



LAWS  
OF THE  
STATE OF DELAWARE  
PASSED AT THE  
NINETY-SIXTH SESSION  
OF THE GENERAL ASSEMBLY.

COMMENCED AND HELD AT DOVER

On Tuesday, January 2d, A. D. 1917

AND

IN THE YEAR OF THE INDEPENDENCE OF THE UNITED STATES  
THE ONE HUNDREDTH AND FORTY-FIRST

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VOLUME XXIX

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# LAWS OF DELAWARE

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## TITLE ONE

### Construction of Statutes

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#### CHAPTER 1.

##### AMENDMENT TO CONSTITUTION.

AN ACT Proposing an Amendment to Section 15, of Article II, of the Constitution of the State of Delaware, Relating to the Compensation of the Members and Presiding Officers of the General Assembly.

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

Section 1. That Section 15 of Article II of the Constitu-<sup>Sec. 15</sup>tion of the State of Delaware be amended by striking out all <sup>Article 2</sup>of the first paragraph of the said Section 15 of Article II, and inserting in lieu thereof the following:

"The members of the General Assembly, except the pre-<sup>Compensa-</sup>siding officers of the respective Houses, shall receive as <sup>tion</sup>compensation for their services a per diem allowance of ten dollars, and the presiding officers a per diem allowance of twelve dollars for each day of the session, not exceeding sixty days; and should they remain longer in session they shall serve without compensation. In case a special or extra session of the General Assembly be called, the members and presiding officers shall receive like compensation for a period not exceeding thirty days."

Approved April 9, A. D. 1917.



## AMENDMENT TO CONSTITUTION.

## CHAPTER 2.

## AMENDMENT TO CONSTITUTION.

AN ACT to Amend Article 3, of the Constitution of the State of Delaware, in relation to the power of the Governor to remove certain officers under certain conditions.

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

Sec. 13  
Article 3

Section 1. That Sec. 13, of Article 3, of the Constitution of the State of Delaware, be and the same is hereby amended by striking out all of said section and inserting in lieu thereof a new section to be styled Section 13, as follows:

Removal  
from office

"Sec. 13. The Governor may, for any reasonable cause, remove any officer, except the Lieutenant Governor and members of the General Assembly, upon the address of two-thirds of all the members elected to each House of the General Assembly. Whenever the General Assembly shall so address the Governor, the cause of removal shall be entered on the journals of each House. The person against whom the General Assembly may be about to proceed shall receive notice thereof, accompanied by the cause alleged for his removal, at least ten days before the day on which either House of the General Assembly shall act thereon.

Notice and  
cause

The Governor shall have power to remove any officer appointed by him, except the Chancellor and the five Law Judges, of his own volition, when the General Assembly is not in session. In such case, however, such removal shall only be made for cause, and the person so removed shall receive from the Governor a statement in writing of the

## AMENDMENT TO CONSTITUTION.

cause of causes for which said removal was made within ten days after the removal as aforesaid, and, if this be not done, said removal shall be null and void.

The person or persons so removed shall have the right, <sup>Rights of</sup><sub>appeal</sub> within thirty days after said removal, to appeal to the Superior Court of the County in which he or they reside at the time of said removal for reinstatement to said office; and, if upon hearing in said Court, the Court should consider that said removal should not have been so made, then and in that case, the person so unjustly removed shall forthwith be reinstated in said office. If the said Court should sustain the Governor in said removal, the same shall stand and the decision shall be final."

Approved March 15, A. D. 1917.

## AMENDMENT TO CONSTITUTION.

## CHAPTER 3.

## AMENDMENT TO CONSTITUTION.

AN ACT Proposing an Amendment to Section 4 of Article IV of the Constitution of the State of Delaware in relation to the time for the payment of the salaries of the Judiciary.

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

Sec. 4 of  
Article 4

Section 1. That Section 4 of Article IV, of the Constitution of the State of Delaware be amended by striking out all of Section 4 of said Article IV and inserting in lieu thereof the following:

Chancellor  
and Judges'  
Compensa-  
tion

"The Chancellor, Chief Justice and Associate Judges shall respectively receive from the State for their services, a compensation which shall be fixed by law, and paid monthly, and shall not be less than the annual sum of Three Thousand Dollars, and they shall not receive any fees or perquisites in addition to their salaries, for business done by them, except as provided by law. They shall hold no other office of profit."

Approved March 22, A. D. 1917.

AMENDMENT TO CONSTITUTION.

CHAPTER 4.

AMENDMENT TO CONSTITUTION.

AN ACT to Amend Section 11, Article IV, of the Constitution of the State of Delaware in relation to the Orphans' Court.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of all the members elected to each House agreeing thereto):*

Section 1. That Section 11, of Article IV, of the Constitution of the State of Delaware be and the same is hereby amended by striking out all of said Section and inserting in lieu thereof a New Section to be styled Section 11, as follows:

"Section 11. The Orphans' Court in each County shall consist of the Chancellor and either the resident Judge of the County, or the Associate Judge who may reside in any part of the State. The Chancellor when present shall preside. One of them shall constitute a quorum."

Approved April 19, A. D. 1917.

## TITLE TWO

### Jurisdiction and Property of the State

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#### CHAPTER 5.

##### STATE HOUSE AND STATE OFFICES.

AN ACT entitled "An Act authorizing the State of Delaware to purchase the Kent County Office Property known as 'The County Building,' and also authorizing the Levy Court of Kent County to sell the said County Building and to alter, remodel and add to the Kent County Court House, and to use such parts of the said Court House as may be necessary for County offices, and to move the County Records thereto."

WHEREAS, a Senate Concurrent Resolution providing for the appointment of a joint committee from the House and Senate to confer with the Levy Court of Kent County with regard to the purchase by the State of Delaware of the Kent County Office Building property, known as "The County Building," situated in the Town of Dover, Kent County and State of Delaware, was passed by the Senate on the Twenty-first day of February, A. D. 1917, and concurred in by the House of Representatives on the Twenty-sixth day of February, A. D. 1917; said Resolution being number three;

AND WHEREAS, it was, also, provided by said Resolution that the committee named therein should make a report, by bill or otherwise, to either House of the General Assembly on or before the Fifth day of March, A. D. 1917;

## STATE HOUSE AND STATE OFFICES.

AND WHEREAS, the said Levy Court of Kent County is willing to sell said property at the sum of Twenty-five Thousand Dollars (\$25,000.00), and to give possession of the same on the first day of July, A. D. 1918;

AND WHEREAS, the committee appointed by said Resolution approves of the purchase of said property at said price.

*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 hereby is, authorized, directed and empowered to purchase, on behalf of the State of Delaware, all that certain lot, piece or parcel of land and premises, upon which is erected the Kent County office building, known as "The County Building," and lying on the East side of the Green in the Town of Dover, Kent County and State of Delaware, and on the North side of Court Street of said Town, leading from said Green in an Easterly direction; said lot having a front of about sixty-three and one-half ( $63\frac{1}{2}$ ) feet, and a depth on said Court Street of about seventy-seven and forty-five hundredths ( $77\frac{45}{100}$ ) feet, and being bounded on the North by lands of James A. Downes and other lands of said Kent County; on the East by other lands of said Kent County, on the South by said Court Street, and on the West, in part, by said Dover Green, and, in part, by lands of Walter Morris; provided that said purchase can be effected for the sum of Twenty-five Thousand (\$25,000.00) Dollars. If said property shall be so purchased, the Governor is hereby authorized and directed to draw his warrant on the State Treasurer, payable to the Treasurer of Kent County for the amount of said purchase price.

Purchase of  
"The County  
Building" in  
Dover

Purchase  
Price

Section 2. The President of the Levy Court of Kent County is hereby authorized, directed and empowered to execute, acknowledge and deliver a good and sufficient deed conveying the above mentioned property to the State of Delaware in fee simple, when duly authorized by a Resolution of the said Levy Court of Kent County.

## STATE HOUSE AND STATE OFFICES.

## Proviso

The deed herein provided for shall vest in the grantee therein named all of the right, title and interest, whether legal or equitable, of the said Levy Court of Kent County, Delaware, or of the said Kent County, in all of the lands and premises mentioned and described in Section 1 hereof; subject, however, to a reservation or exception, which shall be inserted in said deed, providing that possession of said property shall be retained by the said Levy Court of Kent County until July 1st, A. D. 1918.

Levy Court  
authorized  
to remodel  
Court  
House

Section 3. That the said Levy Court of Kent County is hereby authorized and empowered to alter, remodel and add to the Kent County Court House, as it may deem necessary and proper for its use for the County Offices of Kent County, and as a depository for the County records, and the said Levy Court is hereby given full power and authority to do and perform any and all acts, matters and things that may be necessary and proper to carry out the provisions of this section.

Transfer of  
County  
offices

Section 4. That upon the completion of the said alterations, changes and additions to the said Court House, provided for in Section 3 hereof, the said Levy Court is, also, authorized and empowered to transfer the County Offices, and all of the books and papers pertaining to them, to the said Court House; making such assignments of the offices in the same, as it may deem proper.

Approved April 2, A. D. 1917.

STATE LIBRARY.

CHAPTER 6.

STATE LIBRARY.

AN ACT to Amend Chapter 5 of the Revised Code of the State of Delaware, by Increasing the Contingent Fund of the State Librarian.

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

That Chapter 5 of the Revised Code of the State of Delaware be and the same is hereby amended by repealing 30, <sup>Sec. 8</sup> <sup>repealed</sup> Section 8 thereof and inserting in lieu thereof the following Section, to be styled 30. Section 8.

30. Section 8. The Librarian shall be allowed the sum of Five Hundred Dollars per year to defray the current expenses of the State Library, out of which sum Four Hundred and Eighty Dollars shall be paid for clerical assistance. <sup>Contingent fund of Librarian</sup> <sup>Clerical assistance</sup>

The Librarian shall present vouchers to a Committee of the Legislature, appointed at any biennial or adjourned Session to settle with the State Librarian, and said vouchers shall show how the money appropriated for that purpose was expended. <sup>Vouchers for money expended</sup>

Approved April 2, A. D. 1917.



# TITLE THREE

## State Revenue and Supplies

### CHAPTER 7.

#### STATE REVENUE. INHERITANCE TAX.

AN ACT to Amend Chapter 6, of the Revised Code of Delaware, 1915, relating to the Inheritance Tax.

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

Title of  
Article 10  
repealed

Section 1. That Chapter 6 of the Revised Code of Delaware, 1915, be and the same is hereby amended by striking out and repealing the title of Article 10 of said Chapter, to wit, "Collateral Inheritance Tax," and inserting in lieu thereof the following new title, to wit, "Inheritance Tax;" and by repealing "146. Sec. 109," of said Chapter, and inserting in lieu thereof the following new "146. Sec. 109," to wit:

146. Sec. 109  
repealed

Property  
rates and  
Exemptions

146. Sec. 109. PROPERTY SUBJECT TO; RATES; EX-EMPTIONS. All property within the jurisdiction of this State, real and personal, and every estate and interest therein, whether belonging to residents or non-residents of this State (except shares of the capital stock of corporations created under the laws of this State when owned by persons without this State) which passes by will, or by the intestate laws of this State or by deed, grant, gift, or settle-

## INHERITANCE TAX.

ment (except in cases of a bona fide purchase for full consideration in money or money's worth) made in contemplation of, or intended to take effect in, possession or enjoyment, after the death of the grantor, donor, or settlor, to any person, or persons, bodies politic, or corporate, in trust or otherwise, shall be subject to taxation, as follows:

Class A. Where the property or any interest or estate <sup>Rates,  
Class A.</sup> therein passes to or for the use of a parent, grandparent, husband, wife, child by birth, wife or widow of a son, or the husband of a daughter, a child by legal adoption, or lineal descendant of the testator, intestate grantor, donor or settlor (hereinafter called the decedent), the tax on such property, interest or estate then shall be at the following rates:

On that part of its value exceeding three thousand dollars and not exceeding thirty thousand dollars, one per cent.;

On that part of its value exceeding thirty thousand dollars and not exceeding one hundred thousand dollars, two per cent.;

On that part of its value exceeding one hundred thousand dollars and not exceeding two hundred thousand dollars, three per cent.;

On that part of its value exceeding two hundred thousand dollars, four per cent.

Class B. Where the property or any interest or estate <sup>Rates,  
Class B.</sup> therein passes to or for the use of (1) a brother, or sister, either of the whole or half blood, of the decedent or of the decedent's parent or grandparent, or (2) a lineal descendant of any such brother or sister, the tax shall be at the following rates:

On that part of its value exceeding one thousand dollars and not exceeding twenty-five thousand dollars, two per cent.;

## INHERITANCE TAX.

On that part of its value exceeding twenty-five thousand dollars and not exceeding one hundred thousand dollars, three per cent.;

On that part of its value exceeding one hundred thousand dollars and not exceeding two hundred thousand dollars, four per cent.;

On that part of its value exceeding two hundred thousand dollars, five per cent.

Rates,  
Class C.

Class C. In case of property or any interest or estate therein passing to or for the use of any person, not described in Class A. or Class B. of this section, the tax shall be at the following rates:

On that part of its value not exceeding twenty-five thousand dollars, five per cent.;

On that part of its value exceeding twenty-five thousand dollars and not exceeding one hundred thousand dollars, six per cent.;

On that part of its value exceeding one hundred thousand dollars and not exceeding two hundred thousand dollars, seven per cent.;

On that part of its value exceeding two hundred thousand dollars, eight per cent.

Exemptions

Nothing in this section shall be construed to impose any tax upon any property, or estate or interest therein passing to or for the use of, or in trust for, charitable, educational, historical or religious societies or institutions, or cities or towns for public improvement, or to school districts or library commission.

Property  
transfer of  
a decedent

Any transfer of a material part of the property of a decedent in the nature of a final disposition or distribution thereof, made by the decedent within two years prior to his

## INHERITANCE TAX.

death without full consideration in money or money's worth, shall, unless shown to the contrary, be deemed to have been made in contemplation of death within the meaning of this chapter.

Section 2. That said Chapter 6 be, and the same is, here-  
by further amended by repealing "152. Sec. 115" thereof <sup>152. Sec. 115 repealed</sup>  
and inserting in lieu thereof the following new "152. Sec. 115":

152. Sec. 115. REGISTER OF WILLS; RETURNS BY OF  
TAX COLLECTED, TO STATE TREASURER; ACCOUNTING BY;  
COMMISSIONS OF; LIABILITY UPON BOND OF; REMOVAL FROM <sup>Register of</sup>  
OFFICE, WHEN. It shall be the duty of the several Registers <sup>Wills to</sup>  
of Wills in the State, to make return, under oath to the State <sup>make returns</sup>  
Treasurer, on the first days of January, April, July and Oc-  
tober, in each year, or within thirty days thereafter, of all  
sums of money received by them as taxes under the pro-  
visions of said Sections 109 to 115, inclusive, of this chapter,  
and to pay over to said State Treasurer the amounts so by  
them received respectively, at the time of making such re-  
turns, and if any Register of Wills shall fail to pay over, as  
required by this section, the State Treasurer shall give notice  
to the Attorney General of the State, whose duty it shall be  
to institute suit on the official bond of such Register of Wills,  
for the use of the State, to recover the amount due from such  
Register of Wills, and in such suit the amount appearing to  
be due, with interest thereon, and costs, shall be recovered,  
which recovery shall be evidence of misbehavior in office,  
and upon conviction thereof such Register of Wills shall be  
removed from office.

The official bond of every Register of Wills of this State <sup>Official bonds</sup>  
shall be deemed and held to embrace and include the faith-  
ful performance by such Register of all and every the duties  
imposed upon him by Sections 109 and 115, inclusive, of  
this chapter.

Approved March 24, A. D. 1917.

## INHERITANCE TAX.

## CHAPTER 8.

STATE REVENUE.  
INHERITANCE TAX.

AN ACT to appropriate the moneys raised by an Act entitled, "An Act to Amend Chapter 6 of the Revised Code of the State of Delaware, by providing for an Income Tax," and the moneys raised by an Act entitled, "An Act to Amend Chapter 6 of the Revised Code of Delaware, 1915, relating to the Inheritance Tax."

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

Chap. 6, Re-  
vised Code,  
amended

Section 1. The total amount of money raised each year, and from year to year, by an Act entitled, "An Act to Amend Chapter 6 of the Revised Code of the State of Delaware, by Providing for an Income Tax," be and the same is hereby appropriated annually as follows:

Money raised  
and how  
appropriated

Two Hundred and Fifty Thousand Dollars (\$250,000.00), of said money for the benefit of the Public Schools of the State, and all the remaining money received by the State Treasurer under said Act is hereby appropriated annually to and for the uses and purposes of the State Highway Department, and shall be credited by the State Treasurer to the State Highway Department, and shall be disbursed by him as other moneys appropriated for the uses of the said State Highway Department, as provided in an Act entitled, "An Act to Create a State Highway Department, Establishing a System of State Highways, and Providing for the Improvement and Maintenance Thereof, and the Appropriating and Borrowing of Money Therefor."

Section 2. That of the money raised under the provisions of an Act entitled, "An Act to Amend Chapter 6 of the

## INHERITANCE TAX.

Revised Code of Delaware, 1915, Relating to the Inheritance Tax," all that is collected each year, and from year to year, <sup>Amount placed to</sup> in excess of One Hundred Thousand Dollars, is hereby appropriated to the sinking fund of the State, and shall, by the State Treasurer, be credited to the sinking fund of this State, and shall become and constitute a part of that fund.

Approved April 3, A. D. 1917.

## INTOXICATING LIQUOR.

## CHAPTER 9.

STATE REVENUE.  
INTOXICATING LIQUOR.

AN ACT to Amend Chapter 6 of the Revised Statutes of the State of Delaware in relation to State Revenue by Striking out paragraph Numbered 6 of Section 124, Code Section 161 in relation to Inn or Tavern Licenses.

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

6. Sec. 124  
repealed

Section 1. That Chapter 6 of the Revised Statutes of the State of Delaware be and the same is hereby amended by striking out paragraph numbered 6 of Section 124 of said chapter, Code Section 161.

Approved April 4, A. D. 1917.

INTOXICATING LIQUOR.

CHAPTER 10.

STATE REVENUE.  
INTOXICATING LIQUOR.

AN ACT to Amend Chapter 6, of the Revised Code of the State of Delaware, being in relation to spirituous, vinous or malt liquors in those portions of the State of Delaware where the sale of such liquors is prohibited by law.

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

That Chapter 6, of the Revised Code of the State of Delaware, be and the same is hereby amended by inserting in lieu of 180, Section 143, repealed by Chapter 12, Volume 28, Laws of Delaware, 1915, the following, which shall be known as 180, Section 143, of said Chapter 6:

(1). The words "spirituous liquors" as used in this Act shall be construed to embrace all vinous or spirituous liquors, wine, whiskey, brandy or other intoxicating drinks, mixtures or preparations of like nature other than malt or brewed drinks; and "malt liquors" shall be construed to embrace all malt or brewed drinks, including porter, ale and beer; and all malt or brewed drinks whether patented or not; and all liquid mixtures or preparations containing so much as one-half of one per centum of alcohol by volume shall be deemed liquors and shall be embraced in the word "liquors" as hereinafter used in this Act.

(2). It shall be unlawful for any person or persons, corporation, firm, partnership, association or collection of individuals living, residing or staying in those portions of the State of Delaware where the sale of liquors is prohibited by law, to receive directly or indirectly liquors from a common carrier, or other carrier, or to have in his, her, its or their



## INTOXICATING LIQUOR.

Quantity  
allowed in  
possession

possession, at any one time, more than one quart of spirituous liquors or one dozen pint bottles of malt liquors; and any one guilty of the violation of the provisions of this section shall be subject to the same fines and penalties provided for the unlawful sale of liquors in that territory and in addition thereto the confiscation of such liquors as hereinafter provided.

Permit for  
manufactur-  
ing or scien-  
tific purposes

(3). The Attorney General of the State of Delaware, or any of deputies, may grant a permit in writing to any person or persons, corporation, partnership, association or collection of individuals living, residing or transacting business in the territory of the State of Delaware wherein the manufacture and sale of liquors are prohibited by law to have transported by common carrier or otherwise, and to have and possess liquors in any quantity for manufacturing and scientific purposes only. Such permit shall give the nature and quantity of such liquors and when attached to the package containing such liquors by the shipper shall be sufficient notice that the purchaser has complied with the laws of the State of Delaware. All packages with such permit attached shall be received and transported by common or other carriers of the State, provided that before such permit shall be issued, the applicant therefor shall make affidavit as to the purpose for which such liquors are intended, and a false statement therein shall be punishable as false swearing; and provided further that the making or issuance of any false permit shall constitute forgery, and be punishable as such.

Penalty for  
false permit

Unlawful to  
transport

(4). It shall be unlawful for any person or public or private carrier to transport or deliver to any person or at any place or to transfer to any place within the State of Delaware where the sale of liquors is prohibited by law, or to any person, carrier or agent any liquors as herein defined; and whoever shall, by himself or another as principal, clerk, agent or servant, knowingly violate any of the provisions of this section shall upon conviction thereof be fined not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00), and upon conviction of any subsequent violation, of this section, in addition to such fine, shall be imprisoned in the county jail for not less than thirty (30)

## INTOXICATING LIQUOR.

days nor more than six (6) months; provided that nothing <sup>Exemptious</sup> in this section shall be construed to apply to individuals who may bring into any section of the State of Delaware where the sale of liquors is prohibited by law, upon their person or as their personal baggage and for their private use, such spirituous liquors in quantity not to exceed one quart or malt liquors not to exceed one dozen pint bottles, nor to the delivery of liquors for medicinal purposes to druggists actively engaged in business, nor to delivery to churches or the proper officers thereof of wines for sacramental purposes, nor to shipment of liquor in continuous transit to a point where the sale of intoxicating liquors is not prohibited by law.

This section shall apply to all packages of liquors, whether broken or unbroken. Each package of liquors, transferred, delivered or distributed in violation of the provisions of this section shall constitute a separate offense and shall work a forfeiture of such liquors as hereinafter provided.

Any public or private carrier carrying, transporting, transferring or delivering liquors in violation of this section in automobile, motorcycle, carriage, wagon, boat, vessel or other conveyance shall be subject to the fines and penalties provided by this Act, and in addition thereto conviction of such violation shall work a forfeiture to the State both of the liquors and also of the conveyance by which the liquors were carried, transported, transferred or delivered into the territory where the sale of the same is prohibited by law, and the said conveyance shall be forfeited to the State, sold at public auction and the proceeds arising from such sale devoted to the good roads fund of the county in which the violation occurred, and the liquors shall be forthwith publicly destroyed by the order of the court. Except that where <sup>Public or private carrier forfeits conveyance</sup> it is proved that the automobile, motorcycle, carriage, wagon, boat, vessel or other conveyance in which the said liquors are carried, transported, transferred or delivered, contrary to law, was hired and that the owner of the same was not a party to the act and before hiring the said conveyance made diligent inquiry and exercised reasonable care <sup>Except when hired, etc.</sup>

## INTOXICATING LIQUOR.

to discover whether the said conveyance was to be used for the carrying, transporting, transferring or delivering of liquors in violation of law, that in such case the said conveyance shall not be forfeited as aforesaid.

Not to conflict with interstate commerce

It is further expressly provided that no provisions of this section is intended or shall be construed to violate or be in conflict with any provision of the constitution and laws of the United States respecting interstate commerce; but this section and all parts of the same are intended to prohibit the carrying, transporting, transferring, delivering or distributing as herein provided of liquors to such extent only as the same is not expressly permitted under the constitution and laws of the United States. If any provisions of this section shall be held to be void or unconstitutional, it is hereby provided that all other portions of the same which are not expressly held to be void or unconstitutional shall continue in full force and effect.

Exemptions

(5). The provisions of this Act shall not be construed to prevent any one from manufacturing from native fruits for his own domestic consumption wine or cider or possessing the same; or to prevent the sale, keeping and storing for sale by registered pharmacists of liquors for medicinal purposes, or any United States pharmacopeia or national formulary preparation in conformity with the pharmacy laws of the State of Delaware, or any preparation which is exempted by the provisions of the national pure food law and the sale of which does not require the payment of a United States liquor dealer's tax.

Unlawful to advertise

(6). It shall be unlawful for any person within the State of Delaware wherein the sale of liquors is unlawful to advertise or give notice by signs, billboards for himself or another, of the sale or keeping for sale of liquors, or to circulate or distribute any price-lists, circulars, or order blanks advertising liquors or publish any newspapers, magazines, periodicals or other written or printed papers in which such advertisements or notices are given, or to permit any such notices or any advertisement of liquors (including billboards) to be posted upon his premises, or premises under

## INTOXICATING LIQUOR.

his control, or to permit the same to so remain upon such <sup>Fine</sup> premises; and any one guilty of the violations of the provisions of this section shall, upon conviction thereof, be fined not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00).

(7). Every Justice of the Peace, upon information made <sup>Warrant for search and arrest</sup> under oath or examination that any person is manufacturing, selling, offering or exposing, keeping or storing for sale or barter, contrary to law, any liquors, or that the affiant has cause to believe and does believe that such liquors are being manufactured, sold, offered, kept or stored for sale or barter in any house, building or other place named therein, contrary to the provisions of this Act, shall issue his warrant requiring the persons suspected to be arrested, and the said house, building or other place to be searched, and the parties found therein to be arrested and brought before him as aforesaid, and in such warrant shall require the officer to whom it is directed to seize and hold all liquors, found in such house or building, and also vessels, bar fixtures, screens, glasses, bottles, jugs and other appurtenances apparently used in the sale, keeping or storing of such liquors contrary to law.

(8). If, upon examination of such person, it shall appear <sup>Recognizance</sup> to such Justice, that there is probable cause to believe him guilty of the offense charged, the accused shall be required to enter into a recognizance, with sufficient securities, in the sum of not less than Five Hundred Dollars (\$500.00), to appear before the next term of the Court of General Sessions to answer an indictment if one be preferred against him; and upon his failure to enter into such recognizance, the Justice shall commit him to jail to answer such indictment. All material witnesses may also be required to enter into a recognizance with or without securities, as such Justice may deem proper, to appear before the Grand Jury at the next term of such court and give evidence against the accused, and such Justice shall require the accused to give bond with sufficient security in the sum of Five Hundred Dollars (\$500.00), conditioned that he will not violate any

## INTOXICATING LIQUOR.

of the provisions of this Act during the time intervening between the date of such bond and the adjournment of the next court; and upon his failure to give such bond, the Justice shall commit him to jail until such bond be given or until he be discharged therefrom by due process of law.

Evidence of  
unlawful sell-  
ing or stor-  
ing

(9). Whenever liquors shall be seized in any room, building or place which has been searched under the provisions of this Act, the finding of liquors in excess of the quantity permitted by this Act in such room, or of a United States retail liquor dealer's tax receipt therein shall be prima facie evidence of the unlawful selling and keeping and storing for sale of the same by the person or persons occupying such premises, or by any person named in any such United States tax receipt posted in such room, or his associates, agents or employes thereunder, and the proprietor or other persons in charge of the premises where such liquors were found, or who is so named in such United States tax receipt, and his associates shall be subject to trial by due process of law on the charge of selling or keeping or storing for sale unlawfully such liquors, and upon his conviction the liquors found upon said premises shall at once be publicly destroyed by some responsible person to be appointed by the Court.

(10). The payment of the special tax required of liquor dealers by the United States by any person or persons other than druggists, within those portions of the State of Delaware wherein the sale of liquors is prohibited, shall be prima facie evidence that such person or persons are engaged in keeping, selling, offering and exposing for sale, liquors contrary to the laws of this State, and a certificate from the collector of Internal Revenue, his agents, clerks, or deputies showing the payment of such tax and the name or names of person or persons, if any, associated with the person to whom such tax receipt is issued, shall be sufficient evidence of the payment of such tax, and of the association of such persons for the selling, keeping, offering and exposing for sale of liquors contrary to the provisions of this Act in all trials or legal inquiries.

## INTOXICATING LIQUOR.

(11). Whenever the sheriff of any of the counties of this State where the sale of liquors is prohibited by law wholly or in part, or one of his deputies, or one of the constables in any of said counties, shall have reasonable cause to believe that any person is handling, carrying or bringing into such territory where the sale of liquor is prohibited, spirituous liquors, in quantity exceeding one quart, or malt liquors in quantity exceeding twelve pint bottles for any purpose whatsoever contrary to the provisions of this Act, it shall be the duty of said sheriff, deputy sheriff or constable to arrest such person, which arrest may be made without warrant, if the offense is committed in the presence of such officer, and seize his baggage, and, also, seize his conveyance, if the person so arrested is traveling by conveyance, and the conveyance so seized shall be subject to the further order of the Court of competent jurisdiction, and take him before some Justice of the Peace in and for such county, and if the arrest was without warrant to make against him the charge of violating the provisions of this Act.

Arrest with-  
out warrant

(12). This entire Act shall be deemed an exercise of the police powers of the State for the protection of public health, peace, morals and safety, and all its provisions shall be liberally construed for the attainment of that purpose, and if any provision of this Act shall be held to be void or unconstitutional, it is hereby provided that all other portions of the same, which are not expressly held to be void or unconstitutional, shall continue in full force and effect.

(13). All laws or parts of laws inconsistent with the provisions of this Act are hereby repealed.

Approved February 27, A. D. 1917.

## MERCHANTS.

## CHAPTER 11.

## STATE REVENUE.

## MERCHANTS.

AN ACT to Amend Chapter 6 of the Revised Code of Delaware relative to Merchants' License.

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

198. Sec. 161  
repealed

That Chapter 6 of the Revised Code of Delaware be and the same is hereby amended by striking out 198. Sec. 161. and inserting in lieu thereof a new section which shall be styled "198. Sec. 161."

Merchants  
License  
Fees, Pen-  
alties and  
Exemptions

198. Sec. 161. Merchants' License; Proceedings to Obtain; Authority Under; Beginning Business, License How Obtained; License Fees; Merchandising Without License a Misdemeanor; Penalty; Merchants Liable for License Defined; Exemptions:—Every individual, association of persons, firm or corporation engaged in and desiring to continue engaged in the business of purchasing and selling produce, goods, wares and merchandise, or any property of whatever description, either by the wholesale or retail, shall, annually, on or before the first of June, take out a license to engage in, prosecute, follow and carry on the said business and occupation, for which he, she or they shall pay, for the use of the State, the sum of five dollars, to the Clerk of the Peace of the County in which such individual, association of persons, firm or corporation is engaged and desires to continue engaged in said business or occupation and any such individual, 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 the goods, wares, merchandise, produce or other property which such indi-

Fees

## MERCHANTS.

vidual, association of persons, firm or corporation shall have purchased for sale 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 individual, 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 to administer the same, that such aggregate cost value does not exceed the sum named; and such individual, association of persons, firm or corporation shall pay to the said Clerk of the Peace, for the use of the State, in addition to the above named sum of five dollars, the sum of one dollar, on the amount of such aggregate cost value, if the amount of such purchase does not exceed one thousand dollars, or if it does exceed that amount, then the sum of ten cents for each one hundred dollars of the value of such purchases. The license shall authorize the purchasing and selling of produce, goods, wares, merchandise and property only at one place and only for one year from the first of June. In case any individual, association of persons, firm or corporation desires to engage in, follow and carry on the said business and occupation, he, she, it or they not having been engaged in said business and occupation during the year immediately preceding, shall, before commencing said business and occupation, take out a merchant's fractional license which shall expire on the first day of June next after the date of its issuance, first paying to the said Clerk of the Peace, for the use of the State, the sum of five dollars; and the expiration of the said merchant's fractional license, on the said first day of June, he, she, it or they shall obtain an annual license, which shall be valid until the first day of June following, upon his, her, it or their filing with the said Clerk of the Peace a true statement, verified by oath or affirmation as aforesaid, of such individual, or 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 produce, merchandise, goods, wares and property which he, she, it or they shall have purchased for sale in said business and occupation during the term of said

Oath made to  
statement

In force for  
1 year from  
June 1st

Fractional  
License



## MERCHANTS.

Penalty

merchant's fractional license; and such individual, association of persons, firm or corporation shall pay to the said Clerk of the Peace for the use of the State, at the time of the taking out of the first annual license following a merchant's fractional license, a tax for said fractional period amounting to ten cents for each one hundred dollars of the value of the purchases as set forth in the said statement covering the period of said fractional license, in excess, if any, of the said sum of five dollars originally paid for said fractional license, the sum of five dollars, and a further tax for said annual license rated in the proportion which the time covered by the fractional license bears to the twelve months covered by said first annual license. If any individual, 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 buying and selling produce, merchandise, goods, wares and property 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 offense shall be deemed guilty of a misdemeanor, and upon conviction thereof by indictment shall be liable to the payment of the tax and a fine not exceeding five hundred dollars.

