54

Power of commissioners..... 54

HUNDREDS—

Election of Assessor in South Murderkill 3

HUNTER, MARY—

Title of act to divorce from Samuel B. Hunter..... 789

HUSBAND AND WIFE—

Distribution of married woman's personal estate..... 272

I

IMBECILE CHILDREN—

Three sent from each county to Pennsylvania Training School... 470

Annual appropriation for..... 470

IMITATION BUTTER

Unlawful manufacture of..... 274

INCEST—

Act to punish..... 692

Unlawful marriage..... 692

Misdemeanor, punishment 692

INCORPORATIONS—

(See *Corporations*.)

INDEPENDENT CIRCLE NO. 14, BROTHERHOOD OF THE UNION—

Title of act to incorporate 282

INDICES—

Recorder of Deeds in New Castle County to make certain 418

Commissioners to examine 418

INDICES—CONTINUED.

Compensation of Recorder and commissioners 418

Recorder of Kent County having made, &c 419

Compensation of Recorder and commissioners, how fixed 419

Recorder of Sussex County required to begin making certain within 60 days..... 420

What to be made 420

Clerk of Orphans' Court of New Castle County authorized to make certain of recognizances .. 425

Commissioners to examine..... 425

Compensation of clerk and commissioners..... 425

How compensation paid, proviso.. 425

INDUSTRIAL SCHOOL FOR GIRLS—

Charter amended 44

Aiding girls escaping from, a misdemeanor 240

INFECTIOUS DISEASES—

Vaccination of domestic cattle against anthrax..... 462

Expenses, how paid..... 463

Compensation for cremating domestic animals dying with anthrax, certificate of cause of death 463

INSANE—

(See *Imbecile Children*.)

INSANE, DELAWARE STATE HOSPITAL, FOR THE—

Additional appropriation for..... 206

Additional buildings for..... 227

Bonds to be issued..... 228

Appropriation 739-41

Authorized to purchase land..... 739

Funds from pay patients, how used 739

Committee to visit and make investigation 740

INSPECTORS—

- Under act providing for primary elections in New Castle County. (See *Primary Elections*.)
 For general election of 1898, except in Wilmington, to be appointed by Governor..... 397
 After election in 1898 to be elected 397

INSPECTOR, FEMALE—

(See *Health*.)

INSURANCE—

- Foreign companies defined..... 326
 Agents for companies to pay \$5 license..... 326
 Who deemed as foreign life insurance agent..... 326
 Exception..... 326
 Fee to be paid to insurance commissioner..... 326
 Discrimination by life insurance companies..... 713

INSURANCE AGENT—

(See *Insurance*.)

INSURANCE COMMISSIONER—

- To deposit State funds in Farmers' Bank in any county..... 323
 Foreign insurance companies to pay fee to..... 326

INSURANCE COMPANIES—

- New Castle County Mutual Insurance Company..... 101
 Farmers' Mutual Fire Insurance Company of St. George's and Appoquinimink Hundreds in New Castle County..... 102
 The Sussex Mutual Insurance Company..... 103
 Kent and Sussex Mutual Fire and Marine Insurance Company of Milford, Delaware..... 108
 Delaware Insurance Company..... 768
 Delaware State Grange Mutual Fire Insurance Company, charter amended..... 762
 Citizens' Trust and Insurance Company..... 768

INSURANCE COMPANIES—CONTINUED.

- Delaware Life Insurance Company 773
 The Commercial Fire Insurance Company..... 774
 The Christiana Fire Insurance Company..... 775
 The Delmarvia Insurance Company..... 777

INTESTATE PERSONAL PROPERTY—

- Distribution of married woman's.. 272

INTOXICATING LIQUORS—

- Assignment of license recorded by Clerk of the Peace..... 52
 Act regulating assignment of licenses..... 471
 Approval of Associate Judge or Chief Justice..... 471
 Entry of transfer by Clerk of Peace 471
 Fee for entry..... 471
 Effect of Transfer..... 471
 Sale of cider or wine in Seaford or Northwest Fork hundreds without license unlawful..... 472
 Violation, misdemeanor..... 472
 Jurisdiction of Justice of the Peace 472
 Part of Broad Creek hundred included..... 472
 Unlawful to sell or peddle on streets, alleys, roads or highways..... 473
 Violation, misdemeanor, proviso.. 473
 Sale of on day of school election not prohibited..... 474
 Act for relief of Greenwood Hotel.. 474
 Granting of fractional license for Greenwood Hotel..... 474
 Laws complied with..... 475

INVESTMENTS—

Taxation of. (See *Taxation*.)

ISAACS' BRANCH DITCH COMPANY—

- Incorporation..... 481
 Style, powers, object..... 481
 Location..... 481

ISAACS' BRANCH DITCH COMPANY—CONTINUED.	
Commissioners to make assessment	481
Oath of commissioners, return	482
Assessment to stand five years	482
New assessment	482
Meeting, organization, officers, votes	482
Powers of collectors	483
Annual meeting	483
Laying annual tax	483
By-laws	483
Security from officers	483
Obstructions, removal, &c	483

J

JACKSON, MARY E.—	
Title of act to divorce from Joseph D. Jackson	300
JACOBY CONSTRUCTION COMPANY—	
Title of act to incorporate	293
J. FORD FOX PIANO MANUFACTURING COMPANY—	
Title of act to incorporate	776
JAHNZ, ANNIE T.—	
Title of act to divorce from Gustav C. Jahnz	797
JAMES, J. CURTIS—	
Title of act to divorce from Emma L. James	788
JAMISON, EUGENE—	
Title of act to divorce from Lizzie M. Jamison	301
JESSUP AND MOORE PAPER COMPANY—	
Title of act to amend, renew, and extend charter	286
JOHN M. CLAYTON COUNCIL NO. 24, JUNIOR ORDER UNITED AMERICAN MECHANICS—	
Title of act to incorporate	766

JOHNSON, GEORGE A.—	
Title of act to divorce from Mary E. Johnson	798
JOHNSON, MARY L.—	
Title of act to divorce from John Johnson	300
JONES, E. L. & CO.—	
Resolution relating to payment of	736
JONES, JOHN T. —	
Farm transferred	239
JONES, WILLIAM W.—	
Title of act to divorce from Jennie Jones	788
JORDAN, ANNIE M.—	
Title of act to divorce from William N. Jordan	795
JOSEPH GARRABALDI ITALIAN CLUB, OF WILMINGTON, THE—	
Title of act to incorporate	767
JUDGES OF ELECTION—	
(See <i>Primary Elections</i> .)	
How selected	404
JUDGMENTS—	
Lien of	187-88
JUDICIARY—	
During illness or absence of resident judge, duties how performed	184
JUNK DEALERS—	
Act to regulate the business of in New Castle County	317
License to	317
Term defined	318
License fee	318
Record to be kept	319
Who to furnish record	319
Sale by	321
Removal of goods	321
Examination of premises	321
Liability of proprietor for employe	321
Stolen goods, seizure	321
Penalty for violation of provisions of act	322

JURORS—

Not to sit in second trial of same cause, exception.....	707
Selecting panel of in New Castle County	707-8

JUSTICE OF THE PEACE—

Jurisdiction relative to roads in Brandywine hundred.....	62
Additional for Brandywine hundred	185
Additional for Sussex County.....	186
Governor authorized to appoint an additional for Kent County to reside in Cheswold.....	424
Jurisdiction in cases of unlawful sale of wine, cider, &c., in Seaford and Northwest Fork hundreds	472
Governor authorized to appoint additional one for Sussex County to reside in the city of Rehoboth or vicinity.....	659
For Clayton, not limited to Kenton hundred.....	704
Governor to appoint an additional in and for Lewes and Rehoboth hundreds, Sussex County.....	705

K

KENT AND SUSSEX MUTUAL FIRE AND MARINE INSURANCE COMPANY, OF MILFORD, DELAWARE—

Act to incorporate	108
Corporators	108
Powers.....	108
First directors.....	108
Place of business.....	108
When to begin business	108
Annual election.....	109
Vacancies.....	109
Qualifications of officers.....	109

KEOKUK TRIBE NO. 3, IMPROVED ORDER OF RED MEN

Title of act to incorporate.....	282
----------------------------------	-----

KITCHEN, GERTRUDE P.—

Title of act to divorce from William T. Kitchen.....	792
--	-----

KNIGHTS OF ST. LAURENCE BENEFICIAL SOCIETY, OF WILMINGTON, DELAWARE—

Title of act to incorporate	283
-----------------------------------	-----

L

LANDLORD AND TENANT—

Lease of premises for disorderly house	273
Section 35, Chapter 120 of Revised Statutes amended.....	710
In case of denial of rent by tenant	711
Issue to jury or referees	711
Choice of referees.....	711

LANE, WILLIAM J.—

Title of act to divorce from Minnie Lane	783
--	-----

LANG, W. AND J. COMPANY

Title of act to incorporate	282
-----------------------------------	-----

LAUREL LOAN AND TRUST COMPANY

Act to incorporate.....	110
Corporators.....	110
Powers.....	110
Objects of corporation.....	111
May become surety	111
Capital stock	112
First board of directors.....	112
Commence business when	112
Annual meeting.....	112
Board of directors.....	113
Vacancy	113
Principal office	113
May be appointed trustee.....	113
No further security than capital stock required	114
Interest on trust funds to be accounted for.....	114
To pay State tax and cost of printing act of incorporation	115

LAUREL PUBLISHING COMPANY—	
Title of act to incorporate	768
LAW AND ORDER SOCIETY OF WILMINGTON—	
To receive half of fines in certain cases	714
LAYTON, JOHN W.—	
Farm transferred	42
LEAGER, JOHN N.—	
Title of act to divorce from Bessie Leager	796
LEBANON HALL COMPANY—	
Title of act to amend and re-enact charter	285
LEE, FRANK C.—	
Title of act to divorce from Josephine Lee	306
LEVY COURT—	
Laying tax under act taxing investments	338
NEW CASTLE COUNTY.	
Further supplement to an act authorizing the Levy Court to make a loan for the benefit of the trustees of the poor of New Castle County	7
Same powers as heretofore	8
Accounts to be passed before Chancellor	8
Compensation of trustees	8
When final account is passed trustees to pay balance in hand to Receiver of Taxes and County Treasurer of New Castle County	8
Balance to be held to redeem bonds	8
Balance to be deposited at interest	8
Appropriation to St. Michael's Day Nursery and Hospital for Babies	117
Chapter 26, Volume 19, Laws of Delaware, amended	223
Authorized to appropriate money for payment of damages in widening "new road" in Christina hundred	66

LEVY COURT--CONTINUED.	
To audit accounts of road commissioners for Brandywine hundred	60
May borrow money temporarily	341
Expenditures not to exceed taxes	341
No power to overrule Comptroller	342
To borrow money	342
Interest 4 per cent	343
Payments	343
Application of money	343
Taxation for payment of	343
Commissioners of ineligible to second term	343
To appoint collectors	344
Approval of bond	344
Tax duplicates, receipts and seals	345-47
Settlement of accounts of collectors	348-49-355
Salary of collectors	354
KENT COUNTY.	
Authorized to make appropriation for public roads	69-81
To appropriate \$400 to town of Harrington	270
SUSSEX COUNTY.	
May make appropriation to lay out new public roads	83-85
To pay costs of certain road	243
(See <i>Roads</i> .)	
LEWES—	
Public schools of	31
An act to allow the commissioners of Lewes, Delaware, to borrow money	172
Act to allow the commissioners of to bond the town for certain purposes	656
Borrowing money, purpose	656
Bonds, form, execution, when due	656
Treasurer to give additional security	656
Lighting plant	656
Acquiring land	656
Drafting on fund	657
Accounts, publication	657
May purchase electric plant	657
Workmen, rents, &c	657

LEWES—CONTINUED.

Meeting of town, notice, object, voting.....	657
Vacancy in office of Mayor of.....	657
Vacancies in other offices.....	658

LEWES AND REHOBOTH HUNDRED—

Posting assessment list of.....	357
---------------------------------	-----

LEWIS, BENIAH L.—

Appointed auditor of accounts.....	723
------------------------------------	-----

LEWES RIVER IMPROVEMENT COMPANY—

Act to reincorporate.....	548
Capital stock.....	548
Commissioners to receive subscriptions.....	548
Time and place of receiving subscriptions.....	548
Name, term, powers, seal, by-laws.....	549
No banking powers conferred.....	549
Directors, election of.....	549
Officers.....	549
Annual meeting, place, time.....	549
Powers of company.....	549
Commissioners to assess damages.....	549-50
Oaths of commissioners.....	550
Certificates to owner and company.....	550
Appeal from award.....	550
Damages to be paid before entry on land.....	550
Towpath.....	550
Payment of stock.....	550
Commissioners to view marsh and report, plot.....	551
Meeting, voting.....	551
Powers and duties of commissioners.....	551
Tolls from vessels, rates.....	551
Obstructions.....	552
Collection of tolls.....	552
Damage to canal.....	552
Powers and objects of company.....	552

LIBERTY STEAM FIRE ENGINE COMPANY NO. 9, OF WILMINGTON

Title of act to amend charter.....	772
------------------------------------	-----

LIBRARIES—

Injury to property of.....	191
----------------------------	-----

LICENSES—

Assignment of tavern to incoming tenant to be recorded by Clerk of the Peace.....	52
To sell property of an insolvent or bankrupt.....	91
Keeping merry go-rounds, etc.....	226
To pawnbrokers and junk dealers.....	317
Fee for.....	318
Pullman Palace Car Company to pay \$300 in lieu of.....	322
Undertakers exempt from.....	323
Clerks of the Peace to make bi-monthly settlement for.....	324
Distillers of spirituous alcoholic liquors from grain to procure.....	325
Schedule of cost of.....	325
Foreign insurance companies.....	326
Foot peddlers to pay \$50 per annum in quarterly installments.....	543

LIENS—

Of tax assessed for paving and curbing streets in the City of Wilmington.....	154
Discount.....	154
Interest added, when.....	154
Fine for keeping disorderly house.....	273

LIFE INSURANCE COMPANIES—

(See *Insurance*.)

LIMITATION—

Of action for damages for personal injuries.....	712
--	-----

LITTLE CREEK HUNDRED—

Governor to appoint assessor and collector for.....	358
---	-----

LOCKWOOD, ALICE—

Title of act to divorce from Earl D. Lockwood.....	305
--	-----

LOWE, ADA—

Act granting certain salt marsh to.....	314
---	-----

LOWREY, WILLIAM B.—

Title of act to divorce from Mary Lowrey.....	783
---	-----

LYNCH, MARGARET—

- Title of act to divorce from George
H. Lynch 300

M

MAAS, BENNETT—

- Title of act to change name of.... 779

MAGILLY, JOHN—

- Title of act to divorce from Jane E.
Magilly 782

MARRIED WOMEN—

- Intestate property of..... 272

MARRIAGES—

- Unlawful..... 692
Degrees of consanguinity 692

MARSHALLTON—

- Board of education of. (See
Schools.)