The provisions of this section shall be held to extend to and include individuals, associations of persons, firms or corporations engaged in, or desiring to engage in, the business and occupation of buying and selling produce, goods, wares and merchandise, foreign and domestic, grain, lime, wood, bark, or other products of the land, or any property of whatsoever description, either by the wholesale and retail and merchant tailors; provided that this section shall not be held to lay any imposts or duties on imports or exports, and that widows, in their own name, in such goods, wares, merchandise, produce and property, whose purchases are under one thousand dollars per annum, shall be exempt from its provisions.

Approved April 25, A. D. 1917.

## OCCUPATIONAL LICENSES.

## CHAPTER 12.

STATE REVENUE.  
OCCUPATIONAL LICENSES.

AN ACT to Amend Chapter 6, of the Revised Code of Delaware, regulating the license of non-resident auctioneers.

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

Section 1. That Chapter 6, of the Revised Code of Delaware, be and the same is hereby amended by adding thereto immediately after 219 Section 182, the following, to be known as 219A, Section 182A. <sup>219. Sec. 182 amended</sup>

"219A, Sec. 182A: All persons other than bona fide <sup>Auctioneer's License</sup> citizens of this State who apply for an auctioneers license, shall pay to the Clerk of the Peace for the use of the State, the sum of Twenty-five Dollars (\$25.00) for such license."

Approved April 18, A. D. 1917.

## BRANCH STORES.

## CHAPTER 13.

## STATE REVENUE.

## BRANCH STORES.

AN ACT to Amend Chapter 6 of the Revised Code of Delaware relative to license for Branch Stores, Warehouses and Distributing Depots doing business in this State.

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

229. Sec. 192  
amended

That Chapter 6 of the Revised Code of Delaware be and the same is hereby amended by striking out 229. Sec. 192. and inserting in lieu thereof another Section which shall be styled "229. Sec. 192."

Branch stores

229. Sec. 192. Branch Stores; License; Proceedings to Obtain; Authority Under, Beginning Business, License; Proceedings to Obtain; Fees; Carrying on Business Without License, a Misdemeanor; Penalties:—Every individual, association of persons, firm or corporation having its principal place of business without this State but maintaining within this State branch stores, warehouses, or distributing depots, for the sale or distribution of products, goods, wares, and merchandise or any property of any description, either by the wholesale or retail, 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 and occupation of maintaining such branch stores, warehouses, or distributing depots, as aforesaid, for which he, she, it or they, shall pay, for the use of the State, the sum of ten dollars to the Clerk of the Peace of each County in which such individual, association of persons, firm or corporation maintains any such branch store or stores, warehouse or warehouses, or distributing depot or depots, and the personal representative or agent within this State of any such individual, association

## BRANCH STORES.

or 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 the goods, wares, merchandise, produce or other property which such personal representative or agent, as aforesaid, shall have received for sale or distribution 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 personal representative or agent, or if such personal representative or agent be a corporation, by the President thereof, the said oath or affirmation to be taken before any person who, by the laws of this State, is duly authorized to administer the same, that such aggregate cost value does not exceed the sum named; and every such individual, association of persons, firm or corporation, the aggregate of the cost value of whose goods, wares, merchandise, produce or other property received for sale or distribution as aforesaid, shall exceed the sum of five thousand dollars, shall pay to the said Clerk of the Peace for the use of the State, in addition to the above named sum of ten dollars the sum of ten cents for each one hundred dollars of said aggregate cost value in excess of the aforesaid sum of five thousand dollars.

Oath made to  
statement

Rate

Every individual, association of persons, firm or corporation having its principal place of business without this State but maintaining within this State branch stores, warehouses or distributing depots for the sale or distribution of products, goods, wares and merchandise, by and through the personal representative or agent of such individual, association of persons, firm or corporation, or otherwise, shall be required from and after the approval of this Act to keep a true, accurate and correct account of all goods sold or distributed in such branch stores, warehouses or distributing depots and such record shall be at all times \*upon to the inspection of the Collector of State Revenue. This record shall show the name of the party to whom such goods are sold or distributed, the date of such sale or distribution, the

Principal  
office to keep  
accurate  
accounts, for  
inspection

\* open

## BRANCH STORES.

quantity, kind and purchase price thereof, the date of the delivery and the name of the purchaser.

Provisions  
of License

The license shall authorize the person therein named to engage in the business and occupation aforesaid only at one place and only for one year from the first day of June. In case any individual, association of persons, firm or corporation desires to engage in, follow and carry on the said business and occupation, he, she, it, or they not having been engaged in said business and occupation during the year immediately preceding, he, she, it or they shall, before commencing said business and occupation, take out a merchant's fractional license which shall be valid until the first day of June thence next ensuing, first paying to the said Clerk of the Peace for the use of the State, such proportion of the sum of ten dollars as the time covered by said fractional license bears to twelve months, but not less than five dollars and at the expiration of said license, the holder thereof shall obtain an annual license upon fulfilling the conditions following, that is to say: such individual, association of persons, firm or corporation, shall on or before the day of the expiration of the first mentioned license file with the said Clerk of the Peace a true statement, verified as aforesaid, of the aggregate cost value of all the produce, merchandise, goods, wares and property which shall have been received for sale or distribution in said business and occupation during the period covered by said first mentioned license, and shall pay the said Clerk of the Peace for the use of the State, at the time of the taking out of the first annual license following said merchant's fractional license, a tax for said fractional period amounting to ten cents for each one hundred dollars of the aggregate cost value aforesaid in excess of five thousand dollars, as set forth in the said statement covering the period of said fractional license, the sum of ten dollars, and a further tax for said annual license rated in the proportion which the time covered by the fractional license bears to the twelve months covered by said first annual license. The license shall authorize the person therein named to engage in the business and occupation aforesaid only at one place and only for one year from the

## BRANCH STORES.

first day of June. If any individual, association of persons, <sup>Penalty</sup> firm or corporation shall engage in, prosecute, follow or carry on, within the limits of this State, the said business and occupation without obtaining at the times above mentioned, a proper license therefor, and without paying the tax aforesaid, or shall fail to keep a true, accurate and correct account of all goods, wares and merchandise sold or distributed, and keep said record open at all times to the inspection of the Collector of State Revenue as hereinbefore provided, he, she, it 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, and the personal representative or agent of any such individual, association of persons, firm or corporation, or any person who shall be for the time being in charge of any such branch store, warehouse or distributing depot, or if such personal representative, agent, or person in charge of such branch store, warehouse or distributing depot shall be a corporation, any officer or director of such corporation, for every such offense shall be deemed guilty of a misdemeanor, and upon conviction thereof, besides being liable for the payment of the tax, shall be fined not exceeding five hundred dollars.

Approved April 16, A. D. 1917.

## MOTOR VEHICLES.

## CHAPTER 14.

STATE REVENUE.  
MOTOR VEHICLES.

AN ACT to Amend 234 Section 197 of Chapter 6 of the Revised Code of Delaware in relation to the Fees to be paid for the Registration of Motor Vehicles.

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

234. Sec. 197  
repealed

Section 1. That 234 Section 197 of Chapter 6 of the Revised Code of Delaware be and the same is hereby repealed and in lieu thereof the following is hereby enacted and substituted:

Registration  
of motor  
vehicles

"234. Sec. 197. Every resident of this State, who is the owner of a motor vehicle and every non-resident as provided in Sections 197 to 217, of this Chapter, shall, annually apply to the Secretary of State for the registration of said motor vehicles. The application shall be made upon blanks provided for the purpose by the Secretary of State and shall contain the name, place or residence and correct post office address of the owner with a brief description of the motor vehicle stating the name of the maker, the manufacturer's number, the character of motor power and the rated horse power of such motor vehicle, the weight of said motor vehicle and, if its use is for pleasure or for the chief purpose of carrying persons, the maximum number of persons it is provided to carry, if, its use is for business or the carriage of property, the application shall state the maximum load capacity of such vehicle, if the vehicle is convertible from the one use to the other use, the maximum number of persons it is provided to carry, and the maximum load capacity shall be stated. The weight of a motor vehicle to be stated in the application shall be the actual weight of

## MOTOR VEHICLES.

the vehicle with the ordinary and usual accessories with which such vehicle is equipped and offered for sale by the manufacturers thereof as a complete vehicle of its type or kind. The application shall be signed by the owner, and shall be verified by his oath or affirmation. If such owner is a corporation, the application shall be signed and verified as aforesaid by the President, Vice-President or Secretary thereof.

Oath to  
application

The fee required for the registration of any motor cycle shall be Five Dollars (\$5.00), and for any other motor vehicle, shall be Two Dollars (\$2.00) for every five hundred pounds or fraction thereof of the gross load weight of the vehicle. The gross load weight of a vehicle, the use of which is for pleasure or for the chief purpose of carrying persons shall be ascertained by multiplying the maximum number of persons the vehicle is provided to carry by one hundred and twenty-five pounds, and adding the result thereby obtained to the weight of the vehicle as specified in the application. The gross load weight of a vehicle, the use of which is for business or the carriage of property shall be ascertained by adding the maximum load capacity of such vehicle to the weight of said vehicle. The fee to be paid for the registration of a convertible vehicle shall be estimated upon that gross load weight, which shall be the greater, whether of the vehicle as a carrier of persons or as a carrier of property. Upon the receipt of the application and the proper registration fee calculated as aforesaid, the Secretary of State shall register the said motor vehicle in a book to be kept for that purpose and shall issue to the owner a registration certificate; and the Secretary of State, at the expense of the State, shall provide two numbered tags for each motor vehicle, excepting motor cycles, containing the registration number, the figures of which shall not be less than four inches in height and the abbreviated name of the State and year. The Secretary of State at the expense of the State, shall provide one numbered tag of flexible metal for motor cycles containing the registration number, the figures of which shall not be less than one and three-eighths inches in height, and the abbreviated name of the State and year, the

Fee

Gross weight,  
how ascer-  
tained

Certificate  
and tags



## MOTOR VEHICLES.

figures to run lengthwise (one above the other) of the number tag, which shall not be shorter than seven inches and two and one-quarter inches in width; the same to be attached to the rear mud guard of the motor cycle, provided however, that non-residents of this State shall be entitled to the same exemptions from the provisions of the said last mentioned Sections as is granted to the citizens of this State by the laws of the State in which said non-residents reside. No motor vehicle shall be registered, the gross load weight of which shall exceed twenty-seven thousand pounds.

Fractional  
registration

If a car is registered on or after the first day of September in any year for that year, one-half of the fees above specified shall be charged for such registration. If application for the registration of any motor vehicle, other than a motor cycle is made on or after the first day of September of any year, only one-half of the above specified fee shall be required by the Secretary of State for the registration of such motor vehicle other than motor cycles for that year.

The fees provided for by Sections 197, 199, 200 and 201 of this Chapter shall include all the fees due the Secretary of State upon any license or certificate provided for by said last mentioned Sections.

Approved April 9, A. D. 1917.

## MOTOR VEHICLES.

## CHAPTER 15.

STATE REVENUE.  
MOTOR VEHICLES.

AN ACT to Amend Chapter 6 of the Revised Code of the State of Delaware, in relation to Motor Vehicles.

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

That Chapter 6 of the Revised Code of the State of Delaware be and the same is hereby amended by the repeal of 235, Section 198, and the insertion in lieu thereof of the following, which shall be styled 235, Section 198. <sup>235. Sec. 198 repealed</sup>

235, Section 198. No motor vehicle shall be operated upon any public road, street, turnpike or highway unless the number tags are carried conspicuously, one on the front and the other on the rear of the motor vehicle in such manner that they may be easily read. They shall be parallel to the axles of the motor vehicle, and shall be rigidly affixed and kept free from oil, grease, dirt or other substance likely to impair their legibility; and between one hour after sunset and one hour before sunrise, the rear number tags shall be illuminated so that the number can be plainly distinguished when the motor vehicle is in use. <sup>Location of tags on vehicle</sup>

Provided, that when used upon a motor cycle, the number tag shall be attached so that it may be plainly read from the rear of the said motor cycle; and provided further that the requirements as to illuminating the rear number tag shall not apply to motor cycles. Not more than one set of number tags shall be displayed upon any motor vehicle, except as provided in Section 197 of this Chapter for non-residents.

## MOTOR VEHICLES.

Tags lost or  
missing

No owner or operator of any motor vehicle shall be subject to a fine or arrest when one or both numbered tags are missing, provided he makes affidavit that the same have been lost or removed without his knowledge or consent, and that he will promptly provide a new tag or tags.

Approved April 2, A. D. 1917.

MOTOR VEHICLES.

CHAPTER 16.

STATE REVENUE.

MOTOR VEHICLES.

AN ACT to Amend Chapter 6, of the Revised Code of the State of Delaware, in relation to Motor Vehicles.

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

That Chapter 6 of the Revised Code of the State of Delaware be and the same is hereby amended by the repeal of 236. Section 199, and the insertion in lieu thereof of the following, which shall be styled 236. Section 199.

236. Section 199. No person, except as provided for non-residents, in Section 197. of this Chapter, shall operate a motor vehicle upon the public streets, roads, turnpikes or highways of this State, unless he has first obtained from the Secretary of State a license. No license shall be issued to nor shall any motor vehicle be operated by any person under sixteen years of age. Application for licenses shall be made in writing upon a blank furnished by the Secretary of State and shall contain the name of the applicant, his or her place of residence including city or town, street and number, and the post office address, and shall state that he or she is over sixteen years of age and is qualified to operate his motor vehicle. It shall be signed by the applicant's own hand and verified by oath or affirmation. Upon receipt of the application and a fee of Three Dollars (\$3.00) the Secretary of State shall issue to the applicant a license. The license shall contain the licensee's name and the resident and the date and number of the license and shall be carried by the licensee at all times when operating a motor vehicle, provided that in case of a motor cycle the fee shall be One

236. Sec. 199  
repealed

Operator's  
License

Age limit of  
operator

Oath to  
Application.

Fee

## MOTOR VEHICLES.

Dollar (\$1.00) and such license shall only authorize the licensee to operate a motor cycle and no other motor vehicle.

**Exemptions** All motor vehicles owned by any Fire Engine Company, Fire Department, Police Department, or other Department or Agency of the State, or any County or incorporated City or Town thereof, or by any official of the same, used exclusively in the performance of their respective functions or duties, or owned and used by any Hospital in the State, shall be exempt from the payment of all registration or license fees for State, County or Municipal purposes. The person operating such motor vehicles shall not be required to take out any license for the purpose of operating the same.

**Family operator's License** Any person owning one or more motor vehicles may make application to the Secretary of State as herein provided for a "family operator's license" and upon receipt of the application and a fee of Eight Dollars (\$8.00) the Secretary of State shall issue to such applicant a "family operator's license" which shall entitle any member of his or her "immediate family" who is over the age of sixteen years and who is otherwise qualified to operate any motor vehicle owned by such applicant, provided, however, that no such "family operator's license" shall be issued until an affidavit has been filed with the Secretary of State from each member of the "immediate family" desiring said license and who shall come within the provisions of this Act, that he or she is qualified to operate such applicant's motor vehicle or vehicles.

**Fee**

**Immediate family** For the purposes of this Act, the term "immediate family" shall be deemed to cover husband, wife, son, daughter, or other relative or person who lives within the house or domicile of the owner of the motor vehicle as a member of said family and does not include a servant, hired help, or professional operator.

Approved April 9, A. D. 1917.

## MOTOR VEHICLES.

## CHAPTER 17.

STATE REVENUE.  
MOTOR VEHICLES.

AN ACT to Amend Chapter 6 of the Revised Code of the State of Delaware, in relation to Motor Vehicles.

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

That Chapter 6 of the Revised Code of the State of Delaware be and the same is hereby amended by the repeal of 238, Section 201, and the insertion in lieu thereof of the following, which shall be styled 238, Section 201.

238, Section 201. Motor vehicles, operated by manufacturers or dealers for the purpose of testing, selling, or demonstrating, shall be exempt from the necessity of individual registration, provided said manufacturer or dealer has taken out a license to engage in the business of purchasing and selling produce, goods, wares, and merchandise, and such manufacturer or dealer registers with the Secretary of State, in the "Dealer's Class." The application for such registration shall state the number of cars to be registered, and shall be made upon a blank, provided for the purpose by the said Secretary of State, and shall state the name, business, and the place of business of the applicant, and the number of said license so taken out by him, and shall be verified by oath or affirmation. For each car registered a fee of twenty dollars shall be paid the Secretary of State, who shall issue a certificate of registration for each car registered and provide, at the expense of the State, two pairs of tags for each registration which shall contain numbers of registration not less than four inches in height, the year and the words "Delaware Dealer." No more than one

Manufactur-  
er's and  
dealer's  
registrations

Fee

## MOTOR VEHICLES.

Affidavit  
filed

motor vehicle may be operated at the same time under the same registration number. Such car shall be operated only by licensed drivers, who shall have authority to operate motor vehicles bearing the said tags for testing or demonstrating purposes or for hire; provided, that the Secretary of State shall not issue a Dealer's License to any person, firm or corporation without an affidavit being first filed stating that such person, firm or corporation is a bona fide dealer in automobiles or motor vehicles, and provided further that such dealer's registration tags shall not be used upon any jitneys, taxicabs or other motor vehicles used for hire.

Additional  
registration

Any such manufacturer or dealer may procure additional registration tags, upon making additional application in the same manner as the aforesaid application was made, and paying an additional fee of Ten Dollars for each additional registration and each additional pair of tags desired.

Approved April 19, A. D. 1917.

MOTOR VEHICLES.

CHAPTER 18.

STATE REVENUE.  
MOTOR VEHICLES.

AN ACT to Amend Chapter 6 of the Revised Code of the State of Delaware, in relation to Motor Vehicles.

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

That Chapter 6 of the Revised Code of the State of Delaware be, and the same is hereby amended by the repeal of 240, Section 203 thereof, and the insertion in lieu thereof the following, which shall be styled 240, Section 203:

240, Section 203. No person having been licensed shall operate a motor vehicle under another license, nor operate an unregistered motor vehicle. No motor vehicle shall be operated under any other number than that of its registration. No motor vehicle whose gross load weight shall exceed twenty-seven thousand pounds, shall be operated in this State by reason of any provision whatever contained in Section 197 of this Chapter.

240. Sec. 203  
repealed  
Limit of  
weight

Approved April 9, A. D. 1917.



## MOTOR VEHICLES.

## CHAPTER 19.

STATE REVENUE.  
MOTOR VEHICLES.

AN ACT to Amend Chapter 6, of the Revised Code of the State of Delaware, in relation to Motor Vehicles.

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

Section 1. That Chapter 6 of the Revised Code of the State of Delaware be and the same is hereby amended by the repeal of 241, Section 204, and the insertion in lieu thereof of the following to be styled 241, Section 204.

241. Sec. 204  
repealed

Equipment  
and uses

Lights

241, Section 204. Every motor vehicle shall be provided when in use with good and sufficient brakes and with a horn, bell or other device which shall be sounded whenever necessary to insure the safety of other users of the highway. Motor vehicles shall, from one hour after sunset until one hour before sunrise, show at least two white lights visible not less than two hundred feet in the direction toward which the motor vehicle is proceeding, and one red light shall be shown visible in the opposite direction, provided, that a motor vehicle shall only be required to show at least one white light visible not less than two hundred feet in the direction toward which the motorcycle is proceeding and one red light shall be shown visible in the opposite direction, provided however, that no person shall be deemed guilty of violating the provisions of this Section if he shows to the satisfaction of the magistrate or Court by and before whom he is tried that the absence of any such light was due to an accident and not to his mere oversight or neglect.

Approved April 19, A. D. 1917.

MOTOR VEHICLES.

CHAPTER 20.

STATE REVENUE.  
MOTOR VEHICLES.

AN ACT to Amend Chapter 6 of the Revised Code of the State of Delaware, in relation to Motor Vehicles.

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

That Chapter 6 of the Revised Code of the State of Delaware be and the same is hereby amended by the repeal of 247, Section 210, and the insertion in lieu thereof of the following, which shall be styled 247, Section 210. 247. Sec. 210 repealed

247, Section 210. All operators of motor vehicles shall, upon request or signal of any Constable or police officer, stop and exhibit their registration certificate or license, and shall furnish to any legally constituted authority all information in their possession as to the identity of the operator or owner of any motor vehicle; provided, however, that no person who shall be without the possession of either of said certificates and unable to produce the same shall be fined under the provisions of this section if he shall at his trial produce a proper registration certificate or license which has been legally issued at a time prior to his arrest. Information to be furnished

Approved April 2, A. D. 1917.

## MOTOR VEHICLES.

## CHAPTER 21.

STATE REVENUE.  
MOTOR VEHICLES.

AN ACT to Amend Chapter 6 of the Revised Code of the State of Delaware, in relation to Motor Vehicles.

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

249. Sec. 212  
amended

Section 1. That Chapter 6 of the Revised Code of the State of Delaware, be and the same is hereby amended by adding to 249. Section 212 thereof a new paragraph, as follows:

Distribution  
of fines, etc.

"All fines and costs collected under the provisions of Sections 212 and 213 of this Chapter, for the violation of any of the provisions of Sections 196 to 217 inclusive, of this Chapter, in the limits of any incorporated city or town in this State, shall be paid to the incorporated city or town within which such offense was committed, for the use of said city or town."

Approved April 9, A. D. 1917.

MOTOR VEHICLES.

CHAPTER 22.

STATE REVENUE.  
MOTOR VEHICLES.

AN ACT to Amend Chapter 6 of the Revised Code of the State of Delaware, in relation to Motor Vehicles.

*Be it enacted by the Senate and House of Representatives of the State of Delaware (two-thirds of the members elected to each branch concurring therein):*

That Chapter 6 of the Revised Code of the State of Delaware be and the same is hereby amended by adding thereto<sup>Chap. 6 amended</sup> the following section to be styled 254b, Section 217b.

254b, Section 217b. Provided that no incorporated city, town or municipality shall pass or enforce any rule regulation or ordinance that will conflict with, be at variance with, or enlarge upon Section 204 or Section 209 of this chapter.<sup>254b, Sec. 217b.</sup>

Approved April 19, A. D. 1917.

## MOTOR VEHICLES.

## CHAPTER 23.

STATE REVENUE.  
MOTOR VEHICLES.

AN ACT to Amend Chapter 6 of the Revised Code of the State of Delaware in relation to Motor Vehicles.

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

Chap. 6  
amended

That Chapter 6 of the Revised Code of the State of Delaware be and the same is hereby amended by adding thereto the following section, to be styled 254e, Section 217e.

254e, Sec.  
217e added

Exempt from  
certain taxes

254e, Section 217e. Any motor vehicle that has been registered under the provisions of this chapter shall be exempt from taxation as personal property for county, city or school purposes. Provided, however, that this Section shall not apply to any assessment made or taxes levied during the year 1917.

Approved April 24, A. D. 1917.

MOTOR VEHICLES.

CHAPTER 24.

STATE REVENUE.  
MOTOR VEHICLES.

AN ACT to Amend Chapter 6 of the Revised Code of the State of Delaware, in relation to Motor Vehicles.

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

That Chapter 6 of the Revised Code of the State of Delaware be and the same is hereby amended by adding thereto the following new sections:

- 254-G, Section 217-G.
- 254-H, Section 217-H.
- 254-I, Section 217-I.
- 254-J, Section 217-J.

254-G, Section 217-G. That no operator of a motor vehicle, while operating the same upon any of the public roads, streets, lanes or alleys within the limits of this State, shall use any head-light on such motor vehicle, unless such head-light be properly covered, coated, dimmed, or deflected so that it will not blind or dazzle other users of the roads, streets, lanes or alleys, or make it unsafe for them to ride, drive or walk thereon, and any person violating this provision shall be deemed guilty of a common nuisance and upon conviction before any Justice of the Peace of this State or the Municipal Court of the City of Wilmington be subject to a fine of not less than One Dallar (\$1.00) or not more than Five Dollars (\$5.00) for the first offense, and to a fine of not less than Five Dollars (\$5.00) or not more

Chap. 6  
amended

254-G,  
Sec. 217-G

Operation of  
lights

Penalty

## MOTOR VEHICLES.

than Twenty-five Dollars (\$25.00) for the second or each subsequent offense.

254-H,  
Sec. 217-H

Responsibility of  
operator

254-H, Section 217-H. That for the purpose of making this Act fully effective, the owner of any motor vehicle operated contrary to the provision hereof shall be deemed prima facie the operator thereof and be held responsible for any such violation, unless he shall furnish upon demand of the proper authorities such information as will lead to the apprehension of the actual operator of said motor vehicle.

254-I,  
Sec. 217-I

Lights  
permitted

254-I, Section 217-I. The use of any electric head-light will be permitted where the glass in front of the same is so covered or coated as to prevent glare when looking through the glass from the front, or equipped with such devices or methods of dimming lights as will not blind or dazzle other users of the roads, streets, lanes or alleys of this State, or make it unsafe for them to ride, drive or walk thereon.

254-J,  
Sec. 217-J

254-J, Section 217-J. Any operator of a motor vehicle making an honest attempt to carry out the provisions of this Act, although such attempt may not entirely conform to the provisions hereof, shall not be deemed guilty of a violation of this Act for the first offense, but if any such operator of a motor vehicle shall be ordered by any peace officer to properly cover, shade, deflect, dim or lower his head-light in conformity with the provisions of this Act and shall refuse or fail to do so after said orders or warning, he shall be deemed guilty of a violation of the provisions herein contained, and be subject to the penalty prescribed in Section 217-G.

Approved April 20, A. D. 1917.

BOARD OF ASSESSMENT.

CHAPTER 25.

STATE REVENUE.

BOARD OF ASSESSMENT.

AN ACT to Amend Chapter 6, of the Revised Code of the State of Delaware, by providing for the appointment of one person in each Representative District to annually report the names of persons, firms and corporations required by law to pay an annual license fee to said County.

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

Section 1. That 274. Sec. 237, of Chapter 6 of the Revised Code, be and the same is hereby amended by striking out all of said Sec. 237, so far as it may affect Sussex County, and inserting in lieu thereof the following, to be known as 274 A. Sec 237 A:

274. Sec. 237 amended

"274 A. Sec. 237 A. The Board of Assessment of Sussex County shall annually, in the month of March, appoint some suitable person in every Representative District of Sussex County, to make out a list of the wholesale and of the retail dealers in goods, wares and merchandise, produce or any property whatsoever; of vendors of goods, wares and merchandise by sample; of vendors of goods, wares and merchandise, as described in Section 162 of this Chapter; of maintainers of branch stores, warehouses or distributing depots, as described in Section 192 of this Chapter; of dealers in deadly weapons; of manufacturers; of keepers of eating-houses, keepers or travelers of stallions or jacks for the use of mares, auctioneers, brokers, private bankers, real estate agents, conveyancers, photographers, dentists, physicians, osteopaths, attorneys-at-law, jugglers, practitioners of optometry, veterinarians, operators of dyeing or scouring establishments, operators of steam or electric or steam and

Board of assessment of Sussex Co. to have list of persons for State License



## BOARD OF ASSESSMENT.

List to be  
delivered by  
June 1st

Services to be  
paid for by  
State Treas-  
urer

electric laundries, conductors of mercantile agencies, keepers, maintainers or exhibitors of bi-and tri-cycle railways, haunted swings, revolving swings, and razzle-dazzles, keepers, conductors or operators of pool tables, billiard tables, shuffle-boards, and bowling alleys for the use of the public, or to which the public have access, in Sussex County, and conductors or exhibitors of any circus, theatre, opera, show, moving picture theatre, amusement park, merry-go-round, toboggan slide, switch-back, shoot-the-shoots, ferris wheel, scenic railway or other place of amusement, and all other persons, firms and corporations who should procure a State license to carry on their business in his Hundred or District, particularly specifying each class, and by the first day of June, shall deliver the same to the Clerk of the Peace of his County, attested by his oath or affirmation, which said list shall be filed of record by the said Clerk of the Peace. In all cases where there is more than one person engaged in any of the foregoing occupations as partners, he shall give the name of each of the individuals composing the firm or partnership, and in every case return the Christian name of the respective party or parties. He shall also ascertain the post-office address and street and number, if any, of the party or parties so doing business, which he shall return with the name of the firm, corporation or individual, so returned by him on the list aforesaid. Every such reporter shall be paid for such services by the State Treasurer the sum of ten cents for each and every name appearing upon said list; said sum shall be paid to the reporters as aforesaid by the State Treasurer during the month of September in the year that said lists are delivered to the Clerks of the Peace as aforesaid; every reporter shall render to the State Treasurer during the month of August a bill showing the number of names appearing on said lists delivered to the Clerks of the Peace as aforesaid; but no such bill shall be paid by the State Treasurer until the same is certified to as being correct by the Clerk of the Peace of the County; and every reporter, who shall fail to make out and deliver to the Clerk of the Peace of the County a list as aforesaid shall be guilty of a misdemeanor, and upon conviction thereof shall be fined or imprisoned, or both, at the

## BOARD OF ASSESSMENT.

discretion of the Court. It shall be the duty of the Clerks of the Peace of the several Counties in this State, to compare the said lists so returned to them by said reporters, with the lists of the persons, firms or corporations which shall have taken out a license by that time, ten days prior to the then next term of the Court of General Sessions in their County, and make therefrom a list for each Hundred and District of the persons, firms and corporations which shall have failed to take out a license for the occupation in which he, they or it may have been reported engaged, and deliver said last mentioned lists, with the name of the reporter duly certified, to the Attorney-General, two days before the then next term of the Court of General Sessions in such County. The Clerks of the Peace shall not, after the making and delivery of the aforesaid lists to the Attorney-General, issue a license to any person, firms or corporation whose name appears on said lists, without an order from the Attorney-General, until after the discharge of the Grand Jury at the said term of the said Court of General Sessions. In the event of any person or persons or corporation being indicted, which shall have a license for the transaction of the business for which such person or corporation may be indicted, and his, her or its name shall appear on the lists so as aforesaid required to be certified to the Attorney-General by the Clerk of the Peace, the costs upon such indictment shall be paid by the Clerk of the Peace of the County in which such indictment has been found.

Duties of the  
Clerks of the  
Peace of  
other Coun-  
ties

Before the Clerk of the Peace shall deliver to the Attorney-General the list required by this Section, he shall forward through the post-office, a written or printed notice addressed to the person or persons or corporation so having failed to take out a license for the occupation in which he, they or it are reported to be engaged, setting forth that he, they or it have failed to take out a license for the occupation in which he, they or it are reported engaged, and that, unless such license is taken out within the term of ten days from the date of the notice, he, they or it will be subject to an indictment at the ensuing term of Court; said notice shall state where said licenses can be procured. If

Notice given  
of failure to  
take out  
license

## BOARD OF ASSESSMENT.

Fee for  
Notice

the person or persons or corporations so notified as aforesaid, shall, within ten days from the date of forwarding such written or printed notice, take out a license for the occupation in which he, they or it may have been reported engaged, then it shall be the duty of the Clerk of the Peace to strike the name of him, them, or it from the said list. The Clerk of the Peace shall receive from the person or persons or corporation notified fifty cents for each notice sent as aforesaid, which shall be paid at the time of taking out such license, and no other costs than said sum shall be charged, and shall keep a record of the names of the persons, firms or corporations to which such notice may be sent, the dates on which said notices have been placed in the post-office, and the post-offices to which said notices have been mailed. No person or corporation, whose name may have been returned by the said reporter on the list aforesaid directed to be made by this Section, shall be indicted by the Attorney-General unless the provisions of this Section shall have been complied with, and the notices sent as directed."

Approved March 22, A. D. 1917.

## INCOME TAX.

## CHAPTER 26.

STATE REVENUE.  
INCOME TAX.

AN ACT to Amend Chapter 6 of the Revised Code of the State of Delaware, by providing for an Income Tax.

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

Section 1. That Chapter 6 of the Revised Code of the State of Delaware be and the same is hereby amended by adding thereto the following, to be known as "STATE REVENUE ARTICLE 31. Income Tax 281 A. Sec. 245, 281 B. Sec. 246, 281 C. Sec. 247, 281 D. Sec. 248, 281 E. Sec. 249, 281 F. Sec. 250, 281 G. Sec. 251, 281 H. Sec. 252, 281 I. Sec. 253, 281 J. Sec. 254, 281 K. Sec. 255, 281 L. Sec. 256, 281 M. Sec. 257, 281 N. Sec. 258, 281 O. Sec. 259, 281 P. Sec. 260, 281 Q. Sec. 261, 281 R. Sec. 262, and 281 S. Sec. 263."

## STATE REVENUE—ARTICLE 31.

*Income Tax.*

281 A. Sec. 245. As used in this Article, the following words and phrases are defined as follows:—The phrase "income tax" means the tax imposed by 281 B. Sec. 246 hereof; the word "Taxable" means a natural person who is a citizen or resident of the State of Delaware; the phrase "net income" means the aggregate of all gains, profits, salaries, wages, compensation for personal service of whatever kind and in whatever form paid, income derived from professions, vocations, business, trade, commerce, sales or dealings in real or personal property growing out of the ownership or use of or interest in such property, also from

Chap. 6  
amended by  
adding a new  
Article  
thereto

Definition of  
"Income tax"  
and  
"Taxable"  
Net income  
includes

## INCOME TAX.

interest, dividends, securities, or the transaction of any business carried on for gain or profit, or gains or profits and income derived and actually received into possession by a taxable from any source whatever, and also the share of the profits of any taxable in a co-partnership whether such profits have been divided or otherwise, less the aggregate of all such exemptions and deductions as are hereinafter allowed; provided, that for the purpose of ascertaining the gain or loss, resulting from the sale or other disposition of property, acquired before January first, nineteen hundred and seventeen, the fair market price of value of such property as of said date shall be the basis for determining the amount of such gain or loss; and also, provided, that in determining the taxable's share of the profits of a co-partnership, the said co-partnership shall be allowed all the deductions mentioned in 281 D. Sec. 248 hereof, and also interest upon the obligations of a State or any political subdivisions thereof or upon the obligations of the United States or its possessions, and also rentals of real estate and gains or profits derived from agricultural operations; the word "dividends" means any distribution made by a corporation, joint stock company or association out of its earnings or profits accrued since January first, nineteen hundred and seventeen, and paid to its shareholders, whether in cash or property.

Any notice or notification required to be given or provided for, by this Article of the Code shall be a written notice contained in a sealed envelope addressed to the taxable at his usual place of abode and deposited in the United States mails.

281 B. Sec. 246. There shall be levied, assessed, collected and paid annually upon the entire net income received in the preceding calendar year from all sources by every taxable a tax of one per centum upon such income, beginning with the net income received by every taxable for the calendar year nineteen hundred and seventeen.

281 C. Sec. 247. The following income shall be exempt from income tax:—

## INCOME TAX.

The proceeds of life insurance policies paid to individual beneficiaries upon the death of the insured; the amount received by the insured, as a return of premium or premiums paid by him under life insurance, endowment, or annuity contracts, either during the term or at the maturity of the term mentioned in the contract or upon the surrender of the contract; the value of property acquired by gift, bequest, devise or descent; interest upon the obligations of a State or any political sub-division thereof or upon the obligations of the United States or its possessions; the salary of the present Governor during the term for which he has been elected and the compensation of other public officers of this State, now in office, during their present terms of office respectively; rentals of real estate and gains or profits derived from agricultural operations; and the sum of One Thousand Dollars out of the income of each taxable.

281 D. Sec. 248. In computing net income, the following deductions shall be allowed:—

*First.* The necessary expenses actually paid by the taxable in carrying on any business or trade, not including personal, living, or family expenses, and not including expenses of agricultural operations;

Deductions  
allowed

Agricultural  
operations

*Second.* All interest paid by the taxable within the year on his indebtedness;

Interest on  
indebtedness

*Third.* Taxes paid by the taxable within the year imposed by the authority of the United States, or its territories, or possessions, or any foreign country, or under the authority of any state, county, school district, municipality, or other taxing sub-division of any State;

Taxes im-  
posed by  
authority by  
U. S. or tax-  
ing subdivi-  
sion of State

*Fourth.* Losses actually sustained by the taxable during the year, incurred in his business or trade, or other dealings, or arising from fires, storms, shipwreck, or other casualty, and from theft, when such losses are not compensated for by insurance or otherwise, not including losses resulting from agricultural operations;

Losses

## INCOME TAX.

- Debts due**      *Fifth.* Debts due to the taxable actually ascertained to be worthless and charged off within the year;
- Wear and tear**      *Sixth.* A reasonable allowance for the exhaustion, wear and tear of property arising out of its use or employment in the business or trade of the taxable.
- How computed**      281 E. Sec. 249. The tax shall be computed upon the net income, of each taxable subject thereto, received in each preceding calendar year ending December thirty-first.
- Returns made, when**      On or before the first day of March, nineteen hundred and eighteen, and the first day of March in each year thereafter, a true and accurate return under oath shall be made by each taxable, except as hereinafter provided, having a gross income of One Thousand Dollars or over, for the preceding calendar year, to the State Treasurer, in such form as he shall prescribe, setting forth specifically the gross amount of income from all separate sources and from the total thereof deducting the aggregate of all exemptions and deductions herein authorized; provided, that the said return may be made by an agent when by reason of illness or absence the person liable for said return is unable to make and render the same, the agent assuming the responsibility of making the return and incurring penalties provided for erroneous, false, or fraudulent return.
- One Thousand Dollars or over**
- Form of Returns**
- Exemptions from illness or absence**
- Penalties**
- Returns to be made by Guardian**      Returns of the income of infants, idiots and insane persons shall be made by their guardians, trustees, or other persons having charge of their estates and the collection of their income. Such fiduciary shall make oath that he has sufficient knowledge of the affairs of the taxable, for whom he makes a return, to enable him to make such return and that the same is, to the best of his knowledge and belief, true and correct, and such fiduciary shall assume the responsibility of making the return and incur the penalties provided for erroneous, false, or fraudulent return. Where there are joint fiduciaries, any one of them may make the return.
- Assessments by State Treasurer**      281 F. Sec. 250. All assessments shall be made by the State Treasurer and all taxables shall be notified of the

## INCOME TAX.

amount for which they are respectively liable on or before the first day of June of each successive year and said amount shall be paid to the State Treasurer on or before the fifteenth day of June following; except in cases of refusal or neglect to make the return herein provided for and in cases of erroneous, false or fraudulent returns, in which cases the State Treasurer shall, upon the discovery thereof, at any time within three years after such return is due, or has been made, make a return for the taxable upon information obtained as herein provided for, or require the necessary corrections to be made, and the State Treasurer shall thereupon make an assessment thereon which shall be paid by such taxable or taxables immediately upon notification of the amount thereof; and to any sum or sums due and unpaid after the fifteenth day of June in any year, or for ten days after the above mentioned notification there shall be added the sum of five per cent. on the amount of tax unpaid and interest at the rate of one per centum per month upon said tax from the time the same became due, which said time shall be either the said fifteenth day of June or the date of the expiration of ten days after such notification.

When  
notified  
When paid

Five per  
cent. added  
to sums un-  
paid

Interest  
added

281 G. Sec. 251. The State Treasurer shall be, and he hereby is, authorized to appoint a special clerk to be known as the Income Tax Clerk, whose duty it shall be, under the direction of the State Treasurer, to perform all the duties that shall devolve upon the State Treasurer by reason of this Article of the Code, and, under the direction of the State Treasurer, he shall perform all the work, labor and services that shall be necessary to the effective execution of the provisions of this Article. The said Income Tax Clerk shall hold office at the will of the State Treasurer, and shall receive as salary the sum of Fifteen Hundred Dollars per year, payable monthly on the first day of each month in equal installments of One Hundred and Twenty-five Dollars each.

Income Tax  
Clerk

Duties

Term of  
office

Salary

281 H. Sec. 252. It shall be the duty of the Collector of State Revenue, appointed under 275. Sec. 238 of this Code, in addition to other duties imposed upon him by law,

Duties of  
State  
Revenue  
Collector



## INCOME TAX.

when requested by the State Treasurer, to proceed throughout every part of the State, and, in conjunction with the performance of his other duties imposed by law, to inquire after and concerning all persons within the State who are liable to pay income tax, and it shall also be his duty, upon the request of the State Treasurer, to investigate returns made by taxables under the provisions of this Article, to investigate taxables who have refused or neglected to make such returns, to collect evidence concerning the truth or falsity of returns which have been made, or the fraudulent character thereof, and to report all evidence thus collected and all information obtained from such investigations to the State Treasurer.

Powers of  
State  
Revenue  
Collector

In making such investigations the said Collector of State Revenue shall be, and he hereby is, authorized and empowered to demand and require any taxable so being investigated to produce for the inspection of said Collector of State Revenue all books, documents, entries or papers of the taxable containing any information whatsoever respecting his income, from whatever source derived, and any such taxable refusing to permit an inspection of any such books, documents, entries or papers, by the said Collector of State Revenue, shall be guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine not exceeding Five Hundred Dollars or by imprisonment not exceeding six months, or both, in the discretion of the Court.

## Penalties

Information  
must be  
furnished

It shall be the duty of all persons, corporations, joint stock companies or associations, and of all officers, or employes of such corporations, joint stock companies or associations, upon the request of the said Collector of State Revenue, to furnish to the said Collector any information, which any such person, corporation, joint stock company or association, or officer or employe thereof, may have or may control, touching the income of any taxable, and to produce and exhibit to such Collector any books, documents, entries or papers, within his, her, its or their possession or control, containing any such information; and any refusal or willful neglect to furnish any such information or to produce and

## INCOME TAX.

exhibit any such books, documents, entries or papers, shall be deemed to be a misdemeanor, and any person convicted thereof shall be punished by a fine not exceeding Five Hundred Dollars or by imprisonment not exceeding six months, or both, in the discretion of the Court. <sup>Fine</sup>

281 I. Sec. 253. Upon request of the State Treasurer the Governor shall be, and he hereby is, authorized to appoint an officer, who shall be known by the title of Special Collector of State Revenue, who shall hold office at the will of the State Treasurer, and who shall receive a salary of Twelve Hundred Dollars per year, payable monthly on the first day of each month, in equal installments of One Hundred Dollars each, and for whose use a contingent fund is hereby created and fixed at the sum of Six Hundred Dollars per annum, which shall be paid out of the State Treasury in the manner now provided by law for the paying out of the State Treasury of other contingent funds. It shall be the duty of the said Special Collector of State Revenue, acting under the direction of the State Treasurer, to do all such things as are prescribed and directed to be done under 281 H. Sec. 252 hereof, by the Collector of State Revenue. He shall have the same powers in all matters relating to the income tax as are hereinabove given to the said Collector of State Revenue and all taxables refusing to permit an inspection by him of any such books, documents, entries or papers as are referred to in 281 H. Sec. 252 hereof shall be subject to the same penalties as are therein prescribed. <sup>Special Collector of State Revenue</sup>  
<sup>Term of office</sup>  
<sup>Salary</sup>  
<sup>Duties</sup>

The said Special Collector of State Revenue is hereby constituted a special constable and, as such, he shall have and possess all the powers that are possessed by county constables under the laws of this State. <sup>Special Collector, constituted special constable</sup>  
<sup>Powers</sup>

281 J. Sec. 254. The State Treasurer shall diligently enforce all the provisions of this Article of the Code and if he has reason to believe that any taxable has failed, refused or neglected to make a return as required hereby, or has made an erroneous, fraudulent or false return, he shall be, and he hereby is, authorized to summon such taxable to <sup>Duties of Treasurer in enforcing law</sup>

## INCOME TAX.

appear before him, or before the Income Tax Clerk, at some place fixed in said summons and within this State, for the purpose of examination, at which time and place, or any adjournment thereof, such taxable may be required to produce, for the inspection of the State Treasurer or the Income Tax Clerk, all his books, documents, entries or papers containing any information whatsoever respecting his income, including the books of any co-partnership of which he may be a member. Such examination of a taxable shall be under oath or affirmation and both the State Treasurer and the Income Tax Clerk are hereby authorized to administer oaths or affirmations to taxables for the purpose of such an examination. Any taxable who shall refuse or willfully neglect to obey any such summons; or who shall refuse to answer any question that may be asked him by the State Treasurer or the Income Tax Clerk relating to his income, unless such answer would tend to incriminate him; or who shall refuse or willfully neglect to produce, for the inspection herein mentioned, all the books, documents, entries and papers herein mentioned, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable in the manner prescribed in 281 H. Sec. 252 hereof; and such taxable who shall knowingly swear falsely at any such examination shall be deemed guilty of perjury and upon conviction thereof shall be punished in the manner prescribed for that offense by the laws of this State.

Power to  
administer  
oaths

Refusal of  
Taxable to  
comply

Penalty

281 K. Sec. 255. Any taxable who shall make a false return under this Article of the Code shall be deemed guilty of perjury and upon conviction thereof shall be punished in the manner prescribed for that offense by the laws of this State.

False returns

Any taxable who shall refuse or wilfully neglect to make a return as required by 281 E. Sec. 249 hereof shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding Five Hundred Dollars, or by imprisonment not exceeding six months, or both, in the discretion of the Court; *Provided, however,* that in any case of refusal or wilful neglect by a taxable to

Proviso

## INCOME TAX.

make a return, as aforesaid, the State Treasurer shall be, and he hereby is, authorized and empowered, with the approval of the Attorney-General, at any time before trial, to compromise the charge of such refusal or wilful neglect by permitting the taxable to make a return and to pay such tax as shall be then assessed, together with a specific penalty, in lieu of prosecution, of not less than the sum of Five Dollars, and any costs, that may have been then incurred.

281 L. Sec. 256. If any taxable liable to pay income tax neglects or refuses to pay the same after notice of his assessment the amount of such assessment shall be a lien in favor of the State of Delaware from the time of such notice until paid, with the interest, penalties, and costs that may accrue in addition thereto, upon all property and rights to property belonging to such taxable within the State of Delaware.

If not paid  
the assess-  
ment be-  
comes a lien

281 M. Sec. 257. If any taxable liable to pay income tax neglects or refuses to pay the same after it is due, the State Treasurer is hereby authorized, and it is hereby expressly made his duty, to bring suit, in the name of the State of Delaware, against such taxable to recover the amount of the tax together with all interest, penalties and costs that may accrue in addition thereto, by an action of debt, in any court having jurisdiction of the amount involved, and it shall be sufficient, for the purpose of establishing the claim of the plaintiff, to prove the assessment of the tax and the facts and circumstances connected with making the same. Upon the recovery of judgment in any such suit it shall be the duty of the State Treasurer forthwith to utilize the most expeditious means provided by law for the collection of the amount of the judgment so recovered; and it is hereby expressly provided that no property, wages, salaries or other income of any taxable shall be exempt from execution or attachment process issued upon, or for the collection of, any such judgment.

Suit shall be  
brought

281 N. Sec. 258. It shall be the duty of the State Treasurer to whom any payment of income tax is made

## INCOME TAX.

Guardians  
and Trustees  
shall make  
payment

under the provisions of this Article to give to the taxable making such payment a full written or printed receipt, expressing the amount paid and the particular account for which such payment was made. All payments of income tax for infants, idiots and insane persons shall be made by their guardian, trustees or other persons having charge of their estate and the collection of the income thereof, and all such fiduciaries shall have credit for the amount of such payments against the beneficiary in any accounting which they make as such fiduciaries, and receipts for such payments from the State Treasurer shall be sufficient vouchers to entitle such fiduciaries to such credit.

Unlawful for  
Officials to  
divulge

281 O. Sec. 259. It shall be unlawful for the State Treasurer, Income Tax Clerk, Collector of State Revenue, Special Collector of State Revenue, or any other clerk, agent, officer or employee of the State of Delaware to divulge or to make known, in any manner whatever not provided by law, to any person other than the Governor, the Attorney-General and his deputies, or the General Assembly or any Committee of either House thereof, the amount or source of income, profits, losses, expenditures, or any detail thereof, set forth or disclosed in any income return made under the provisions of this Article, or to permit any income return or copy thereof or any book containing any abstract or parts thereof to be seen or examined by any person except as provided by law; and it shall be unlawful for any person to print or publish in any manner whatever not provided by law any income return or any part thereof or source of income, profits, losses, or expenditures appearing in any such income return; and any offense against the foregoing provisions of this Section shall be a misdemeanor, and any person convicted thereof shall be punished by a fine not exceeding One Thousand Dollars or by imprisonment not exceeding one year, or both, in the discretion of the Court; and if the offender be an officer of the State of Delaware he shall be removed from office under the provisions of Section 6 of Article 15 of the Constitution, the said misdemeanor being hereby expressly declared to constitute misbehavior in office within the contemplation of said Section

Penalty

## INCOME TAX.

6, and if the offender be an employe of the State of Delaware he shall be forthwith discharged from such employment.

281 P. Sec. 260. A contingent fund is hereby created for the use of the State Treasurer in carrying into effect and executing the provisions of this Article of the Code, and the amount of said fund is hereby fixed at the sum of Three Thousand Dollars per annum, which shall be paid out of the State Terasury in the manner now provided by law for the paying out of the State Treasury of other contingent funds.

281 Q. Sec. 261. It shall be the duty of the Attorney-<sup>Atty. Gen. to give legal assistance</sup> General to give counsel, advice and legal assistance to the State Treasurer, the Income Tax Clerk, the Collector of State Revenue or the Special Collector of State Revenue relative to any of the duties imposed upon them, or any of them, by the provisions of this Article of the Code.

281 R. Sec. 262. If any clause, sentence, paragraph, or part of this Article of the Code shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of said Article, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered, unless such judgment of invalidity shall prevent the effective execution of the provisions of said Article, in which event the said Article shall become and be wholly invalid and void.

281 S. Sec. 263. This Act and the Article hereby added to the Code shall take effect immediately upon its approval by the Governor, and all provisions of any act or acts or any other articles, paragraphs, sections or parts of the Code of this State inconsistent with the provisions of this Act are hereby repealed.

Approved April 2, A. D. 1917.

## APPROPRIATIONS.

## CHAPTER 27.

STATE REVENUE.  
APPROPRIATIONS.

AN ACT making appropriations for the expenses of the State Government, other than legislative expenses, for the fiscal year ending on Monday immediately preceding the second Tuesday in January, in the year of our Lord one thousand nine hundred and eighteen, and authorizing the borrowing of money to supply casual deficiencies of revenue for said fiscal year, and the issuance of notes or certificates of indebtedness to secure the payment thereof.

Anticipated  
State  
revenues

WHEREAS, the anticipated revenues of the State of Delaware for the fiscal year ending on Monday immediately preceding the second Tuesday in January, in the year of our Lord one thousand nine hundred and eighteen, are as follows:

Balance on hand at beginning of fiscal year . . . .	\$185,214.55
Clerks of the Peace—Licenses and Fees . . . . .	160,000.00
Insurance and Banking Department . . . . .	72,000.00
Railroads—State Tax . . . . .	112,000.00
Interest on Mortgages . . . . .	11,550.00
Telegraph and Telephone Companies . . . . .	15,000.00
Express Companies . . . . .	2,800.00
Department of Secretary of State:	
Corporations . . . . .	130,000.00
Civil Commissions . . . . .	850.00
Automobile Licenses . . . . .	50,000.00
Fees . . . . .	35,000.00
Manufacturers of Steam, Gas or Electricity . . . . .	1,200.00
Franchise Tax from Corporations . . . . .	115,000.00
Inheritance Tax . . . . .	40,000.00
Sales of Laws and Codes . . . . .	300.00
U. S. Government Appropriation to Colleges . . . . .	50,000.00

## APPROPRIATIONS.

Dividends from Bank Stock—National Bank of Delaware .....	\$400.00
Delaware State Hospital—Receipts from Pay Patients, etc. ....	12,000.00
State Board of Pharmacy .....	400.00
Board of Game and Fish Commissioners.....	1,500.00
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Total Receipts .....	\$995,214.55

Section 1. That the several amounts named in this Act, or so much thereof as may be necessary, are hereby appropriated and authorized to be paid out of the treasury of this State to the respective public officers of the respective departments and divisions of Government, and for the several purposes hereinafter specified, for the current fiscal year ending on Monday immediately preceding the second Tuesday of January in the year of our Lord one thousand nine hundred and eighteen; provided, however, that all parts or portions of the several sums appropriated by this Act, which, on said Monday immediately preceding said second Tuesday of January, A. D. one thousand nine hundred and eighteen, shall not have been paid out of the treasury, shall be returned to the general fund of the treasury. The said several sums hereby appropriated are as follows, viz.:

Appropriations for the expenses of the State for 1917

Unexpended money to be returned to the General Fund

## EXECUTIVE DEPARTMENT.

*Governor.*

For the Governor for salary .....	\$4,000.00
For the contingent expenses of the Governor's office .....	2,000.00

*Lieutenant Governor.*

For the Lieutenant Governor for salary as member of the Board of Pardons .....	\$100.00
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## APPROPRIATIONS.

*Department of the Secretary of State.*

For the Secretary of State for salary.....	\$4,000.00
For the salary of Stenographer and Typewriter for the Governor and Secretary of State....	1,200.00
For the salary of Clerks of the Secretary of State .....	3,000.00
For the contingent expenses of the office of the Secretary of State .....	5,000.00
For the official bond of the Secretary of State.	50.00

*Treasury Department.*

For the salary of the State Treasurer.....	\$3,500.00
For the salary of the Deputy State Treasurer.	1,200.00
For the contingent expenses of the office of State Treasurer .....	600.00
For the official bond of the State Treasurer for two years .....	1,425.00
For the State Treasurer, Contingent Fund on Income Tax Law .....	1,000.00
For the State Treasurer, contingent expenses in connection with Compensation Act .....	1,000.00

*Auditor of Accounts.*

For the salary of the Auditor of Accounts...	\$2,000.00
For the salary of Deputy Auditor of Accounts..	1,200.00
For the contingent expenses of the office of Auditor of Accounts .....	500.00

*Department of Insurance and Banking.*

For the salary of the Insurance Commissioner.	\$3,500.00
For the salary of Clerk.....	1,000.00
For the contingent expenses of the Department of Insurance and Banking .....	1,500.00

## APPROPRIATIONS.

*For the State Library.*

For the salary of State Librarian.....	\$1,200.00
For the contingent expenses of the office of State Librarian .....	500.00
For the purchase of new books.....	500.00
For the repairing of books in the State Library	200.00

*State Library Commission.*

For the appropriation for regular expenses...	\$3,000.00
For contingent expenses .....	200.00

*Game and Fish Commissioner.*

For the salary of Chief Game and Fish Warden.	\$600.00
For enforcing Uniform Fish Law.....	200.00

*Oyster Revenue Collector.*

For the salary of Oyster Revenue Collector....	\$700.00
For the salary of officers and crew of Watch Boat for the protection of oysters .....	2,340.00
For the contingent expenses of the office of Oyster Revenue Collector .....	100.00

*State Revenue Collector.*

For the salary of State Revenue Collector.....	\$1,200.00
For the contingent expenses of the State Revenue Collector .....	600.00

*State's Property—Insurance and Care of.*

For the salary of Janitor of the State House.	\$500.00
For the salary of Assistant Janitor of the State House .....	400.00

## APPROPRIATIONS.

For the salary of one-night Janitor of the State House .....	\$500.00
For heat, light and repairs for State House...	2,500.00
For water rent for State House and Armory..	112.50
For insurance on all of the State property for the year 1917 .....	3,500.00

*Labor Commission of Delaware.*

For the contingent expenses of the Labor Commission of Delaware .....	\$1,000.00
For the salary of Child Labor Inspector .....	1,800.00
For the salary of the Ten-Hour Law Inspector.	1,000.00

*Cannery Inspector.*

For the salary of Cannery Inspector .....	\$1,000.00
For the contingent expenses of the Cannery inspector .....	500.00
For the expenses of Supervisors of Institutions	100.00

*Automobile Inspectors.*

For salaries of Automobile Inspectors.....	\$900.00
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*Board of State Supplies.*

For the printing fund .....	\$30,000.00
For the contingent expenses of the Board of State Supplies .....	100.00

## DEPARTMENT OF JUSTICE.

*Chancellor.*

For the salary of the Chancellor.....	\$5,000.00
For the Chancellor for reporting.....	200.00
For the salary of Stenographer to the Chancellor .....	1,200.00

## APPROPRIATIONS.

For the contingent expenses of the Court of Chancery .....	\$400.00
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*Chief Justice.*

For the salary of the Chief Justice.....	\$5,000.00
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*Associate Judges.*

For the salaries of the Associate Judges.....	\$19,200.00
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*Associate Judge Resident in Kent County.*

For the Associate Judge Resident in Kent County for reporting .....	\$200.00
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*Court Stenographer.*

For the salary of the Court Stenographer....	\$2,000.00
For transcripts for the Supreme Court and As- sistant Stenographers .....	2,500.00

*Judicial Reports.*

For William H. Boyce, for one hundred copies of Boyce's Delaware, Reports, Volume 6....	\$1,000.00
For Charles M. Curtis for 100 copies of his Re- ports .....	800.00

*Attorney-General.*

For the salary of the Attorney-General.....	\$2,500.00
For the salary of the Deputy Attorney-General for New Castle County.....	1,500.00
For the salary of Deputy Attorney-General for Kent County .....	1,000.00
For the salary of Deputy Attorney-General for Sussex County .....	1,000.00

## APPROPRIATIONS.

For the contingent expenses for the Attorney-General .....	\$3,500.00
For salaries of three State Detectives .....	3,600.00
For the actual expenses in serving requisition papers .....	500.00

## EDUCATION.

*Commissioner of Education.*

For the salary of the Commissioner of Education	\$3,000.00
For the contingent expenses of the Commissioner of Education .....	300.00

*County School Superintendents.*

For the salaries of three County School Superintendents .....	\$4,800.00
For the contingent expenses of three County School Superintendents .....	1,500.00
For the annual appropriation to the School Fund .....	142,000.00
For the interest on bonds of the School Fund..	10,727.10
For the interest on certificates of indebtedness to Delaware College .....	4,980.00
For the Trustees of Delaware College (United States Government appropriation) .....	40,000.00
For the Trustees of Delaware College (United States Government appropriation, Smith-Lever Act) .....	16,824.02
For the Trustees of Delaware College (Chair of History) .....	2,500.00
For the Trustees of Delaware College for the maintenance of the Summer School for Teachers .....	2,500.00
For the Trustees of Delaware College for the maintenance of said College .....	14,000.00

## APPROPRIATIONS.

For the Trustees of Delaware College for the payment of certain notes with respect to the Women's Affiliated College .....	\$30,000.00
For the Trustees of Delaware College for the maintenance of the Women's Affiliated College .....	32,246.00
For the Trustees of the State College for Colored Students (United States Government Appropriation) .....	10,000.00
For the Trustees of the State School for Colored Students, for the improvements of buildings and grounds .....	8,000.00
For the Trustees of the State College for Colored Students for the holding of Summer Schools.	500.00
For Board for Colored Teachers at Summer School .....	500.00
For the State Treasurer to carry out the provisions of Section 2312. Revised Code, relating to free graded Schools .....	22,000.00
For the State Treasurer for the payment of expenses of White Teachers' Institutes .....	600.00
For the State Treasurer for the payment of expenses of Colored Teachers' Institutes.....	200.00
For the State Treasurer for the payment of expenses of the State Board of Education.....	2,000.00
For the State Treasurer for the payment of the expenses of the County School Commissions..	1,000.00
For the Chairman of the Committee on Traveling Libraries of the State Federation of Women's Clubs for the establishment of Traveling Libraries .....	100.00
For Free Libraries in School Districts .....	350.00
For the Board and tuition of indigent deaf, dumb, blind and idiotic children .....	15,000.00
For the special improvement of colored students as provided by law .....	3,000.00

## APPROPRIATIONS.

*Charities and Eleemosynary Institutions.*

For Delaware State Hospital for over-draft...	\$12,968.22
For the Delaware State Hospital at Farnhurst, general maintenance .....	90,886.25
For Delaware State Hospital at Farnhurst, New Building .....	20,000.00
For Delaware State Hospital at Farnhurst (amusement fund) .....	600.00
For Delaware State Hospital at Farnhurst, Grounds and Buildings .....	2,300.00
For the Delaware Industrial School for Girls..	4,000.00
For St. Michael's Day Nursery and Hospital for Babies .....	500.00
For the Society for the Prevention of Cruelty to Children .....	900.00
For the Delaware Commission for the blind...	3,000.00
For the Delaware Commission for the blind (for apprentices) .....	500.00
For the burial of indigent soldiers, sailors and marines .....	750.00
For the proper observance of Memorial Day...	1,000.00
For the Old Folks' Home at Dover .....	1,500.00
For the Soldiers' Rest Room at Delaware City..	200.00

*Preservation and Publication of Historical Records.*

For the expenses of the Public Archives Com- mission .....	\$2,000.00
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*Improvement of Public Highways.*

For the improvement of the public highways in New Castle County .....	\$10,000.00
For the improvement of the public highways in Kent County .....	10,000.00
For the improvement of the public highways in Sussex County .....	10,000.00

## APPROPRIATIONS.

For the salary of the State Highway Commissioner of New Castle County .....	\$1,000.00
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*Public Health.*

For the expenses of the State Board of Health..	\$2,500.00
For the expenses of the Bureau of Vital Statistics .....	2,000.00
For the Pathological and Bacteriological Laboratory .....	4,000.00
For the purchase and distribution of diphtheria anti-toxin .....	500.00
For the State Tuberculosis Commission to defray the expenses of the said Commission....	20,000.00
For the State Tuberculosis Commission to provide for the care of colored consumptives....	10,000.00
For the Medical Council of Delaware .....	300.00
For the State Board of Pharmacy .....	250.00

*Agriculture.*

For Delaware College for teaching Agriculture.	\$5,000.00
For the State Board of Agriculture for the payment of the expenses of said Board .....	5,000.00
For State Chemist .....	2,000.00
For the State Live Stock Sanitary Board .....	5,000.00
For the State Board of Immigration .....	1,000.00
For the State Board of Agriculture for the encouraging of the breeding of poultry .....	300.00
For the Peninsular Horticultural Society.....	1,000.00
For the Farmers' Institutes and to defray the incidental expenses of holding such institutes.	600.00
For the Delaware Corn Growers' Association..	500.00
For Delaware College Experimental Farm ....	5,000.00
For Sussex County Experimental Work.....	5,000.00

*Public Defense.*

For the salary of Adjutant General .....	\$1,200.00
For the salary of the Clerk to the Adjutant General .....	600.00



## APPROPRIATIONS.

For the National Guard of Delaware for the expenses of providing uniforms and equipment.	\$2,500.00
For the National Guard of Delaware for the maintenance thereof .....	5,000.00
For the National Guard of Delaware for the expenses of field practice .....	8,000.00

*Interest on Bonded Indebtedness.*

For the interest on the issue of 1907, Farmers' Bank, Dover .....	\$9,200.00
For the interest on the issue of 1907, Farmers' Bank, Wilmington .....	1,600.00
For the interest on the issue of 1907, Farmers' Bank, Wilmington .....	800.00
For the interest on the issue of 1909, Farmers' Bank, Wilmington .....	400.00
For the interest on the issue of 1897, Philadelphia National Bank .....	7,350.00
For interest on certificate of indebtedness (sinking fund) .....	800.00
For Farnhurst, Interest on Bonds .....	2,400.00
For Women's Affiliated College, Interest on Bonds .....	2,500.00

*Miscellaneous School Appropriations.*

For the Grave of Daniel Rogers .....	\$300.00
For the Sussex County School Commission....	216.60
For the Frederica School .....	185.00
For the Millville High School .....	1,121.20
For Marydel School District .....	100.00
For Felton School .....	261.70
For Home for Feeble Minded .....	10,000.00
For New Castle County Armory .....	10,000.00
For Milford Armory .....	7,000.00
For State Armory at Dover .....	300.00

## APPROPRIATIONS.

For the payment of portraits of prominent Delawareans for the State House .....	\$500.00
For Delaware College Heating Plant .....	11,610.97
For the portraits of the Governors of Delaware .....	700.00

*Miscellaneous.*

For the compensation of Assessors .....	\$700.00
For Delaware College, Special Appropriation..	2,000.00
For the Delaware State Fair .....	2,500.00
For the Governor's Conference .....	150.00
For the Dover Pageant .....	500.00
For the Public Lands Commission .....	500.00
For the Mothers' Pension Fund .....	5,000.00
For the Townsend School Building .....	3,000.00
For the expenses for Commission on Soldiers' Monument .....	200.00
For the Robbins Hose Company .....	250.00
Aetna Hose, Hook and Ladder Company .....	250.00
For the redemption of State Bonds .....	20,000.00
For Insurance Commissioner for printing and compiling Insurance and Banking Laws ....	1,000.00
Appropriation to meet the provision of the Smith-Hughes Vocational Bill .....	15,000.00
For Ferris Industrial School for repairs.....	6,500.00
For Ferris Industrial School for teaching.....	1,200.00
For the town of Rehoboth .....	5,000.00
For Delaware Industrial School for Girls .....	7,500.00
For Delaware Industrial School for Girls on indebtedness .....	5,750.00
For Delaware Industrial School for Girls on interest .....	1,787.50
Premiums on Bonds for Officers to be paid by State .....	250.50
For messenger for Presidential Electors .....	25.00

Section 2. If the estimated revenues of the State of Delaware shall prove to be insufficient for the payment of the several appropriations provided for herein, to provide for casual deficiencies of revenue for said fiscal year, and

In case of  
deficit in  
revenues

## APPROPRIATIONS.

in order that the appropriations hereinabove enumerated may be promptly paid, the State Treasurer is hereby authorized to issue notes or certificates of indebtedness of the State of Delaware to such an amount as he shall, by and with the consent of the Governor and the Secretary of State deem necessary to meet and to pay any of said appropriations, or any part of any of said appropriations, as to which the revenues of the State of Delaware for the fiscal year aforesaid may prove to be insufficient, not, however, to exceed the sum of One Hundred Thousand Dollars. The said notes or certificates of indebtedness shall be in such denominations, and have such form as the Governor, the Secretary of State, and the State Treasurer may determine, and shall be payable at any period not exceeding one year from the date of the issuance thereof out of any moneys in the treasury of the State not otherwise appropriated. The said notes or certificates of indebtedness shall be numbered consecutively, and shall be dated the fifteenth day of November, 1917. The principal of said notes or certificates of indebtedness shall be payable at the Farmers' Bank, at Dover, on the date of their maturity upon presentation thereat and surrender thereof.