MARSHALLTON PUBLIC
SCHOOLS—

- Authorized to borrow \$1,000. 27
Loan, how secured..... 27

MARSHY HOPE IMPROVEMENT
COMPANY—

- Charter amended 55

MARTIN, HON. EDWARD L.—

- Resolution of respect to..... 728
Resolution to attend funeral..... 725

MARTIN, WILLIAM S.—

- Farm of transferred from School
District No. 132 to No. 18 460

MARVEL, GARDNER R.—

- Farm transferred 44

MARVIL, HORSEY COMPANY—

- Title of act to incorporate 294

MARVIL, JOSHUA H.—

- Inaugural ceremonies 196-97
Inaugural expenses 199
Death of 215

MARYLAND AND WOODLAND
BEACH RAILWAY COM-
PANY—

- Act to incorporate 582
Corporators..... 582
Subscription to stock..... 582
Name, powers, seal, by-laws..... 582
Dividends..... 582
No banking powers 583-86
Object and purpose 583
Route..... 583
Motive power..... 583
Use of tracks 583
Use of bridges, roads, &c..... 584
Tracks 584
Contracts and leases 584
Commencement and completion .. 584
Widening bridges..... 584
Capital stock, increase 585
Borrowing money..... 585
Directors, election, terms, &c..... 585
Officers 585
Meeting of stockholders, time,
place 585-86
Voting..... 586
Meeting of directors 586
Annual meetings 586
Special meetings..... 586
Quorum..... 586
Change of by-laws 586
Condemnation proceedings..... 587
Furnishing light and electricity to
towns 588
Powers, use of streets 588
Damage to property of 588

MASON, FANNIE—

- Title of act to divorce from Robert
J. Mason 784

MASONIC HALL COMPANY OF
LEWES, DELAWARE—

- Title of act to incorporate 295

MASSEY, ADA C.—

- Title of act to divorce from James
E. Massey..... 304

MATTHEWS, ELIZABETH W.—

- Farm transferred 43

MAULL, FRANKLIN C.—		MEYER, BEVAND W.—	
Title of act enabling to build pier	296	Farm transferred from School District No. 13 to Nos. 18, 60, 90, 91, 92 and 101	457
MAYNE, LAURA C.—		MIDDLETOWN—	
Title of act to divorce from Leonard Mayne	789	An act authorizing "The Commissioners of the town of Middletown" to borrow \$4,000 to complete the well and \$2,000 to pay on the outstanding indebtedness of said town	165
MCDANIEL CYCLE COMPANY—		Act to amend an act entitled "An act to amend Chapter 242, Volume 19, Laws of Delaware," as amended by Chapter 745, Volume 19, Laws of Delaware, and relating to Middletown	170
Title of act to incorporate	765	Act concerning town of	648
MCDONOUGH MILL FISH ASSOCIATION, THE—		Filling vacancies in board of commissioners	648
Title of act to incorporate	771	Officer of town elections	648
MCCABE, CALEB M.—		Act to amend Chapter 745, Volume 19	649
Farm transferred	42	Electors at town elections	649
MCCABE, GARRISON F.—		Election officer	649
Farm transferred	40	Fines imposed by light and water commission	649
MCCAULLEY, LIZZIE B.—		MILFORD—	
Title of act to divorce from Isaac B. McCaulley	303	An act to amend the act entitled "An act to re-incorporate the town of Milford, Chapter 161, Volume 18, page 269, etc., Laws of Delaware	169
MCGONIGAL, JOSHUA—		Town election in January	169
Title of act granting certain salt marsh	297	Assessment	169
MCLLEAR AND KENDALL COMPANY—		Tax duplicates to be hung up	169
Title of act to incorporate	288	Collector and Treasurer to settle in December	169
MENABB, MARGARET—		Auditor	169
Title of act to divorce from John Edward McNabb	307	Licenses	169
MECHANICS LIEN—		Discount on town taxes	169
Time of filing affidavit against vessels	709	Act to amend Chapter 161, Volume 18, entitled "An act to re-incorporate the town of Milford"	651
MEDICINE—		Limit of fines imposed by alderman	651
(See <i>Practice of Medicine and Surgery.</i>)			
MELVIN, JAMES S.—			
Title of act to divorce from Sallie C. Melvin	795		
MERRITT, EDWARD T.—			
Title of act to change name of	779		
METHODIST EPISCOPAL CHURCH—			
(See <i>Trustees of Wilmington, Annual Conference of.</i>)			

MILFORD—CONTINUED.

Amendments.....	651-52-53
Assessment.....	651
Election of Assessor.....	651
Term, qualifications, duty, compensation.....	651-52
Revision of assessment.....	652
Duplicates to be hung up.....	652
Commitments by alderman, limit.....	652-53
List of delinquent poll taxables to be published.....	653
Amount of fines imposed.....	653
Imprisonment for thirty days.....	653
Act to enable town of to refund debt.....	654
To borrow money, purpose.....	654
Bonds, issue, rate of interest, when due, form of, execution, exemption from taxation.....	654-55
Act providing for sinking fund, continued.....	655
MILFORD COUNCIL NO. 3, JUNIOR ORDER UNITED AMERICAN MECHANICS, OF MILFORD—	
Title of act to incorporate.....	289
MILITIA—	
(See <i>Arms, Public and Defence.</i>)	
MILL CREEK HUNDRED—	
Election districts of.....	223
MILLER, MARGARET A.—	
Title of act to divorce from Robert S. Miller.....	793
MINGOE TRIBE NO. 31, I. O. R. M., OF HARRINGTON, KENT COUNTY, DELAWARE—	
Title of act to incorporate.....	293
MINNER, HARRY—	
Title of act changing name.....	297
MINQUA IRON AND SUPPLY COMPANY, THE—	
Title of act to amend act to incorporate.....	765

MINUIT, PETER—

Memorial services.....	210-217
MIONA TRIBE NO. 32, I. O. R. M., OF MAGNOLIA, DELAWARE—	
Title of act to incorporate.....	285
MISPILLION RIVER—	
Unlawful to cast refuse matter in..	189
MITCHELL, HENRY B.—	
Farm transferred from district No. 144 to No. 189.....	461
MONTESI, MARY E.—	
Title of act to divorce from James Montesi.....	788
MORGAN, MARY A.—	
Title of act to divorce from Robert Morgan.....	787
MORRIS, KATIE L.—	
Title of act to divorce from Charles T. Morris.....	307
MORRIS, MAULI AND BURTON SALVAGE COMPANY, OF LEWES, DELAWARE—	
Title of act to incorporate.....	284
MORTGAGEES' PROTECTIVE AND TITLE GUARANTEE COMPANY, THE—	
Title of act to incorporate.....	770
MORTGAGES—	
(See <i>Chattel Mortgages.</i>)	
MULLEN, WILLIAM D.—	
Member of commission to consider municipal government for Wilmington.....	159
MUNICIPAL COURT—	
Jurisdiction in certain cases.....	273
MUNICIPAL GOVERNMENT—	
Commissioners to consider for Wilmington.....	159
MUSEUMS—	
Injury to property of.....	191

N

NATIONAL BUILDING, LOAN
AND PROVIDENT ASSOCI-
ATION—

Title of act to incorporate 776

NATIONAL GUARD—

(See *Arms, Public and Defence*.)

NEWARK—

Supplement to an act entitled "An
act to reincorporate the town of
Newark," passed at Dover, April
21st, 1887, and an act entitled
"An act to amend an act entitled
"An act to reincorporate the
town of Newark," passed at
Dover, February 27th, 1889..... 167

An act to amend an act entitled
"An act to reincorporate the
town of Newark," passed at
Dover, April 21st, 1887..... 270

Dogs to be registered and taxed 270

NEWARK BUILDING AND LOAN
ASSOCIATION—

Title of act to incorporate 771-777

Title of act for relief of..... 772-778

NEWARK REAL ESTATE COM-
PANY—

Title of act to incorporate 283

NEW CASTLE—

"An act to establish a board of edu-
cation for the City of New Castle
and to incorporate the same, and
for other purposes," passed at
Dover, March 10th, 1875, re-en-
acted 23

An act to amend Section 18 of
Chapter 152, Volume 15, of the
Laws of Delaware, entitled "Of
the City of New Castle"..... 166

NEW CASTLE COUNTY MUTUAL
INSURANCE COMPANY—

Act to incorporate 101

NEW CASTLE, NEWPORT AND
WILMINGTON PASSENGER
RAILWAY COMPANY—

Act incorporating..... 574

Commissioners to receive subscrip-
tions to capital stock 574-75

Capital stock, increase 575

Bonds, issue, security 575

Name 575

Powers, seal, by-laws..... 575

Dividends 575-76

Organization 576

Annual meeting 576

Directors, term, election, vacancies 576

Quorum..... 576

Officers 576

Payment of stock, certificate..... 576-77

Location of road..... 577

Use of bridges, &c., consent 577-78

Acquiring title to land..... 577

Use of streets, &c., consent 577-78

Grade, tracks, motive power..... 578

Fences 578

No grade crossings..... 578

Contract with Wilmington City

Railway Company 578

Furnish light..... 578

Not to furnish electricity in Wil-

mington..... 579

Commencement and completion.. 579

Damage to road..... 579

Acquiring land 579

Condemnation proceedings 579-80

NEW CASTLE NEWS PUBLISH-
ING COMPANY, THE—

Title of act to incorporate 766

NEWPORT PUBLIC SCHOOLS—

See *Schools, Free*.NORTH AMERICAN CONSTRUC-
TION COMPANY—

Title of act to incorporate 294

NORWOOD, JOHN L.—

Title of act to divorce from Beat-
rice Norwood..... 304

NOTARIES PUBLIC—

Additional for Wilmington hundred	12
For firm of E. I. duPont, de Nemours and Company	13
Powers limited	13
Qualification	13
Vacancy	13
Privileges and duties	13
Oaths of office of all notaries to be recorded	14
When to take effect	14
Acts heretofore done not invalidated	14
Additional for Sussex County	186
Governor to appoint two new for Wilmington hundred	421
Governor to appoint three new for Wilmington hundred	421
Additional for Wilmington	422
Acts done by one appointed under last act ratified	423
Governor authorized to appoint one additional to reside in Marshallton in New Castle County ..	423
Governor authorized to appoint an additional for Kent County to reside at Cheswold	424
Governor authorized to appoint additional for Kent County to reside in Clayton	424
For Clayton, not limited to Kenton hundred	704

NUISANCE—

Disorderly houses	272
-------------------------	-----

O

OCEAN VIEW IMPROVEMENT COMPANY—

Title of act to incorporate	773
-----------------------------------	-----

ODESSA FREE SCHOOLS—

Authorized to borrow additional \$400	18
---	----

OLEOMARGERINE—

Manufacture of	274-276
----------------------	---------

OYSTERS—

Not to be taken from Murderkill, Mispillion and Broadkill rivers and sound for planting in Delaware bay	53
Not to be sold to be carried away by boat or vessel	54
Protection of in Murderkill river and St. Jones' river	477
Between what dates, exception	477
Not to be sold to be transported through mouth of Murderkill or St. Jones' rivers	477
Violation, punishment	477
One-half of fine to informer	478
Amendment to Chapter 653, Volume 19, Laws of Delaware	478
Dredging for oysters in Blake's channel during September, October and November authorized ..	478
Taken from natural beds to be rough culled	479
Northern limit of plantation grounds to be re-staked	479
Cost of stakes and buoys, how paid ..	479
Amendment to Chapter 653, Volume 19	480
Fee for license to take from plantation	480
Fee for resident planters	480
Non-resident planters	480
Fee for license to dredge on natural beds	480
Fee for non-resident planter	480
Salary of captain of watch boat	480
Salary of crew	480

P

PARKER, VERA D.—

Title of act to divorce from Thomas K. Parker	304
---	-----

PARKS—

Public, for Wilmington	160
------------------------------	-----

PARTITION—

Petition for by tenant in common of all parcels of land	176
---	-----

- PARTNERSHIP—**
 Dissolution..... 88
 Receiver..... 88
 Application of funds..... 89
 Residue of assets..... 89
- PATTERSON, MARTHA—**
 Title of act to change name of.... 780
- PAWN BROKERS—**
 Act to regulate business of in New
 Castle County..... 317
 Clerk of the Peace to issue license 317
 Pawn broker defined..... 318
 Building to be designated..... 318
 License fee..... 318
 Bond, when filed..... 318
 Insurance on pawned goods..... 319
 Record or books of..... 319
 Who to furnish books..... 319
 Receipt of..... 319
 Records open for inspection..... 319
 Charges..... 320
 Sale of pawn..... 320
 Notice of sale..... 320
 Application of proceeds..... 320
 No loan on part of articles..... 320
 Not to buy at private sale..... 320
 Removal of goods..... 321
 Examination of premises..... 321
 Proprietor liable for acts of em-
 ploye..... 321
 Stolen goods, seizure..... 321
 Violation of act, penalty..... 322
- PEDDLERS—**
 Of damaged goods or goods of in-
 solvent, etc..... 90-91
- PENCADER HUNDRED—**
 Voting place in Northern election
 district established..... 408
- PENINSULA CAMP MEETING
 AND SUMMER SCHOOL AS-
 SOCIATION—**
 Title of act to incorporate..... 772
- PENINSULA PRESS COMPANY—**
 Title of act to incorporate..... 762-68
- PENINSULA INVESTMENT COM-
 PANY—**
 Title of act to amend charter..... 285
- PENROCK COMPANY—**
 Title of act to incorporate..... 284
- PERKINS, JOSEPH H.—**
 Title of act to divorce from Annie
 M. Perkins..... 782
- PERSONAL PROPERTY—**
 Of married woman dying intestate 272
- PHARMACY—**
 Experience and examination of as-
 sistant pharmacist..... 468
 Registration of pharmacist and as-
 sistant..... 469
- PHILLIP THOMPSON COM-
 PANY—**
 Title of act to incorporate..... 283
- PHILLIPS, EDWARD C.—**
 Title of act to divorce from Amanda
 B. Phillips..... 303
- PHILLIPS, GEORGE W.—**
 Title of act to divorce from Roberta
 M. Phillips..... 798
- PHOENIX FIRE COMPANY OF
 WILMINGTON—**
 Title of act to renew charter..... 281
 Title of act to renew charter of.... 769
- PHYSICIANS—**
 (See *Practice of Medicine and Sur-
 gery.*)
- PIERCE, WILLIAM J.—**
 Title of act to divorce from Mary
 E. Pierce..... 783
- PILGRIM CASTLE NO. 7, K. G.
 E.—**
 Title of act to incorporate..... 291
- PLEADING AND PRACTICE—**
 Want of consideration as a defence 706
 Jurors not to sit in second trial of
 case, exception..... 707
 Paneling of jurors..... 707
 Affidavit under mechanics' lien law 709

PLEASANTON, JOHN H.—			
Title of act granting certain salt marsh.....	298		
POCOMOKE TRIBE NO. 29. IMPROVED ORDER OF RED MEN—			
Title of act to incorporate	285		
Title of act to incorporate	764		
POCONO ICE AND COAL COMPANY—			
Title of act to incorporate	761		
POLLUTION OF WATER OF BRANDYWINE RIVER—			
Patrolmen to prevent	156		
POLK, ALFRED—			
Title of act to divorce from Ida Polk	306		
POOR, TRUSTEES OF—			
Further supplement to an act authorizing Levy Court of New Castle County to make a loan for the benefit of trustees of the poor of New Castle County.....	7		
PRACTICE OF MEDICINE AND SURGERY—			
Medical council.....	45	PRACTICE OF MEDICINE AND SURGERY—CONTINUED.	
Style.....	45	Questions for examination.....	47
Organization	45	Candidate examined by school of his choice	47
Compensation of members.....	45	Examination in writing.....	48
Stated meetings of medical council	45	Report of board of medical examiners	48
Medical council to issue certificates to practice medicine.....	45	Medical council to issue certificates	48
Two boards of medical examiners	46	Record to be kept.....	48
Members of board.....	46	Qualification of candidates for certificates	48
Terms of office.....	46	Second examination.....	49
Governor to appoint members	46	Unlawful to practice medicine without license	49
Qualification of members.....	46	Clerk of Peace to issue license....	49
Vacancies	46	Consulting physicians excepted....	49
Removals for cause	46	Practising medicine contrary to this act a misdemeanor.....	49
Annual appointments	47	Dentists not included	49
Certificates of appointment from Secretary of State.....	47	All other acts regulating the practice of medicine and surgery except laws relating to revenue repealed	50
By-laws	47		
Meetings of boards of medical examiners	47	PRETTYMAN, MARY L.—	
		Title of act to divorce from William E. Prettyman.....	798
		PRIMARY ELECTIONS—	
		Act to provide for the purity of in New Castle County	375
		Defined	375
		To be by ballot	375
		To be held in all hundreds of the county at same time.....	375
		Notice of.....	376
		Not to be held by two parties at same time	376
		Number of days to make nominations	376
		To be held by board of election....	376
		Board of electors, how composed and appointed.....	376
		Inspectors.....	376
		Appointment of judges.....	377
		Inspector and judges for Wilmington.....	377

PRIMARY ELECTIONS—CONTINUED.