The said notes or certificates of indebtedness shall be signed by the Governor, the Secretary of State, and the State Treasurer for and on behalf of the State, and shall have the great seal of the State of Delaware impressed thereon or affixed thereto.

Section 3. The Governor, the State Treasurer and the Secretary of State shall constitute a Commission to negotiate and arrange for the sale or disposition of said notes or certificates of indebtedness.

Section 4. That all moneys received by the State Treasurer from the sale of said notes or certificates of indebtedness by this Act authorized to be issued, shall be, and the same are, hereby specially pledged and appropriated to and for the payment of the several appropriations, or any part or portion thereof hereinabove enumerated and set forth,

## APPROPRIATIONS.

as to which the revenues of the State for the said fiscal year may prove to be insufficient; provided, however, if, for the <sup>Proviso</sup> payment of said appropriations it shall be necessary to sell said notes or certificates of indebtedness, or any of them, and there shall remain a balance in the hands of the State Treasurer derived from said sale of said notes or certificates of indebtedness, after the said appropriations shall have been paid, then such balance is hereby appropriated and the State Treasurer is hereby authorized and directed <sup>Balance to go into Sinking Fund</sup> to pay such balance into the sinking fund of the State of Delaware.

Section 5. That the public faith of the State of Delaware <sup>Faith of State pledged</sup> is hereby pledged for the full and complete payment of the principal and interest of the notes or certificates of indebtedness authorized by this Act, and said notes or certificates of indebtedness shall be, and the same are, exempted from taxation for any purposes by this State.

Section 6. That all expenses incident to the advertising, <sup>Expenses incurred</sup> preparation, the issuing and delivering of said notes or certificates of indebtedness shall be allowed to the said State Treasurer, and shall be paid by him out of any money in the treasury of the State not otherwise appropriated upon the production and exhibition by the State Treasurer of the <sup>To produce vouchers</sup> necessary vouchers thereof as by law required with reference to other disbursements of the public fund.

Approved April 2, A. D. 1917.

## APPROPRIATIONS.

## CHAPTER 28.

STATE REVENUE.  
APPROPRIATIONS.

AN ACT making appropriations for the expenses of the State Government, other than Legislative expenses, for the fiscal year ending on Monday immediately preceding the second Tuesday in January, in the year of our Lord one thousand nine hundred and nineteen, and authorizing the borrowing of money to supply casual deficiencies of revenue for said fiscal year, and the issuance of notes or certificates of indebtedness to secure the payment thereof.

Anticipated  
State  
Revenues

WHEREAS, the anticipated revenues of the State of Delaware for the fiscal year ending on Monday immediately preceding the second Tuesday in January, in the year of our Lord one thousand nine hundred and nineteen, are as follows:

Clerks of the Peace—Licenses and Fees.....	\$160,000.00
Insurance and Banking Department .....	72,000.00
Railroads—State Tax .....	112,000.00
Interest on Mortgages .....	11,550.00
Telegraph and Telephone Companies .....	15,000.00
Express Companies .....	2,700.00
Department of Secretary of State:	
Corporations .....	127,000.00
Civil Commisions .....	850.00
Fees .....	34,000.00
Manufacturers of Steam, Gas or Electricity....	1,250.00
Franchise Tax from Corporations .....	120,000.00
Collateral Inheritance Tax .....	81,000.00
Sales of Laws and Codes .....	300.00
U. S. Government Appropriation to Colleges...	50,000.00
Dividends from Bank Stock—National Bank of Delaware .....	400.00
Receipts from Income Tax Law .....	250,000.00

## APPROPRIATIONS.

Delaware State Hospital—Receipts from pay patients, etc. ....	\$13,000.00
State Board of Pharmacy .....	400.00
Board of Game and Fish Commissioners.....	1,500.00
	<hr/>
	\$1,052,950.00

Section 1. That the several amounts named in this Act, or so much thereof as may be necessary, are hereby appropriated and authorized to be paid out of the treasury of this State to the respective public officers of the respective departments and divisions of Government, and for the several purposes hereinafter specified, for the current fiscal year ending on Monday immediately preceding the second Tuesday of January in the year of our Lord one thousand nine hundred and nineteen; provided, however, that all parts or portions of the several sums appropriated by this Act which, on said Monday immediately preceding said second Tuesday of January, A. D. one thousand nine hundred and nineteen, shall not have been paid out of the treasury, shall be returned to the general fund of the treasury. The said several sums hereby appropriated are as follows, viz.:

Appropriations for the expenses of the State for 1918

Unexpended money to be returned to the General Fund.

## EXECUTIVE DEPARTMENT.

*Governor.*

For the Governor for salary .....	\$4,000.00
For the contingent expenses of the Governor's office .....	2,000.00

*Lieutenant Governor.*

For the Lieutenant Governor for salary as member of the Board of Pardons .....	\$100.00
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*Department of the Secretary of State.*

For the Secretary of State for salary .....	\$4,000.00
For the salary of Stenographer and Typewriter for the Governor and Secretary of State.....	1,200.00

## APPROPRIATIONS.

For the salary of Clerks for the Secretary of State .....	\$3,000.00
For the contingent expenses of the office of the Secretary of State .....	5,000.00
For the official bond of the Secretary of State..	50.00

*Treasury Department.*

For the salary of the State Treasurer .....	\$3,500.00
For the salary of the Deputy State Treasurer..	1,200.00
For the contingent expenses of the office of State Treasurer .....	600.00

*Auditor of Accounts.*

For the salary of the Auditor of Accounts .....	\$2,000.00
For the salary of Deputy Auditor of Accounts..	1,200.00
For the contingent expenses of the office of Auditor of Accounts .....	500.00

*Department of Insurance and Banking.*

For the salary of the Insurance Commissioner..	\$3,500.00
For Clerk hire .....	1,000.00
For the contingent expenses of the Department of Insurance and Banking .....	1,500.00

*The State Library.*

For the salary of State Librarian .....	\$1,200.00
For the contingent expenses of the office of State Librarian .....	500.00
For the purchase of new books .....	500.00

*State Library Commission.*

For the appropriation for regular expenses ....	\$3,000.00
For contingent expenses .....	200.00

## APPROPRIATIONS.

*Game and Fish Commissioner.*

For the salary of Chief Game and Fish Warden.	\$600.00
For enforcing Uniform Fish Law .....	200.00

*Oyster Revenue Collector.*

For the salary of Oyster Revenue Collector....	\$700.00
For the salary of officers and crew of Watch Boat for the protection of oysters .....	2,340.00
For the contingent expenses of the office of Oys- ter Revenue Collector .....	100.00

*State Revenue Collector.*

For the salary of State Revenue Collector.....	\$1,200.00
For the contingent expenses of the State Rev- enue Collector .....	600.00

*State's Property—Insurance and Care of.*

For the salary of Janitor of the State House...	\$500.00
For the salary of assistant Janitor of the State House .....	400.00
For the salary of one night Janitor of the State House .....	500.00
For heat, light and repairs for State House....	2,500.00
For water rent for State House and Armory...	112.50
For insurance on all of the State property for the year 1918 .....	3,500.00

*Labor Commission of Delaware.*

For the contingent expenses of the Labor Com- mission of Delaware .....	\$1,000.00
For the salary of Child Labor Inspector.....	1,800.00
For the salary of the Ten Hour Law Inspector..	1,000.00



## APPROPRIATIONS.

*Cannery Inspector.*

For the salary of Cannery Inspector .....	\$1,000.00
For the contingent expenses of the Cannery Inspector .....	500.00
For the expenses of Supervisors of Institutions.	100.00
For the salaries of Automobile Inspectors.....	900.00

*Board of State Supplies.*

For the printing fund .....	\$30,000.00
For the contingent expenses of the Board of State Supplies .....	100.00

## DEPARTMENT OF JUSTICE.

*Chancellor.*

For the salary of the Chancellor .....	\$5,000.00
For the Chancellor for reporting .....	200.00
For the salary of Stenographer to the Chancellor	1,200.00
For the contingent expenses of the Court of Chancery .....	400.00

*Chief Justice.*

For the salary of the Chief Justice.....	\$5,000.00
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*Associate Judges.*

For the salaries of the Associate Judges.....	\$19,200.00
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*Associate Judge Resident in Kent County.*

For the Associate Judge resident in Kent County, for reporting .....	\$200.00
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## APPROPRIATIONS.

*Court Stenographer.*

For the salary of the Court Stenographer . . . . .	\$2,000.00
For transcripts for the Supreme Court, and Assistant Stenographer . . . . .	2,500.00

*Judicial Reports.*

For William H. Boyce, for 100 copies of Boyce's Delaware Reports, Volume 7 . . . . .	\$1,000.00
For Charles M. Curtis, for 100 copies of his reports as Chancellor . . . . .	800.00

*Attorney General.*

For the salary of the Attorney General . . . . .	\$2,500.00
For the salary of the Deputy Attorney General for New Castle County . . . . .	1,500.00
For the salary of Deputy Attorney General for Kent County . . . . .	1,000.00
For the salary of Deputy Attorney General for Sussex County . . . . .	1,000.00
For the contingent expenses for the Attorney General . . . . .	3,500.00
For salaries for three State Detectives . . . . .	3,600.00
For the actual expenses in serving requisition papers . . . . .	500.00

## EDUCATION.

*Commissioner of Education.*

For the salary of the Commissioner of Education . . . . .	\$3,000.00
For the contingent expenses of the Commissioner of Education . . . . .	300.00

## APPROPRIATIONS.

*County School Superintendents.*

For the salaries of Three County School Superintendents .....	\$4,800.00
For the contingent expenses of three County School Superintendents .....	1,500.00
For the free public schools, to be paid from the money received by the State through the Income Tax Law .....	142,000.00
If the whole of \$142,000 should not be received from the Income Tax Law, then a sufficient amount is appropriated from the general fund to make this total appropriation \$142,000.	
To the free public schools, to be paid only from the funds arising from the Income Tax Law after the payment of the \$142,000 above appropriated .....	108,000.00
For the interest on bonds of the School fund...	10,727.10
For the interest on certificates of indebtedness to Delaware College .....	4,980.00
For the Trustees of Delaware College (United States Government Appropriation) .....	40,000.00
For the Trustees of Delaware College (United States Government Appropriation, Smith-Lever Act) .....	18,956.52
For the Trustees of Delaware College (Chair of History) .....	2,500.00
For the Trustees of Delaware College for the maintenance of the Summer School for Teachers .....	2,500.00
For the Trustees of Delaware College for the maintenance of said College .....	14,000.00
For the Trustees of Delaware College for the maintenance of the Women's Affiliated College .....	32,246.00
For the Trustees of the State College for Colored Students (United States Government appropriation) .....	10,000.00
For the Trustees of the State School for Colored Students, for the improvement of buildings and grounds .....	8,000.00

## APPROPRIATIONS.

For the Trustees of the State College for Colored Students for the holding of Summer Schools..	\$500.00
Board for Colored Teachers at Summer School..	500.00
For the State Treasurer to carry out the provisions of Section 2312, Revised Code, relating to free graded schools .....	22,000.00
For the State Treasurer for the payment of expenses of White Teachers' Institutes .....	600.00
For the State Treasurer for the payment of expenses of Colored Teachers' Institutes.....	200.00
For the State Treasurer for the payment of expenses of the State Board of Education.....	2,000.00
For the State Treasurer for the payment of expenses of the County School Commissions....	1,000.00
For the Chairman of the Committee on Traveling Libraries of the State Federation of Women's Clubs for the establishment of traveling libraries .....	100.00
For free libraries in school districts .....	350.00
For the board and tuition of indigent deaf, dumb, blind and idiotic children .....	15,000.00
For the special improvement of colored schools, as provided by law .....	3,000.00

*Charities and Eleemosynary Institutions.*

For the Delaware State Hospital at Farnhurst, general maintenance .....	\$90,886.25
For the Delaware State Hospital at Farnhurst (amusement fund) .....	600.00
For the Delaware Industrial School for Girls..	4,000.00
For St. Michael's Day Nursery and Hospital for Babies .....	500.00
For the Society for the Prevention of Cruelty to Children .....	900.00
For the Delaware Commission for the Blind....	3,000.00
For the Delaware Commission for the Blind (for apprentices) .....	500.00
For the burial of indigent soldiers, sailors' and marines .....	750.00

## APPROPRIATIONS.

For the proper observance of Memorial Day...	\$1,000.00
For the Old Folks' Home at Dover .....	1,500.00
For the Soldiers' Rest Room at Delaware City..	200.00

*Preservation and Publication of Historical Records.*

For the expenses of the Public Archives Commission .....	\$2,000.00
For the Historical Society of Delaware .....	600.00

*Improvement of Public Highways.*

For the improvement of the Public Highways in New Castle County .....	\$10,000.00
For the improvement of the Public Highways in Kent County .....	10,000.00
For the improvement of the Public Highways in Sussex County .....	10,000.00
For the salary of the State Highway Commissioner of New Castle County .....	1,000.00

*Public Health.*

For the expenses of the State Board of Health..	\$2,500.00
For the expenses of the Bureau of Vital Statistics .....	2,000.00
For the Pathological and Bacteriological Laboratory .....	4,000.00
For the purchase and distribution of diphtheria anti-toxin .....	500.00
For the State Tuberculosis Commission to defray the expenses of the said Commission....	20,000.00
For the State Tuberculosis Commission to provide for the care of colored consumptives....	10,000.00
For the Medical Council of Delaware .....	300.00
For the State Board of Pharmacy .....	250.00

## APPROPRIATIONS.

*Agriculture.*

State Chemist .....	\$2,000.00
For the State Board of Agriculture for the payment of the expenses of said Board .....	5,000.00
Delaware College for teaching agriculture ....	5,000.00
For the State Live Stock Sanitary Board .....	5,000.00
Sussex County, Experimental Work .....	5,000.00
For the State Board of Immigration .....	1,000.00
For the State Board of Agriculture for the encouraging of the breeding of poultry .....	300.00
For the Peninsular Horticultural Society.....	1,000.00
For the Farmers' Institutes and to defray the incidental expenses of holding such institutes.	600.00
For the Delaware Corn Growers' Association..	500.00
For the Delaware College Experimental Farm.	5,000.00

*Public Defense.*

For the salary of the Adjutant General.....	\$1,200.00
For the salary of the Clerk to the Adjutant General .....	600.00
For the National Guard of Delaware for the expenses of providing uniforms and equipment.	2,500.00
For the National Guard of Delaware for the maintenance thereof .....	5,000.00
For the National Guard of Delaware for the expenses of field practice .....	8,000.00

*Interest on Bonded Indebtedness.*

For the interest on the issue of 1907, Farmers' Bank, Dover .....	\$9,200.00
For the interest on the issue of 1907, Farmers' Bank, Wilmington .....	1,600.00
For the interest on the issue of 1907, Farmers' Bank, Wilmington .....	800.00
For the interest on the issue of 1909, Farmers' Bank, Wilmington .....	400.00
For the interest on the issue of 1897, Philadelphia National Bank .....	7,350.00

## APPROPRIATIONS.

For interest on certificate of indebtedness (sinking fund) .....	\$800.00
Farnhurst interest on bonds .....	2,400.00

*Miscellaneous.*

Women's College, interest on bonds .....	\$5,000.00
Standard School Fund .....	2,000.00
For the Department of Elections .....	4,300.00
For the compensation for Registration Officers. ....	15,500.00
For the compensation for Assessors .....	700.00
For Delaware College, special appropriation... ..	2,000.00
For the Governor's Conference .....	150.00
For the Delaware State Fair .....	2,500.00
For the Aetna Hose Company, Newark, Delaware .....	250.00
Robbins Hook and Ladder Company .. .....	250.00
For the Auditing Committee of the Legislature. ....	1,000.00
Decorating the State House .....	2,500.00
For redeeming State Bonds matured .....	5,000.00
Mothers' Pension Fund .....	7,500.00
Workmen's Compensation .....	12,000.00
Smith-Hughes National Bill .....	15,000.00
Ferris Industrial School, Teaching .....	1,200.00
Delaware College Heating Plant .....	11,110.97
Industrial School for Girls, debts .....	5,750.00
Industrial School for Girls, interest .....	1,500.00
Wilmington Armory .....	50,000.00
Kent County Building .....	25,000.00
Town of Rehoboth .....	5,000.00
Delaware State Hospital for repairs .....	10,000.00
New Castle Armory .....	9,000.00
100 copies of John R. Nicholson Chancery Reports, as provided by House Bill No. 54. ....	800.00

In Case of  
Deficit

Section 2. If the estimated revenues of the State of Delaware shall prove to be insufficient for the payment of the several appropriations provided for herein, to provide for casual deficiencies of revenue for said fiscal year, and in

## APPROPRIATIONS.

order that the appropriations hereinabove enumerated may be promptly paid, the State Treasurer is hereby authorized to issue notes or certificates of indebtedness of the State of Delaware to such an amount as he shall, by and with the consent of the Governor and the Secretary of State, deem necessary to meet and to pay any of said appropriations, or any part of any of said appropriations, as to which the revenues of the State of Delaware for the fiscal year aforesaid may prove to be insufficient, not, however, to exceed the sum of One Hundred Thousand Dollars. The said notes or certificates of indebtedness shall be in such denominations, and have such form as the Governor, the Secretary of State, and the State Treasurer may determine, and shall be payable at any period not exceeding one year from the date of the issuance thereof out of any moneys in the treasury of the State not otherwise appropriated. The said notes or certificates of indebtedness shall be numbered consecutively, and shall be dated the fifteenth day of November, 1918. The principal of said notes or certificates of indebtedness shall be payable at the Farmers' Bank, at Dover, on the date of their maturity upon presentation thereat and surrender thereof.

State Treasurer to issue  
Certificates of  
Indebtedness

With consent  
of Governor  
and Secretary of State

Maximum  
amount fixed

When  
payable

Shall be  
numbered  
Dated

Payable at  
Farmers'  
Bank

The said notes or certificates of indebtedness shall be signed by the Governor, the Secretary of State, and the State Treasurer, for and on behalf of the State, and shall have the great seal of the State of Delaware impressed thereon or affixed thereto.

Notes signed  
and Great  
Seal affixed

Section 3. The Governor, the State Treasurer and the Secretary of State shall constitute a Commission to negotiate and arrange for the sale or disposition of said notes or certificates of indebtedness.

Commission  
to dispose of

Section 4. That all moneys received by the State Treasurer from the sale of the said notes or certificates of indebtedness by this Act authorized to be issued, shall be and they are hereby specially pledged and appropriated to and for the payment of the several appropriations, or any part or portion thereof hereinabove enumerated and set

Money from  
sale of notes  
shall be ap-  
plied to sev-  
eral appro-  
priations



## APPROPRIATIONS.

Proviso

forth, as to which the revenues of the State for the said fiscal year may prove to be insufficient; provided, however, if, for the payment of said appropriations it shall be necessary to sell said notes or certificates of indebtedness, or any of them, and there shall remain a balance in the hands of the State Treasurer derived from said sale of said notes or certificates of indebtedness, after the said appropriations shall have been paid, then such balance is hereby appropriated and the State Treasurer is hereby authorized and directed to pay such balance into the sinking fund of the State of Delaware.

Balance to go  
into Sinking  
Fund

Faith of  
State  
pledged

Section 5. That the public faith of the State of Delaware is hereby pledged for the full and complete payment of the principal and interest of the notes or certificates of indebtedness authorized by this Act, and said notes or certificates of indebtedness shall be, and the same are exempted from taxation for any purposes by this State.

Expenses in-  
curred

Section 6. That all expenses incident to the advertising, preparation, the issuing and delivering of said notes or certificates of indebtedness shall be allowed to the said State Treasurer, and shall be paid by him out of any money in the treasury of the State not otherwise appropriated upon the production and exhibition by the said State Treasurer of the necessary vouchers thereof as by law required with reference to other disbursements of the public fund.

To produce  
vouchers

Approved April 2, A. D. 1917.

## CLAIMS.

## CHAPTER 29.

## STATE REVENUE.

## CLAIMS.

AN ACT appropriating certain money out of the State Treasury of the State of Delaware to pay certain claims against the State.

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

Section 1. That the several sums of money hereinafter named are hereby appropriated out of the treasury of this State for the purpose of paying the claims hereinafter mentioned, and the State Treasurer is hereby authorized and directed to pay the same as follows: Appropriations for paying claims against State

Diamond State Telephone Co., for Services to	
March 16th .....	\$553.41
Robert Smith, Extra Services as Janitor .....	50.00
Thomas Day, Extra Services as Janitor .....	50.00
Charles Molliston, Extra Services as Janitor...	50.00
Aaron Paskins, Night Janitor .....	50.00
Wilbur D. Wilds, Clerk of Supreme Court, 12 days' attendance .....	24.00
Purnell Rash, 12 days' attendance as Crier of Supreme Court .....	24.00
James Kerin, 12 days' Janitor of Supreme Court .....	24.00
Melvin Hopkins, 10 days' attendance as Page, Supreme Court .....	10.00
Frank Jackson, 2 days' attendance Supreme Court .....	4.00
Daniel M. Ridgely, 3 days' attendance as Clerk of the Supreme Court .....	6.00
G. A. Merritt, Supplies for Supreme Court....	29.25
Thomas Day, Janitor Service .....	120.00
Elmer I. Abbott, as Telephone Service—Extra.	100.00
Helen A. Wise, Rent of Typewriter .....	15.00

## CLAIMS.

Evelyn Culver, Rent of Typewriter .....	\$15.00
Olive M. Roach, Rent of Typewriter .....	15.00
Louise B. Phillips, Rent of Typewriter .....	15.00
Alice B. Kingsbury, Rent of Typewriter .....	15.00
Caroline M. Warrington, Rent of Typewriter..	15.00
Margaret E. Lynch, Rent of Typewriter .....	15.00
William H. Welch, Expenses to Ferris Industrial School .....	6.13
Willard S. Gregg, Expenses to Ferris Industrial School .....	1.00
Walter T. Massey, Commissioner on Condemned Lands .....	6.60
Edgar G. Walls, Commissioner on Condemned Lands .....	6.60
William M. Pierce, Administrator of George F. Pierce .....	10.47
Julian B. Robinson, Supreme Court Supplies...	112.50
William Wicks, Repair on Chairs .....	5.00
Charles W. Cullen, Esq., Commissioner on Uniform Laws .....	77.00
James Satterfield, Esq., Commissioner on Uniform Laws .....	63.00
Mollie M. Hirons, Typeist .....	25.00
Underwood Typewriter Company, cleaning and repairing of machines .....	5.05
Thomas A. Kirby, Attendance at Court.....	28.00
The Dover Index, Printing for Supreme Court.	18.50
Dover Index, Supplies of State Auditor—Year 1913 .....	9.15
State Sentinel Publishing Co., Supplies .....	5.00
J. R. Hunter, Locksmith .....	24.25
E. L. Jones & Co., Plumbing .....	68.21
Miss Mabel Moore, Extra pay as Assistant Librarian .....	125.00
Harvey Riggs, Carpenter and Repair Work ....	99.70
Sarah Q. Kirk, Mending State Flag .....	2.00
James B. Bice, Balance on Fuel not covered by Contingent Fund .....	573.00
J. E. Beck, Tables and Chairs .....	47.75
Milford Chronicle Publishing Co., Printing ....	1,853.75

## CLAIMS.

Expenses Relative to Investigation of the State  
Board of Health:

Martin B. Burris .....	\$3.42
W. T. Boyce .....	.40
Charles M. Wharton .....	9.40
Harvey Hoeffcker .....	1.47
Miss Dunlap, Stenographer .....	96.90
J. A. Ellison, Witness .....	4.40
C. H. Simmons, Witness .....	7.50
Dr. James Martin, Witness .....	.42
C. E. Iszard, Expert Accountant .....	232.25
Edward B. Brown .....	120.00
Joseph Frazier .....	51.00
Thomas F. Gormley .....	144.00
Edward Hart .....	57.00
James B. Hickman .....	153.00
Harvey Hoeffcker .....	132.00
Robert H. Hollett .....	36.00
Harland M. Joseph .....	180.00
Ira L. Long .....	180.00
Charles W. Mitchell .....	168.00
Charles D. Murphy .....	51.00
Oliver A. Newton .....	96.00
Frank R. Pool .....	93.00
Thomas S. Webb .....	189.00
John M. Walker .....	180.00
John A. Barnard .....	18.00
The Delaware Republican, Printing .....	17.75
W. S. Ferrell—Services as Registrar .....	15.65
W. T. Tattpan, Services as Registrar .....	25.00
Underwood Typewriter Co., Repairs on Ma- chines .....	35.53
State House Road .....	456.10
Richard Buckingham—Lincoln Day Expenses ..	21.00
Charles L. Story—Interest on money due .....	200.00
W. L. Wilkins, License returned .....	3.00
W. S. Jester, Auditing Expense .....	10.76
Anthony Summers, Auditing Expense .....	10.76
Clauson S. Hammett, Painting Governor Miller's Portrait .....	350.00

## CLAIMS.

B. B. Hough, Proposed Plans for State House..	\$50.00
Peter T. Wright, Public Accountant .....	200.00
James W. Wise, State House Supplies .....	1,991.40
James W. Wise, State House Supplies .....	10.13
J. Clifford Sawdon, Extra Services rendered in the return of the Delaware Troops—Hotel Dupont .....	25.00
William D. Kenney, Assistant Auditor .....	10.76
Millard F. Davis, Engraving Medals for Soldiers	558.00
Willard Gregg, Visiting Dupont School .....	2.40
Harvey Hoffecker, Visiting Dupont School.....	.62
Edward H. Tindall, Visiting Dupont School....	4.48
A. B. Peet, Visiting Dupont School .....	3.66
G. Austin Merritt, Legislative Supplies .....	36.40
John W. Tarburton, Automobile Hire .....	7.00
Francis E. Postles, License returned .....	6.75
Charles M. Smith, 2 I. P. Binders.....	2.80
"Smyrna Times," Printing Voters' Lists .....	18.00
Charles M. Smith, H. & S. Bill Books .....	37.00
Lambert J. Foulk, Secretary of the Election's Commission .....	150.00
Lambert J. Foulk, Extra Services .....	50.00
I. Pusey Wickersham, Balance due on Presi- dential Inaugural Expenses .....	280.02
George Black, Expenses incurred in Investiga- tion of the office of the Chief of Police .....	400.00
Delaware Republican, Printing .....	114.50
W. R. McCabe, To re-imburse Insurance Con- tingent Fund .....	247.42
Everett C. Johnson, Secretary of State, for Typewriter and Desk .....	150.00
Dover Index, Printing .....	734.00
Delaware State News, Printing .....	1,646.44
The Delawarean, Printing .....	528.00
Anthony Summers, Legislative Auditor .....	400.00
William D. Kenney, Legislative Auditor .....	200.00
W. S. Jester, Legislative Auditor .....	400.00
Charles Davidson, Page to Governor .....	50.00
Cooper Gruwell .....	33.00
George B. Kersey .....	27.00

## CLAIMS.

John W. Killen .....	\$33.00
George W. Swain .....	51.00
Albert B. Peet .....	75.00
John Prettyman .....	96.00
Coulter Messick .....	90.00
Edwin H. Tindall .....	120.00
James T. Chipman .....	129.00
Samuel N. Culver .....	150.00
Walter Rash .....	144.00
Andrew L. Cross .....	144.00
Henry C. Downward .....	144.00
John Edward McNab .....	144.00
William N. Connelly .....	144.00
George W. Webster .....	144.00
Willard S. Gregg .....	144.00
R. G. Buckingham .....	144.00
W. Truxton Boyce .....	144.00
Harry P. Ahern .....	123.00
Thomas J. Greene .....	126.00
J. G. Ellison .....	93.00
Martin B. Burris .....	72.00
Joseph C. Hutchinson .....	54.00
William L. Collins .....	54.00
H. P. Hall .....	39.00
John W. Tarburton .....	18.00
Daniel F. Loose .....	16.00
Edward C. Daly .....	60.00
Silas J. Lewis .....	180.00
D. C. Hall .....	168.00
George D. Marvel .....	150.00
Thomas J. Pritchett .....	111.00
William H. Welch .....	147.00
H. E. Quillen, Assignee of Harrington Printing Co. ....	98.00
Caleb G. Paynter, Return of Operator's License .....	5.00
J. F. Clements, Ribbon for Bill Clerk .....	3.10
George W. Gunning, Senate Supplies .....	190.00

Approved April 18, A. D. 1917.

## APPROPRIATIONS.

## CHAPTER 30.

STATE REVENUE.  
APPROPRIATIONS.

AN ACT appropriating Five Hundred Dollars to the Robbins Hose Company of Dover, Delaware, and to the Aetna Hose, Hook and Ladder Company of Newark, Delaware.

WHEREAS, the Robbins Hose Company of Dover, Delaware, and the Aetna Hose, Hook and Ladder Company of Newark, Delaware, are organizations of Firemen supported by voluntary contributions; and

WHEREAS, no member of either of said Companies receives any compensation for services rendered; and

WHEREAS, valuable buildings are erected in both Dover and Newark; and

WHEREAS, the said Companies have each recently purchased a valuable and expensive and modern Auto Fire Engine by the individual efforts of their members; and

WHEREAS, the State of Delaware now receives and has received for more than twenty-five years past fire protection from the said Companies; therefore

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (three-fourths of all the members of each branch concurring therein):*

## APPROPRIATIONS.

Section 1. That the sum of Five Hundred Dollars (\$500.00) is hereby appropriated and authorized to be paid out of the treasury of the State annually for the years 1917 and 1918 to Robbins Hose Company of Dover, Delaware, and to Aetna Hose, Hook and Ladder Company of Newark, Delaware, in equal parts for the purpose of maintaining fire apparatus. <sup>Appropriations to</sup>

Approved April 2, A. D. 1917.



## HISTORIC PAGEANT.

## CHAPTER 31.

STATE REVENUE.  
HISTORIC PAGEANT.

AN ACT appropriating money in aid of an Historic Pageant and other ceremonies in connection therewith, to be held in the Capital in the year 1917.

WHEREAS, it is purposed holding in the town of Dover in the present year, being the 200th anniversary of the laying out of said town, a pageant and other ceremonies commemorating the notable historic events which have taken place in the Capital, and elsewhere, in this State; and

WHEREAS, a proper regard for the splendid record of the past, and the encouragement of true and unselfish patriotism in the present and future make it fitting that the State should aid in the said pageant and ceremonies,

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

Appropriation for historic pageant

Section 1. That the sum of Five Hundred Dollars (\$500) be and the same is hereby appropriated to aid in paying the expense of the historic pageant and other ceremonies in connection therewith to be held in the Capital of this State during the year 1917.

How paid

Section 2. That the State Treasurer be and he is hereby authorized and directed to honor, to the extent of the aforesaid sum of Five Hundred Dollars (\$500), all warrants signed by the Governor and made payable to the person or persons having in charge the expenses of the said pageant and ceremonies.

Approved April 2, A. D. 1917.

# TITLE FOUR

## Public Arms and Defense

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### CHAPTER 32.

#### ORGANIZED MILITIA OF DELAWARE.

AN ACT to Amend Chapter 8 of the Revised Code of Delaware, 1915, to enable the Governor to make such changes as may be necessary to conform with the Federal Statutes governing Military Organization, etc.

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

Section 1. That Chapter 8, of the Revised Code of Delaware, 1915, be and the same is hereby amended by adding immediately after 294 Section 2, of said Chapter, the following styled "294 A, Section 2 A":

"294 A. Section 2 A. The Governor of the State of Delaware as Commander-in-Chief is hereby authorized and empowered to make such changes from time to time in matters of organization, administration and discipline in the National Guard of this State as he may deem necessary to enable this State to conform with the Federal Statutes now enacted or hereafter enacted."

Approved April 2, A. D. 1917.

## ORGANIZED MILITIA OF DELAWARE.

## CHAPTER 33.

## ORGANIZED MILITIA OF DELAWARE.

AN ACT providing for securing a site and erecting a State Armory and Arsenal.

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

Land for  
State Armory

Plans

Cost of land  
and Armory

Section 1. The Armory Commission, consisting of the Governor, the State Treasurer, the Adjutant General, Quartermaster General, and the commanding officer of troops, be, and it is hereby authorized and directed to secure by gift or purchase, a lot of ground at some suitable place within the State of Delaware, to be selected by said Armory Commission, upon which to erect a State Armory and Arsenal, and that when such ground is secured the title to same shall be taken in the name of the State of Delaware. Upon the acquirement of a title to a suitable lot of land as above provided, the State Armory Commission is hereby authorized and empowered to draw its warrant on the State Treasurer for the purchase price of such land, and after title has been properly vested in the State of Delaware, the State Armory Commission shall have plans prepared for a suitable Armory and Arsenal to be erected thereon. The cost of the Armory and Arsenal, and the site upon which same is to be erected, and all equipment, including plumbing, lighting, heating and lockers, shall not be less than Three Hundred Thousand Dollars, and the sum of Fifty Thousand Dollars is hereby appropriated out of the State Treasury, payable only after the sum of Two Hundred and Fifty Thousand Dollars has been received by the Armory Commission for the purposes above named, to be paid by the State Treasurer upon warrant drawn by the Armory Commission.

## ORGANIZED MILITIA OF DELAWARE.

Section 2. That after the plans have been prepared and accepted, the State Armory Commission shall advertise for bids and shall make an award for the erection of the said building, to the lowest and most responsible bidder, and when the contract is awarded the successful bidder shall enter into such contract as the Armory Commission may require, and give bond for such an amount as the Armory Commission may think necessary for the proper enforcement of the contract. No money shall be paid on account of said building until the completion and acceptance by the Armory Commission. When such building is completed and accepted by the Armory Commission, then the Armory Commission shall draw its warrant on the State Treasurer for the amount due such contractor in accordance with his bill and contract aforesaid.

Advertise for  
bids

When and  
how pay-  
ments are to  
be made

Section 3. That when such building has been completed and accepted, all Government and State Military properties that the Military authorities of the State may desire, shall be stored in the State Arsenal and the use and occupation of the remainder of the Arsenal or Armory shall be turned over to such State Military organization, or organizations, as may be existing or may hereafter exist, subject to the supervision of the proper Military authorities of the State.

To be turned  
over to State  
military or-  
ganizations

Approved April 2, A. D. 1917.

## ORGANIZED MILITIA OF DELAWARE.

## CHAPTER 34.

## ORGANIZED MILITIA OF DELAWARE.

AN ACT providing for the State Armory Commission to make repairs and renovations to the State Armory at Dover.

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

Repairs to  
State Armory  
at Dover

Section 1. The Armory Commission is hereby authorized and directed to have made necessary repairs and renovations in the State Armory at Dover. The cost of said repairs and renovating shall not exceed the sum of Three Hundred Dollars, and the sum of Three Hundred Dollars, or as much thereof as may be necessary to carry into effect the provisions of this Act, is hereby appropriated out of the State Treasury, to be paid by the State Treasurer, upon warrants drawn by The Armory Commission for that purpose.

Approved April 2, A. D. 1917.

## ORGANIZED MILITIA OF DELAWARE.

## CHAPTER 35.

## ORGANIZED MILITIA OF DELAWARE.

AN ACT providing for altering and rebuilding the State Armory at Milford.

WHEREAS, the State Armory, located in Milford, is in need of repairs of a character and extent forbidden by the Town Ordinances relating to fire protection in the said Town, so that it is necessary to alter and rebuild the front part of said Armory to conform to said Ordinances. Therefore,

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

Section 1. The Armory Commission, consisting of the Governor, the State Treasurer, the Adjutant-General, Quartermaster General, and the Commanding Officer of Troops, be, and it is hereby authorized and directed to have plans prepared by a competent architect for the proper altering and rebuilding of the State Armory at Milford. The cost of said altering and rebuilding shall not exceed the aggregate sum of Seven Thousand Dollars (\$7,000.00). And the said sum of Seven Thousand Dollars, or as much thereof as may be necessary to carry into effect the provisions of this Act, is hereby appropriated out of the State Treasury, to be paid by the State Treasurer upon warrants drawn by the Armory Commission.

Plans for  
rebuilding

Cost not to  
exceed

Section 2. That after plans have been prepared and accepted for the said altering and rebuilding of said Armory, the Armory Commission shall advertise for bids, and shall make an award for the said altering and rebuilding to the

Advertise  
for bids

## ORGANIZED MILITIA OF DELAWARE.

lowest and most responsible bidder, and when the contract is awarded, the successful bidder shall enter into such contract as the Armory Commission may require, and give bond for such an amount as the Armory Commission may think necessary for the proper enforcement of the contract. No money shall be paid on account of said contract except upon certification by the architect in charge that the work contracted to be done is fifty per cent. completed, upon which the Armory Commission shall pay to the contractor fifty per centum of the contract price, the remaining fifty per centum to be paid upon the completion and acceptance by the Armory Commission of the work to be done under said contract.

Contractor to  
give bond

Payments

Approved April 2, A. D. 1917.

# TITLE SIX

## State Officers and Commissions

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### CHAPTER 36.

#### SALARIES OF STATE OFFICERS.

AN ACT to Amend Chapter 12 of the Revised Code so as to increase the Salary of the State Treasurer.

WHEREAS, by certain amendments of the present General Assembly, the duties of the State Treasurer have been materially increased. Therefore,

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

Section 1. That Chapter 12 of the Revised Code be and the same is hereby amended by striking out all of the section entitled, "392, Sec. 4" thereof, and by inserting in lieu thereof a new section, to be known as "392, Sec. 4," as follows:

392, Sec. 4. STATE TREASURER: The State Treasurer shall receive as full compensation for all his services as State Treasurer and Trustee of the School Fund, a salary of Three Thousand Five Hundred Dollars (\$3,500.00) per annum.

Section 2. That the salary increase provided for by Section 1 hereof shall begin and take effect from the first day of April, A. D. 1917.

Approved April 2, A. D. 1917.



## SALARIES OF STATE OFFICERS.

## CHAPTER 37.

## SALARIES OF STATE OFFICERS.

AN ACT to Amend Chapter 12 of the Revised Code relating to the compensation of the Insurance Commissioner, and the fees and expenses of his office.

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

Section 1. That Chapter 12 of the Revised Code be and the same is hereby amended by striking out all of the section entitled, "394, Sec. 6" thereof, and by inserting in lieu thereof a new section, to be known as, "394, Sec. 6," as follows:

394, Sec. 6,  
repealed

Insurance  
Commis-  
sioner,  
Salary of

Salary of  
Clerk

Fees to be  
paid State  
Treasurer  
Semi-an-  
nually

394, Sec. 6. INSURANCE COMMISSIONER: The Insurance Commissioner shall receive as full compensation for all the duties required of him by law, the sum of Three Thousand Five Hundred Dollars per annum, and he shall be allowed for clerk hire the sum of One Thousand Dollars per annum, and all fees of every character received by him in the discharge of his office, or by virtue thereof, shall be for the use of the State, and he shall semi-annually render an account thereof and pay over the said fees to the State Treasurer.

Present In-  
surance Com-  
missioner to  
receive bene-  
fit, when

Proviso

Section 2. This Act shall begin and take effect from the second day of January, A. D. 1917 for the benefit of the present Insurance Commissioner; provided that he shall, before the first day of April, A. D. 1917, file with the State Treasurer his written acceptance of all the provisions of this Act, otherwise the operation of this Act shall be deferred during his incumbency.

Approved April 2, A. D. 1917.

SALARIES OF STATE OFFICERS.

CHAPTER 38.

SALARIES OF STATE OFFICERS.

AN ACT to increase the salaries of the Deputy Attorneys General by Amending Chapter 12 of the Revised Code of the State of Delaware, by repealing 397, Section 9, and by substituting in lieu thereof a new Section.

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

Section 1. That Chapter 12 of the Revised Code of the State of Delaware, be and the same is hereby amended by repealing 397, Section 9 thereof, and by substituting in lieu thereof the following Section, to be styled "397. Section 9":

397. Section 9. The salary of the Deputy Attorney General to be resident in New Castle County, shall be Fifteen Hundred Dollars per annum. The salaries of each the deputies to be resident in Kent and Sussex Counties respectively, shall be One Thousand Dollars per annum.

Salaries of  
Deputy Atty.  
Generals

Approved March 21, A. D. 1917.

## SECRETARY OF STATE.

## CHAPTER 39.

## SECRETARY OF STATE.

AN ACT to authorize the Secretary of State to destroy annually certain applications for Licenses for Motor Vehicles and Operators.

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

Secretary of  
State to  
destroy all  
motor  
vehicles and  
operator's ap-  
plications

Exceptions

Section 1. That on or after the first day of July in each and every year, the Secretary of State shall, under the supervision of the Governor and State Treasurer, remove from his files and destroy the applications for licenses for motor vehicles and operators, filed in the office of the Secretary of State on or before the thirty-first day of December of the preceding year, except such of the said applications as any of said officers shall consider proper to be retained on file.

Approved April 2, A. D. 1917.

SECRETARY OF STATE.

CHAPTER 40.

SECRETARY OF STATE.

AN ACT authorizing the Secretary of State to procure a new press and seal of office.

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

Section 1. That the Secretary of State be and he is hereby authorized to procure for his office a new press and seal; said seal to be made of steel or brass, of the same diameter as the present seal and engraved with the same devices; and when completed, the said seal shall be taken, adjudged and deemed to be the seal of the Secretary of State, as provided by 388. Sec. 12, Chapter 11, of the Revised Statutes of 1915.

Section 2. That when the said seal shall be so procured, as aforesaid, the said Secretary of State shall cause the present seal of the Secretary of State to be broken and destroyed in the presence of the Governor.

Approved April 2, A. D. 1917.

## ATTORNEY GENERAL.

## CHAPTER 41.

## ATTORNEY GENERAL.

AN ACT to Amend Chapter 17, of the Revised Code of the State of Delaware, by increasing the Contingent Fund for the use of the Attorney General.

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

543, Sec. 5.  
Amended

That Chapter 17 of the Revised Code of the State of Delaware, be and the same is hereby amended, by repealing 543, Sec. 5 thereof, and inserting in lieu thereof the following section, to be styled 543. Sec. 5:

Contingent  
Fund of  
Attorney  
General in-  
creased

“543. Sec. 5. The sum of Thirty-five Hundred Dollars is annually appropriated out of any money in the Treasury, not otherwise appropriated, as a contingent fund for the use of the Attorney General, the said sum, or so much thereof as may be necessary, to be by him used for the purpose of paying the necessary expenses incident to criminal prosecutions. The Attorney General is authorized and empowered to draw his warrants on the State Treasurer for the said amount, or for so much thereof as he may, from time to time require.

How drawn

To settle  
annually

The Attorney General shall make an annual settlement to the Auditor of Accounts, accounting for his expenditures, made under authority of this Section, and at said settlement shall present his receipts and vouchers for the inspection of the said Auditor.”

Approved April 2, A. D. 1917.

## STATE DETECTIVES.

## CHAPTER 42.

## STATE DETECTIVES.

AN ACT to Amend Chapter 18 of the Revised Code of the State of Delaware, giving authority to the members of the Police Force of the City of Wilmington to serve requisition papers.

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

Section 1. That Chapter 18, of the Revised Code of the State of Delaware, be and the same is hereby amended by striking out all of 566. Section 2, of said Chapter, and inserting in lieu thereof the following, to be known as 566. <sup>566, Sec. 2, repealed</sup>  
Section 2:

"566. Sec. 2. POWERS; DUTIES AS TO REQUISITION; SALARY; OATH OF OFFICE: They shall have authority to make arrests and serve writs anywhere in the State. They or one of them, or any member of the police force of the City of Wilmington, shall, when so requested by the Governor or the Attorney General, serve requisitions made by the Governor, and for this shall not receive any compensation except their actual expenses. Such expenses shall be paid by the State Treasurer upon the production of vouchers approved by the Attorney General and the Secretary of State. <sup>Duties of</sup>

They shall receive for their services a salary of Twelve <sup>Salary</sup> Hundred Dollars per annum each, payable in equal monthly instalments by the Treasurer of the State of Delaware out of any funds in his hands not otherwise appropriated, upon the certificate of the Attorney General that they have faith-

## STATE DETECTIVES.

fully performed the duties of their office during the preceding month.

Before entering upon the duties of their office, they shall be duly sworn to faithfully discharge the duties of their office, according to the best of their ability."

Oath of office

Approved April 12, A. D. 1917.

## INSURANCE COMPANIES.

## CHAPTER 43.

## INSURANCE DEPARTMENT.

## INSURANCE COMPANIES.

AN ACT to Amend Chapter 20 of the Revised Code of Delaware, 1915,  
In relation to the payment of Fire Insurance Premiums.

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

Section 1. That Chapter 20 of the Revised Code of the  
State of Delaware, 1915, be and the same is hereby amended  
by striking out 582, Section 11, of said Chapter and adding  
in lieu thereof the following, to be styled "582, Section 11":

582, Sec. 11,  
repealed

582. Section 11. FOREIGN FIRE INSURANCE COMPANIES;  
REGULATIONS OF BUSINESS OF; ROLLING STOCK, PROPERTY  
AND FREIGHT OF STEAM RAILROAD COMPANIES EXCEPTED:  
No fire insurance company or association not incorporated  
under the laws of this State, authorized to transact business  
herein, shall make, write, place or cause to be made, written  
or placed, any policy, duplicate policy, or contract of insur-  
ance of any kind or character, or any general or floating  
policy upon property situated or located in this State, except  
after the said risk has been approved in writing by an agent  
who is a resident of this State, regularly commissioned and  
licensed to transact insurance business herein, who shall  
countersign all policies or contracts so issued and who shall  
receive the full premium paid thereon and the State shall  
receive the taxes required by law to be paid on the premiums  
collected for insurance on all property located in this State.  
No person other than the owner shall pay or forward any  
premiums, applications for insurance, or in any manner  
secure, help or aid in the placing of any fire insurance, or

No policy is-  
ued without  
approval of a  
licensed resi-  
dent agent



## INSURANCE COMPANIES.

effect any contract of insurance upon real or personal property within this State, directly or indirectly, with any insurance company or association not of this State, or which has not been authorized to do business in this State, unless such person or persons shall first secure a license from the Insurance Commissioner of this State, as now provided by law. Nothing in this Chapter shall be construed to prevent any such insurance company or association, authorized to transact business in this State, from issuing policies at its principal office or department offices covering property in this State, provided, that such policies are issued upon applications procured and submitted to such company by agents who are residents of this State, and licensed to transact the business of insurance herein, and who shall countersign all policies so issued and receive the commission thereon when paid; provided, that no part of this section is intended to or shall apply to direct insurance covering the rolling stock of railroad corporations, whose motive power is steam, or property in transit, while in the possession and custody of said class of railroad corporations, or other common carriers whose motive power is steam, nor to the property of said class of common carriers, used or employed by them in their business as common carriers of freight, merchandise or passengers.

Approved April 19, A. D. 1917.

SUPERVISION OF BANKING, TRUST, SAFE DEPOSIT, SURETY AND  
BONDING INSTITUTIONS, AND LOAN ASSOCIATIONS.

CHAPTER 44.

INSURANCE DEPARTMENT.

SUPERVISION OF BANKING, TRUST, SAFE DEPOSIT, SURETY AND  
BONDING INSTITUTIONS, AND LOAN ASSOCIATIONS.

AN ACT to Amend Chapter 20, of the Revised Code of the State of  
Delaware, with reference to State Banks and Trust Companies  
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 all the members elected to each house concurring  
therein):*

Section 1. That 613. Sec. 42 and 614. Sec. 43, of Chap-<sup>613, Sec. 42</sup>  
ter 20 of the Revised Code of the State of Delaware,<sup>and 614, Sec.</sup>  
be and the same are hereby repealed, and the following in-<sup>43. repealed</sup>  
serted in lieu thereof, to be known as 613. Sec. 42 and 614.  
Sec. 43:

613. Sec. 42. Every such corporation mentioned in  
Sec. 39 of this Chapter shall be subject to the inspection  
and supervision of the Insurance Commissioner at least once  
each year, and it shall be the duty of said Commissioner, if  
he shall deem it expedient, to make examinations more fre-  
quently than once each year; or he shall, at the request of  
any such corporation, make an examination of its affairs  
and it shall be the duty of the officers and employees of such  
corporation to exhibit its books, securities, records and  
accounts to said Commissioner, and otherwise to facilitate  
the same so far as it may be in their power; the said Com-  
missioner shall have power to examine, under oath or af-  
firmation, the directors, officers and employees of any such

SUPERVISION OF BANKING, TRUST, SAFE DEPOSIT, SURETY AND  
BONDING INSTITUTIONS, AND LOAN ASSOCIATIONS.

corporation relative to its business affairs, and, for that purpose, shall have power to administer oaths and affirmations.

Limit of  
loans

Proceedings  
may be insti-  
tuted

614. Sec. 43. Every such corporation mentioned in Sec. 39 of this Chapter, shall make no loan to any person, firm, corporation or company of more than ten per cent. of the total capital stock and surplus of any such Trust Company, nor shall the loans to any such person, firm, corporation or company aggregate, at any one time, more than ten per cent. of the capital stock and surplus of such institution, or if a loan, or loans, to any person, firm, corporation or company shall exceed more than ten per cent. of the total capital stock and surplus of any such institution, upon any examination of the Insurance Commissioner, said institution shall be deemed to be in an unsound condition. Proceedings may be instituted against any such corporation whenever it shall appear to the Insurance Commissioner that such are desirable, if the affairs of any corporation are in an unsound condition because of illegal or unsafe investments, or that its liabilities exceed its assets, or that it is transacting business without authority or in violation of law, or that it is unsafe or inexpedient for such corporation to continue business; and it shall be the duty of the Attorney General, on notice by the Insurance Commissioner, to institute such proceedings against the corporation as are authorized in the case of Delaware Insurance Companies, or such other proceedings as the nature of the case may require; if from any examination the Commissioner shall have reason to conclude that any such corporation is in an unsound or unsafe condition to do business, he may forthwith take possession of such corporation's property and business and retain such possession until the termination of the action or proceeding instituted by the Attorney General, or until the appointment of a receiver by due process of law.

Approved April 19, A. D. 1917.

GENERAL PROVISIONS.

CHAPTER 45.

INSURANCE DEPARTMENT.  
GENERAL PROVISIONS.

AN ACT to Amend Chapter 20 of the Revised Code of the State of Delaware, with relation to the preparation and publication by the Insurance Commissioner of a compilation of the Insurance and Banking Laws of the State of Delaware.

WHEREAS, the present compilation of the Insurance Laws of this State is not indexed; and

WHEREAS, it is antiquated and does not show the present condition of the Insurance Laws of this State; and

WHEREAS, the Banking Laws are not published in connection with the Insurance Laws; and

WHEREAS, there is no index to the pamphlet form of laws now in use; therefore,

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

Section 1. That the Insurance Commissioner be, and he is hereby authorized to have compiled and published in pamphlet form the Insurance and Banking Laws of the State of Delaware with proper indices and marginal notations, and, for this purpose, the sum of One Thousand Dollars, or so much thereof as he may find necessary, is hereby appropriated out of any money in the State Treasury not otherwise appropriated.

Insurance  
Commissioner to  
compile and  
publish In-  
surance and  
Banking  
Laws

Appropriation for

Approved April 2, A. D. 1917.

## ESTABLISHMENT OF BOARD—POWERS AND DUTIES.

## CHAPTER 46.

## STATE BOARD OF AGRICULTURE.

## ESTABLISHMENT OF BOARD—POWERS AND DUTIES.

AN ACT to Amend Chapter 21, of the Revised Code of the State of Delaware by providing regulations in respect to the grading, packing, marking, shipping and sale of apples.

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

Section 1. That Chapter 21 of the Revised Code of the State of Delaware, be amended by repealing 672A Section 23A; 672B Section 23B; 672C Section 23C; 672D Section 23D; 672E Section 23E; 672F Section 23F; 672G Section 23G; 672H Section 23H; 672I Section 23I; 672J Section 23J; 672K Section 23K; 672L Section 23L; 672M Section 23M; 672N Section 23N, of said Chapter and by substituting in lieu thereof the following Sections to be known as "672A Section 23A; 672B Section 23B; 672C Section 23C; 672D Section 23D; 672E Section 23E; 672F Section 23F; 672G Section 23G; 672H Section 23H; 672I Section 23I; 672J Section 23J; 672K Section 23K; 672L Section 23L; 672M Section 23M; 672N Section 23N," as follows:

Grades and  
classes of  
apples

672A Section 23A. That the standard grades or classes of apples grown in the State of Delaware when packed in closed packages shall be designated:

Delaware Fancy

Delaware A

Delaware B, and

Delaware Unclassified

## ESTABLISHMENT OF BOARD—POWERS AND DUTIES.

1st. Delaware Fancy shall consist of apples of one variety which are well grown specimens, hand-picked, properly packed, all specimens of good color for the variety, normal in shape, uniform in size, not less than average in size, free from dirt, insect injury, fungus diseases, bruises and other defects except such as are necessarily caused in the operation of packing.

2nd. Delaware A shall consist of apples of one variety which are well grown specimens, hand-picked, properly packed, each specimen having not less than fifty per centum of good color for the variety, which are normal in shape, uniform in size, practically free from dirt, insect injury or fungus diseases, bruises and other defects except such as are necessarily caused in the operation of packing.

3rd. Delaware B shall consist of apples of one variety, which are well grown, properly packed, uniform in size, and which are practically free from insect injury and fungus diseases; provided, that apples having healed over insect punctures, small scab or blotch infections, fruit spots, or other defects which, taken singly or collectively, do not materially deform or discolor the fruit, or injure its keeping quality, shall be admitted to this grade.

4th. Delaware Unclassified shall consist of apples which do not conform to the foregoing specifications of grade, or which, though conforming, are not branded in accordance therewith.

672B Section 23B. In Delaware Fancy, Delaware A and Delaware B grades, Uniform in Size shall be construed to <sup>Size of</sup> mean that apples contained in any one package shall not vary in size more than one-half inch in diameter.

672C Section 23C. In Delaware Fancy and Delaware A grades Good Color shall be construed to mean: that the <sup>Color of</sup> varieties Jonothan, Winesap, King David, Paragon, Williams, Arkansas Black, Arkansas, Nero and Nickajack shall

## ESTABLISHMENT OF BOARD—POWERS AND DUTIES.

have 90 per centum of their entire surface covered with some shade of red, that the varieties York Imperial, Ben Davis, Delicious, Baldwin, Gano, Lawver, Limbertwig, Missouri, Rome, Smith Cide, Stayman and Wealthy shall have 75 per centum of their surface covered with some shade of red; that the variety Lankford shall have 50 per centum of the surface covered with some shade of red; that the varieties Lilly of Kent, Stark, Smokehouse and Winter Banana shall have 15 per centum of their entire surface covered with some shade of red, and that varieties that usually show no red color, shall be typically colored for the variety. The definition of good color for any variety of apples not mentioned in this Section of the Act shall be defined by the State Board of Agriculture.

## Standards

672D Section 23D. In the interpretation of this Act, a tolerance of five per centum below standard shall be allowed in Delaware Fancy grade, ten per centum in the Delaware A grade, and fifteen per centum in the Delaware B grade; provided, that not more than half the foregoing tolerance values shall be allowed on any single grade specification or defect. Such tolerance shall apply to size, color and other grade specifications, and shall be computed by counting and measuring the specimens which are judged to be below the standard for the grade in any respect.

672E Section 23E. In all the classes or grades specified in this Act, the apples included in the face or shown surface shall be truly representative of the size, color and quality of the apples in the package.

Marking of  
boxes

672F Section 23F. Every closed package containing apples grown in the State of Delaware, which is sold, offered or exposed for sale, packed for sale, or shipped for sale, by any person shall bear upon the outside of one end in plain letters or figures, or both, the name and address of the person by whose authority the apples were packed, the true name of the variety, the grade or class of the apples therein contained when packed or re-packed, and the minimum size

## ESTABLISHMENT OF BOARD—POWERS AND DUTIES.

of the fruit in the package. If the true name of the variety is not known to the packer or the person by whose authority the apples are packed or branded, then such variety shall be designated as "Unknown." Every package of apples which is re-packed shall bear the name and address of the person <sup>Repacked</sup> by whose authority it is re-packed. The letters and figures used in marking or branding under the provisions of this Act, shall be block letters or figures, or both, of a size not less than one-half inch.

672G Section 23G. The marks indicating grade, as afore-prescribed may be accompanied by other designation or grade or brand, if that designation or brand is not in- <sup>Brand</sup> consistent with, or marked more conspicuously than the one of the said four marks which is used on the said packages. Apples packed and branded in accordance with the United States law shall be exempt from the provisions of this Act.

672H Section 23H. The minimum size of the fruit in all classes or grades shall be determined by taking the trans- <sup>Minimum size determined by</sup> verse diameter of the smallest fruit in the package. Minimum sizes shall be stated in variations of one-quarter of an inch, as two inches, two and one-quarter inches, two and one-half inches, two and three-quarters inches, three inches, three and one-quarter inches, and so on, in accordance with the facts. Minimum sizes may be designated by either figures or words. The word "minimum" may be designated by the use of the abbreviation "min."

672I Section 23I. It shall be unlawful for any person within the State to pack, sell, distribute, transport, offer or <sup>Adulterated or mis-branded</sup> expose for sale, distribution or transportation apples which are adulterated, or misbranded, within the meaning of this Act.

672J Section 23J. Any person who misbrands or adulterates apples within the meaning of this Act, or who <sup>Penalty</sup> violates any of the provisions of this Act, shall be deemed guilty of a misdemeanor, and upon conviction shall be pun-



## ESTABLISHMENT OF BOARD—POWERS AND DUTIES.

Additional  
penalties

ished for the first offense by a fine not exceeding Twenty-five Dollars, and not less than Ten Dollars; for the second offense, by a fine not exceeding Fifty Dollars, and not less than Twenty-five Dollars; and for the third and each subsequent offense by a fine not exceeding Two Hundred Dollars, and not less than Fifty Dollars, together in all cases with the cost of prosecution. Whenever any violation is with respect to a lot of shipment consisting of fifty or more closed packages, there may be imposed, in addition to the above penalties, twenty-five cents for the first offense, fifty cents for the second offense, and One Dollar for each subsequent offense for each package in excess of fifty, with respect to which such violation is committed.

Guarantor  
liable

672K Section 23K. No person shall be prosecuted under the provisions of this Act when he can establish a guarantee signed by the person from whom he receives such articles to the effect that the same is not adulterated or misbranded within the meaning of this Act, said guarantee to be valid shall contain the true name and address of the person or persons making the sale, and in such case the guarantor shall be liable to the penalties of this Act; nor shall any common carrier be prosecuted under this Act.

672L Section 23L. This Act shall not apply to unpacked apples, actually transported in barrels to storage within this State, until the same are removed from storage for the purpose of marketing, sale, transportation or distribution.

Defining  
"Person" and  
"closed  
package"

672M Section 23M. The word "person" as used herein shall be construed to include individuals, corporations, partnership and associations. The act, omission or failure of any official or employee of any person, when such official or employee is acting within the scope of his employment or office, shall, in every case, be deemed also the act, omission or failure of the person as well as of the official or employee. The words "closed package" shall mean a box or barrel, the contents of which cannot be seen or inspected when such package is closed. Apples in open head barrels or boxes,

## ESTABLISHMENT OF BOARD—POWERS AND DUTIES.

covered with burlap or slats that can be readily removed and replaced are not closed packages within the meaning of this Act.

672N Section 23N. The enforcement of this Act shall <sup>Enforcement</sup> be vested in the State Board of Agriculture and its officers, employees, agents and servants, are authorized to enter upon the land and premises of any person or persons, firm or firms, corporation or corporations, within this State, for the purpose of inspecting packages of apples and securing evidence of the violation of this Act. The State Board of Agriculture shall promulgate such rules and regulations as may be necessary for the proper enforcement of this Act.

Section 2. This Act shall take effect June 1st, 1917.

Section 3. All laws and parts of laws in conflict with this Act are hereby repealed.

Approved March 22, A. D. 1917.

## POWERS AND DUTIES.

## CHAPTER 47.

STATE BOARD OF AGRICULTURE.  
POWERS AND DUTIES.

AN ACT to Amend Chapter 21 of the Revised Code, by providing for a State Experimental and Demonstration Farm in Sussex County under the supervision of the State Board of Agriculture.

WHEREAS, there being a great demand by the agricultural interests of Sussex County for experiments and demonstrations along agricultural lines; and

WHEREAS, there has been offered to the State of Delaware by T. Coleman duPont the use of the eighty-foot strips of land adjacent to the duPont Road, or any parts of the same, for such purposes; now therefore,

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

Section 1. That Chapter 21 of the Revised Code be and the same is hereby amended by adding thereto the following to be known as 697C Section 51:

Accept and  
acquire land

697C Section 51. That the State Board of Agriculture is hereby authorized and empowered to accept said offer or to acquire other land in Sussex County for the purpose of agricultural experiments and demonstrations.

Appropriation

That the sum of Five Thousand Dollars is appropriated annually to the State Board of Agriculture for the purpose of securing said lands and carrying out said agricultural experiments and demonstrations.

Approved April 2, A. D. 1917.

## STATE CHEMIST.

## CHAPTER 48.

## STATE CHEMIST.

AN ACT to Amend Chapter 22 of the Revised Code of the State of Delaware, in relation to Commercial Fertilizers.

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

Section 1. That Chapter 22 of the Revised Code of the State of Delaware be and the same is hereby amended by repealing 698 Section 1, 699 Section 2, 700 Section 3, 701 Section 4, 702 Section 5, 704 Section 7, 705 Section 8, 706 Section 9, 708 Section 11 thereof, and inserting in lieu thereof, and in addition thereto the following Sections to be styled "698 Section 1, 699 Section 2, 700 Section 3, 701 Section 4, 702 Section 5, 704 Section 7, 704A Section 7A, 705 Section 8, 706 Section 9, 708 Section 11, 708A, Section 11A, 708B, Section 11B, 708C, Section 11C, 708D, Section 11D, 708E, Section 11E, 708F, Section 11F, 708G, Section 11G, 708H, Section 11H;"

698 Section 1. The State Board of Agriculture is hereby authorized and empowered to appoint a suitable person to serve as State Chemist.

699 Section 2. Every person who shall sell, offer or expose for sale, or have in his possession with intent to sell, in this State, any commercial fertilizer or manure, shall affix conspicuously to every package thereof a plainly printed statement, clearly and truly certifying the number of net pounds of fertilizer in the package, the name, brand or trademark under which the fertilizer is sold, the name and address of the manufacturer, the place of manufacture, and stating the minimum percentage of nitrogen in available

Packages containing fertilizers to have printed statement thereon

## POWERS AND DUTIES.

## CHAPTER 47.

STATE BOARD OF AGRICULTURE.  
POWERS AND DUTIES.

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WHEREAS, there has been offered to the State of Delaware by T. Coleman duPont the use of the eighty-foot strips of land adjacent to the duPont Road, or any parts of the same, for such purposes; now therefore,

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

Section 1. That Chapter 21 of the Revised Code be and the same is hereby amended by adding thereto the following to be known as 697C Section 51:

Accept and  
acquire land  
697C Section 51. That the State Board of Agriculture is hereby authorized and empowered to accept said offer or to acquire other land in Sussex County for the purpose of agricultural experiments and demonstrations.

Appropriation  
That the sum of Five Thousand Dollars is appropriated annually to the State Board of Agriculture for the purpose of securing said lands and carrying out said agricultural experiments and demonstrations.

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AN ACT to Amend Chapter 22 of the Revised Code of the State of Delaware, in relation to Commercial Fertilizers.