Term of office	377
Qualifications of officers	377
Vacancies	377
Cases of parties having no inspector	377
Appointment of inspector	377
Refusal of appointee to act	377
What deemed refusal	378
Penalty for refusal	378
Time of appointment of officers	378
Oath of officers	378
Clubs, oath of	379
Qualifier of officers	379
Appointment of qualifier, duties, compensation	379
Oath of officer appointed on day of election	379
Oath of qualifier	380
Oath, how administered	380
Who to administer oaths	380
Failure of qualifier to take oath	380
Misdemeanor, punishment	380
Time for registration, sitting	380
Time of sitting of board of registration	380
Judges of election to be appointed in July	381
Other acts to be performed in July	381
Time for registration in Wilmington	381
Appointment of inspectors for Wilmington	381
Voting books of qualified voters for primary elections	381
Entries in books	381
Books compared, certified and delivered to Sheriff	382
Books to be furnished by department of election of Wilmington	382
Form of, comparison of, corrections, certificate, oath to, delivery to department	383
Comparison and correction of books by department of elections, when	383
Duplicate registration, corrected	383

PRIMARY ELECTIONS—CONTINUED.

Disposition of books	383
Terms of office of inspectors of Wilmington terminated after June 1, 1898	383-84
Division of Wilmington into districts	384
Officer of election, stealing books	384
Other persons than officers committing wrongful acts, misdemeanor	384
Time for holding	384
Time for revision of registration of Wilmington	384
Duties of department of elections	385
Who may vote at municipal	385
Time of opening and closing polls	385
Notice of desire to hold	385
Furnishing voting books to inspectors	385
Inspector to have books at place of election	385
Neglect, misdemeanor	385-86
Method of receiving votes	386
Elector not to vote at of more than one party	386
Entry to show at of what party elector voted	386
Whose vote to be refused	386
Return of voting books, neglect	386
Officers receiving illegal or refusing legal votes, misdemeanor	386-87
Voting or attempting to vote illegally	387
Soliciting reward	387
Voting at, of more than one party	387
Attempting unlawful acts	387
Influencing voter	387
Influencing officer of election to do unlawful act	387-88
Interference with election	388
Advising or influencing officer to neglect his duty	388
Misdemeanor, punishment	388
Other offences, punishment	388
Territory of district	388

PRIMARY ELECTIONS—CONTINUED.

General election district not to be divided.....	389
Place of holding.....	389
Designation of districts.....	389
Not to be held where intoxicating liquors are sold.....	389
Neglect to deliver voting books.....	389
Misdemeanor, forfeiture of office.....	389
Intoxicating liquors in place of election.....	389
Drinking, misdemeanor.....	389
Ballot boxes, description.....	390
Other box.....	390
Place of ballot box during election.....	390
Box locked during election.....	390
Announcement of votes cast.....	390
Reading of ballots.....	390
Custody of ballots.....	390
Clerk to keep tally.....	390
Announcement of result.....	391
Tally sheets and certificates.....	391
Disposition of tally sheets and certificates.....	391
Disposition of ballots.....	391
Who to furnish tally sheets.....	391
Printed instructions to officers.....	392
Poll books.....	392
Voting.....	392
Announcement of vote, when requested.....	392
Rope and chain for each voting place.....	392
Regulations of entrance and inclosure.....	392
Watchers.....	392
Removal of watchers.....	393
Attempt to exclude watchers, misdemeanor.....	393
Challenge of votes, decision.....	393
May require oath of voter, form of oath.....	393
Other voters not to be delayed by challenger.....	394
Challenges for delay, misdemeanor.....	394
Powers of election officers.....	394
Compensation of officers, how paid.....	394

PRIMARY ELECTIONS—CONTINUED.

Removal of election officers for misconduct, substitutes.....	394
Who nominated, vacancy.....	395
Canvassing votes.....	395
Tie votes or contests, proceeding.....	395
Printing ballots.....	396
Form of ballots.....	396
Voting.....	396
Notice by candidate for nomination.....	396
Ballots printed when.....	396
Act not applicable to election of delegates to national convention.....	396
Expense, how borne.....	396
Act applicable to New Castle County.....	396
Sale of liquor on days not prohibited.....	396-97

PRINTING AND PUBLISHING—

Public claims for.....	279
------------------------	-----

PRIVATE ACTS—

Act to revive and extend the time of recording.....	5
Unpublished acts not repealed, or void by lapse of time, renewed and re-enacted.....	5
Certified copy from Secretary of State to be recorded.....	6
No copy received for record after twelve months.....	6
State tax on.....	225
Titles of private.....	296, 300
(See <i>Statutes</i> .)	

PROTHONOTARY—

Duties under act in relation to foreign corporation.....	544-45
Fee of.....	545
Duty of, of New Castle County, in selecting panel of jurors.....	707

PROVIDENT LOAN AND TRUST FUND—

Title of act to incorporate.....	293
----------------------------------	-----

PUBLIC BATH HOUSE—

To be erected in Wilmington.....	156
----------------------------------	-----

PULLMAN PALACE CAR COMPANY—

To pay annual sum of \$300 in lieu of license fee..... 322

PUSEY, ELLA TATEM—

Title of act to divorce from Joshua D. Pusey..... 307

Q

QUALIFIER OF PRIMARY ELECTION OFFICERS—

(See *Primary Elections.*)

QUEEN ANNE'S RAILROAD COMPANY—

A bill entitled "An act to authorize and permit the Queen Anne's Railroad Company to extend its railroad through the State of Delaware, from certain points herein designated, and to confer upon it certain other powers and privileges"..... 126

Directors..... 126

Powers..... 126

Location..... 127

How private property may be taken..... 127

Principal office..... 127

Commissioners to assess damages..... 128

Dividends..... 129

Supplement to act incorporating..... 559

Change of name, proviso..... 559

Resolution changing name, recorded..... 559

Extension of line, terminus..... 559

Right of way over public lands..... 559

Connected with other roads..... 559

Time for completion extended..... 559

Additional powers..... 560

Authority to occupy lands..... 560

R

RAILROADS AND RAILWAYS—

Queen Anne's, act to authorize to extend line through Delaware .. 126

Queen Anne's Railroad Company, supplement to act to incorporate 559

RAILROADS AND RAILWAYS—
CONTINUED.

The Wilmington and Northern Railroad Company, date of holding annual meeting changed.... 139

Dover and Milford Railway Company, incorporated..... 132

The Dover and Milford Railway Company, supplement to act to incorporate..... 581

Wilmington and New Castle Electric, act to incorporate amended 140

Chester and Wilmington Electric, act to incorporate amended..... 144

Wilmington and Brandywine Springs, supplement to act to incorporate..... 145

The Wilmington and Brandywine Springs Railway Company, supplement to act to incorporate... 558

The Elsmere and Wilmington Electric, incorporated..... 147

The Elsmere and Wilmington Railway Company, act of incorporation amended..... 557

The Gordon Heights, supplement to act to incorporate..... 153

The Henlopen Electric Light and Railway Company, incorporated 247

The Henlopen Electric Light and Railway Company, act of incorporation amended..... 568

The Harrington, Frederica and Denton Electric Railway Company, incorporated..... 254

The Sussex Electric Railway Company, incorporated..... 260

The Dover and Bay Shore Railroad, incorporated..... 560

The South Side Railway Company, incorporated..... 569

The New Castle, Newport and Wilmington Passenger Railway Company, incorporated..... 574

The Maryland and Woodland Beach Railway Company, incorporated..... 582

- RAILROADS AND RAILWAYS—
CONTINUED.
The Bay Head and New York Terminal Railroad Company, act to incorporate amended..... 593
- RAILWAY EQUIPMENTS—
Conditional sale of..... 89
- REALTY COMPANY OF GEORGETOWN, THE—
Title of act to incorporate 763
- RECEIVER—
Appointed in dissolution of partnership..... 88
- RECEIVER OF TAXES AND COUNTY TREASURER—
Bi-partisan committee to audit books of..... 223
Compensation 224
(See *Collectors*.)
- RECOGNIZANCES—
Person entitled to share of, refusing to receive same 697
Payment of share into court, costs 697-98
- RECORDER OF DEEDS—
Of New Castle County to make certificates of transfers of property 356
Compensation 356
(See *Judices*.)
Authorized to place certain deeds upon record 298
- REDMOND, SALLIE E. —
Title of act to divorce from W. Dennis Redmond 792
- REED, MARY JOSEPHINE—
Title of act to divorce from Joseph Howard Reed 792
- REED, ROSIE A. —
Title of act to divorce from Walter W. Reed 301
- REFORM SCHOOL.—
Appropriation to Delaware Industrial School for Girls..... 44
- REGISTER OF WILLS—
To notify executor or administrator to give bond..... 701
Removal of executor or administrator for failure to give certain bond, certification of..... 701
- REGISTRATION—
(See *Primary Elections*.)
- REHOBOTH BEACH ASSOCIATION—
An act to further amend Chapter 229, Volume 19, Laws of Delaware 171
Accounts to be audited on second Monday in July..... 171
Intoxicating liquors..... 171
Charter amended 172
Act to further amend an act incorporating 658
Repeal of act 658
Election, hours of holding..... 658
Collector, amount of bond..... 658 59
Treasurer, bond of 659
Qualifications of voters..... 659
Compensation of secretary..... 659
Rearrest and fine for continuing nuisance 659
Additional justice of the peace.... 659
Powers of justice of the peace 660
- REHOBOTH HEAT, LIGHT AND POWER COMPANY—
Title of act to incorporate 763
- REHOBOTH LAND AND IMPROVEMENT COMPANY—
Title of act to incorporate 774
- RELANCE FIRE COMPANY—
Title of act to amend charter of... 766
- RELIGIOUS SOCIETIES—
(See *Trustees of the Wilmington Annual Conference of the Methodist Episcopal Church*.)
Number of trustees may be changed 15
Certificate of proceedings to be sent to Recorder of Deeds 15
(See *Baptist Union*.)

PULLMAN PALACE CAR COMPANY—

To pay annual sum of \$300 in lieu of license fee..... 322

PUSEY, ELLA TATEM—

Title of act to divorce from Joshua D. Pusey..... 307

Q

QUALIFIER OF PRIMARY ELECTION OFFICERS—

(See *Primary Elections.*)

QUEEN ANNE'S RAILROAD COMPANY—

A bill entitled "An act to authorize and permit the Queen Anne's Railroad Company to extend its railroad through the State of Delaware, from certain points herein designated, and to confer upon it certain other powers and privileges"..... 126

Directors..... 126

Powers..... 126

Location..... 127

How private property may be taken..... 127

Principal office..... 127

Commissioners to assess damages..... 128

Dividends..... 129

Supplement to act incorporating..... 559

Change of name, proviso..... 559

Resolution changing name, recorded..... 559

Extension of line, terminus..... 559

Right of way over public lands..... 559

Connected with other roads..... 559

Time for completion extended..... 559

Additional powers..... 560

Authority to occupy lands..... 560

R

RAILROADS AND RAILWAYS—

Queen Anne's, act to authorize to extend line through Delaware..... 126

Queen Anne's Railroad Company, supplement to act to incorporate..... 559

RAILROADS AND RAILWAYS— **CONTINUED.**

The Wilmington and Northern Railroad Company, date of holding annual meeting changed.... 139

Dover and Milford Railway Company, incorporated..... 132

The Dover and Milford Railway Company, supplement to act to incorporate..... 581

Wilmington and New Castle Electric, act to incorporate amended..... 140

Chester and Wilmington Electric, act to incorporate amended..... 144

Wilmington and Brandywine Springs, supplement to act to incorporate..... 145

The Wilmington and Brandywine Springs Railway Company, supplement to act to incorporate... 558

The Elsmere and Wilmington Electric, incorporated..... 147

The Elsmere and Wilmington Railway Company, act of incorporation amended..... 557

The Gordon Heights, supplement to act to incorporate..... 153

The Henlopen Electric Light and Railway Company, incorporated..... 247

The Henlopen Electric Light and Railway Company, act of incorporation amended..... 568

The Harrington, Frederica and Denton Electric Railway Company, incorporated..... 254

The Sussex Electric Railway Company, incorporated..... 260

The Dover and Bay Shore Railroad, incorporated..... 560

The South Side Railway Company, incorporated..... 569

The New Castle, Newport and Wilmington Passenger Railway Company, incorporated..... 574

The Maryland and Woodland Beach Railway Company, incorporated..... 582

- RAILROADS AND RAILWAYS—
CONTINUED.
The Bay Head and New York Ter-
minal Railroad Company, act to
incorporate amended..... 593
- RAILWAY EQUIPMENTS—
Conditional sale of..... 89
- REALTY COMPANY OF GEORGE-
TOWN, THE—
Title of act to incorporate 763
- RECEIVER—
Appointed in dissolution of part-
nership..... 88
- RECEIVER OF TAXES AND
COUNTY TREASURER—
Bi-partisan committee to audit
books of..... 223
Compensation 224
(See *Collectors*.)
- RECOGNIZANCES—
Person entitled to share of, refusing
to receive same 697
Payment of share into court,
costs 697-98
- RECORDER OF DEEDS—
Of New Castle County to make cer-
tificates of transfers of property 356
Compensation 356
(See *Indices*.)
Authorized to place certain deeds
upon record 298
- REDMOND, SALLIE E. —
Title of act to divorce from W.
Dennis Redmond 792
- REED, MARY JOSEPHINE—
Title of act to divorce from Joseph
Howard Reed..... 792
- REED, ROSIE A. —
Title of act to divorce from Walter
W. Reed 391
- REFORM SCHOOL—
Appropriation to Delaware Indus-
trial School for Girls..... 44
- REGISTER OF WILLS—
To notify executor or administra-
tor to give bond..... 701
Removal of executor or adminis-
trator for failure to give certain
bond, certification of..... 701
- REGISTRATION—
(See *Primary Elections*.)
- REHOBOTH BEACH ASSOCIA-
TION—
An act to further amend Chapter
229, Volume 19, Laws of Dela-
ware 171
Accounts to be audited on second
Monday in July..... 171
Intoxicating liquors..... 171
Charter amended 172
Act to further amend an act incor-
porating..... 658
Repeal of act..... 658
Election, hours of holding..... 658
Collector, amount of bond..... 658 59
Treasurer, bond of..... 659
Qualifications of voters..... 659
Compensation of secretary..... 659
Rearrest and fine for continuing
nuisance 659
Additional justice of the peace.... 659
Powers of justice of the peace 660
- REHOBOTH BEACH, LIGHT AND
POWER COMPANY—
Title of act to incorporate 763
- REHOBOTH LAND AND IM-
PROVEMENT COMPANY—
Title of act to incorporate 774
- RELiance FIRE COMPANY—
Title of act to amend charter of... 766
- RELIGIOUS SOCIETIES—
(See *Trustees of the Wilmington
Annual Conference of the Meth-
odist Episcopal Church*.)
Number of trustees may be changed 15
Certificate of proceedings to be
sent to Recorder of Deeds 15
(See *Baptist Union*.)