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

Section 1. That Chapter 22 of the Revised Code of the State of Delaware be and the same is hereby amended by repealing 698 Section 1, 699 Section 2, 700 Section 3, 701 Section 4, 702 Section 5, 704 Section 7, 705 Section 8, 706 Section 9, 708 Section 11 thereof, and inserting in lieu thereof, and in addition thereto the following Sections to be styled "698 Section 1, 699 Section 2, 700 Section 3, 701 Section 4, 702 Section 5, 704 Section 7, 704A Section 7A, 705 Section 8, 706 Section 9, 708 Section 11, 708A, Section 11A, 708B, Section 11B, 708C, Section 11C, 708D, Section 11D, 708E, Section 11E, 708F, Section 11F, 708G, Section 11G, 708H, Section 11H;"

698 Section 1. The State Board of Agriculture is hereby authorized and empowered to appoint a suitable person to serve as State Chemist. State chemist

699 Section 2. Every person who shall sell, offer or expose for sale, or have in his possession with intent to sell, in this State, any commercial fertilizer or manure, shall affix conspicuously to every package thereof a plainly printed statement, clearly and truly certifying the number of net pounds of fertilizer in the package, the name, brand or trademark under which the fertilizer is sold, the name and address of the manufacturer, the place of manufacture, and stating the minimum percentage of nitrogen in available Packages containing fertilizers to have printed statement thereon

## STATE CHEMIST.

form, the minimum percentage of potash soluble in distilled water, and the minimum percentage of phosphoric acid in available form, and the minimum percentage only of these ingredients. Any manufacturer or dealer who shall fail to affix conspicuously such statement to every package of fertilizer that he may have for sale, offer, or expose for sale, or in such statement shall misrepresent the proportions of ammonia, phosphoric acid and potash, or either of them contained in such fertilizer, or who shall sell, offer or expose for sale in this State any pulverized leather, hair, ground hoofs, horns or wool waste in any form as a fertilizer or as an ingredient of a fertilizer or manure without an explicit statement of the fact conspicuously affixed to every package of such fertilizer or manure shall be guilty of a misdemeanor, and upon conviction thereof shall be fined Two Hundred Dollars for the first offense and Three Hundred Dollars for each subsequent offense; provided that nothing in this Act shall prevent any person from having mixed any combination of ingredients, or from buying fertilizer materials, for his own use without subjecting the dealer to the registration tax for such brands.

Statement  
filed with  
State Board

700 Section 3. Before any commercial fertilizer is sold, offered or exposed for sale in this State, the manufacturer, importer or party who causes it to be sold, exposed or offered for sale, shall file with the Secretary of the State Board of Agriculture, under oath the statement required to be affixed under Section 699 Section 2, of this Act.

False  
affidavit

Provided, that when the manufacturer of any brand of fertilizer or manure shall file said sworn statement no agent or dealer shall be required to file such statement. The making of any affidavit required by this Chapter falsely shall be perjury.

Fee

701 Section 4. The manufacturer, importer, agent or seller of any brand of commercial fertilizer or material used for manurial purposes, shall pay for each brand at the time he files a sworn statement required by Section 700 Section 3 of this Act, a registration fee of One Dollar per annum.

## STATE CHEMIST.

702 Section 5. The registration fee required to be paid by 701 Section 4 of this Act shall be paid to the State Treasurer of the State of Delaware.

704 Section 7. Immediately after the filing of the statements required by 700 Section 3 of this Act, with the Secretary of the State Board of Agriculture, said Secretary shall issue a certificate to the party making such statement giving the name, brand or trade-mark under which the fertilizer is sold, the name and address of the manufacturer or importer, the place of manufacture and that the applicant for said certificate is authorized to sell said brand of fertilizer within the State of Delaware for the period of one year from the first day of January to the thirty-first day of December, inclusive. Said certificates may be issued at any time for and during the current year, and may be issued during the month of December for the year commencing on the first day of January thereafter.

Certificate to  
maker or  
agent

704A Section 7A. On or before the fifth day of January of each year every manufacturer or vendor of fertilizers shall file under oath with the State Treasurer a statement showing the number of tons of fertilizer or fertilizer material, described in 699 Section 2 of this Act, that he has sold in this State during the preceding year, and shall pay to the said State Treasurer for the use of the State the sum of ten cents for every ton of fertilizer or fertilizer material so sold.

Statement of  
tons sold

705 Section 8. The State Chemist shall receive such compensation for his services and expenses as may be agreed upon by the State Board of Agriculture, to be paid out of funds of the State Treasury, in the same manner as other necessary expenses of the State are now paid, as provided by law.

Salary of  
State chemist

706 Section 9. The Secretary of the State Board of Agriculture or other agent, or officer of the said Board, is hereby empowered to collect samples of commercial fer-



## STATE CHEMIST.

Collection  
and analysis  
of samples

Power to  
open pack-  
ages

tilizers offered for sale in this State, and to submit them by number to the State Chemist for analysis, and for this purpose the said Secretary, or other agent of the State Board of Agriculture, shall have full access, ingress and egress to and from all places of business, factories, barns, buildings, cars and vessels used in the manufacture and transportation or sale of any commercial fertilizers. They shall also have power to open any package or vessel containing any fertilizer, and take therefrom samples for analysis, upon tendering the value of the said samples; provided that the said Chemist shall, in no event, know the name of the owner of any sample which he is analyzing.

"Commercial  
Fertilizers"  
defined

708 Section 11. The term "Commercial Fertilizers," as used in this Act, shall be construed to mean any and every substance imported, manufactured, prepared, or sold for fertilizing or manuring purposes, except barnyard and stable manure, marl, lime and wood ashes.

Publish  
brand

708A. Section 11A. The State Board of Agriculture shall annually publish by bulletin and in one newspaper in each County of the State, the brand, name and location of the manufacturer and chemical analysis of every fertilizer or manure analyzed or caused to be analyzed by the State Chemist.

708B. Section 11B. Any manufacturer or vendor of any fertilizer or manure who shall sell or offer or expose for sale any fertilizer or manure without having previously complied with the provisions of this Act, as hereinbefore set forth, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than Fifty Dollars nor more than Five Hundred Dollars.

708C. Section 11C. Any company, firm, corporation or person, who shall wilfully remove from or deface or change any label or tag or brand affixed to any package of fertilizer under the provisions of this Act, before such fertilizer has been used for manurial purposes, or who shall sell such fer-

## STATE CHEMIST.

tilizer without a label or tag being affixed thereto at the time of the sale, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than Ten, nor more than Fifty Dollars for each offense.

708D. Section 11D. Any company, firm, or person who shall remove from or cause to be removed from any package of commercial fertilizer or manure, any statement, label or tag affixed thereto under the provisions of this Act, and affix or cause the same to be affixed to any other package of commercial fertilizer or manure, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than Ten, nor more than Fifty Dollars for each offense. <sup>Removal of tags or labels</sup>

708E. Section 11E. Any company, firm, corporation or person violating any of the provisions of this Act, or who fails to comply with any of the requirements of this Act, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall, when no other penalty is prescribed, be fined not less than Ten nor more than One Hundred Dollars for each offense. But this Act shall not be construed to apply to any one who manufactures fertilizer for his own use and not for sale. <sup>Penalty</sup>

708F. Section 11F. The Secretary of the State Board of Agriculture shall report to the Attorney General all violations of the provisions of this Act.

708G. Section 11G. The State Board of Agriculture shall have power to adopt such means and to make rules and regulations as they may deem necessary to carry into effect the true intent and meaning of this Act, and a violation of these rules and regulations shall be deemed a misdemeanor, and shall be punishable by a fine not to exceed One Hundred Dollars at the discretion of the Court. <sup>Power of Board of Agriculture</sup>

Section 2. This amendment shall take effect on the first day of January, A. D. 1918.

Approved April 2, A. D. 1917.

## HEALTH BOARDS AND REGULATIONS.

## CHAPTER 49.

BOARDS OF HEALTH.  
HEALTH BOARDS AND REGULATIONS.

AN ACT to Amend Chapter 25 of the Revised Code of the State of Delaware. Being an Act Relating to the State Board of Health.

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

739, Sec. 4,  
repealed

That Chapter 25 of the Revised Code of the State of Delaware be and the same is hereby amended by adding thereto the following sections to be styled as 736A. Section 1A; 798A. Section 63A; and the same Chapter 25 is hereby amended by repealing 739 Section 4 thereof, 745 Section 10 thereof, 786 Section 51 thereof, and by substituting in lieu thereof the following sections to be styled as 739 Section 4, 745 Section 10, 786 Section 51:

Seals

736A. Section 1A. The State Board of Health shall have a seal, which shall contain the words, "State Board of Health of Delaware 1879." Every certificate or other official paper executed by the Secretary of the State Board of Health, in pursuance of any authority conferred by law, and bearing the seal of the board, shall be received as evidence, when duly certified by the secretary of said board under its seal, with the same force and effect as the original would, in law, be entitled to, if produced in open court.

798A. Section 63A. The State Board of Health shall have a seal, which shall contain the words, "State Board of Health of Delaware, Bureau of Vital Statistics 1913." Every certificate or other official paper executed by the Secretary of the State Board of Health, acting in his capacity as State

## HEALTH BOARDS AND REGULATIONS.

Registrar, in pursuance of any authority conferred by law, and bearing the seal of the board, shall be received as evidence, when duly certified by the secretary of said board, under its seal, with the same force and effect as the original would, in law, be entitled to, if produced in open court.

The State Board of Health shall have a seal for each Vital Statistic registration district, which shall contain the words, "State Board of Health of Delaware, Bureau of Vital Statistics 1913" with the respective county and district inscribed therein. Every certificate or other official paper executed by any Local Registrar of the State Board of Health, in pursuance of any authority conferred upon him by Law, and bearing the seal as herein described, shall be received as evidence, when duly certified by the said Local Registrar under its seal, with the same force and effect as the original would, in law, be entitled to, if produced in open court.

739. Section 4. Said Board shall be an Advisory Board to the authorities of the State in all matters pertaining to public hygiene; it shall have authority to make special inspection of hospitals, prisons, asylums, \*almhouses and other public institutions, and to investigate by the Secretary or committees of the Board the cause of any special disease or mortality in any part of the State, and to make such regulations and adopt such measures including quarantine, vaccination, etc., as it may deem best efficient to eradicate all infectious diseases. In localities where there are no local Boards of Health, or where the same shall refuse or neglect to act, the President may direct any member of the Board, or the Secretary, to investigate all complaints made in writing, and if the said member shall find a nuisance to exist he shall order the same to be abated in a reasonable time. In such cases the State Board shall have all power and remedies given by law to local Boards; if no person responsible for said nuisance be found, the Secretary shall abate the same, and his expenses shall, upon approval by the President, be paid by the Treasurer of the County wherein said nuisance existed. Said State Board shall, at each regular session of

\*almhouse

## HEALTH BOARDS AND REGULATIONS.

the Legislature, submit to it a report of its acts, investigations and discoveries with such suggestions as may be deemed proper. Five hundred copies of said report shall be printed and bound in linen, and three hundred paper bound, for exchange and distribution by the State Board of Health.

Towns to  
appoint  
Boards

745. Section 10. The Common Council of every city and the Commissioners of every incorporated town in the State, except in the City of Wilmington, shall appoint in January of each year, a Board of Health for such city or town, to consist of not less than three nor more than seven persons, of whom at least one should be a physician duly authorized to practice medicine, and who shall hold said office until their successors are appointed; and in case there be a port physician appointed by the Governor, he shall be a member of the board ex-officio. In case the said Common Council or the said Commissioners are unsuccessful in securing persons to act on said Board, then the said Common Council or the said Commissioners are and shall be the Board of Health for such City or Town, and shall perform all duties and offices said Board of Health should perform, and be subject to all laws applicable to Local Boards of Health.

Local officers  
elected

The said local Boards of Health shall elect annually from among their own members a president and a secretary of such Board, and shall meet not less than once in every three months. The Secretary of the Board shall keep the minutes of the meetings of the Board, and shall perform all such duties as shall be assigned to him by the Board; for which services he shall receive such compensation as the City Council, or Commissioners of the respective cities or towns may determine.

Annual meet-  
ing

786. Section 51. The Regular Annual Meeting of the State Board of Health shall be held on the first Thursday of April of each and every year, at which meeting the Pathologist and Bacteriologist shall be elected by the said Board.

Approved April 25, A. D. 1917.

## HEALTH BOARDS AND REGULATIONS.

## CHAPTER 50.

## BOARDS OF HEALTH.

## HEALTH BOARDS AND REGULATIONS.

AN ACT to Amend Chapter 25 of the Revised Code of the State of Delaware, relating to compensation for members of the Board of Health.

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

That Chapter 25, of the Revised Code of the State of Delaware be and the same is hereby amended by repealing 737 Section 2 thereof, and by substituting in lieu thereof the following section, to be styled as 737. Section 2.

737. Section 2. The said Board of Health shall annually organize by electing a President who shall be a member of said Board. Said Board shall also elect a Secretary who may be a member of said Board. The Secretary shall continue in office as such until removed by the election of a successor, or by a vote of the majority of the Board. He shall be executive officer of said Board, and shall receive an annual salary to be fixed by the Board. The members of the Board of Health shall not receive a salary, but shall receive Five Dollars (\$5.00) and their necessary expenses for each meeting of the Board, provided, however, that no member shall be paid for more than six meetings in any one year. For all meetings of the said Board of Health in excess of the six meetings in any one year, any member in attendance shall be paid his actual expenses for such attendance; provided further, however, nothing contained in this section shall be construed as to prevent the said Board of Health employing any of its members or any other person or persons for special services at a reasonable compensation. The

737. Sec. 2.  
Amended.

Organization

President  
and Secretary  
to be elected

Salary of  
Secretary

Compensation  
of Members

## HEALTH BOARDS AND REGULATIONS.

Meetings Board of Health shall meet at least once in every three months, and oftener if necessary, and four members shall constitute a quorum for the transaction of business. The

Rules and by-laws to be adopted Board shall have power to adopt rules and by-laws for their government, subject to the provisions of Sections 1 to 9 inclusive.

Approved April 9, A. D. 1917.

## HEALTH BOARDS AND REGULATIONS.

## CHAPTER 51.

## BOARDS OF HEALTH.

## HEALTH BOARDS AND REGULATIONS.

AN ACT for the prevention of blindness from inflammation of the eyes of the new-born.

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

Section 1. Any inflammation, swelling, or redness in either one or both eyes of any infant, either apart from or together with any unnatural discharge from the eye or eyes of such infant, independent of the nature of the infection, if any, occurring any time within two weeks after the birth of such infant, shall be known as "Inflammation of the Eyes of the New-Born."

Inflammation  
of the Eyes  
of infants  
defined

Section 2.. It shall be the duty of any physician, surgeon, obstetrician, midwife, nurse, maternity home or hospital of any nature, parent, relative, and any persons attendant on or assisting in any way whatsoever, any infant or the mother of an infant at childbirth, or any time within two weeks after childbirth, knowing the condition hereinabove defined to exist, within six hours thereafter to report such fact to the local Health Officer of the City, town, village or whatever other political division there may be, within which the infant or the mother of any such infant may reside, and it shall be the duty of the local Health Officer to investigate or to have investigated, each case as filed with him in pursuance with the law, and any other such case as may come to his attention.

Duty of  
physician or  
other person  
in attendance  
at birth of  
child

Report to  
local Health  
Officer

Duty of  
Health Officer

Section 3. It shall be the duty of physicians, midwives, or other persons in attendance upon cases of childbirth to use some prophylactic against inflammation of the eyes of

Record of  
by physician  
or other per-  
son in at-  
tendance



## HEALTH BOARDS AND REGULATIONS.

the new-born and to make record of the prophylactic used, and to endorse the details thereof on every Birth Certificate.

Penalty for  
violation

Section 4. Whoever, being a physician, surgeon, midwife, obstetrician, nurse, parent, relative, or person attendant upon or assisting at the birth of any infant, shall violate any of the provisions of this Act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not less than Five Dollars nor more than One Hundred Dollars.

Fine

Approved April 2, A. D. 1917.

PATHOLOGICAL AND BACTERIOLOGICAL LABORATORY.

CHAPTER 52.

BOARDS OF HEALTH.

PATHOLOGICAL AND BACTERIOLOGICAL LABORATORY.

AN ACT to Amend Chapter 25 of the Revised Code of the State of Delaware. Being an Act relating to the Pathological and Bacteriological Laboratory.

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

That Chapter 25 of the Revised Code of the State of Delaware be and the same is hereby amended by adding thereto the following section, to be styled as 788A. Section 53A.

788A. Section 53A. That the sum of Five Hundred Dollars (\$500.00) be and the same is hereby appropriated to the Pathological and Bacteriological Laboratory for the purchase of new apparatus and the replacing of old apparatus in the Laboratory. The said appropriation hereby made to be drawn by orders on the State Treasurer, signed by the President and Secretary of the State Board of Health, and the accounts to be audited by the Auditor of Accounts of the State, as now required for other accounts of the State Board of Health.

Appropriation for laboratory

Approved April 2, A. D. 1917.

## THE DELAWARE STATE TUBERCULOSIS COMMISSION.

## CHAPTER 53.

## THE DELAWARE STATE TUBERCULOSIS COMMISSION.

AN ACT to Amend Chapter 26, of the Revised Code of the State of Delaware, in relation to the Delaware State Tuberculosis Commission.

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

That Chapter 26 of the Revised Code of the State of Delaware, be and the same is hereby amended by repealing 828. Sec. 4, 830. Sec. 6, 831. Sec. 7 and 833. Sec. 9 and inserting in lieu thereof the following, to be styled 828. Sec. 4, 830. Sec. 6, 831. Sec. 7 and 833. Sec. 9:

828. Sec. 4,  
830. Sec. 6,  
831. Sec. 7,  
833. Sec. 9,  
repealed

Tuberculosis

828. Sec. 4. INDIGENT PATIENTS; TREATMENT OF; COST OF; HOW PAID:—The Commission shall have power and is authorized to promote a careful study of conditions regarding tuberculosis throughout the State; to educate public opinion as to the causes and prevention of tuberculosis; to arouse general interest in securing adequate provision for the proper care of tuberculosis patients in their homes and by means of sanatoria; and to send such indigent consumptive patients as require treatment to sanatoriums for such treatment. Said Commission shall pay for the care, treatment and support of such patients only the actual costs of their maintenance in said sanatoriums. Persons in indigent circumstances who, in the judgment of the Commission, are able themselves or by their relatives to pay any part of said cost of maintenance, may be admitted to said sanatoriums and maintained and treated therein at the expense of the State to the extent that they cannot by themselves or relatives chargeable therefor pay such cost of maintenance.

## THE DELAWARE STATE TUBERCULOSIS COMMISSION.

830. Sec. 6. ANNUAL REPORT TO GOVERNOR:—The Commission shall furnish annually to the Governor a full account of its expenditures and disbursements. It shall also at the same time report to the Governor the work of the Commission for the year, including the number of persons treated, the results of treatment as nearly as can be ascertained, and such other information as may be of public interest and value. Such report shall, at all times, be open to the inspection of the citizens of the State in the office of the Secretary of State.

831. Sec. 7. APPROPRIATION; HOW DRAWN:—To defray the expenses of the Commission, the sum of Twenty Thousand Dollars is appropriated annually out of the money in the State Treasury not otherwise appropriated; and the State Treasurer is authorized, from time to time, to pay out of such amount, upon the requisition of the Chairman of the Commission, or such member of the Commission as may be selected by it, to sign such requisition in the absence of the Chairman in accordance with the provisions of Section 21, of Chapter 15.

833. Sec. 9. HOSPITAL FOR COLORED PERSONS; CREATION AUTHORIZED; PATIENTS; ADMISSION OF; ANNUAL APPROPRIATION:—The Delaware State Tuberculosis Commission is authorized to acquire, on behalf of the State, by purchase or otherwise, a site for the erection of a hospital building or buildings, to be used for the care of colored inhabitants of the State afflicted with tuberculosis, and to erect the said building or buildings, and to provide for the care of such colored persons.

The said Commission shall have power to admit such colored persons to the said hospital, when erected, as in the judgment of the said Commission may be proper, and to provide for the care, treatment of and support of such persons under such rules and regulations as may be, from time to time, established by the said Commission.

## THE DELAWARE STATE TUBERCULOSIS COMMISSION.

Appropriation

To provide for the support and maintenance of the said hospital and the patients occupying the same, the sum of Ten Thousand Dollars is appropriated annually out of the money in the State Treasury not otherwise appropriated; the State Treasurer is authorized, from time to time, to pay such amount upon the requisition of the Chairman of the Commission, or such member of the Commission as may be selected by it to sign such requisition, in the absence of the Chairman.

Approved April 2, A. D. 1917.

## MEDICAL COUNCIL OF DELAWARE.

## CHAPTER 54.

## MEDICAL COUNCIL OF DELAWARE.

AN ACT to Amend Chapter 27, of the Revised Code of the State of Delaware, pertaining to the Medical Council of Delaware and the granting of a certificate for a license to practice medicine and surgery.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of the members elected to each House concurring therein), that:*

Chapter 27, No. 845, Section 12, of the Revised Code of the State of Delaware, be and the same is hereby amended by the insertion therein of the following in lieu thereof, to be known as Number 845, Section 12. <sup>845, Sec. 12, amended</sup>

845. 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. <sup>License</sup>

The Medical Council of Delaware may refuse to issue a certificate for a license to practice medicine and surgery or may revoke a certificate issued for a license to practice medicine or surgery for the following causes, to wit: Chronic and persistent inebriety; the practice of criminal abortion; conviction of a crime involving moral turpitude or for publicly advertising special ability to treat or cure chronic incurable diseases, or where any person shall present to the said Medical Council any diploma, license or certificate that shall have been illegally obtained or that shall have been <sup>May refuse for cause</sup>

## MEDICAL COUNCIL OF DELAWARE.

signed or issued unlawfully or under fraudulent representations; in complaints for violating the provisions of this Section, the accused person shall be furnished with a copy of the complaint and given a hearing before the said Medical Council in person or by attorney.

Applicants  
from other  
States may

Applicants examined and licensed by or who are or have been members of State Examining and Licensing Boards of other States, or applicants examined and approved by the National Board of Medical Examiners, upon the payment of Fifty Dollars to the Treasurer of the Medical Council of Delaware, and on filing with the Secretary of said Medical Council a copy of his or her license or certificate certified to by the affidavit of the President and Secretary of such Board, showing also that the standard of requirements of the said Board, at the time the said license or certificate was issued, was substantially the same as that required by the said Medical Council of Delaware, and of his or her affidavit as to the personality thereof, may be granted a certificate for a license to practice medicine and surgery by the said Medical Council upon the recommendation of the said Boards of Medical Examiners, without further examination thereby.

Records

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

Approved March 8, A. D. 1917.

## STATE BOARD OF PHARMACY.

## CHAPTER 55.

## STATE BOARD OF PHARMACY.

AN ACT to Amend Chapter 28 of the Revised Code of Delaware, the same relating to the State Board of Pharmacy and its becoming a member of the National Association of Boards of Pharmacy.

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

That the second paragraph of 861 Section 6 of Chapter 28 of the Revised Code of Delaware as amended by Chapter 62 Volume 28 Laws of Delaware be, and the same is hereby amended by the repeal of said second paragraph as it appears in Chapter 62 Volume 28 Laws of Delaware, and the insertion in lieu thereof of the following:

The State Board of Pharmacy is authorized to become a State Board of Pharmacy, member of the National Association of Boards of Pharmacy, to become member National Association of Boards of Pharmacy, and to pay out of any money coming into its hands, such an amount thereof as will be necessary to pay the annual membership fee to the said National Association of the Boards of Pharmacy.

Approved April 2, A. D. 1917.



## STATE BOARD OF DENTAL EXAMINERS.

## CHAPTER 56.

## STATE BOARD OF DENTAL EXAMINERS.

AN ACT to Amend Chapter 30 of the Revised Code of Delaware, regulating the practice of Dentistry and Dental Surgery.

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

Repealed

Section 1. That Chapter 30 of the Revised Code of Delaware, be and the same is hereby amended by the repeal of 884 Section 1, 885 Section 2, 886 Section 3, 887 Section 4, 888 Section 5, 889 Section 6, 890 Section 7, 891 Section 8, and 892 Section 9 of said Chapter, and the insertion in lieu thereof, of twenty-four sections, which shall be styled respectively, 884 Section 1, 885 Section 2, 886 Section 3, 887 Section 4, 888 Section 5, 889 Section 6, 890 Section 7, 891 Section 8, 892 Section 9, 892 A Section 10, 892 B Section 11, 892 C Section 12, 892 D Section 13, 892 E Section 14, 892 F Section 15, 892 G Section 16, 892 H Section 17, 892 I Section 18, 892 J Section 19, 892 K Section 20, 892 L Section 21, 892 M Section 22, 892 N Section 23, 892 O Section 24, as follows:

State Board  
of Dental  
Examiners  
consist of 5  
members

884 Section 1. That the State Board of Dental Examiners heretofore created, be and the same is hereby continued, to consist of five (5) practicing dentists, whose duty it shall be to carry out the purposes and enforce the provisions of this act as hereinafter specified. Members of the said board, who shall be known and styled "The Delaware State Board of Dental Examiners," shall be appointed by the Governor; such appointments to be recommended by the Delaware State Dental Society, and all of whom shall be graduates of a reputable dental college, or the dental department of a reputable college or university; and be

## STATE BOARD OF DENTAL EXAMINERS.

residents of the State for a period of five (5) or more years; must be legally licensed to practice dental surgery or dentistry, and must have been actually engaged in the practice of dentistry immediately preceding their appointment for at least five (5) years; provided, however, that no person shall be eligible to appointment on the said board who is in any way connected with, or interested in, any dental college, or the dental department of any institution of learning, or the dental supply business. Proviso

The terms for which the members shall hold office shall be four (4) years; provided, that the present members of the said board in office at the time of the passage of this act shall continue in office until their respective terms expire, and until their successors are appointed and qualified. Term

All vacancies on said Board of Dental Examiners shall be filled by the Governor to serve for the unexpired term of the member whose place upon the said board is rendered vacant. Vacancies

885 Section 2. Said Board of Dental Examiners shall choose one of its members as president and one as secretary-treasurer thereof at each annual meeting to be held between the fifteenth (15th) day of May and the fifteenth (15th) day of July each year. Said board may meet oftener, if necessary in the discretion of the board, at such times and places as it may deem proper, for the examination of applicants who may wish to practice dentistry in this State, and for the transaction of any other business that may come before it. Said board shall keep a record-book in which shall be registered the names, addresses, and certificate numbers of all persons legally entitled to practice dentistry in the State of Delaware. A majority of the members of said board shall at all times constitute a quorum for the transaction of business, and proceedings of said board shall be recorded in a minute-book open at all reasonable times to public inspection. State Board of Dental Examiners to meet annually  
Records  
Quorum

886 Section 3. No person shall practice dentistry in the State of Delaware or attempt to do so after the passage of

## STATE BOARD OF DENTAL EXAMINERS.

**Certificate** this Act, without first applying for and obtaining a certificate for such purpose from the said State Board of Dental Examiners, and registering such certificate as herein provided, and this provision shall apply to all persons, whether they have heretofore practiced dentistry in this state or not, except such persons as have heretofore obtained a certificate to practice dentistry from the said State Board of Dental Examiners. Application for such certificate shall be made to the said board in writing, and shall, in every instance, be

**Examination Fee** accompanied by an examination fee of twenty-five dollars (\$25.00), which sum it is authorized to charge each applicant for each examination by said board. The applicant must be at least twenty-one (21) years of age, of good moral

**Requirements** character, and reputation, and the application of each person seeking a certificate must be accompanied by evidence satisfactory to said board that the applicant so applying is a graduate of, and has a diploma from a reputable dental college, or the dental department of some reputable school or university.

**Examination** Examination must be both written or oral and clinical, and of such a character as to thoroughly test the qualification of the applicant to practice dentistry, and the applicant in his examination must make a grade or percentage required by the board which shall not be less than an average of seventy-five (75) per cent., and the board may also, in its discretion, refuse to grant a certificate to practice dentistry to any person found guilty of making false statement, of cheating, or of fraud or deception, either in applying for such certificate or taking said examination.

**Registering** 887 Section 4. Any person granted a certificate to practice dentistry or dental surgery in this State by the said State Board of Dental Examiners, as hereinbefore provided, shall personally and within ninety (90) days from the day of issue, cause such certificate to be registered with the Clerk of the Peace or Clerks of the Peace, of such county or counties in which such person desires to engage in the practice of dentistry or dental surgery, and the said Clerks of the several counties of this State shall charge for register-

## STATE BOARD OF DENTAL EXAMINERS.

ing such certificate a fee of fifty (50) cents for each registration. And, it is hereby provided further that every person who engages in the practice of dentistry or dental surgery in this state shall cause his or her certificate to be registered with the said Clerk before beginning the practice of dentistry in said county, and to be at all times displayed in a conspicuous place in his or her office wherein he or she shall practice such profession, and shall further, whenever requested, exhibit such certificate to any other members of the said board, or its authorized agent.

888 Section 5. The Clerk of the Peace of each county shall furnish annually before the first day of January of each year, to the State Board of Dental Examiners, upon blanks to be provided by such board a duplicate list of all certificates registered by him during the preceding year, and shall include therein the date of registration of said certificate, the serial number, the name, the age and the resident of each person whose certificate is registered. List of  
registered  
certificates

889 Section 6. Any failure, neglect, or refusal, on the part of any person obtaining a certificate to practice dentistry or dental surgery from the said board, to register said certificate with the Clerk of the Peace of some county of this state, as above directed, within ninety (90) days from the date of the issue of the same, shall work a forfeiture of such certificate and no certificate when once forfeited shall be restored, except upon payment to the said board of the sum of twenty-five dollars (\$25.00) for such neglect, failure, or refusal to register such certificate, and the surrender of the forfeited certificate. Forfeiture  
of certificate

890 Section 7. The State Board of Dental Examiners may refuse a certificate to practice dentistry and the said Board together with the Resident Associate Judge, resident in the County of the holder thereof may suspend or revoke the same, for any of the following causes: Refuse, su-  
spend or re-  
voke for  
cause

First:—The presentation to the board of any diploma, license, or certificate, illegally or fraudulently obtained, or one from an institution which is not reputable, or from an

## STATE BOARD OF DENTAL EXAMINERS.

unrecognized or irregular institution or state board, or obtained by the practice of any fraud or deception.

Second:—The publication or the circulation of any fraudulent or misleading statement as to the skill or method of any person or operator.

Third:—The conviction of a felony or of an attempt to commit a felony chronic or persistent inebriety or drunkenness, or confirmed drug habit, or in any way advertising to practice dentistry or dental surgery without causing pain, or advertising in any other manner with the view of deceiving or defrauding the public, or in any way that will tend to deceive the public, or in using or advertising as using any drug, nostrum, or patent \*propriety medicine of any unknown formula, or any dangerous or unknown anesthetic which is not generally used by the dental profession, or using or advertising as using any drugs, material, medicine, formula, system or anesthetic which is either falsely advertised, misnamed or not in reality used.

Fourth:—The employment of any unlicensed person for other than mechanical purposes in the practice of dentistry; the violation of any of the provisions of this Act, or the refusal to comply with any of said provisions. The violation of any of the provisions of this Act by any licensed employee in the practice of dentistry may be deemed to be a violation thereof by his employer.

The said Dental Board shall not reissue a certificate to any one whose certificate has once been revoked for any of the above causes within one year after such revocation, and only then upon sufficient assurances and guarantees to the said board of correct conduct for the future. A second revocation of any certificate shall be perpetual.

No reissue  
within one  
year

891 Section 8. In all proceedings before the resident Associate Judge and said Board for suspension or revocation of certificate, the holder of said certificate shall, after com-

\*proprietary

## STATE BOARD OF DENTAL EXAMINERS.

plaint has been filed with said judge, be given thirty days' <sup>30 days</sup> notice of the time and place fixed by said Judge for the <sup>notice of</sup> hearing upon said complaint; and the holder of said certificate shall there be heard in person or by counsel. At such hearing, oral or written proof for or against such suspension or revocation may be taken as to said Judge seems proper to best present the true facts of the case. The complainant may also be heard either in person or by counsel. The said resident associate Judge shall have full power to make any rules and necessary regulations for the hearing of said complaint, and the determination thereof, but a concurrence of a majority of said Board and said Judge shall be necessary for a revocation or suspension of said certificate. The holder of said certificate against whom complaint has been made, shall have the right upon request to have the oral proof taken at such hearing reduced to writing, and said record certified and preserved as a part of the record of said proceeding.

892 Section 9. In order to provide the means of carrying <sup>Funds for</sup> out and enforcing the provisions of this act, said board shall <sup>enforcing</sup> charge each person applying to it for examination for a certificate to practice dentistry or dental surgery in this state, an examination fee of twenty-five dollars (\$25.00), and out of the funds coming in possession of the board under the provisions of this act, the members of said board shall receive as compensation the sum of five dollars (\$5.00) <sup>Compensation of members</sup> for each day actually engaged in the duties of the office, and shall be reimbursed for all legitimate and necessary expenses incurred in attending the meeting of said board; provided, that the secretary of the board, for the purpose of enforcing the provisions of this act, shall receive a salary to be fixed by the board not to exceed twenty-five dollars (\$25.00) per <sup>Secretary's salary</sup> month, instead of the per diem of five dollars (\$5.00). All expenses shall be paid from the fees, and penalties received and recovered by the board under the provision of this act; and no part of said expense shall be paid out of the state treasury. All money received in excess of said per diem allowance and other expenses herein provided, shall be held by the secretary of the said board as a special fund for meet-

## STATE BOARD OF DENTAL EXAMINERS.

Annual  
report

ing expenses of said board, and said board shall submit an annual report of its proceedings to the Governor by the first day of January of each year, together with an account of all money received and disbursed by them pursuant to this act, and shall submit a like report and account annually to the Delaware State Dental Society.

Annual  
Certificate

892 A Section 10. For the purpose of correcting and revising the register of legal practitioners of dentistry, as kept by the said State Board of Examiners, it shall be the duty of each person registered, or to whom a certificate to practice dentistry in this state is granted, to procure from the secretary of the board on or before the first day of January, 1918, and on or before the first day of January annually thereafter, an annual certificate of registration; such annual certificate of registration shall be issued by the secretary of said board upon payment of the fee of one dollar (\$1.00). All annual certificates so issued shall be prima facie evidence of a right of the holder to practice dentistry in this state during the time for which they are issued, and the same shall be exposed to public view in the operating room of the holder. Any annual certificate to practice dentistry heretofore granted; or that may be hereafter granted by the said board, shall be cancelled if the holder thereof fails to secure renewal of the annual certificate herein provided for within a period of six months after the first day of January, 1918, and annually thereafter, provided, that the certificate to practice or annual certificate thus cancelled shall be restored by the board upon payment of fee of five dollars (\$5.00) without further examination of the holder as to his competence and ability to practice. It shall be the duty of the secretary of the said board to mail, on or before the first day of December, 1917, and on or before the same date annually thereafter, to each person whose name appears on the register of the said board a printed blank form, to be properly filled out by the holder of such certificate to practice or annual certificate and returned by such holder to the secretary of the board, together with a fee of one dollar.

## STATE BOARD OF DENTAL EXAMINERS.

892 B Section 11. It shall be unlawful for any person or persons to practice or offer to practice dentistry or dental surgery under any name except his or her own name, provided, however, that such person or persons shall not be precluded from designating his or their place of business by any name or appellation in his or their discretion, if in connection therewith the name or names of the proprietor or proprietors of such place of business and of all his licensed employees shall be as prominently displayed. The provisions of this section shall apply to all display signs, advertisements and stationery used by said proprietor in connection with the practice of dentistry as aforesaid.

Unlawful to practice under another name provided

892 C Section 12. If any person shall engage in the practice of dentistry and employ a person or persons to whom a certificate or certificates to practice dentistry shall have been granted, he shall cause to be kept and displayed in a conspicuous place, at or near the entrance to his place of business, the name of every such person so employed by him, and any person so employing such a person without displaying his name as aforesaid, or any such person who shall work and be so employed without his name being displayed as aforesaid, shall be guilty of a misdemeanor, and upon conviction shall be punished as provided hereinafter in Section 16, for other misdemeanors.

Employing certified dentists

892 D Section 13. Any dentist who has been lawfully licensed to practice dentistry or dental surgery in another state or territory, which has and maintains a standard of proficiency equal to that maintained in this state under the provisions of this act, and who has been lawfully and continually engaged in the practice of dentistry or dental surgery for five years next preceding the filing of his application, and is desirous of moving to this state, and shall deposit in person with the secretary of the said State Board of Dental Examiners a duly attested certificate from an examining board of the state in which he or she is registered, certifying the fact of his or her registration, and his or her good moral character and professional attainments; upon the payment of a fee of twenty-five dollars (\$25.00) may,

Moving from other States



## STATE BOARD OF DENTAL EXAMINERS.

Proviso

at the discretion of the said State Board of Dental Examiners, be granted a certificate to practice dentistry in this state; provided, however, that no certificate shall be issued to any such applicant unless the state or territory issuing the certificate to such applicant shall have extended a like privilege to engage in the practice of dentistry or dental surgery within its own borders, to dentists heretofore and hereafter licensed by this state and removing to such other state.

Moving to  
other States

892 E Section 14. Any person of good moral character who is a legally registered and practicing dentist in this state for a period of five years preceding his or her application for a certificate hereinafter described, and who is known to the said Board of Dental Examiners of this state, on the payment of a fee of five dollars (\$5.00), will be entitled to receive a certificate attested by the signature of the president and secretary of said board, which certificate shall state that the holder thereof is a person who has been duly qualified to practice dentistry in the State of Delaware; that he or she is a person of good moral character and professional attainments; that he or she has been engaged in the practice of dentistry or dental surgery continuously for five (5) years prior to his or her application for such certificate, and that he or she intends, at the time of his or her application for such a certificate, to engage in the practice of dentistry in a state other than the State of Delaware; provided, that all such certificates so issued shall be like in tenor and form; provided, further, that the refusal of any state or of its appropriate officers to fully honor such certificate shall constitute a forfeiture by such state of all courtesies and privileges extended under this Act.

892 F Section 15. All certificates to practice dentistry issued by said Board of Dental Examiners shall bear a serial number, the full name of the applicant, the date of the issue, and the seal of the said board, and shall be signed by all members of said board, and by the president and secretary.

## STATE BOARD OF DENTAL EXAMINERS.

892 G Section 16. Any person who shall practice, or attempt to practice, dentistry or dental surgery within the State of Delaware, without having been registered, or obtained a certificate to practice dentistry, or during the period of suspension or revocation of such certificate previously granted, or who shall violate any of the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than fifty dollars (\$50.00), nor more than two hundred dollars (\$200.00), or shall be imprisoned in the county jail not less than one month nor more than one year, or shall be punished by both such fine and imprisonment. Each act of practice or attempt to practice dentistry under the disabilities described in this section shall be deemed a separate offense within the meaning of this Act. And each day on which any person shall hold himself out as practicing under any name except his or her own, shall be deemed a separate offense. The opening of an office for the purpose of practicing dentistry or dental surgery, or announcing to the public in any way the readiness to do any act defined herein as practicing dentistry, shall be considered as engaging in the practice of dentistry within the meaning of this Act. It shall be the duty of the Attorney General of the State to prosecute every case to final judgment whenever his attention shall be called to a violation of this Act.

*Violation of Act*  
*Fine*  
*Announcing of intention, constitutes practice*

892 H Section 17. Nothing in this Act shall prevent a legally qualified and licensed physician or surgeon, unless he practice dentistry as a specialty, from extracting teeth, or a legal practitioner of another state from making a clinical demonstration before a dental society or at a convention, or dental college, nor shall this act prevent students from practicing or performing dental operations under the supervision of competent instructors in any dental college or dental department of any school or university recognized by the said State Board of Dental Examiners.

*Act does not prevent*

892 I Section 18. Legally licensed druggists of this state may fill prescriptions of legally qualified dentists of this state for any drug necessary in the practice of dentistry.

## STATE BOARD OF DENTAL EXAMINERS.

Proviso

at the discretion of the said State Board of Dental Examiners, be granted a certificate to practice dentistry in this state; provided, however, that no certificate shall be issued to any such applicant unless the state or territory issuing the certificate to such applicant shall have extended a like privilege to engage in the practice of dentistry or dental surgery within its own borders, to dentists heretofore and hereafter licensed by this state and removing to such other state.

Moving to  
other States

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## STATE BOARD OF DENTAL EXAMINERS.

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*Violation of Act*

*Fine*

*Announcing of intention, constitutes practice*

892 H Section 17. Nothing in this Act shall prevent a legally qualified and licensed physician or surgeon, unless he practice dentistry as a specialty, from extracting teeth, or a legal practitioner of another state from making a clinical demonstration before a dental society or at a convention, or dental college, nor shall this act prevent students from practicing or performing dental operations under the supervision of competent instructors in any dental college or dental department of any school or university recognized by the said State Board of Dental Examiners.

*Act does not prevent*

892 I Section 18. Legally licensed druggists of this state may fill prescriptions of legally qualified dentists of this state for any drug necessary in the practice of dentistry.

## STATE BOARD OF DENTAL EXAMINERS.

Lost  
Certificate

892 J Section 19. If a certificate herein provided for is lost or destroyed so that the same cannot be exhibited as provided for in Section 5 hereof, the person entitled thereto shall make written application to the secretary of the board for re-issuance of the same, under affidavit setting forth that such license is lost or destroyed and the circumstances under which such loss or destruction occurred, and upon receipt of such satisfactory application and affidavit, the secretary shall issue to the said applicant a duplicate certificate, for which there shall be paid a fee of one dollar (\$1.00).

False  
Certificate

892 K Section 20. Any person filing or attempting to file as his own the diploma, certificate or license of another, or a forged false affidavit of identification, or qualification, shall be deemed guilty of a felony, and upon conviction thereof shall be subject to such fine and imprisonment as are imposed by the statute for the crime of forgery, under the provisions of section 3 of Chapter 151 of the Revised Code of Delaware.

Dental  
College

892 L Section 21. No dental college shall be considered as reputable by the said State Board of Dental Examiners unless it possesses the following qualifications:

Must be  
chartered

First. It shall be chartered under the laws of the state in which it is located and operated, and shall be authorized by its charter to confer the degree of "Doctor of Dental Surgery" or "Doctor of Medical Dentistry."

Lectures

Second. It shall deliver annually a full course of lectures or instructions by a competent faculty or corps of instructors on the following subjects: Anatomy, chemistry, physiology, histology, materia medica, therapeutics, dental metallurgy, pathology, bacteriology, operative dentistry, prosthetic dentistry, crown and bridge work, orthodontia, oral surgery, oral hygiene, and the administration of anesthetics. Said course of instruction shall consist of not less than three terms in separate academic years and of not less than thirty-two (32) weeks of six days each for each term, provided, that of students graduating after the first day of July, 1921,

## STATE BOARD OF DENTAL EXAMINERS.

the said State Board of Dental Examiners, shall require that the candidate for a certificate to practice dentistry shall have been graduated from a dental school maintaining a course of study, consisting of four annual sessions each, in separate academic years.

Third. It shall possess apparatus and equipment adequate and sufficient for the ready and full teaching of the above named subjects. <sup>Apparatus and Equipment</sup>

Fourth. It shall be recognized as being reputable by the Board of National Dental Examiners before being recognized as such by the said State Board of Dental Examiners. <sup>Recognized by National Board</sup>

892 M Section 22. The Governor shall be empowered to remove from office any time any member of the said board for continued neglect of duty required by this Act, or for incompetency, or unprofessional or dishonorable conduct. <sup>Removal from board</sup>

892 N Section 23. Any person shall be regarded as practicing or attempting to practice dentistry, within the meaning of this act, who acts as manager, proprietor, or conductor of a place for performing dental operations, or who, for a fee, salary, or other reward paid to or to be paid to him or her, or another person performing dental operation of any kind, shall use the word "Dentist," or "Dental Surgeon," the letters "D.D.S.," or any other letter or title in connection with his or her name, which in any way represents him or her as being engaged in the practice of dentistry or dental surgery, or who shall diagnose or profess to diagnose, or examine and contract for the treating of, or who shall treat or profess to treat, or advertise as treating, any diseases or disorder or lesions of the oral cavity, teeth, gums, maxillary bones, or extract teeth, or repair or fill cavities, who shall correct malpositions of the teeth or jaws, or supply artificial teeth as substitutes for natural teeth, or administer an anesthetic, general or local, or in any other way engage in the practice included in the curricula of <sup>Definition of "practicing"</sup>

## STATE BOARD OF DENTAL EXAMINERS.

recognized dental colleges; provided, however, that nothing in this section shall conflict with the meaning of Section 17 of this Chapter as amended.

892 O Section 24. All laws and parts of laws inconsistent or in conflict with this act are hereby repealed.

Approved April 19, A. D. 1917.

PUBLIC ARCHIVE COMMISSION.

CHAPTER 57.

PUBLIC ARCHIVE COMMISSION.

AN ACT to Amend Chapter 36, of the Revised Code relating to the Public Archive Commission.

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

Section 1. That 974, Section 3 of Chapter 36 of the Revised Code, be and the same is hereby amended by striking out all of 974, Section 3 and inserting in lieu thereof to be known as 974, Section 3, the following:

"The Public Archive Commission so appointed as aforesaid shall have authority, after giving a receipt to the respective officers, to remove and have charge of all books, records, documents and papers of historic \*of public interest in all State, County and Municipal offices, bearing date prior to 1850, and not in current use, and shall make and enforce all reasonable rules and regulations concerning the care of the same. The Commission may cause to be classified and catalogued for reference all books, records, documents and papers aforesaid and shall from time to time cause to be published such of said records as said Commission shall deem of sufficient importance to warrant said publication. In case of any such publication, the said Commission shall submit specifications therefor to the State Board of Supplies, which Board shall thereupon act in regard thereto as by law provided with regard to supplies for State Officers and Boards by Chapter Seven. The Commission shall retain as many copies of each and every such publication, made as aforesaid, for the purpose of exchange, as are required to meet the demands of the State exchange list of State and historic libraries, and for such distributions as shall be

974, Sec. 3,  
amended

Remove all  
records previous  
to 1850

Publication

Exchanges

\*or



## PUBLIC ARCHIVE COMMISSION.

Proviso deemed necessary by the said Commission; provided that, in no case shall the number of copies so exchanged and distributed exceed one hundred and twenty-five. The balance of said publication of the Commission shall be placed in the care of the State Librarian and shall be sold by him to any persons applying to him for the same at such price as shall be fixed by the Commission. The Commission shall

Certify as to books delivered from time to time certify to the State Treasurer the number of volumes delivered to the State Librarian as aforesaid and the price per volume fixed by said Commission for the same, and the said State Treasurer shall thereupon charge the said Librarian with said volumes. The said State Librarian shall account to the State Treasurer at least annually for all monies received by him from the sale of any such volumes, and the bond of the State Librarian shall be deemed and taken to embrace and include the proper accounting for all such monies and for the delivery to his successor in office of any of the volumes aforesaid remaining in his possession unsold. The said Commission shall make

Sale of books

Report report biennially to the Governor of its acts and doings and of any legislation which it deems right and essential for the furtherance of its work."

975, Sec. 4, amended Section 2. That 975, Section 4 of Chapter 36 of the Revised Code be and the same is hereby amended by striking out all of 975, Section 4 and inserting in lieu thereof to be known as 975, Section 4, the following:

Access to offices "For the purpose of this Chapter, the heads of the various departments of the State government, as well as all County and Municipal Officers shall upon request of said Commission afford all proper and reasonable access to an examination of all books, records, and papers relating to their several departments or offices, beginning with the earliest records down to the year 1900."

Section 3. That 977, Section 6 of Chapter 36 of the Revised Code be and the same is hereby amended by striking out all of said section and inserting in lieu thereof to be known as 977, Section 6, the following:

## PUBLIC ARCHIVE COMMISSION.

"The Commission aforesaid is authorized and empowered to employ such agent or agents as it may deem needful for the purpose of sorting, cataloguing, indexing and arranging any books, records, documents or papers of public or historic interest, bearing date prior to 1850, and for such other work as is necessitated by the powers and duties imposed upon it by this Chapter, and is authorized and empowered to expend annually for these purposes, and for the necessary expense of its members incurred in the performance of their duties under this Chapter and for stationery and supplies, a sum not exceeding in the aggregate two thousand dollars annually. The said sum of two thousand dollars <sup>Appropriation</sup> is appropriated annually for the use of said Commission for the purposes aforesaid, and the State Treasurer is authorized and directed to honor the warrants of the President of said Commission in each year hereafter to an amount not exceeding in any year the amount aforesaid."

Approved March 22, A. D. 1917.

## NOTARIES PUBLIC AND COMMISSIONER OF DEEDS.

## CHAPTER 58.

## NOTARIES PUBLIC AND COMMISSIONER OF DEEDS.

AN ACT to Amend Chapter 42, of the Revised Code of the State of Delaware, by giving additional power to the Collector of State Revenue as a Notary Public.

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

Section 1. That Chapter 42, of the Revised Code of the State of Delaware, be and the same is hereby amended by striking out from 1006, Section 1, as amended by Chapter 70, Volume 28, Laws of Delaware, beginning with the word "Provided" in the fourth line, "Provided that the said collector of state revenue shall only act as Notary in connection with work performed in carrying out the duties of his office."

Notarial  
powers to  
Collector  
of State  
Revenue

Approved March 22, A. D. 1917.

JOINT COMMITTEE FOR AUDITING ACCOUNTS OF  
STATE OFFICERS.

CHAPTER 59.

JOINT COMMITTEE FOR AUDITING ACCOUNTS OF  
STATE OFFICERS.

"AN ACT authorizing the appointment of a Joint Committee of Two on the part of the Senate and Three on the part of the House of Representatives to settle with certain State Officers and Institutions at a meeting to be held on the third Tuesday of January, 1918, authorizing the employment of expert assistance and the payment of the expenses of said session of said committee."

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

Section 1. That a Joint Committee of five to be appointed on the part of the General Assembly to consist of the following: Two members of the Senate and three members of the House of Representatives, who shall be appointed respectively by the President Pro Tempore of the Senate and the Speaker of the House of Representatives. Said Committee shall meet at Dover on the third Tuesday of January, 1918.

Auditing  
Committee

Section 2. That it shall be the duty of the said Committee to settle all accounts of the State Treasurer, to settle with the Librarian, to receive the reports of the Auditor of Accounts for the current year, to receive the report and settle all accounts of the Insurance Commissioner, audit the accounts of the Adjutant General, the Oyster Revenue Collector, the State Board of Agriculture, the State Board of Health, the Board of Trustees of the Delaware State Hospital at Farnhurst, the Board of Game and Fish Commissioners, the Board of Trustees of Delaware College at Newark and to settle with the Clerk of the Senate and the Clerk of the House of Representatives for the printing of the Journals of the Houses of the Legislature for the present

Duties of

JOINT COMMITTEE FOR AUDITING ACCOUNTS OF  
STATE OFFICERS.

session and making indices thereto, and to audit the accounts of the Secretary of State for State Taxes and other monies received by him for the State and the accounts of any other State Officers or Institutions.

Statement to  
be published  
Section 3. That it shall be the duty of said committee to cause a statement of their settlement with the said officers under their hands, or a majority of them, to be published in two newspapers printed in the State at least five times during the month succeeding the time of effecting said settlement.

Expert  
Assistance  
Section 4. That said Committee be and is hereby authorized to employ expert assistance in making said settlements.

Compensation  
Section 5. That the said Committee shall receive the same compensation as 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 State Treasurer not otherwise appropriated, and the Chairman of said Committee shall have authority to draw orders for the incidental expenses arising out of the session of said Committee and for the appropriations or allowances made by the said Committee to be paid in like manner; provided, however, that the amount to be expended by said Committee shall not exceed the sum of one thousand dollars.

Expenses of  
Committee  
Section 6. That the sum of one thousand dollars is hereby expressly appropriated to said Committee to be used by it in defraying the expenses of the session of said Committee and the State Treasurer is hereby directed to pay said sum of money, upon warrant of the Chairman of said Committee, out of any money in the Treasury not heretofore appropriated to any other purpose.

Approved April 2, A. D. 1917.

COMMISSION ON UNIFORM STATE LAWS.

CHAPTER 60.

COMMISSION ON UNIFORM STATE LAWS.

AN ACT to provide for the appointment of commissioners for the promotion of uniformity of Legislation in the United States, for the appointment of members of said Commission and to prescribe their duties.

WHEREAS, the welfare of the people of the United States would be promoted by the enactment of Uniform Laws in the several States upon topics of common and public concern with reference to which the interests of the people in every State are identical, to wit: Marriage and divorce, Insolvency, the Form of Notarial Certificates, Sales, Negotiable Instruments, Bills of Lading, Family Desertion, Execution and Probate of Wills, Marriage Evasion, Partnership, Workmen's Compensation, Descent and Distribution, and other subjects; and

WHEREAS, a practical uniformity in these Laws can best be attained by the concerted and concurrent action of the several States; therefore

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

Section 1. There is hereby created a Commission which shall be styled "Commission on Uniform State Laws," to consist of three persons, to be appointed by the Governor, <sup>Commission</sup> one from each of the three Counties, each of whom shall be a member of the Bar of this State in good standing, and who shall hold office for the term of four years respectively, and until their successors are appointed.

Section 2. It shall be the duty of said Commission to examine the subjects of Marriage and Divorce, Insolvency, <sup>Duties</sup> the Form of Notarial Certificates, Sales, Negotiable Instru-

## COMMISSION ON UNIFORM STATE LAWS.

ments, Bills of Lading, Family Desertion, Execution and Probate of Wills, Marriage Evasion, Partnership, Workmen's Compensation, Descent and Distribution, and all other subjects on which uniformity with the laws of other States is desirable; to ascertain the best means to effect uniformity in the laws with the States, and to represent the State of Delaware in Convention, Conference or Congress of like Commissions heretofore appointed, or to be appointed, by other States; to consider and draft uniform laws to be submitted for the approval and adoption by the several States, and to devise and recommend such other course of action as shall best accomplish the purpose of this Act. Such Commissioners shall report to the Governor at least thirty days before the convening of the Biennial Session of the General Assembly, and the Governor shall submit to the General Assembly such report with his recommendations, if any, in reference thereto.

National  
Conference

Appropriation

Section 3. Said Commissioners shall serve without compensation. Each Commissioner shall, however, be entitled to receive his actual disbursements for expenses in performing the duties of his office. Said Commissioners are also authorized to contribute a reasonable sum, not to exceed \$50., annually, toward the expense of holding the National Conference of Commissioners on Uniform State Laws; provided, however, that the total expense to be incurred in carrying out the provisions of this Act shall not exceed in any one year the sum of Two Hundred and Fifty Dollars. This amount, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the Treasury not otherwise appropriated for the aforesaid purpose, and shall be paid by the State Treasurer to the Commissioners to be appointed by the Governor, upon itemized vouchers presented by said Commissioners approved by the Governor, Secretary of State and State Auditor of Accounts.

Section 4. All Acts or parts of Acts inconsistent herewith are hereby repealed.

Approved April 2, A. D. 1917.

## COMMISSION ON DECORATION OF STATE CAPITOL.

## CHAPTER 61.

## COMMISSION ON DECORATION OF STATE CAPITOL.

AN ACT providing for the decoration of the State Capitol at Dover, by representation in painting of Historical Periods, Episodes and events in the History of our Country and 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. That a Commission composed of Harvey P. <sup>Decorative</sup> Hall, John A. Barnard and Everett C. Johnson shall be, and the same is hereby created, who shall serve without pay to further decorate the walls of the State House with paintings representing historical periods, episodes and events connected with the history of the State of Delaware. The said Commission shall employ an artist to execute the work, <sup>Employ</sup> with whose assistance they shall select some historical subject or subjects in connection with the history of the State of Delaware, and contract with said artist to create there- <sup>Artist</sup> out, and paint picture or pictures for the further decoration of said walls. Such painting or paintings shall be of merit proper for such decoration, and shall be suitably placed on the walls of the Senate Chamber as selected and arranged for by said Commission. Payments for such paintings and decorations shall be made on the recommendation of said Commission through its Chairman, out of any money in the State Treasury not otherwise appropriated; and to this end Ten Thousand Dollars is hereby appropriated, to be avail- <sup>Appropriation</sup> able during a period of four years from the passage of this Act; provided, however, that not more than Twenty-five <sup>Proviso</sup> Hundred Dollars shall be so expended in any one year, unless the expenditures in any one or more years shall be less than Twenty-five Hundred Dollars, in which event the appropriations for the next or any succeeding years may



## COMMISSION ON DECORATION OF STATE CAPITOL.

be enough to exhaust the residue of the preceding year or years, and it shall be discretionary with said Committee whether it shall expend any of said fund, or any part thereof.

## Vacancies

Section 2. Any vacancy occurring in the Commission created by this Act shall be filled by appointment by the Governor.

Approved April 9, A. D. 1917.

## COMMISSION ON SOLDIERS MONUMENT.

## CHAPTER 62.

## COMMISSION ON SOLDIERS MONUMENT.

AN ACT providing for the establishment of a Commission for the erection of a monument to the soldiers of the State of Delaware, who served in all the wars of the Country from the Revolution to the present time.

*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 and directed to name a commission of three (3) men who are hereby created and constituted a commission to obtain the names of every man who has served in the armies of the United States of America from and including the War of the Revolution to the present time, and to obtain from architects and sculptures designs for a monument, to be erected upon the "Dover Green" in front of the Capitol, with designs and estimated costs thereof.

Commission to obtain names of soldiers  
Design for Monument

Section 2. That said Commission shall receive no pay for their services, but to cover the expenses of said Commission in obtaining the information and the designs and estimate of costs as above provided for, there shall be appropriated out of the funds of the State, not otherwise appropriated, the sum of Two Hundred Dollars (\$200.00) to defray the expenses incident to the services required of said Commission as above provided.

Appropriation

Section 3. That said Commission shall make its report to the next General Assembly—the 97th—through the Governor of the State.

Report

## COMMISSION ON SOLDIERS MONUMENT.

Governor to  
be member  
ex-officio

Section 4. The Governor of the State of Delaware shall at all times be a member ex-officio of said Commission, with the right to vote on any question before said Commission, in case of a tie vote.

Approved April 9, A. D. 1917.

## STATE HIGHWAY DEPARTMENT.

## CHAPTER 63.

## STATE HIGHWAY DEPARTMENT.

AN ACT to create a State Highway Department establishing a system of State Highways and providing for the improvement and maintenance thereof, and the appropriating and borrowing money therefor.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (three-fourths of all the members elected to each House concurring):*

Section 1. The words and phrases used in this Act, unless the same be inconsistent with the \*contest, shall be construed as follows: (1) "Department" shall refer to and mean the "State Highway Department" created by this Act; (2) "road" and "highway" shall include any public way or road or portion thereof and any sewer, drain or drainage system connected therewith and any bridge, culvert, viaduct or other constructed or artificial way used in connection therewith and anything which may be accessory to any of the same or to the use thereof; (3) "State Highway" is and shall include any "road" or "highway" or portion thereof which the Department has constructed or, of which the Department has taken or assumed control or jurisdiction; (4) "fixed charges" as applied to any State Highway constructed or reconstructed, are the aggregate of the amount of the interest, calculated upon the cost of such construction or reconstruction at the rate at which the money used in such construction or reconstruction was borrowed, and an amount for the sinking fund, calculated upon said cost at the rate of two and one-half per centum per annum and the probable annual expense of the maintenance of such constructed or reconstructed highway estimated at a rate

State Highway Department created

Defining terms

## STATE HIGHWAY DEPARTMENT.

of not less than five hundred dollars for each mile of reconstructed and not less than two hundred and fifty dollars for each mile of constructed highways, "fixed charges" as applied to any highway proposed to be constructed or reconstructed are the interest, calculated at the rate at which the money proposed to be used in such proposed construction or reconstruction can probably be borrowed, and an amount for the sinking fund, calculated at the rate of two and one-half per centum per annum as aforesaid, on the cost which it is estimated will probably be expended in such proposed construction or reconstruction and the probable annual expense of the maintenance of such highway when constructed or reconstructed estimated at rates not less than required as aforesaid for the maintenances of constructed or reconstructed highway; (5) "net saving of reconstruction" exists when the total fixed charges of a reconstructed highway for a given period is less than the total estimated fixed charges for said highway for the same period if it had been constructed; (6) "excess of revenue" exists when the estimated revenues for a year for which a budget is made exceeds the estimated expenditures for the same year; (7) "construction" is the first complete building or rebuilding of a road or highway, after it has been converted into a State Highway, upon a modern engineering design with a permanent foundation of cement concrete or other equally hard and permanent material and a top dressing of suitable material to economically withstand the wear of the particular traffic to which such highway will probably be subject, with an adequate drainage system, so that such highway, with reasonable maintenance, can reasonably be expected to endure for upwards of forty years; (8) "reconstruction" is the first extensive repairing of an improved road converted into a State Highway, and before the department shall have constructed such highway, as, in the opinion of the department and the chief engineer will result in a State highway of such permanency that there will be a net saving of reconstruction; (9) "maintenance" as applied to constructed or reconstructed highways, is the upkeep and support thereof with true surfaces in a hard, smooth condition as when such highways were constructed or reconstructed

## STATE HIGHWAY DEPARTMENT.

and with proper and adequate drainage systems, and "maintenance," as applied to State highways not constructed or reconstructed, is the upkeep and support thereof in as high a condition of perfection as is consistent with the character of such unconstructed or unreconstructed highway, "maintenance" shall include the keeping of the right of ways of all State highways clear of underbrush and debris which might interfere with the drainage or injure the foundation of such highways and the setting out and preserving of trees where desirable along such right of ways.

As used in this act the words "construct" and "constructed" shall be defined in accordance with the definition of "construction"; the words "reconstruct" and "reconstructed" shall be defined in accordance with the definition of "reconstruction" and the words "maintain" and "maintained" shall be defined in accordance with the definition of "maintenance."

Section 2. That there is hereby created a State Department to be known as the "State Highway Department" which shall consist of the Governor of the State and four other members. On or before the first day of May, 1917, the Governor shall appoint four suitable persons who, together with the Governor, shall be members of said department. The members so appointed shall be, during their terms of office, citizens of the State of Delaware and one shall be a resident of the City of Wilmington, one a resident of New Castle County, outside of said City, one a resident of Kent County and one a resident of Sussex County. Those members who are to be resident members of the respective districts shall be designated by the Governor in their appointment. Upon making said appointments, the Governor shall certify the same to the Secretary of State and to the appointees. The terms of office of the first appointees as members of said department shall be from the first day of May, 1917, as follows:

The member resident in the City of Wilmington, two years, the member resident in New Castle County, outside

## STATE HIGHWAY DEPARTMENT.

said City, four years, the member resident in Kent County, six years, and the member resident in Sussex County, eight years. After the expiration of the terms of office aforesaid, the Governor shall appoint members of the Department for the full term of eight years. Appointments to membership in the department shall be made so that not more than two members of said department shall belong to the same political party. In case of a vacancy in the Department for any reason, the Governor shall fill said vacancy for the unexpired term.

## Organization

Section 3. Within thirty days after the appointment of the members aforesaid, they shall convene at the State Capitol at Dover, at a time to be fixed by the Governor and organize by electing one of their members Chairman. Before entering upon the duties of the office, each member shall take and subscribe an oath or affirmation as prescribed in Article XIV, of the Constitution. Such oath or affirmation shall become one of the records of the Department.

## Quorum

Three members shall constitute a quorum, and, except as herein otherwise provided, a majority of the members present and constituting a quorum, shall be sufficient for any action by the Department. The Governor shall have no vote except in the event of a tie vote in the Department.

## Chief Engineer

Section 4. As soon after the organization as is practicable the department, at least three members concurring, shall employ a chief engineer, for such time, not exceeding one year, as may be determined by the department, who shall be a civil engineer, and at the time of his employment, not less than thirty years of age and shall have been in active practice of his profession for ten years and shall have had responsible charge of road engineering work for at least five years and shall be qualified to design as well as to direct road engineering work. Graduation from a school of engineering of recognized reputation shall be considered as equivalent to two years of active practice. The said department, at least three members concurring, shall also employ a secretary. The Chief Engineer and the Secretary before entering upon the duties of their offices shall give

## Secretary

## STATE HIGHWAY DEPARTMENT.

such bond, if any, as may be required by the said department for the faithful performance of their respective duties in such positions, respectively, and the chief engineer shall take and subscribe an oath or affirmation like that required of a member of said department. The chief engineer may be paid a salary not in excess of seven thousand five hundred dollars (\$7,500.00) a year, and the secretary may be paid a salary not in excess of three thousand dollars (\$3,000.00) a year. The members of the department shall receive no compensation for their services, but shall receive their actual expenses incurred while engaged in the affairs of the department.