REPORTS, EQUITY—

- Resolution in relation to publication of decisions of ex-Chancellor J. L. Wolcott..... 737

REQUISITIONS—

- Section 1, Chapter 223, Volume 17, amended 710
When to be granted..... 710

RESOLUTIONS—

- In relation to adjournment 195
To appoint a joint committee to wait upon the Governor..... 195
In relation to inaugural ceremonies 196-99
Relative to enrolling clerk 196
Contingent expenses of the Attorney General..... 197
Committee to settle with State Treasurer and Auditor..... 198
In regard to postage stamps and wrappers 198
Appointing joint committee to draft rules..... 199
In relation to adjournment..... 200
Joint session to ascertain the result of the election respecting a Constitutional Convention..... 200-203
In relation to furnishing State House parlor 202
In relation to Delaware State Hospital at Farnhurst..... 203-206
Appointing State Treasurer and Auditor of Accounts..... 204
In relation to Governor's message in regard to the board of World's Fair managers..... 204
In relation to bill for stationery... 205
In relation to receiving new business 206-212
In relation to the anniversary of the birth of Washington... 207
Authorizing the printing of the State Treasurer's report 207
Making appropriation to cover deficiency of "The Board of World's Fair Managers of Delaware"... 208

RESOLUTIONS—CONTINUED.

- Concerning the insurance of the State property..... 208
Appointing joint committee to settle with State Treasurer, Auditor of Accounts, Secretary of State and clerks of the Senate and House of Representatives..... 209
In relation to Peter Minnuit.... 210-217
In relation to the publication of the Revised Code, amended 211
Committee to settle with John D. Hawkins, Secretary of State... 211-220
In relation to the title of J. Henry Rogers to certain historical papers 212
Authorizing the Attorney General to take action in relation to certain historical papers..... 213
Appropriating \$800 to the contingent expenses of Secretary of State 213-221
For the relief of the Baltimore and Philadelphia Railroad Company 214
Committee to settle with State Librarian..... 215
Committee to purchase flags..... 216
In relation to Chancellor and Judges' opinion upon subject of a Constitutional Convention.... 216
Extending to Gheretein V. Pyle the thanks of the General Assembly for oil paintings..... 218
In relation to adjournment *sine die* 218-220
Appointing committee to consider the propriety of building a State Library building..... 219
In relation to "An act to permanently improve the condition of certain public roads in New Castle County" 219
In relation to settlement with N. B. Smithers, late Secretary of State..... 220
Authorizing printing report of State Board of Health..... 221

RESOLUTIONS—CONTINUED.

In relation to a Constitutional Convention	277
Appointing Hon. Leonard E. Wales, Hon. Charles B. Lore and Hon. John R. Nicholson a committee to investigate the title of certain papers in the possession of J. Henry Rogers	278
Committee to settle with the Attorney General	278
Directing the Attorney General to discontinue the suit brought by the State of Delaware against J. Henry Rogers	279
In relation to claims against the State	279
In relation to paying John R. Nicholson and Edward Ridgely	280
Of adjournment	717
In regard to canvassing vote for Governor	717
Appointing committee on rules	718
Appointing inaugural committee	718
To pay expenses of inauguration of Governor	719
Of adjournment	719
Of adjournment	720
Convening houses to attend inaugural ceremonies	720
Appointing committee in relation to State Library building	721
Appointing committee to settle with State Treasurer	721
Of adjournment	722
In relation to enrolling clerk	722
Appointing State Treasurer	723
Appointing Auditor of Accounts	723
Appropriating contingent fund of Secretary of State	724
Appointing committee to settle with Secretary of State	724
Of adjournment	725
In relation to Hon. Edward L. Martin	725
Appropriating contingent fund for Attorney General	726

RESOLUTIONS—CONTINUED.

Relating to Columbia Institution for the Deaf and Dumb	726
In regard to the State Treasurer	727
Certain funds to be turned over to	727
Publication of report of State Treasurer	727
Compensation for	727
Appointing directors of Farmers' Bank at Wilmington	728
On the death of Hon. E. L. Martin	728-29
In relation to Cuba	729
Appointing committee on taxation	730
Appointing committee to investigate and improve sanitary conditions of State House	730
In relation to State Library addition to State House	731
Compensation to committee	731
Committee appointed in relation to interior changes, report	731
In relation to insurance on State property	731
In relation to the death of Hon. Leonard E. Wales	732
Appointing committee to consider report of commissioners on line between Kent and Sussex Counties	732
In relation to the arbitration treaty	733
Appointing directors of Farmers' Bank at Dover	733
Authorizing printing of report of State Board of Health	734
Appointing directors of Farmers' Bank at New Castle	734
In relation to attending funeral of Hon. Leonard E. Wales	735
Of adjournment	735
In relation to bill of E. L. Jones & Co.	736
Authorizing purchase of flag for State House	736
In relation to publication of equity reports of Chancellor Wolcott	737

REPORTS, EQUITY—

- Resolution in relation to publication of decisions of ex-Chancellor J. L. Wolcott..... 737

REQUISITIONS—

- Section 1, Chapter 223, Volume 17, amended 710
When to be granted..... 710

RESOLUTIONS—

- In relation to adjournment 195
To appoint a joint committee to wait upon the Governor..... 195
In relation to inaugural ceremonies 196-99
Relative to enrolling clerk 196
Contingent expenses of the Attorney General..... 197
Committee to settle with State Treasurer and Auditor..... 198
In regard to postage stamps and wrappers 198
Appointing joint committee to draft rules..... 199
In relation to adjournment..... 200
Joint session to ascertain the result of the election respecting a Constitutional Convention..... 200-203
In relation to furnishing State House parlor 202
In relation to Delaware State Hospital at Farnhurst..... 203-206
Appointing State Treasurer and Auditor of Accounts..... 204
In relation to Governor's message in regard to the board of World's Fair managers..... 204
In relation to bill for stationery.. 205
In relation to receiving new business 206-212
In relation to the anniversary of the birth of Washington..... 207
Authorizing the printing of the State Treasurer's report 207
Making appropriation to cover deficiency of "The Board of World's Fair Managers of Delaware".... 208

RESOLUTIONS—CONTINUED.

- Concerning the insurance of the State property..... 208
Appointing joint committee to settle with State Treasurer, Auditor of Accounts, Secretary of State and clerks of the Senate and House of Representatives..... 209
In relation to Peter Minuit.... 210-217
In relation to the publication of the Revised Code, amended 211
Committee to settle with John D. Hawkins, Secretary of State.... 211-220
In relation to the title of J. Henry Rogers to certain historical papers 212
Authorizing the Attorney General to take action in relation to certain historical papers..... 213
Appropriating \$800 to the contingent expenses of Secretary of State 213-221
For the relief of the Baltimore and Philadelphia Railroad Company 214
Committee to settle with State Librarian..... 215
Committee to purchase flags..... 216
In relation to Chancellor and Judges' opinion upon subject of a Constitutional Convention.... 216
Extending to Gheretein Y. Pyle the thanks of the General Assembly for oil paintings..... 218
In relation to adjournment *sine die* 218-220
Appointing committee to consider the propriety of building a State Library building..... 219
In relation to "An act to permanently improve the condition of certain public roads in New Castle County" 219
In relation to settlement with N. B. Smithers, late Secretary of State..... 220
Authorizing printing report of State Board of Health..... 221

RESOLUTIONS—CONTINUED.

In relation to a Constitutional Convention	277
Appointing Hon. Leonard E. Wales, Hon. Charles B. Lore and Hon. John R. Nicholson a committee to investigate the title of certain papers in the possession of J. Henry Rogers	278
Committee to settle with the Attorney General	278
Directing the Attorney General to discontinue the suit brought by the State of Delaware against J. Henry Rogers	279
In relation to claims against the State	279
In relation to paying John R. Nicholson and Edward Ridgely ..	280
Of adjournment	717
In regard to canvassing vote for Governor	717
Appointing committee on rules	718
Appointing inaugural committee ..	718
To pay expenses of inauguration of Governor	719
Of adjournment	719
Of adjournment	720
Convening houses to attend inaugural ceremonies	720
Appointing committee in relation to State Library building	721
Appointing committee to settle with State Treasurer	721
Of adjournment	722
In relation to enrolling clerk	722
Appointing State Treasurer	723
Appointing Auditor of Accounts ..	723
Appropriating contingent fund of Secretary of State	724
Appointing committee to settle with Secretary of State	724
Of adjournment	725
In relation to Hon. Edward L. Martin	725
Appropriating contingent fund for Attorney General	726

RESOLUTIONS—CONTINUED.

Relating to Columbia Institution for the Deaf and Dumb	726
In regard to the State Treasurer ..	727
Certain funds to be turned over to	727
Publication of report of State Treasurer	727
Compensation for	727
Appointing directors of Farmers' Bank at Wilmington	728
On the death of Hon. E. L. Martin	728-29
In relation to Cuba	729
Appointing committee on taxation ..	730
Appointing committee to investigate and improve sanitary conditions of State House	730
In relation to State Library addition to State House	731
Compensation to committee	731
Committee appointed in relation to interior changes, report	731
In relation to insurance on State property	731
In relation to the death of Hon. Leonard E. Wales	732
Appointing committee to consider report of commissioners on line between Kent and Sussex Counties	732
In relation to the arbitration treaty ..	733
Appointing directors of Farmers' Bank at Dover	733
Authorizing printing of report of State Board of Health	734
Appointing directors of Farmers' Bank at New Castle	734
In relation to attending funeral of Hon. Leonard E. Wales	735
Of adjournment	735
In relation to bill of E. L. Jones & Co	736
Authorizing purchase of flag for State House	736
In relation to publication of equity reports of Chancellor Wolcott ..	737

RESOLUTIONS—CONTINUED.

Appointing committee relative to inauguration of President	738
Extending invitation to Hon. William Jennings Bryan to address General Assembly	738
In relation to the Delaware State Hospital at Farnhurst	739
Appropriation to	739
Authorized to purchase land	739
Funds for pay patients, use	739
Appointing committee to visit State Insane Hospital at Farnhurst	740
Making appropriation to Delaware State Hospital at Farnhurst	741
Authorizing State Treasurer to purchase type writer	741
Of adjournment	742
Appointing directors of Farmers' Bank at Georgetown	742
Appropriating \$200 to Robbins' Hose Company No. 1, of Dover	743
Appointing a committee to settle with ex-Attorney General John R. Nicholson	743
Appropriating \$4,000 to State College for Colored Students	744
Establishing division line between Kent and Sussex Counties	745
Appropriating \$1,200 to the Delaware Society for the Prevention of Cruelty to Children	746
Authorizing State Treasurer to pay rent for telephone in State House	746
In relation to receiving new business	747
For relief of Baltimore and Philadelphia Railroad Company	747
Appointing committee to settle with Librarian	748
Appointing persons to prepare amendments to election laws	748
Paying bill of E. S. R. Butler & Son for stationery	749

RESOLUTIONS—CONTINUED.

Directing the State Librarian to have the old Latin Bible repaired and cased	749
Appropriating \$25 to contingent fund of State Library	750
Of adjournment	751
Directing the Attorney General to appear and defend a suit in the Court of Chancery in and for Sussex County	751-52
Appointing a committee to arrange for attending unveiling of Washington Monument and appropriating \$300	753
Authorizing State Librarian to purchase brackets for Library	753
Providing for compensation of William C. Spruance as Chancellor <i>ad litem</i>	754
In relation to paying for maintenance of indigent deaf and dumb in Columbia Institution	755
Authorizing State Auditor to codify school laws	755
Authorizing Fish Commissioner to use guard boat	756
Authorizing State Treasurer to borrow from school fund	756
Appointing committee to make necessary changes in State House, &c	757
Duties of committee	757
Limit of cost	757
Proposals, accounts, report	757
Compensation	757
State Treasurer authorized to pay, &c	757
In relation to claims against the State	758
In relation to recording the report of the boundary commission	759
Authorizing State Treasurer to pay Robert J. Reynolds for services in distribution of direct tax	760

REVENUE, STATE;—

License for merry-go-round, &c ..	226
-----------------------------------	-----

REVENUE, STATE—CONTINUED.

Clerks of the Peace to make bi-monthly settlements of moneys received.....	324
Distillers of grain to pay license ..	325
License of foreign insurance companies.....	326
From act to equalize taxation for State and County purposes.....	338

REVISED STATUTES—

(See *Acts Amended.*)

REWARDS—

When Governor may offer for arrests, etc	715
--	-----

REYBOLD, ANNIE M.—

Title of act to divorce from George M. F. Reybold.....	796
--	-----

REYNOLDS, ROBERT J.—

Payment for services in distributing direct tax.....	760
--	-----

RICHARDSON, ELZEY D.—

Title of act to divorce from Jennie R. Richardson.....	308
--	-----

RICKERBY, JENNIE—

Title of act to divorce from Robert Rickerby.....	786
---	-----

RICHTER, ELLEN R.—

Title of act to divorce from Edward T. Richter.....	302
---	-----

RIVERSIDE BRICK WORKS -

Title of act to incorporate	769
-----------------------------------	-----

ROACH, ANNIE M.—

Title of act to divorce from Rufus A. Roach.....	784
--	-----

ROACH, ANNIE MAY—

Title of act to divorce from Thomas J. Roach	303
--	-----

ROAD COMMISSIONERS—

(See *Wabring Troughs.*)

ROADS—

Chapter 670, Volume 19, Laws of Delaware, continued.....	219
--	-----

ROADS—CONTINUED.

An act to straighten the public road leading from Harrington to Frederica.....	242
--	-----

An act to locate and establish a certain road in Sussex County.....	243
---	-----

NEW CASTLE COUNTY.

Brandywine Hundred—

Election of road commissioners...	57
Term of office	57
Divided into three districts.....	57
Office of road supervisors abolished.....	58

Commissioners appointed for respective districts.....	58
---	----

Duties of commissioners.....	58
------------------------------	----

First meeting of commissioners...	58
-----------------------------------	----

Road supervisors to settle accounts and deliver books.....	58
--	----

Commissioner to make estimate of cost of repairing roads.....	59
---	----

Commissioner to keep roads and bridges in repair.....	59
---	----

Annual meeting of commissioners	59
---------------------------------	----

Tax rate	59
----------------	----

Supervisors to be appointed	59
-----------------------------------	----

Term of office	59
----------------------	----

All political parties represented...	59
--------------------------------------	----

Roads to be repaired prior to May 31st	59
--	----

Neglect of duty disqualification for reappointment	59-60
--	-------

Five days' notice before beginning work.....	60
--	----

All taxpayers applying shall receive work	60
---	----

Tools for working.....	60
------------------------	----

Roads dividing districts, how repaired.....	60
---	----

Commissioners to keep account of receipts and expenditures of money	60
---	----

Accounts open to public inspection	60
------------------------------------	----

Accounts returned to Levy Court..	60
-----------------------------------	----

Levy Court to audit accounts	60
------------------------------------	----

Accounts to be posted.....	60
----------------------------	----

Compensation to commissioners..	60
---------------------------------	----

ROADS—CONTINUED.

Compensation to supervisors.....	60
Compensation to laboring taxpayer.....	61
Compensation for horses employed.....	61
Snow or other impediment to be removed.....	61
How money may be borrowed for use of roads.....	61
Duty of assessor.....	62
Qualification of commissioners.....	62
Qualification of voters.....	62
Vacancy.....	62
Neglect of duty by commissioner a misdemeanor.....	62
Jurisdiction of justice of peace.....	62
Tax collector to be appointed.....	62
Collector to give bond.....	62, 63
Compensation of collector.....	63
Commissioners to appoint secretary.....	63
New road, how laid out.....	63
Payments, how made.....	63
Road tax to be set off against work done.....	63
Duty of Receiver of Taxes and County Treasurer.....	63
Brandywine Hundred incorporated.....	64
Redemption of bonds.....	64
Sinking fund, where deposited....	64
Certain acts not to be affected by this act.....	64
Commissioners authorized to borrow \$6,000.....	67
<i>Christiana Hundred—</i>	
Commissioners to widen certain road.....	65
Width of road and sidewalks.....	65
Plot and return to be filed with Clerk of the Peace.....	66
Levy Court to provide for paying damages.....	66
Commissioners to be sworn.....	66
Acts of majority sufficient.....	66
Vacancy in commission.....	66
Compensation of commissioners and surveyor.....	66
<i>White Clay Creek Hundred—</i>	
An act to lay out a new public road	

ROADS—CONTINUED.

and vacate part of an old road..	67
Commissioners.....	67
Location of road.....	67
Assessment of damages.....	68
Commissioners to be sworn.....	68
Vacancy in commission.....	69
Certain road vacated.....	69
<i>Red Lion Hundred—</i>	
Time extended for payment of money borrowed by road commissioners.....	57
<i>Mill Creek Hundred—</i>	
Act to open and widen certain, in Mill Creek Hundred.....	502
Commissioners to lay out, route.....	502
Damages, assessment of.....	502
Straightening a certain road.....	502
Costs, how paid.....	502
<i>Turnpike—</i>	
Act to amend act to incorporate a company for making a turnpike road from Wilmington to the State line.....	503
Act amended.....	503
Toll rates.....	503
Steam engines or electric contrivances.....	503
<i>Convict Labor—</i>	
Act to revive and re-enact act to permanently improve, in New Castle County, being Chapter 670 of Volume 19, Laws of Delaware.....	501
KENT COUNTY.	
<i>Kenton Hundred—</i>	
An act to lay out a public road....	71
Commissioners.....	71
Location of road.....	71
Damages.....	71
Levy Court to make an appropriation.....	71
Commissioners and surveyor sworn	72
An act to open and lay out a new public road in Kenton Hundred.	77

ROADS—CONTINUED.

Commissioners	77
Location of road	77
Damages	78
Levy Court of Kent County to ap- prove return of commissioners..	78
Vacancy	78
Compensation	78
Act to vacate part of public road in Kenton Hundred	504
Portion of road vacated	504
Act in relation to a public road ad- joining the town of Clayton	623
<i>West Dover Hundred—</i>	
An act to lay out a public road in West Dover Hundred	69
Commissioners	69
Location of road	69
Damages	70
Levy Court may make appropri- ation	70
When a public road	70
Commissioners and surveyor to be sworn	70
Vacancy	70
An act to lay out a public road in West Dover Hundred	72
Commissioners	72
Location of road	72
Damages	73
Levy Court to make appropriation	73
Commissioners and surveyor to be sworn	73
Compensation	73
An act to lay out a public road in West Dover Hundred	79
Location	80
Damages	80
Levy Court to make appropriation	80
Commissioners and surveyor to be sworn	80
Vacancy	80
Compensation	80
Act to open and lay out road in West Dover Hundred	507
Commissioners, route	507
Surveyor, plot, return	507-8

ROADS—CONTINUED.

Damages, cost	508
Approval and charges	508
Oaths of commissioners and sur- veyor	508
Vacancies in commission	508
Compensation	508
<i>South Murderkill Hundred—</i>	
An act to lay out a new public road in South Murderkill Hundred ..	81
Commissioners	81
Limits of road	81
Damages	81
Levy Court may make appropria- tion	81
When deemed a public road	81
Commissioners and surveyor to be sworn	81
Vacancy	82
Act to lay out new road in South Murderkill Hundred	512
Commissioners, route	512
Surveyor, plot, return	512
Damages	512
Approval of	512
Oaths	512
Act repealed	513
<i>Mispillion Hundred—</i>	
An act to lay out and open a new public road	74
Commissioners	74
Location of road	74
Damages	75
Levy Court to make appropriation	75
Commissioners and surveyor to be sworn	75
Compensation	75
An act to vacate a private road ..	79
Act to lay out a public road in Mis- pillion Hundred	505
Commissioners, route	505
Surveyor, plot, return	505-6
Damages, cost of opening	505
Oaths of commissioners and sur- veyor	506
Return and plot laid before Levy Court	506

ROADS—CONTINUED.

Act to straighten road in Mispillion Hundred	509
Commissioners to change course of	509
Surveyor, plot, cost, return	509
Approval, damages, expenses	510
Road vacated	510
Oaths, before whom taken	510
Vacancies in commission	510

Milford Hundred—

An act to lay out a new public road in Milford Neck	76
Commissioners	76
Limits of road	76
Damages	76
Levy Court to make appropriation	76
Commissioners and surveyor to be sworn	76

Act to straighten road in Milford Hundred	506
---	-----

Route, vacation of old road	506-7
-----------------------------------	-------

East Dover Hundred—

Act to open in East Dover Hundred	511
Commissioners, route of road	511
Return	511
Approval, expenses	511

SUSSEX COUNTY.

North West Fork Hundred—

An act to lay out a new public road	83
Commissioners	83
Limits of road	83
Damages	84
Levy Court may make appropriation	84
Commissioners and surveyor sworn	84
Act to lay out new public road in North West Fork Hundred	529
Commissioners, route of road	529
Oaths	529
Surveyor, plot, return	529
Costs, damages, fees	529
Land no expense to county	529
Act to authorize laying out and establishing a new road in North West Fork Hundred	531

ROADS—CONTINUED.

Commissioners, route of road	531
Surveyor, plot, return	532
Cost, damages	532
Levy Court may open	532
Oaths, fees	532
Vacancies	532

Broad Creek Hundred—

An act to lay out a new public road in Broad Creek Hundred	82
Commissioners	82
Location of road	82
Commissioners and surveyor to be sworn	83
Damages	83
Levy Court may make appropriation	83

Act to authorize the levying of a special tax for shelling county roads of Broad Creek Hundred	526
Special tax, rate	526
Levying and collection	526
Separate account	526
How paid out, orders, &c	526
Money applied to shelling	526
Hauling shells	527
Distribution of shells	527
Portion of allotment to hundred not affected	527

Baltimore Hundred—

An act to open a new public road in	84
Commissioners	84
Location of road	84
Damages	85
Levy Court to make appropriation	85
When a public road	85
Commissioners to be sworn	85
Compensation	85
Act to lay out new road in Baltimore Hundred	517
Commissioners, route	517
Surveyor, plot, return, cost	517-18
Land no cost to county	518
Oaths, fees	518
Act to lay out road in Baltimore Hundred	518

ROADS—CONTINUED.

Commissioners, route of road.....	518
Surveyor, plot, return, cost.....	519
Approval and opening.....	519
Oaths, fees.....	519
Act to lay out new road in Baltimore Hundred.....	520
Commissioners, route.....	520
Surveyor, cost, plot, return.....	520
Lands not to cost county.....	520
Approval and opening.....	520
Oaths, fees.....	520
Act to authorize Levy Court to take up and keep in repair public road in Baltimore Hundred.....	523
Act to open a new public road in Baltimore Hundred.....	533
Commissioners.....	533
Route.....	533
Surveyor, plot, return.....	533
Cost, damages.....	533
Opening.....	533
Oaths, fees.....	533
<i>Seaford Hundred—</i>	
Act to lay out road in Seaford Hundred.....	513
Commissioners.....	513
Route of road.....	513
Surveyor, plot, return.....	513
Damages, cost.....	513
No expense to county.....	513
Oaths.....	514
Old road vacated.....	514
Compensation.....	514
Act providing for special tax for purchase of oyster shells for county roads of Seaford Hundred.....	514
Special tax, rate, collection.....	514
County Treasurer to keep separate account.....	514
How paid out, orders.....	514-15
Application of funds.....	515
Hauling shells, cost.....	515
Distribution of shells.....	515
Allotment of money for hundred not affected.....	515

ROADS—CONTINUED.

Apportionment of county fund.....	515
Act to lay out new public road in Seaford Hundred.....	541
Commissioners.....	541
Route.....	541
Surveyor, plot.....	541
Damages.....	541
Cost of land no expense to county.....	541
Oaths.....	541
Fees.....	541
<i>(See Wilmington City.)</i>	
<i>Gumboro Hundred—</i>	
Act to lay out new road in Gumboro Hundred.....	516
Commissioners, route of road.....	516
Surveyor, plot, return, cost of.....	516
Laud, no cost to county.....	516
Oaths, fees.....	516
Act to lay out new public road in Sussex County.....	530
Commissioners, route of road.....	530
Surveyor, plot, return.....	530-31
Oaths.....	530
Cost, damages.....	530-31
Approval.....	531
Fees.....	531
No cost to county.....	531
Act to lay out new public road in Gumboro Hundred.....	534
Commissioners.....	534
Route.....	534
Surveyor, plot, return.....	534-35
Damages, cost.....	534-35
Opening.....	535
Laws applicable.....	535
Oaths.....	535
Vacancies.....	535
Fees.....	535
No expense to county.....	535
<i>Lewes and Rehoboth Hundred—</i>	
Act appointing commissioners to straighten and widen the road leading from Lewes to low-water mark of ocean.....	521
Commissioners, route of road.....	521

ROADS—CONTINUED.

Surveyor, plot, return.....	521
Cost, damages.....	521
Approval and adoption.....	522
Old road vacated.....	522
Oaths.....	522
Fees, how paid.....	522
Act amending above named act.....	523
Route of road extended.....	523
Act to straighten and widen road leading from Red Mill to Five Points in Lewes and Rehoboth Hundred.....	524
Commissioners.....	524
Location of road.....	524
Surveyor, plot, return.....	524
Cost no expense to county.....	524
Adoption, vacation of old road.....	525
Oaths, fees, &c.....	525

Indian River Hundred—

Act to change and straighten a part of a public road in Indian River Hundred.....	528
Who to straighten.....	528
Route.....	528
Without expense to county.....	528
When a road.....	528
Vacating old road.....	528

Cedar Creek Hundred—

Act to lay out new public road in Cedar Creek Hundred.....	536
Commissioners.....	536
Route.....	536
Surveyor, plot, return.....	536
Damages, cost.....	536
Opening.....	537
Oaths.....	537
Vacancy.....	537
Fees, payment.....	537
No expense to county.....	537

*North West Fork and Nanticoke
Hundreds*

Act to straighten public road be- tween Greenwood and St. Johns- town in North West Fork and Nanticoke Hundreds.....	538
---	-----

ROADS—CONTINUED.

Commissioners, location of road..	538
Plot, return, cost, damages.....	538-39
Approval.....	539
No expense to county.....	539
Oaths, fees, vacancy.....	539
Old road vacated.....	539

Broadkill Hundred -

Act in relation to certain road in Broadkill Hundred.....	540
Straightening road.....	540
Acceptance of Levy Court.....	540
Old road vacated.....	540

ROBBINS' HOSE COMPANY NO.

I. OF DOVER—

Appropriation to.....	743
-----------------------	-----

ROBERTS, LUTHER C.—

Farm transferred.....	42
-----------------------	----

RODNEY, HENRY F.—

Farm transferred.....	238
-----------------------	-----

ROGERS, ANANIAS—

Title of act to divorce from Sarah E. Rogers.....	795
--	-----

ROGERS, BETTINE MCKEAN—

Title of act to divorce from Will- iam H. Rogers.....	307
--	-----

ROSE, MARY A.—

Land transferred from School Dis- trict No. 54 to Nos. 39 and 41...	456
--	-----

ROSS, WILLIE M.—

Appointed State Treasurer.....	723
--------------------------------	-----

ROSSELL, JOHN S.—

Commissioner to consider munici- pal government for Wilmington	159
---	-----

RULON, ELIZABETH P.—

Title of act to divorce from Will- iam H. Rulon.....	791
---	-----

RUSSELL, ALEXANDER B.—

Title of act to divorce from Ella B. Russell.....	793
--	-----

RUSSELL, CHARLES E.—

Farm transferred.....	40
-----------------------	----

RUSSELL, FLORENCE—

Title of act to divorce from John Russell.....	789
--	-----

S

SAINT AUGUSTINE MARSH COMPANY—

A supplement to an act to incorporate.....	55
Time for return of commissioners extended.....	55
Charter revived.....	496
Time for return of commissioners extended.....	496

SAINT PETER'S FEMALE BENEFICIAL SOCIETY, OF THE CITY OF WILMINGTON, DELAWARE—

Title of act to incorporate.....	286
----------------------------------	-----

SALE—

Title of act confirming sale of certain real estate in the City of Wilmington.....	779
Title of act to authorize sale of certain real estate in Seaford, &c..	781

SALT MARSH -

Act granting certain to Ada Lowe.....	314
Plot, recording.....	314
Publication of notice of survey.....	314
Caveat, hearing.....	315
Payment for, patent.....	315

SALT POND DITCH COMPANY—

Incorporation, name, object.....	493
Commissioners, duties.....	493
Location.....	493
Survey, plot, return recording.....	493
Oath of commissioners.....	493
Majority to act.....	493
Vacancies.....	494
Who assessed.....	494
When return made.....	494
Meetings, notice, voting.....	494
Election of officers.....	494
Assessment to stand for 10 years.....	494
New assessment, return of.....	494

SALT POND DITCH COMPANY—
CONTINUED.

Duties of managers, accounts.....	494
Tax discharged by labor.....	495
Annual tax.....	495
Treasurer, duties, powers, bond, settlement, compensation.....	495
Compensation of commissioners, &c.....	495
Incorporation, name, powers.....	495
Obstructions.....	495

SANDERSON, JOHN W.—

Title of act to divorce from Mary L. Sanderson.....	791
---	-----

SAN JOSE SCALE—

Act to prevent spread of in orchards.....	427
Inspector to be appointed.....	427
Powers and duties of inspector.....	427
Appropriation of \$300.....	427
How paid.....	427
Report of inspector.....	427

SANTA MARIA COUNCIL NO. 195, KNIGHTS OF COLUMBUS—

Title of act to incorporate.....	775
----------------------------------	-----

SCHOOL ELECTION -

Sale of intoxicating liquors at not prohibited.....	474
---	-----

SCHOOLS, FREE—

Qualifications of superintendent.....	17
Teachers' check to be signed by a majority of commissioners.....	18
Three certificates of proceedings of school meetings.....	19
United States flag to be purchased by each school board.....	22

Colored—

Official bond of County Treasurers liable for moneys received.....	19
County Treasurers' commissions.....	19-21
Annual appropriation of \$12,000 for running expenses.....	19
Appropriation to be divided equally among the counties.....	20

SCHOOLS, FREE--CONTINUED.

Annual appropriation of \$3,000 for buildings and text books	20
County superintendents to have control of colored schools	20
Superintendents shall furnish County Treasurers with estimate of expenses	20
Colored school taxes to be expended in county where collected....	20
Colored school taxes in Wilmington Hundred to be paid annually in April to board of public education in Wilmington	21
Three county superintendents constituted a building board	21
Superintendent shall order text books	21
County Treasurer shall purchase text books	21
Superintendents to give personal supervision to the schools	21
Superintendents to settle with State Auditor	21
Act to amend Chapter 17 of Volume 20, Laws of Delaware	431
Sites for colored schools to be paid for out of State appropriation....	431
Title to be taken in superintendent and successors, reversion to State ..	431
Conveyance free of incumbrance..	431
No distribution of school fund to colored schools till real estate now held be conveyed to superintendent	431
Act to amend act to improve and promote colored schools in State ..	432
Superintendent to be custodian and distributor of State appropriation to colored schools	432
Act to legalize and provide for the support and maintenance of the Delaware Colored Teachers' State Institute	433
Establishment of institute	433
Appropriation of \$100 annually....	433
How paid	433
Accounts of superintendents	433

SCHOOLS, FREE--CONTINUED.

NEW CASTLE COUNTY.

Election--

Annual school election in New Castle County, when held	434
--	-----

Number 103--

Act for the relief of School District No 103, New Castle County....	22
Additional tax	23
Not to exceed \$150	23

New Castle--

Act to renew and re-enact "Act to establish a board of education for the City of New Castle and to incorporate the same," &c.	23
--	----

Newport--

Act to consolidate and incorporate United School Districts Nos. 21 and 97, in New Castle County ..	24
Members of board of education ...	24
Powers, officers	24-25
Election, terms, meeting	25
Taxes	25
Schoolhouse and lot	25
May borrow \$7,000, security, payment, &c	25-26

Marshallton--

Act to authorize the board of education of Marshallton School Districts Nos. 77, 99 and 99½, in New Castle County, to borrow money	27
Act in relation to the board of public education of Marshallton, New Castle County	435
Terms of present members terminated	435
New members to be elected, number of	435
From what districts elected, terms of office	435
President of	436
Rules	436
Delivery of books, &c., to new board	436

SCHOOLS, FREE—CONTINUED.

Powers of new board..... 436

*Number 63—*Act to divide School District No.
63, in New Castle County, to re-
unite the same, and for other
purposes 437*Number 96—*Act for the relief of School District
No. 96, in New Castle County... 438
Appointment of commissioners.... 438
Powers of commissioners..... 438*Number 42—*Act for the relief of School District
No. 42, New Castle County..... 439
State Treasurer to pay \$650 to 439

KENT COUNTY.

*Number 132—*Act to authorize the commissioners
of School District No. 132, in
Kent County, to borrow money
to pay for a new schoolhouse... 439
Authorized to borrow \$600..... 439
Secured by judgment bond..... 440
Insurance policy assigned 440*Number 96—*Act in relation to School District
No. 96, Kent county..... 440
Old district divided..... 440
Reunited..... 441
Present officers continued 441
Elections..... 441
Property to vest in united district. 441
Share in school fund..... 441
Laws applicable..... 441*Felton—*Act to amend an act to establish a
Board of education for the town
of Felton..... 442
Board of education of Felton au-
thorized to borrow money,
amount..... 442
How secured and paid..... 442
How used 442

SCHOOLS, FREE—CONTINUED.

*Number 125—*Act for the relief of School District
No. 125, in Kent County 443
District divided and reunited 443
Title of..... 443
Officers continued..... 443
Vesting of property 443
Liable for debts of old district.... 443
Share in school fund..... 443
Laws applicable to..... 444*Frederica—*Act to establish a board of educa-
tion for the town of Frederica
and to incorporate the same, and
for other purposes..... 444
Board of education..... 444
Members, term 444
Annual election, terms of office... 444
Notice of election..... 444
Meeting of board 445
Oaths of office..... 445
Organization 445
Style of board 445
Powers of board..... 445
Quorum, vacancy..... 445
Other officers, teachers, &c..... 445
By-laws 445
Share of school fund, how drawn... 445-46
Taxes not to exceed \$1,600..... 446
Monthly meeting of board..... 446
Annual statement..... 446
Settlement with Auditor..... 446
New school site and house..... 446
Sale of old property..... 446
Cost not to exceed \$4,000..... 446
Frederica Railroad Company to pay
certain moneys to, how expend-
ed 447
May borrow money, amount..... 447
Securing loan, when payable 447
On failure of railroad company to
pay money the question of new
schoolhouse to be submitted to
taxables..... 447
Loan may be authorized by vote of
taxables..... 447

SCHOOLS, FREE—CONTINUED.

Bond and mortgage, when payable	448
Organization of board, oath, duties	448
On failure of railroad company to pay over money another meeting to be called, notice	448
<i>United Numbers 28 and 80—</i>	
Act to consolidate United School Districts Nos. 28 and 80, in Kent County	449
Title, powers, annual taxes	449
<i>Number 48—</i>	
Act to authorize School District No. 48, in Mispillion Hundred, in Kent County, to borrow money to build and erect a new school-house and to sell the old school-house, and for other purposes	449
Building committee	449
May borrow \$400 to build new house	449
Sell old building, proceeds	450
Loan, when payable	450
Bond and mortgage, lien	450
Additional tax of \$100 annually to pay debt	450
How applied	450
<i>Number 119—</i>	
Act to amend Chapter 605, Volume 19, Laws of Delaware, entitled "An act to incorporate School District No. 119, in Kent County, and for other purposes"	451
Annual organization of commissioners	451
Assessment and collection of taxes	451
SUSSEX COUNTY.	
<i>Bethel—</i>	
Act to consolidate School Districts Nos. 99, 164 and 187, in Sussex County, and for other purposes	28
Board of education	28-29
School age	28
Officers, election of	29
Property, sale of, &c.	30
Schoolhouse, site	30

SCHOOLS, FREE—CONTINUED.

May borrow money, how secured, &c.	30
Taxes	30
Oath, bond, &c., officers	31
<i>Lewes—</i>	
Supplement to act to establish board of education for the town of Lewes and to incorporate the same, &c.	31
Laws relative to board of education of, renewed and extended for 20 years	31-32
<i>United Numbers 44 and 150—</i>	
An act to enable United School Districts Nos. 44 and 150, Sussex County, to secure a school lot and title to same	32
Commission to select lot and assess damages	32
To certify award to parties	33
When damages may be paid into bank	33
Site to be surveyed and plot recorded	33
Fund to pay damages and expenses to be raised by separate tax	33
Oath to be administered to each other	33
<i>Number 138½.</i>	
An act to create an additional school district in Sussex County	34
Limits	34
Meeting of school voters	34
Commissioners to select site	34
May borrow money	35
Loan, how secured	35
Duty of Secretary of State	35
<i>United Numbers 125 and 171—</i>	
An act for the relief of United School Districts 125 and 171, in Sussex County	35
May dispose of old schoolhouse and erect a new one	35
Cost not to exceed \$800 in addition to proceeds of old house	35
May borrow money	36

SCHOOLS, FREE—CONTINUED.

Loan, how secured.....	36
May collect additional taxes to meet payments of annual instalments	36
Seal.....	36

Number 18—

Act to authorize the school commissioners of School District No. 18, of Sussex County, to move their schoolhouse	452
Schoolhouse may be moved to better location.....	452
May borrow \$300, use of.....	452
Surplus moneys to be applied to debt	452

United Numbers 2, 100, 103 and 104—

Act in relation to United School Districts Nos. 2, 100, 103 and 104, in Sussex county.....	453
Annual meeting.....	453
Laws applicable	453

Number 52—

Act authorizing School District No. 52, in Sussex County, to borrow money for building purposes....	453
May borrow \$550, how expended..	453
How secured, when payable	454
Additional tax annually, how applied.....	454
May dispose of present property, deed, proceeds.....	454

Laurel—

Act to increase the school fund for the united school districts of Laurel.....	455
Empowered to collect \$250 for school purposes.....	455

TRANSFER OF PROPERTY.

Farm of John Soreath transferred from School District No. 103, New Castle County, to School District No. 92.....	37
--	----

SCHOOLS, FREE—CONTINUED.

Farm of Helen M. Stout transferred from School District No. 35 to School Districts Nos 94, 126 and 127, Kent County.....	38
--	----

Farm of James E. Barcus, situate in School District No. 38, in Kent County, transferred to District No. 120.....	38-39
--	-------

Farm of William W. Taylor transferred from School District No. 72, in Kent County, to consolidated School districts Nos. 22 and 99.....	39
---	----

Farm of Charles E. Russell transferred from School District No. 71 to School District No. 143, Sussex County.....	40
---	----

Farm of Garrison F. McCabe transferred from School District No. 167 to School District No. 128, in Sussex County.....	40
---	----

Lands of Joseph W. Veasey transferred from School District No. 18, in Sussex County, to School District No. 88.....	41
---	----

Farm of Caleb M. McCabe transferred from School District No. 119 to School district No. 31, in Sussex County.....	42
---	----

Farms of John W. Layton and Luther C. Roberts transferred from School District No. 26 to School District No. 123, in Sussex County	42-43
--	-------

Part of the farm of Elizabeth W. Matthews transferred from School District No. 40 to School District No. 43, in Sussex County	43
---	----

Farm of Gardner R. Marvel transferred from School District No. 42, in Sussex County, to School District No. 34.....	43
---	----

Farms of Robert Avnell and heirs of Henry F. Rodney transferred from School District No. 17, in Sussex County, to School District No. 178.....	238
--	-----

SCHOOLS, FREE—CONTINUED.

Farms of John H. Truitt and John T. Jones transferred from School District No. 124 to School District No. 17, in Sussex County...	239
Farms of Stephen E. Evans, Cyrus Holt, Peter Townsend and Mary W. Barnett transferred from School District No. 123 to School District No. 181, in Sussex County.....	240
House and lot of Mary H. Rose from School District No. 54 to United Districts Nos. 39 and 41...	456
Farm of Bevend N. Meyer from District No. 13, in Kent County, to Districts Nos. 18, 60, 90, 91, 92 and 101	457
Farm of William Artis from District No. 15 to United Districts Nos. 96 and 133½, in Kent County.....	457
Lands of Philip E. Davis from District No. 39 to District No. 176, in Sussex County	458
Farm of Eddie W. Godwin from District No. 31 to District No. 120, in Sussex County.....	459
Act transferring farms of Stephen E. Evans, Cyrus Holt, Peter Townsend and Mary W. Barnett repealed.....	460
Farm of William S. Martin from School District No. 132 to District No. 18, in Sussex County...	460
Farm of Henry B. Mitchell from District No. 144 to District No. 189, in Sussex County.....	461
TEXT BOOKS.	
Text books now in use continued ..	237
SEAFORD—	
Regulation of shows in.....	175
SEARCH WARRANT—	
For suspected imitation butter....	275
SECRETARY OF STATE—	
To collect tax on private acts.....	225

SECRETARY OF STATE—CONTINUED.

To collect cost of printing act of incorporation.....	226
Member of commission to open bids for bonds.....	328
Signing bonds.....	329
Receipt for bonds.....	331
Meeting for opening bids.....	332
Compensation for.....	334
Contingent fund of.....	724
Committee to settle with.....	724
SECURITY LOAN ASSOCIATION—	
Title of act to incorporate.....	772
SETTLEMENT OF PERSONAL ESTATE—	
Personal property may be transferred to trustee or guardian...	178-180
SHANDLEY, CAROLINE A—	
Title of act to divorce from Thomas J. Shandley.....	794
SHAW, BENJAMIN F., COMPANY—	
Title of act to incorporate	283
SHAW, MARY BEDDISS—	
Title of act to divorce from James Shaw	306
SHAWNEE TRIBE NO. 27. IMPROVED ORDER OF RED MEN—	
Title of act to incorporate	291
SHOLES, SALLIE—	
Title of act to divorce from Robert Sholes	793
SHORT, ELIZA A.—	
Title of act to divorce from John F. Short.....	305
SHROM, MARY R.—	
Title of act to divorce from George Shrou	790

SILVERBROOK CEMETERY
COMPANY—

Act to incorporate.....	119
Corporators.....	119
Powers.....	119
Privileges.....	119
Capital stock.....	119
Principal office in Wilmington.....	120
Directors.....	120
Vacancy.....	120
Officers.....	120
No road or street shall be laid out through cemetery.....	121
Injury to property a misdemeanor.....	121

SIMONS, SARAH A.—

Title of act to divorce from Ulysses Grant Simons.....	301
---	-----

SMITH, MARY D.—

Title of act to divorce from Durbin Smith.....	787
---	-----

SMYRNA, (TOWN)—

Act to reincorporate the town of Smyrna.....	624
Limits of town.....	624
Council, qualifications, terms, acts of majority, vacancies in.....	624-636
Powers of council.....	632-45
Districts.....	624
Election of 1898.....	624
Annual election.....	625
Qualification of electors.....	625
Officers of election.....	625
Counting votes.....	625
Terms of office.....	625
Record and certificate of election.....	626
Meetings of council, oath, officers of.....	626
Majority acts.....	626
Vacancy in offices.....	626
No contracts with members of coun- cil.....	626
Alderman, term, oath, duties, powers, fees, vacancies in, re- moval, neglect to pay over moneys, fine.....	627-28
Monthly report of alderman.....	628

SMYRNA (TOWN)—CONTINUED.

President of council, duties.....	628
Prison.....	629
Use of county jail.....	629
Collector, bond, compensation.....	629
Incorporation, name, seal, powers.....	629
Superintendence of streets and roads.....	630
Opening streets, notice.....	630
Appeal.....	630
Commissioners to hear appeal, re- turn, damages, costs, fees, &c.....	631-32
Paving, notice to owners.....	633
Neglect to pave, council to have done.....	633
Collection of cost of paving, lien, sale, &c.....	633-34
Sale, notice, &c.....	634-35
Ordinances.....	635
Meetings.....	635
Fines or penalties.....	635
Police.....	635
Publication of annual statement.....	636
Use of streets.....	636
Use of town money.....	636
Conservators of the peace.....	636
Arrests, warrant, hearing, commit- ment, trial, fees, &c.....	637
Bonfires, firing guns, fireworks, &c., suppression of.....	638
Obstructions and nuisances on streets, removal.....	638
Costs of removal of nuisances, col- lection of.....	639
Neglect to remove nuisances, fines, &c.....	639-40
Constable neglecting duties, pun- ishment.....	640
Treasurer, oath, bond, duties, com- pensation.....	640
Compensation of clerk.....	640
Taxes, assessment, additional.....	640-41
Assessor, duties, oath, compensa- tion.....	640-41-42
Assessment to be hung up, ap- peal.....	642
Duplicate and warrant.....	642

SMYRNA (TOWN)—CONTINUED.

Collector, duplicates delivered to, powers, discount, attachment, proceedings	642-43-44
Exemption from taxation of manu- facturers	644
Paving streets	644
Officers continued	645
Removal of officers, cause	645
Act to amend	645
Qualification of electors, payment of taxes	646

SOCIETY FOR PREVENTION OF
CRUELTY TO CHILDREN—

Appropriation to	746
------------------------	-----

SOCIETY OF COLONIAL WARS
IN THE STATE OF DELA-
WARE—

Act to incorporate	598
Corporators	598
Name, object, powers	598
Meeting	598
Capital stock	599
Value of property held	599

SOREATH, JOHN—

Farm transferred	37
------------------------	----

SOUTH SIDE RAILWAY COM-
PANY—

Act to incorporate	569
Corporators	569
Perpetual succession	569
Powers	569
Seal	569
Subscriptions to capital stock	569
Capital stock, increase	569
Borrowing money, security	570
Directors, election of, terms, va- cancy	570
Annual meeting	570
Officers	570
By-laws	570
Payment of stock	570
Dividends	570
Commencement of business	571
Paying for stock	571
Route	571

SOUTH SIDE RAILWAY COM-
PANY—CONTINUED.

Motive power	571
Tracks	571
Use of streets, grades, consent	571-72
Beginning and completion of	572
Contracts	572
Branch road	572
No grade crossing	572
Use of land	572
Condemnation proceedings	572-73
Injury to road	574

SOUTH WILMINGTON REAL ES-
TATE COMPANY—

Title of act to incorporate	290
-----------------------------------	-----

SPRING VALLEY DISTILLING
COMPANY—

Title of act to incorporate	774
-----------------------------------	-----

SPRINGER, HOWARD B.—

Title of act to divorce from Sarah W. Springer	795
---	-----

SPRUANCE, W. C.—

Compensation as Chancellor <i>ad item</i>	754
---	-----

ST. BERNARD CLUB, THE—

Title of act to incorporate	766
-----------------------------------	-----

ST. GEORGE'S—

One-half of road taxes to be paid to council	165
---	-----

ST. GEORGE'S BRANCH DITCH
COMPANY—

Each taxable entitled to one vote	484
---	-----

ST. MICHAEL'S DAY NURSERY
AND HOSPITAL FOR
BABIES .

May become guardian	116
---------------------------	-----

STANDARD PRINTING COM-
PANY—

Title of act to incorporate	774
-----------------------------------	-----

STANLEY, MARY A.—

Title of act to divorce from James Stanley	796
---	-----

STANTON, MARY S.—	
Title of act to divorce from Nathan Stanton	790
STANTON STORE COMPANY—	
Title of act to incorporate	773
STAR OF BETHEL LODGE, I. O. O. F., NO. 69, OF BRANDY-WINE HUNDRED—	
Title of act to incorporate	771
STARS AND STRIPES COUNCIL, NO. 26, JR. O. U. A. M., OF SMYRNA —	
Title of act to incorporate	770
STARS AND STRIPES PUBLISHING COMPANY—	
Title of act to incorporate	769
STATE BOARD OF HEALTH—	
Resolution authorizing publication of report of	734
STATE BONDS—	
Act to provide for the payment of a part of the funded debt of the State	327
State Treasurer to advertise for bids for	327
Bids accompanied by check for 5 per cent	328
Deposit forfeited for non-compliance	328
Advertisement	328
Commission to open bids, when and where to meet	328
Bids not to be less than par	328
Return of checks of unsuccessful bidders	328
Rebate allowed on money deposited	328
Record of bids and awards, when filed	329
State Treasurer to have bonds prepared	329
Cost of bonds, limit	329
Contents of bonds	329
Rate of interest, semi-annually	329
Principal, when due	329
Redemption, notice	329
STATE BONDS—CONTINUED.	
Form of bonds	329
Form of coupon	330
Signing and sealing	330
Delivery, receipts	331
Record	331
Cancellation of coupons	331
Readvertisement on failure to receive bids or non-compliance	331
Opening bids	332
Change of dates	332
Notice of award	332
Like bids, how awarded	332
Application of proceeds	332
Public faith pledged	333
Exemption from taxation	333
Blanks in bonds to be filled	333
Expenses, how paid	333
Notice of redemption of certain bonds	333
Compensation to commissioners	334
STATE CHEMIST—	
To analyze suspected imitation butter	275
STATE COLLEGE FOR COLORED STUDENTS—	
Appropriation to	744
STATE DETECTIVES—	
Act to amend Chapter 47, Volume 19, Laws of Delaware	413
Salaries, how paid	413
Terms of office	413
May be removed, when	414
STATE FLOWER—	
Adoption of	277
STATE HOUSE—	
Committee to investigate condition of	730
Resolution in relation to library addition to	731
Insurance of	731
Flag for	736
Changes and alterations of interior of, committee for, &c	757

STATE LIBRARIAN—

Authorized to have old Latin Bible repaired..... 749

STATE LIBRARY—

Addition to.....4, 219
 Compensation of committee to build addition to..... 731
 Insurance..... 731
 Contingent fund for..... 750
 Brackets for..... 753

STATE TREASURER—

To pay appropriation for addition to State Library building..... 5
 Election of..... 204
 To pay \$2,700 to World's Fair managers..... 208
 To pay certain claims..... 279
 To pay John R. Nicholson and Edward Ridgely \$125..... 280
 To advertise for bids for bonds..... 327
 To cause bonds to be prepared..... 329
 Signing bonds..... 330
 Record for bonds..... 331
 Cancellation of coupons..... 331
 Readvertisement..... 331
 Receiving coupons..... 332
 Application of proceeds..... 332
 Filling blanks..... 333
 Redemption of bonds..... 333
 Compensation for..... 334
 To pay \$650 out of school fund to District No. 42, of New Castle County..... 439
 Appointment of Willie M. Ross as..... 723
 Certain funds to be turned over to..... 727
 Publication of report of..... 727
 Compensation of for..... 727
 To purchase typewriter for office.. 741
 To pay for telephone in State House..... 746

STATUTES—

Act to revive and extend time for Recording private acts..... 315
 Certified copy to be procured from Secretary of State within year.. 316
 Recording, &c..... 316

STATUTES, REVISED—

(See *Acts Amended.*)

STEEL, MARY C.—

Title of act to change name of.... 780

STOUT, HELEN M.—

Farm transferred..... 38

STREET AND SEWER DEPARTMENT—

Board of directors of..... 163

STROUD, HENRY F.—

Title of act to divorce from Louela Stroud..... 750

SULLIVAN, MARY—

Title of act to divorce from Charles P. Sullivan..... 789

SUPERINTENDENTS OF FREE SCHOOLS—

Qualifications..... 17
 To have control of colored schools 20
 To submit estimate of money required for schools to County Treasurer..... 20
 Superintendent shall draw monthly money for running expenses.... 20
 Superintendents jointly constitute building board..... 21
 Superintendents to give personal supervision to the schools..... 21
 Superintendents to settle with Auditor..... 21
 To take title to colored school property..... 431
 To be custodian of school funds of 432
 To receive and disburse moneys for colored teachers' institute..... 433

SURETY COMPANIES —

May become surety..... 96
 Must be authorized by its charter to enter surty..... 96
 Must comply with laws of this State Foreign companies must have paid up capital of \$250,000..... 97
 Must file copy of charter..... 97

SURETY COMPANIES—CONTINUED.

Foreign company must appoint attorney on whom process may be served	97
Foreign corporations must have \$10,000 in securities deposited with State Treasurer	97
Certificate from Insurance Commissioner	98
Annual statement to be filed	99
How surety may be released	100

SURGERY—

(See *Practice of Medicine and Surgery.*)

SUSSEX ELECTRIC RAILWAY COMPANY—

Act to incorporate	260
Corporators	260
Powers	260
Termini	261
Motive power	261
Route	261
May acquire private property	261
Railway crossings	262
When commenced	262
Capital stock	263
May borrow money	263
Directors	263
First meeting of stockholders	263
Election of directors	264
Annual election	264
Dividends	264
Private lands, how acquired	265
Damages	265
May supply electric lights	266
May use streets, etc.	266

SUSSEX LAND AND CATTLE COMPANY—

Title of act to amend charter	285
-------------------------------------	-----

SUSSEX LAND, INVESTMENT AND IMPROVEMENT COMPANY—

Title of act to incorporate	774
-----------------------------------	-----

SUSSEX MUTUAL INSURANCE COMPANY—

Act to incorporate	103
Corporators	103
Powers	103
First directors	104
Vacancy	104
When business may begin	104
Meetings	104
Qualification to vote	105
Powers of directors	105
Premiums	105
Transfer of insured property	106

SUSSEX TRUST, TITLE AND SAFE DEPOSIT COMPANY—

Title of act to incorporate	294
-----------------------------------	-----

T

TAXATION—

Act to equalize for State and county purposes	334
Assessment of interest-paying investments	334
Kinds of investments assessed	335
Investments exempted	335
Assessment and taxation of investments, whether situated in State or not, or held as owner or otherwise	335
Return by owner to assessor	335
Included in general assessment	335
Investments taxed in other States exempt	335
Return to assessor by corporations and associations, who to make	336
Misdemeanor for officer of corporation to neglect, punishment	336
Lender of money to pay tax	336
Misdemeanor to permit borrower to pay	336
Debtor of non-resident to pay tax and deduct from interest	336
Creditor refusing to allow deduction to forfeit interest	336
Debtor to pay tax before interest	336
Powers of assessors and collectors	337
Access to public offices and records	337

TAXATION—CONTINUED.

Worthless debts exempt.....	337
Mortgage alone to be taxed when accompanied by bond.....	337
Exemption of property paying computation tax	337
Affidavit in collecting debt.....	337
False swearing, perjury	337
Affidavit of lender to be attached to evidence of indebtedness.....	337
Affidavit by assignee	337
Apportionment of taxes, one-fourth to State and remainder to county	338
County Treasurer to pay over one-fourth quarterly to State Treasurer.....	338
Separate accounts of assessment.....	338
Additional bond of County Treasurer.....	338
Existing laws applicable.....	338
Levy Court to lay tax at rate of 30 cents on each \$100	338
Powers of collectors.....	338
What officers of corporations to make affidavits	339
When certain provision to go into effect	339
Attorneys may administer oaths.....	340
Rate of, for certain parts of Wilmington.....	669
Rate of, in Second Ward of Wilmington.....	678
Rate of, in part of Ninth Ward of Wilmington	686
Committee on	730

TAXES -

Assessment of in extended limits of Wilmington.....	162
Lien of county and State	317
Lien of in Wilmington.....	684

TAXES, COLORED SCHOOL—

Colored school taxes to be expended in county where collected....	20
Colored school taxes in Wilmington Hundred	21

TAXES, STATE—

On private acts	225
-----------------------	-----

TAYLOR, DANIEL W.—

Commissioner to consider municipal government for Wilmington	159
--	-----

TAYLOR, ELIAS J.—

Title of act to divorce from Carrie E. Taylor.....	305
--	-----

TAYLOR, JOHN—

Title of act to divorce from Anna Taylor	796
--	-----

TAYLOR, ROBERT J.—

Title of act to change name.....	209
----------------------------------	-----

TAYLOR, SEVERN -

Title of act to divorce from Martha Taylor	305
--	-----

TAYLOR, WILLIAM W.—

Farm transferred	39
------------------------	----

TELEPHONE COMPANY—

Delmarvia, incorporated.....	245
Bethel, Laurel and Sharptown, incorporated.....	122
Diamond State Telephone Company, incorporated.....	553
Trans-Peninsular, incorporated	555

TEXT BOOKS, FREE—

Title of meeting of State Board of Education relative to changing..	237
---	-----

THATCHER IMPROVEMENT COMPANY—

Title of act to incorporate	289
-----------------------------------	-----

THATCHER, LILLIE—

Title of act to divorce from Albert Thatcher.....	306
---	-----

THE IMMACULATE CONCEPTION BENEFICIAL SOCIETY OF WILMINGTON, DELAWARE—

Title of act incorporating.....	762
---------------------------------	-----

THOMAS, LOUISA WATKINS -

Title of act to divorce from William Thomas.....	306
--	-----

- TILL, MABEL O.—
 Title of act to divorce from William J. Till..... 787
- TIMES PUBLISHING COMPANY, OF MILTON—
 Title of act to incorporate 777
- TORBERT, SYLVESTER—
 Title of act to divorce from Ellen Torbert..... 393
- TOWNSEND—
 Act to amend act to incorporate... 650
 \$200 may be raised annually..... 650
 Poll tax..... 650
- TOWNSEND, PETER—
 Farm transferred 240
- TRANS-PENINSULAR TELEGRAPH AND TELEPHONE COMPANY—
 Act to incorporate 555
 Corporators..... 555
 Name 555
 Perpetual succession..... 555
 Powers..... 555
 Seal 555
 Not to have banking powers..... 555
 Nature of business..... 556
 Use of streets, roads, &c..... 556
 Subscription to stock..... 556
 Capital stock, increase..... 556
 Meetings of stockholders..... 556
 Election of directors, terms, &c .. 556
 Office 556
 Annual meeting..... 556
 Vacancy in board of directors.... 557
 Officers..... 557
 By-laws 557
- TRUE KNIGHTS' CASTLE NO. 24, K. G. E., OF DOVER, DELAWARE—
 Title of act to incorporate 291
- TRUITT, JOHN H.—
 Farm transferred 239
- TRUMP BROS. MACHINE COMPANY—
 Title of act for renewal of charter 765
- TRUSTEES—
 (See *Executor and Administrator*)
 Investments by 178, 180
- TRUSTEES OF THE WILMINGTON ANNUAL CONFERENCE OF THE METHODIST EPISCOPAL CHURCH—
 Act to incorporate..... 428
 Name 428
 Powers..... 428
 Trustees, number, election, terms. 428
 Vacancies in trustees..... 429
 Powers of corporation..... 429
 Seal 430
 By-laws 430
 Power of revoking charter..... 430
 Disposition of property..... 430
- TURNPIKE—
 (See *Roads*.)
- U
- UNDERTAKERS -
 Exempt from license 323
- UNION AMERICAN CIRCLE FRIENDSHIP IN DELAWARE—
 Title of act to renew charter of.... 767
- UNION AMERICAN CIRCLE OF GLASGOW -
 Title of act to incorporate 769
- UNION CASTLE NO 17, KNIGHTS OF THE GOLDEN EAGLE, SMYRNA, DELAWARE—
 Title of act to incorporate 767
- UNION CEMETERY COMPANY, OF GEORGETOWN—
 Act amending act to incorporate 590
 Collection of taxes or assessment... 590
 Justices' jurisdiction..... 590
 Release from assessment, how 590
 Use of fund raised..... 590

UNION VETERAN LEGION ENCAMPMENT NO. 34—	
Title of act to incorporate	289
URSULINE ACADEMY OF WILMINGTON, DELAWARE—	
Title of act to incorporate	288
UTILITY MANUFACTURING COMPANY—	
Title of act to incorporate	288

V

VANDYKE, MARY J.—	
Title of act to divorce from William T. Vandyke	785
VEASEY, JOSEPH W.—	
Farm transferred	41
VENUS TEMPLE NO. 9, GRAND ORDER OF UNION AMERICAN CIRCLE OF GLASGOW—	
Title of act to incorporate	769
VIGILANT COUNCIL NO. 19, JUNIOR ORDER UNITED AMERICAN MECHANICS, OF LAUREL, DELAWARE—	
Title of act to incorporate	288
VOTERS' ASSISTANT—	
Office of, abolished	403
VULCANIZED FIBRE COMPANY—	
Title of act to renew charter	281

W

WALES, HON. LEONARD E.—	
Resolution in relation to	732
Attending funeral of	735
WARNER, ALFRED D.—	
Commission to consider municipal government for Wilmington	159
WARRINGTON, GEORGE E.—	
Title of act for relief of	781
Title of act to divorce from Mary E. Warrington	790

WARRINGTON, MARY E.—	
Title of act to divorce from Rufus W. Warrington	792

WASHINGTON CAMP NO. 4, PATRIOTIC ORDER SONS OF AMERICA—	
Title of act to incorporate	282

WASHINGTON FIRE COMPANY NO. 7—	
Appropriation to	157

WASHINGTON STEAM FIRE ENGINE AND HOOK AND LADDER COMPANY NO. 7, OF THE CITY OF WILMINGTON, DELAWARE—	
Title of act to amend charter	287, 764

WATERING TROUGHS—	
Public for stock in White Clay Creek Hundred	500
How erected, supervision	500
Approval	500
Compensation	500
Number of troughs limited	500
Troughs to be public property	500
Injury to, nuisance, punishment	500
Preference of troughs already erected	500

WATER WITCH STEAM FIRE ENGINE COMPANY—	
(See <i>Wilmington City</i> .)	

WATSON, LOTTIE M.—	
Title of act to divorce from Walter M. Watson	304

WECCACOE FIRE COMPANY NO. 8—	
Appropriation to	663

WECCACOE HOSE COMPANY NO. 2, OF WILMINGTON—	
Title of supplement to act to incorporate	702

WEED, LILLIE	
Title of act to divorce from Howard L. Weed	302

WELLMAN IRON AND STEEL COMPANY—		WILMINGTON AND NEW CASTLE ELECTRIC RAILWAY COMPANY—CONTINUED.	
Title of act to incorporate	299	Qualification of treasurer.....	140
WHITAKER, GRACE—		Motive power.....	141
Title of act to divorce from William Whitaker.....	794	Route.....	141
WHITE CLAY CREEK HUNDRED—		Merger.....	141
Voting place of Eastern election district.....	409	Original act re-enacted.....	144
WHITE CLAY CREEK MANUFACTURING COMPANY—		To be completed within two years..	144
Title of act to incorporate	293	WILMINGTON AND NORTHERN RAILWAY COMPANY—	
WHITE, SAMUEL J., CARRIAGE COMPANY—		Date of annual meeting	139
Title of act to incorporate	281	WILMINGTON BICYCLE CLUB—	
WILEY, WILLIAM S.—		Title of act to incorporate	762
Title of act to divorce from Kate L. Wiley	791	WILMINGTON BOARD OF TRADE—	
WILLIAM D. MULLEN COMPANY—		Act to incorporate.....	599
Title of act to incorporate	770	Corporators	599-600
WILLIAMSON, ELENORA—		Style.....	600
Title of act to divorce from Robert H. Williamson.....	798	Powers.....	600
WILMINGTON AND BRANDY-WINE CEMETERY—		Management	601
Title of supplement to charter of.....	286	WILMINGTON BUILDING COMPANY, THE—	
WILMINGTON AND BRANDY-WINE SPRINGS RAILWAY COMPANY—		Title of act to incorporate	776
A supplement to act to incorporate	145	WILMINGTON CITY—	
Original act continued	145	Charter amended	154
When to be completed.....	145	Act in relation to the liens entered against property for curbing and paving sidewalks on streets and the construction of sewers	155
Termini	145	An act to amend an act to establish a board of water commissioners..	156
Paving streets along line	146	An act to amend charter.....	157
Supplement to act to incorporate	558	An act to vacate certain roads and streets.....	157
Rights continued in force	558	An act in relation to "D" street ..	158
Work to be completed by January 1, 1898	558	An act appointing a commission to consider the question of municipal government so far as it relates to the City of Wilmington..	159
WILMINGTON AND NEW CASTLE ELECTRIC RAILWAY COMPANY—		A further supplement to an act to provide for public parks	160
Act to amend act to incorporate..	140	An act to vacate Brobson's lane....	161
		An act to further amend charter.....	161, 268

WILMINGTON CITY—CONTINUED.

Boundaries of, extended.....	161
An act to further amend Chapter 188 of Volume 18 of the Laws of Delaware, and also to authorize "The Mayor and Council of Wilmington" to borrow a certain sum of money for public improvements in the City of Wilmington.....	163
Election of assessors and inspectors.....	9, 235
Act regulating the laying out of streets and roads in lands within one-half mile of the City of Wilmington.....	267
An act to confirm the sale of certain real estate.....	297
Act to protect the health of the citizens of.....	660
Sewer for, location.....	660
Condemnation of lands, &c.....	661
Expenses of condemnation or purchase.....	661
Jessup and Moore Paper Company and Ford Morocco Company to pay certain sums.....	661
Limit of total cost.....	661
Payment of cost.....	661
Act to further confirm and establish an act to provide a sinking fund for the payment of the city debt of.....	662
Construction and application of act.....	662
Issue of bonds.....	662
When payable.....	662
Act to amend an act amendatory of the charter of.....	663
Appropriation to Weccacoe Fire Company No. 8.....	663
Act amendatory of the charter of..	664
Lien of judgments obtained by board of health.....	664
Lien book.....	664
Sale of lands, when, deed.....	664
Application of proceeds.....	665

WILMINGTON CITY—CONTINUED.

Privy wells, duty of officers.....	665
Act to vacate the Rockford or Bancroft road in the city of.....	665
Vacation of, when.....	665
Adjacent owners may enclose.....	666
Amendment of act.....	666
Damages to adjacent owners.....	666
Act to further amend Chapter 206, Volume 17, Laws of Delaware, entitled "An act for the protection of the harbor of Wilmington and the improvement of the navigation of the waters thereof".....	667
Building line for wharves, &c.....	667
Wharves heretofore erected not affected.....	667
Other proviso.....	667
Change of building line.....	667
Recording of change.....	668
Re-establishment of landmarks....	668
Act to amend act amendatory of the charter of the city of.....	668
Annual appropriation to fire company.....	668
Act relating to taxation in certain parts of.....	669
Rate of taxation for certain districts	669
Continuation of act.....	669
Act to repeal act in reference to the Water Witch Steam Fire Engine Company, &c., and to reincorporate same.....	670
Members and property of old company transferred to new.....	670
Incorporation, name, object.....	670-71
Powers.....	671
By-laws, seal.....	671
Semi-annual appropriation to.....	671
Misnomer in deed.....	671
Act for the better efficiency of the board of health of.....	672
Terms of members.....	672
Act to amend act to incorporate owners and possessors of certain tract of meadow, marsh and crip-ple known as Brandywine Marsh, &c.....	673

WILMINGTON CITY—CONTINUED.

Name changed	673
Further supplement to act to provide for public parks for use of citizens of, &c	674
Borrowing money	674
Bonds, forms, &c	674
Act to amend Chapter 177, Volume 18, Laws of Delaware, entitled "An act amendatory of the charter of"	675
Annual appropriation to fire companies	675
Act to amend Chapter 731, Volume 19	676
Additional police officer	676
Act to amend act to provide a sinking fund for the city debt of	676
Bond by surety company	677
Payment of premium on bond	677
Act to authorize the Mayor and Council of to borrow \$15,000, &c.	677
To borrow \$15,000 for erection of crematory	677
Bonds	677
Act in relation to taxation of unimproved land in the Second Ward of the city of	678
Taxes at one-half regular rates	678-79
Limitation of act	679
Act to vacate a portion of a certain street in	679
Portion of Reed street vacated	680
Indemnity to city	680
Access to vacated street	680
Act to authorize the Mayor and Council of to take by condemnation the right to build sewers, &c	680
May build or acquire sewers within one mile of city	680
Use of small streams	680
Damages, assessment of, payment	681
Act to authorize the Mayor and Council of to borrow a certain sum of money for construction of Silverbrook sewer, &c	682

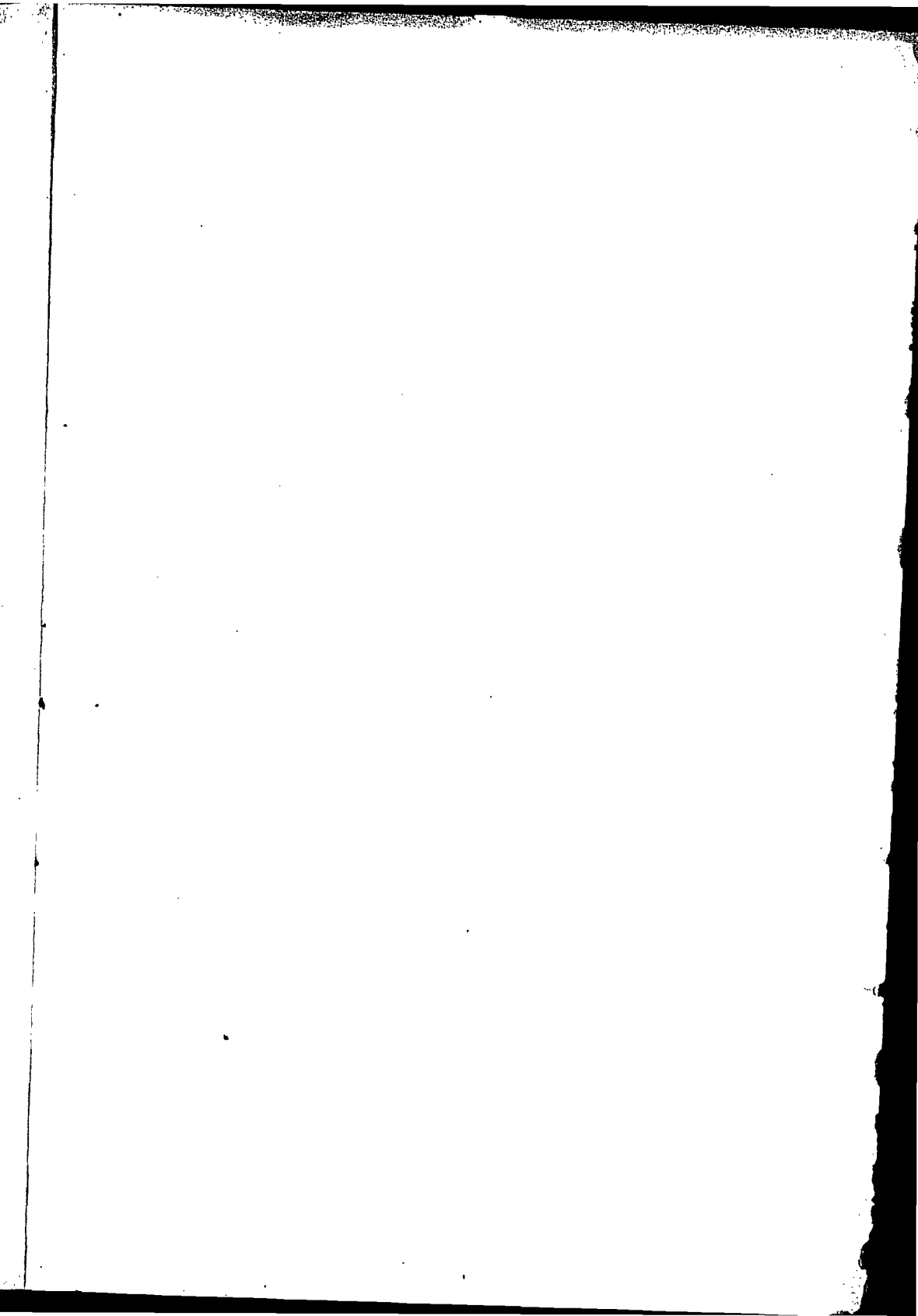
WILMINGTON CITY—CONTINUED.

May borrow \$125,000	682
How applied	682
Discretion of board of directors of street and sewer department	682
Limit of amount borrowed annually	683
How expended	683
Separate fund, proviso	683
Bonds, form of, &c	683
Act in relation to the assessment and collection of taxes in	684
Lien of taxes	684
Lien of taxes of 1895 extended	684
Act to vacate a portion of "Old Ferry Road"	685
Adjacent owners may enclose	685
Act in relation to taxation in part of Ninth Ward in	686
Taxes to be one-half regular rate	686
Act to amend act to prevent bogus sales in	687
Special sale of merchandise	687
Not to include goods from other points in Delaware	687
Act to vacate a portion of Hawley street in	688
Vacation, when	688
Act in relation to the assessors' and collectors' clerks of	688
Salary of clerks	688
Act to provide for the payment of compensation of the members of the commission appointed by the General Assembly to consider the question of municipal government, &c	689
Compensation to commissioners	689
Appropriation for certain bills	689
How paid	690
Act increasing the salary of the City Solicitor of, and providing for an Assistant City Solicitor	690
Salary of Solicitor	690
Assistant Solicitor, salary of, duties	690
Act in relation to auctions and auctioneers in	691
Licenses	691

WILMINGTON CLUB—		WINONA COUNCIL, NO. 9, JR. O. U A. M.—	
Title of act to renew charter of.....	761	Title of act to incorporate	771
WILMINGTON FOUNTAIN SOCIETY—		WOODSIDE IMPROVEMENT COMPANY—	
Charter amended	244	Title of act to incorporate	287
Act to further amend act of incorporation.....	589	WORTHINGTON, CLAYTON CLYNE—	
Purpose, supply of water	589	Title of act to change name of....	779
Powers.....	589	WRIGHT & SON COMPANY—	
WILMINGTON HUNDRED—		Title of act to incorporate	287
Salary of assessors of.....	357	WRIGHT, H. B., COMPANY—	
WILMINGTON ICE, COAL, AND LUMBER COMPANY—		Title of act to incorporate	287
Title of act to incorporate.....	290	WRIGHT, ISAAC H.—	
WILMINGTON TRUST, SAFE DE- POSIT INSURANCE COM- PANY—		Title of act to divorce from Laura I. Wright.....	784
May guarantee title to real estate.....	245	WRIGHT, SAMUEL W.—	
WILMINGTON WHIST CLUB—		Title of act to divorce from Mary E. Wright.....	797
Title of act to incorporate	289	WRIGHT, WESLEY T.—	
WILSON, MARGARET HALL, AND ROSALIE EDOUARDA—		Title of act to divorce from Lizzie Wright.....	792
Made heirs-at-law of John Edward Addicks.....	298		
WINDSOR, EZMY K.—			
Title of act to divorce from Will- iam B. H. Windsor.....	794		
WINDSOR, MARTHA E.—			
Title of act to divorce from Will- iam F. Windsor.....	305		

Z

ZEBLEY, KEZIAH BELLE—	
Title of act to divorce from John Allison Zebley.....	794



**END
OF
VOLUME**