Section 5. It shall be the duty of the department to acquire full information concerning the roads of the State, the nature and improvements thereof, the needs thereof, and the character and amount of traffic thereon and such other details as may be necessary or desirable for the department to have in the performance of its duty of determining upon and laying out, without regard to any personal advantage or disadvantage or bias toward any person or persons, community or political party or organization, consistent and congruous route or routes of State highways with a view to establishing such a consistent, congruous, comprehensive and permanent system of State highways along the route or routes of travel as will accommodate the greatest needs of the people of the State. It shall be the duty of the department to determine upon, lay out, construct or reconstruct State highways so as to make roads which, with reasonable maintenance, shall be permanent; to maintain all State highways under its jurisdiction; to institute and maintain a system of accounting adequate to give in detail the expenditures of the department and the cost of its works; to keep full and accurate minutes of all meetings and records of all proceedings of the department, which minutes and records shall be public records, and to these ends, the said department is hereby authorized and empowered to determine upon and lay out, within the recommendation of the chief engineer, a system of State Highways as aforesaid; to take over and convert into State



## STATE HIGHWAY DEPARTMENT.

highways and any public road by whatever name such road or part thereof, or under whatever authority or control such road or part thereof may have theretofore existed; to lay out, open, widen, straighten, grade, extend, construct, reconstruct and maintain any State highway or proposed State highway and for the purpose of the improvement of State highways, to acquire by condemnation or otherwise any land, easement, franchise, material or property, which, in the judgment of the department, shall be necessary therefor, provided, that the said department shall not reconstruct a highway unless there will result a net saving of reconstruction; to have access to and make copies of maps, surveys, data or information which any State agency may possess concerning any road in the State; upon the recommendation of the chief engineer to employ professional or technical experts, surveyors, agents, assistants, clerks, employees and laborers, skilled and unskilled, and also such advisors and consultants as may be required to accomplish the purposes of this Act, and to fix their compensation, and through the chief engineer, it shall have the power to remove or discharge them at its pleasure; to secure offices and quarters for the department to furnish the same; exclusively to grant franchise and licenses to public service corporations to use, under such conditions as may be prescribed, in whole or in part, the State highways for a term not exceeding fifty years, provided, that any franchise or license now owned by any such corporation shall not be affected by this Act; to make and enter into any and all contracts, agreements or stipulations for the execution of the purposes of this Act; to purchase all machinery, tools, supplies, material and instrumentalities whatsoever, which may be necessary for the full performance of duties imposed upon said department; to call upon the Attorney General at its option for his opinion or advice touching its duties or powers; generally, to do and perform everything whatsoever incidental and germane to the scope of the duties and powers of said department hereby imposed and conferred. The department shall have no power, authority, or jurisdiction of the streets of any incorporated city or town, unless such power, authority and jurisdiction shall be voluntarily

## STATE HIGHWAY DEPARTMENT.

given and surrendered by such city or town to the department, and then only upon such terms as the department shall prescribe.

Section 6. The department shall have power to cross any canal, navigable stream or watercourse with a state highway, but in such manner as not unnecessarily to impede the navigation and use thereof, and also shall have power to cross any railroad or railway with a State highway and acquire the necessary easement for such crossing either by agreement with the owner thereof or, on failure to agree, by condemnation thereof as prescribed in Section 11 of this Act, provided, that no State highway shall cross any railroad or railway at grade except at a point or place where such railroad or railway is now crossed at grade by a public road.

Whenever the department determine that a State highway crossing of a railroad or a railway at grade should be abolished and an overhead or undergrade crossing substituted, the department may, by bill, apply to the Chancellor to consider and determine the practicability of such overhead or undergrade crossing of such railroad or railway, and the Chancellor, upon the filing of such bill by the department, shall have full power and jurisdiction to hear and to determine the matter by an appropriate decree, either that it is practicable or impracticable to abolish such crossing at grade, and, if he should determine it to be impracticable, he shall dismiss the bill; or if he should determine it to be practicable, he shall further decree whether the crossing shall be overhead or undergrade and the character thereof. If the department determines to build a State highway across any railroad or railway at a point or place where such railroad or railway is not now crossed at grade by a public road, it shall apply to the Chancellor as aforesaid to consider and determine as aforesaid if it is practicable to build such a crossing other than at grade, and if he determines that it is impracticable to cross such railroad or railway except at grade, the said crossing shall not be constructed, and if he determines that it is practicable to con-

## STATE HIGHWAY DEPARTMENT.

struct such crossing other than at grade, he shall decree as aforesaid the manner and character of said crossing. If the Chancellor shall determine in any such proceedings that an overhead or undergrade crossing should be constructed, he shall \*be his decree apportion the costs and expenses of construction of such crossing between the company owning the railroad or railway, and the department, as shall be just and equitable, and prescribe the method of ascertaining the said costs and expenses and the time or times and manner of the payment thereof by the parties liable therefor. In all cases there shall be an appeal from the decree of the Chancellor to the Supreme Court as in other cases in equity.

Cost of  
crossing paid  
by

All work pertaining to the construction of any overhead or undergrade structure within the limits of the right-of-way of any railroad or railway company whose property is being crossed by a State highway shall be done and performed by the railroad or railway company owning or controlling such property and that which is without the limits of said right-of-way shall be done and performed by the department, the same to be paid for as hereinbefore provided.

Duties of  
Chief  
Engineer

Section 7. The chief engineer shall immediately upon assuming the duties of his office, prepare or acquire a survey and maps, plans or plots of the roads of the State, and information concerning the amount and nature of the traffic on the different portions thereof, the nature of the improvement thereof, if any, and the condition thereof, and such other details of information as will give assistance in laying out a system of State Highway or Highways as required by this Act. As soon as practicable and not later than the thirty-first day of December, 1917, he shall recommend to the department a program for the conversion of roads or portions of roads into state highways for the purposes of converting the road or roads of travel which will accommodate the greatest needs of the people of the State, into State highways; the probable cost of the construction or reconstruction of such road or portion of road so recom-

\*by

## STATE HIGHWAY DEPARTMENT.

mended to be converted, and the roads or portions of roads which should first be converted and the probable amount of roads which could be constructed or reconstructed during the succeeding year. Annually thereafter the chief engineer shall make like recommendations modifying, if necessary, any recommendations theretofore made. The chief engineer shall have charge and supervision of all engineering work done by or under the control of said department, and he shall have charge and supervision of the maintenance of all State highways. He shall have power to discharge any employee of the department whose duties bring such employee under his authority. He shall also act as consulting engineer for the County Road Engineer of the respective Counties whenever required by the Department. In addition to the foregoing specified duties the chief engineer shall perform such other duties as may be reasonably required by him by said department.

Section 8. The said recommendation of the chief engineer as to location of the roads recommended to be converted into State highways shall be published once a week for four weeks in two newspapers in each county of the State, and after such publication, the department shall proceed to consider such recommendation and from such recommendations determine what roads or portions of roads, if any, during the year succeeding that in which the recommendations were made shall be converted into State highways. Upon such determination, the department shall proceed to cause said roads to be converted into State highways and constructed or reconstructed, if necessary, and maintained.

Section 9. Whenever the department is prepared to undertake the construction or reconstruction or maintenance of a road or portion of a road which shall come within the system of State highways, so recommended by the chief engineer and adopted by it, it shall certify to the Levy Court of that county in which such road or portion of road is located, or to the body having jurisdiction and control of such road or portion thereof, that on or after a certain date (specifying such date), that a certain road or part of a road

Proposed  
location of  
road to be  
published

Notice to  
Levy Court  
of County

## STATE HIGHWAY DEPARTMENT.

(which shall in such certificate be described) shall be and become a State highway, upon such certificate to the Levy Court or to said other body, and upon the \*arrival of the date in said certification specified, the road therein described shall be and become a State highway, and the department shall be responsible for its construction, reconstruction and maintenance. Bridges may be converted into a State highway in the same manner as roads or portions thereof, and the duties, powers and authority of said department, with respect to bridges so converted, shall be the same with respect to other parts of the State highways.

Secy. to keep  
detailed  
accounts

Section 10. That the Secretary of the department shall also be the accountant thereof, and the department shall cause him to, and he shall inaugurate and maintain a system of accounting, which will show in detail the periodical expenditures of the department, the cost of the construction or reconstruction and of the maintenance of each road, and of various sections thereof, and such other details as the department from time to time may require. The secretary shall also perform the usual and customary duties of a secretary and such other duties as may be reasonably required of him by the department.

Condemna-  
tion pro-  
ceedings

Section 11. Whenever the department cannot agree with the owner or owners of any land, building, franchise, easement, sand, earth, stone, gravel or other property necessary to be taken or used in the construction, reconstruction, or maintenance of any State highway or proposed State highway, which the department shall construct, reconstruct, straighten, widen, grade or otherwise improve, or shall propose to construct, reconstruct, straighten, widen, grade or otherwise improve, for the purchase thereof, the said department may apply to the associate judge of the State of Delaware, resident in the county where any such property necessary to be taken are located for the condemnation of such property, first giving to the other party or owner at least five days' notice in writing of the intended application if such party or owner is within the State, and if said party or owner is unknown or without the State, or if under legal

\*approval

## STATE HIGHWAY DEPARTMENT.

disability and having no legal representative in the State, then such notice shall be published in some newspaper in the county in which said property proposed to be taken is located at least five days prior to the intended application, and such publication shall be sufficient notice; upon application made as aforesaid, the said associate judge shall appoint five judicious and impartial freeholders to view the premises or ascertain the easement or franchise, and assess the damages which the owner or owners will sustain by reason of the said construction, reconstruction, straightening, widening, grading, or other improvements to the highway, or the taking of such property. The freeholders shall be sworn or affirmed before some officer authorized to administer oaths or affirmations, before entering on the premises or before ascertaining the easement or franchise, faithfully and impartially to perform the duties assigned them. They shall give ten days' notice, in writing, to the owner or owners of the premises or property so proposed to be condemned or to their guardian or guardians, duly appointed, if within the State and to the said department of the time of their meeting to view the premises or ascertain the easement or franchise; if the owner or owners are unknown or are without the State or if under legal disability and having no legal representative in the State, publication of such last mentioned notice shall be made in some newspaper in the county in which the proceedings were instituted at least ten days prior to the said meeting, and such publication shall be sufficient notice thereof. The said commissioners shall keep a record of their proceedings with their findings and awards and return the same to the Prothonotary of the County in which the said proceedings were instituted, and shall certify their findings and awards to the owner or owners of the property and to the department; if the department or any party in interest is dissatisfied with such findings or awards, it or he may, on application to said Prothonotary within fifteen days after such findings and awards have been made and filed, sue out a writ of *ad quod damnum*, requiring the Sheriff of said County, in the usual form, to inquire of twelve impartial men of his baliwick of the damages which will be sustained

## STATE HIGHWAY DEPARTMENT.

as aforesaid, and their report shall be final. The said commissioners or the said jury shall, in assessing the damages aforesaid, take into consideration the benefits and advantages to the owner or owners resulting from the proposed highway improvement and set off the value of such benefits or advantages against the loss, detriment and disadvantages, which such owner will suffer, provided that in no case shall the amount estimated as and for benefits and advantages exceed the amount allowed for loss, detriment or disadvantage to such owner. The amount of damages being ascertained, the department may pay or tender the amount thereof within two months after the same shall have been so ascertained, to the person or persons so entitled thereto, or, if the person or persons so entitled refuse to accept or reside out of or are absent from the county during all or any part of said period of two months, the same may be deposited to his credit in the Farmers' Bank of the State of Delaware, in the county seat of the county wherein such proceedings are instituted, within said time, and thereupon said property may be taken and occupied for the use and purpose for which it was condemned, provided that the department, in its discretion, after it has made application as aforesaid, for the condemnation of property, may occupy or use such property without delay, and the proceedings for the ascertainment of the damages shall proceed as in this section provided, but in the event of such immediate use or occupation as last aforesaid, the department shall pay to the owner or owners thereof if within the State, or if such owner or owners refuse to accept the amount of damages or are without the County, deposit to his or their credit in the said bank as aforesaid, within ten days after the damages have been ascertained, the amount thereof. The expenses of the assessment by the said commissioners of the damages aforesaid of the fees of the said Sheriff and Prothonotary and of all costs incurred in the execution of the writ of *ad quod damnum*, shall in all cases be paid by the department. The said judge shall have power to fill any vacancy in any commission and thereafter the commission shall proceed as though no vacancy had occurred.

## STATE HIGHWAY DEPARTMENT.

In addition to the manner of condemnation of property in this section provided, the said department shall have the right to condemn any property in this Act mentioned for the purposes of this Act, in the same manner as fully as any person or persons or official body might or could condemn any property under other provisions of Chapter 55, of the Revised Code. Whenever any property shall be acquired by the department in any manner, the title to such property shall be in the State for the purpose for which it was acquired.

Right to  
Condemn

After the department has determined upon the road or roads which shall be converted into State highways, it shall cause notice thereof to be sent by mail, a record of which shall be preserved, to all persons owning property abutting upon and continuous to such road or roads, and any such owner or the legal representative of any such owner, who after such notice has been given, shall construct any building within sixty feet of the centre line of any such road shall be allowed no compensation for such building, upon the condemnation thereof, or the land upon which it is situated, unless such owner shall serve written notice upon the department within three months from the time that he receives such notice that he claims damages by reason of the provisions of this paragraph, in which event the said department may apply, as provided in the first paragraph of this section for the ascertainment of damages in other matters, for the ascertainment of the damages so claimed by such owner.

Notice to all  
abutting  
property  
owners as to  
building  
limits

Section 12. All materials furnished to and all labor done for the department in excess of the probable cost of five hundred dollars except labor in connection with the maintenance of State highways, and employees directly under the chief engineer or secretary, shall be supplied or done under contract made after competitive bidding as herein provided. When the department proposes to construct or reconstruct any State highway or purchase any material in excess of said amount, the chief engineer shall prepare plans and specifications for such work, or section thereof, as may

All costs over  
\$500 shall be  
under con-  
tract except



## STATE HIGHWAY DEPARTMENT.

be deemed most advantageous to the State, or description of such material as the case may be, and shall advertise for sealed proposals to build or construct said road or section thereof or for such material. The advertisement for such bids shall be published at least once a week for four weeks in two newspapers in each County of the State, and shall be published at least once in two engineering journals of general circulation throughout the country, such advertisement shall be sufficiently full to indicate with reasonable accuracy the character, quantity and location of the work to be done, or the character and quantity of the material to be furnished, when work shall commence, and when it shall be completed, or the material be furnished, and the manner and time of payment for the work to be done, or the material to be furnished, the time and place of the opening of proposals, and the conditions to be complied with in submitting proposals. All proposals shall be accompanied by a good and sufficient bond to the State of Delaware for the benefit of the department, the form of and with surety to be approved by the department, with a warrant of attorney to confess judgment thereon attached thereto, or a deposit of a certified check of the bidder, drawn upon some responsible banking institution to the order of the department or money, both or either, for a sum equal to at least ten per centum of the bid. The proposals shall be publicly opened at the time and place specified in said advertisement, and the contract shall be awarded within twenty days by the department to the lowest responsible bidder, unless in the opinion of all the members of the department and the chief engineer, the interest of the State shall be better served by the awarding of contract to some other bidder, which may then be done, provided the department shall set down in its minutes the reason or reasons for granting the contract to the person other than the lowest responsible bidder. If two or more responsible bidders shall bid an equal amount, and such amount shall be the lowest bid, the department may award the contract to any one of them. The department shall have the power to reject all bids. Whenever the contract shall be awarded, the successful bidder shall promptly execute a formal contract to be approved as to its form, terms

## STATE HIGHWAY DEPARTMENT.

and conditions by said department, and a good and sufficient bond to the State of Delaware for the benefit of the department with surety, to be approved by the department for the faithful performance of such contract. Such bond shall have attached thereto a warrant of attorney authorizing the confession of judgment thereon for the benefit of the State. The department may, when it considers that the interests of the State require it, cause judgment to be confessed upon any such bonds. In the event of any successful bidder refusing or neglecting to execute such formal contract, and give such bond as required by the department, within thirty days of the awarding of the contract the said deposit which shall have accompanied the successful bid shall be taken and become the absolute property of the State for the benefit of the department as liquidated damages, and not as a forfeiture or as a penalty, and shall be deposited with the State Treasurer, and the department may award the contract to the next lowest responsible bidder or re-advertise for new bids.

Upon the execution of such formal contract and bond, the said deposit shall be returned to contractor. The bonds or deposits of the unsuccessful bidders shall be returned to them immediately upon the awarding of the contract or the rejection of the proposals.

If any person entering into a contract under the authority of this Act shall neglect or refuse to perform it or fails to comply with the terms thereof, the department may declare the same void, and proceed to award a new contract in accordance with the provisions of this section.

All contracts for labor or material or either shall be made in the name of the department and shall be signed by the chairman and the chief engineer or secretary.

Whenever there is an unusual emergency which in the <sup>Emergency</sup> opinion of the department (at least three members concurring), together with the chief engineer, requires immediate attention to save any State Highway from damage,

## STATE HIGHWAY DEPARTMENT.

the department shall have power to employ labor and purchase material to prevent such damage without competitive bids.

Contracts un-  
der the  
charge of the  
Chief  
Engineer

Section 13. The execution and performance of all contracts awarded by the department shall be under the charge of the chief engineer, and his decision shall in all matters concerning the performance of the work and the compliance of the terms of the contract, be final.

Moneys re-  
ceived from

Section 14. All moneys received by the State Treasurer under the provisions of Sections 197, 199 and 201 of Chapter 6, of the Revised Code, for the registration of motor vehicles and licensing the operators thereof for and during the year 1917, excepting fifty thousand dollars, are hereby appropriated for the uses and purposes of the department during the year 1917, and annually thereafter all moneys received by the State Treasurer under the provisions of said Sections 197, 199 and 201 are hereby appropriated for the said uses and purposes of said department during that year during which said motor vehicles are registered and operators thereof licensed upon the payment of the fees required by law therefor. Any money appropriated herein or received to the credit of the department in one year if unexpended during the said year, shall continue and be for the credit and use of the department and shall not be returned to the general fund.

Appropriated  
to

Interest on  
Bonds

From the moneys appropriated for the use and purposes of the said department, the State Treasurer shall annually deduct such an amount as shall be necessary to pay the interest on all bonds issued under the provisions of this Act, and such money so deducted shall be so used by the State Treasurer. The State Treasurer shall also annually deduct from said moneys so appropriated an amount equivalent to two and one-half per centum of the amount of said bonds so issued under the provisions of this Act, which said last mentioned amount so deducted shall be paid into the sinking fund of the State for the liquidation of the principal debt of said bonds.

## STATE HIGHWAY DEPARTMENT.

Section 15. The said department shall upward of thirty days before the thirty-first day of December of each year prepare a budget for the next succeeding year. It shall estimate the probable amount of revenue which it will have for its use during such succeeding year from all sources, basing its estimate upon the revenues and experiences of the year during which the budget shall be made, provided, that in the budget for the year 1918 the estimate shall be based upon all the moneys received by the State Treasurer under said Sections 197, 199, and 201 of Chapter 6 for the registration of motor vehicles and the licensing of the operators thereof for and during the year 1917 reasonable allowance being made for any increase in the fees charged under said sections for the year 1918 over those charged for the year 1917, and provided that moneys appropriated for the use of the department by an act entitled, "An Act to appropriate the moneys raised by an act entitled, 'An Act to Amend Chapter 6 of the Revised Code of the State of Delaware, by Providing for an Income Tax,' and the Moneys raised by an Act entitled, 'An Act to amend Chapter 6 of the Revised Code of Delaware, 1915, Relating to the Inheritance Tax'" and collectible during the year 1918, shall not be included in any budget as a basis for an issue of bonds. It shall estimate the probable cost of maintenance of its organization, such as the salaries of its regular and usual employees, its offices and the expenses thereof, and such other expenses as are commonly known as overhead expenses; and the fixed charges, if any, of any State highways constructed or reconstructed from the proceeds of bonds issued under the provisions of this Act, itemized; and the estimated costs of maintenance of any State highways which have not been constructed or reconstructed from the proceeds of such bonds. If there is any excess of revenue for such succeeding year, estimated as aforesaid, the said department may proceed to ascertain what amount of money, if any, such excess of revenue will warrant being borrowed for the construction \*of reconstruction of State highways. No amount shall be borrowed greater than an amount upon which such excess of revenue will pay the

\*or

## STATE HIGHWAY DEPARTMENT.

fixed charges on such highways as it is proposed to construct or reconstruct from the proceeds of bonds proposed to be issued. If it should be found that such excess of revenue warrants the borrowing of any money, and the budget is certified to by a certified public accountant selected by the department and approved by the Auditor of Accounts, the said department shall certify to the Governor, the Secretary of State and State Treasurer, the said budget and the certification of such accountant and the amount which said excess of revenue shall warrant to be borrowed, and the said Governor, Secretary of State and State Treasurer shall, and they are hereby, authorized and directed to sell, execute and deliver bonds in conformity with the provisions of this Act, to an amount so certified by the department as warranted to be borrowed, upon the further request of said department that bonds to such amount be sold.

Unexpended  
may be used

If, at the end of any year there are any moneys resulting from annual appropriations unexpended and to the credit of the department, it may use such moneys for any of the purposes of this Act, but it shall not include the amounts of such moneys in ascertaining the excess of revenue in its budget.

Bonds

Section 16. The bonds issued under the authority of this Act, shall be in denominations of one hundred (\$100.00) dollars, or multiple thereof, as shall be decided by the Governor, Secretary of State and State Treasurer or a majority of them, with coupons thereto attached for each half year's interest thereon. The said bonds shall be numbered consecutively, and shall be dated the first day of January of that year in which they shall be requested to be sold by the department in accordance with the provisions of Section 13 hereof. They shall bear interest from and after that date at a rate not exceeding four and one-half ( $4\frac{1}{2}$ ) per centum per annum, interest payable semi-annually, on the first day of January and July in each year which such bonds remain unpaid, at the Farmers' Bank of the State of Delaware, at Dover, upon presentation of a coupon representing such semi-annual interest.

## STATE HIGHWAY DEPARTMENT.

The principal of said bonds shall be payable at said bank forty years after the date thereof on presentation and surrender of said bonds, but the said bonds or any of them may be redeemed at the option of the State at the rate of one hundred and five per centum of the principal debt of the bond redeemed on any first day of January or first day of July after the said bond or any of them shall have been issued one year, upon thirty days' notice published in one newspaper in the City of Philadelphia, and one newspaper published in the State of Delaware, indicating by their numbers the bonds thereby called and elected to be redeemed.

The said bonds shall be signed by the Governor, Secretary of State, and State Treasurer on behalf of the State of Delaware, and shall have the Great Seal of the State impressed thereon.

The signature of the said Treasurer shall be engraved, printed or written on such coupon, and when printed or engraved shall have the same effect as if written, and the coupon attached to each bond shall be numbered consecutively, and bear the number of the bond to which it is attached to identify it therewith.

Section 17. The said bonds shall be in the following Form of bonds form, to wit:

United States of America

State of Delaware.

No. .... State Highway Loan of 19...

These presents certify and make known that the State of Delaware is held and firmly bound unto the bearer in the sum of.....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 Dover, on the first day of January, A. D. 19..., with interest at the

## STATE HIGHWAY DEPARTMENT.

rate of.....per centum, per annum, likewise payable at the Farmers Bank of the State of Delaware, at Dover, on the first days of January and July of each and every year, while the said principal sum remains unpaid, upon the presentation of the coupon as hereto annexed representing such semi-annual installments 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 at the rate of one hundred and five per centum of the principal debt hereof on the first day of January and July in or after the year A. D. 19..., pursuant to the notice in that behalf prescribed by an Act of the General Assembly under authority of which this bond is issued; and provided further, that when this bond shall be called by the notice aforesaid, interest hereon 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 January, A. D. 19....

Witnesseth the Great Seal of the State of Delaware, 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 coupons shall be in the following form, to wit:  
No. ....

Form of  
Coupon

The State of Delaware will pay to the bearer at the Farmers' Bank of the State of Delaware, at Dover, on the first day of....., A. D....., the sum

STATE HIGHWAY DEPARTMENT.

of.....Dollars, for six months' interest  
on bond No.....State Highway Loan of 19....

Dated July 1st, 19....

.....  
State Treasurer.

It shall be the duty of the State Treasurer to provide a record of the proper size and form to be retained in his office so ruled as to afford a separate space for each coupon and the space at the top of each page of said record for each bond when paid, and each space at the top of said record shall bear the same number as the bond, the record whereof is intended to be 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, paste the piece in the aforesaid spaces for each coupon in the record aforesaid, and as the said bonds shall be paid and 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, also by writing across the face thereof, in red ink, the word "This bond paid and redeemed this.....day of..... A. D....."

.....  
State Treasurer.

When paid and redeemed the said bonds shall be pasted in the proper spaces aforesaid.

Section 18. The public faith of the State of Delaware is hereby expressly pledged for the full and complete payment <sup>Pledge</sup> of the debt, principal and interest, by this Act authorized and the bonds hereby authorized to be issued and the coupons thereto attached and the said bonds shall be exempt from taxation by the State or any political subdivision thereof for any purpose. The State Treasurer is hereby authorized and directed to cause all blanks in the form of the said bonds and the coupons to be appropriately filled in.



## STATE HIGHWAY DEPARTMENT.

Upon sale and delivery of any State highway bond for which provision is made in this Act to the purchaser thereof, the certification of the budget and the amount of money warranted to be borrowed by the excess of revenue and the request for the sale of bonds to such amount made by the said department, as provided in Section 15 hereof, shall be conclusive upon the State of Delaware and all and every other person whatsoever of the right, power and authority for the issuance of said bonds and the legality and validity of such bonds and of the principal debt and interest represented thereby, and the legality and validity of such bonds thereafter shall never be questioned in any court of law or equity by the State of Delaware or any person or persons for its use or in its behalf, and this provision shall be and become part of the contract and obligation represented by said bond.

When bonds shall be issued

How issued

Section 19. Whenever the department shall in conformity with Section 15 of this Act request the issuance of bonds, the Governor, Secretary of State and the State Treasurer of this State, or the majority of them are hereby authorized and directed to sell to the amount so certified and requested by said department, and to this end, the Governor, Secretary of State and the State Treasurer of this State are hereby directed to advertise twice a week for four successive weeks in such newspapers and journals in and out of the State as in their judgment may be conducive to the sale of said bonds, that they will receive bids at such place or places that may be named in said advertisement for such bonds under such regulations as may be made in the discretion of the Governor, Secretary of State and State Treasurer, and the accrued interest between the date of the bonds and the time of sale and delivery of and payment of said bonds shall be adjusted with the purchaser thereof under such regulations as may be made in the discretion of the Governor, Secretary of State and State Treasurer, provided that any overdue coupons attached to the bonds shall before the sale of said bonds, be detached and canceled in accordance with the provisions of this Act, and upon the day mentioned in said advertisement as the day for opening of the bids for said

## STATE HIGHWAY DEPARTMENT.

bonds, the said Governor, Secretary of State and State Treasurer, or majority of them, shall receive such bids for the purchase of all or such number of the bonds designated in said advertisement to be sold, and on opening of said bids, as many of said bonds as shall have been bid for, shall be awarded by the said Governor, Secretary of State and State Treasurer, to the highest responsible bidder or bidders therefor, for cash, provided, the amount bidden is adequate in the judgment of the Governor, Secretary of State and State Treasurer, or majority of them. If two or more bidders have made the same bid and such bid is the highest, and the bonds so bid for by the highest responsible bidders are in excess of the whole amount of the bonds so offered for sale, such bonds shall be awarded to such highest responsible bidders bidding the same price in a ratable proportion. If any of said bonds so offered for sale are not bid for, or if any insufficient price be bid for them, they may be subsequently disposed of under the direction of the Governor, Secretary of State and State Treasurer at private sale upon the best terms they can obtain for the same, provided, that they shall not be sold at private sale for less than par and accrued interest.

Section 20. The State Treasurer, upon the receipts of any money appropriated to the department, shall credit the department with such amount and such money shall be kept <sup>Money kept in separate fund</sup> in a separate fund for the use of the department, and any money received from the sale of bonds issued under the provisions of this Act shall be placed to the credit of the department for the construction or reconstruction of State highways and kept in a separate fund.

The State Treasurer is hereby authorized and directed to disburse moneys in the State Treasury to the credit of the department upon its warrants signed by the Chairman and the Secretary or the chief engineer, stating the use of the moneys for which such warrant calls and in accordance with the provisions of Section 20, of Chapter 15, of the Revised Code, provided that no funds resulting from the sale of bonds herein provided for shall be expended or used ex-

## STATE HIGHWAY DEPARTMENT.

cept for the construction or reconstruction of the State highways as aforesaid, nor for the construction of any reconstructed highway unless there has been a net saving of reconstruction equivalent to the original cost of reconstruction.

Approved April 2, A. D. 1917.

## STATE HIGHWAY DEPARTMENT.

## CHAPTER 64.

## STATE HIGHWAY DEPARTMENT.

AN ACT assenting to the provisions of an Act of Congress of the United States in aid of the construction of Rural Post Roads, and providing for the disposition of money arising therefrom.

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

Section 1. That the assent of the State of Delaware is hereby given to the provisions of an Act of Congress of the United States of America, entitled "An Act to Provide that the United States shall aid the States in the Construction of Rural Post Roads, and for other Purposes," approved July 11th, 1916, and the good faith of the State is hereby pledged to the carrying out of the terms and conditions of said Act, in so far as they all pertain to the State of Delaware, and the State Highway Department is hereby authorized and directed to cooperate with the Department of Agriculture, in carrying out the provisions of said Act.

All moneys received by the State of Delaware, under the provisions of said Act, shall be paid to and disbursed by the State Treasurer of said State, subject to the provisions of said Act, and no money so received shall be included as revenue by the said State Highway Department in a budget in estimating or ascertaining the amount of money which shall be borrowed by the State, under the terms of an Act entitled "An Act to Create a State Highway Department and Establish a System of State Highways and providing for the improvement and maintenance thereof, and the appropriating and borrowing of money therefor."

Approved April 2, A. D. 1917.

# TITLE SEVEN

## County Government

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### CHAPTER 65.

#### LEVY COURT OF NEW CASTLE COUNTY.

AN ACT to amend Chapter 43 of the Revised Code of the State of Delaware, as published in 1915, in relation to Ferris Industrial School, for the purpose of increasing the amount to be appropriated by the Levy Court of New Castle County, toward the maintenance and education of each boy in the custody of said school from forty cents a day to fifty cents a day, and the monthly minimum from one thousand to twelve hundred and fifty dollars.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (three-fourths of all the members elected to each branch thereof, concurring therein):*

Section 1. That Chapter 43 of the Revised Code of the State of Delaware as published in 1915, be, and the same is hereby amended by repealing 1031, Sec. 19 of said chapter, and substituting in lieu thereof the following section to be known and styled as 1031, Sec. 19:

Ferris  
Industrial  
School

1031 Sec. 19. FERRIS INDUSTRIAL SCHOOL; DELAWARE INDUSTRIAL SCHOOL FOR GIRLS; APPROPRIATIONS FOR:—The Levy Court of New Castle County shall provide and appropriate toward the maintenance and education of each boy who may be in the custody of the Board of Trustees of the Ferris Industrial School under the provisions of Section 5,

## LEVY COURT OF NEW CASTLE COUNTY.

Chapter Seventy, the sum of fifty cents per day; the appropriations to be payable monthly, and to be based upon the number of boys in said School upon the first day of each preceding month, as shown by the monthly certificate to be furnished by said Board; provided, however, if at any time the number of boys in said school in any month, as shown by the said certificate, shall not be sufficient to make said appropriation for that month equal to the sum of twelve hundred and fifty dollars, then the said Levy Court shall appropriate for and pay to said school the sum of twelve hundred and fifty dollars, it being the purpose of this provision that the minimum amount appropriated and paid to said school by said Levy Court for any one month shall be twelve hundred and fifty dollars.

The Levy Court of New Castle County is authorized and directed to pay to the Delaware Industrial School for Girls, Del. Industrial School for Girls on the first day of each month, the sum of forty cents per day for the maintenance and instruction of each person in said School committed to the custody of said corporation by any court, Judge or Justice of the Peace, in New Castle County, upon receiving from the Superintendent and Treasurer of the corporation a certificate of the number of persons so committed, who were in the said School during the preceding month, and the number of days the persons so committed were in said school during the preceding month.

Approved April 2, A. D. 1917.

## LEVY COURT OF NEW CASTLE COUNTY.

## CHAPTER 66.

## LEVY COURT OF NEW CASTLE COUNTY.

AN ACT to amend Chapter 43, of the Revised Code of Delaware, regulating the amount of money the Levy Court of New Castle County shall pay to 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 all the members elected thereto concurring herein):*

1031. Sec. 10  
2nd para-  
graph  
repealed

Section 1. That Chapter 43, of the Revised Code of Delaware, be and the same is hereby amended by the repeal of the second paragraph of 1031. Section 19, and the insertion in lieu thereof of the following:

Industrial  
School for  
Girls

"The Levy Court of New Castle County is authorized and directed to pay to the Delaware Industrial School for Girls on the first day of each month, the sum of fifty cents per day for the maintenance and instruction of each person in said School committed to the custody of said corporation by any Court, Judge or Justice of the Peace, in New Castle County, upon receiving from the Superintendent and Treasurer of the corporation a certificate of the number of persons so committed, who were in the said School during the preceding month, and the number of days the persons so committed were in said School during the preceding month."

Section 2. This law shall go into effect and become operative on and after the first day of July, one thousand nine hundred and seventeen.

Approved April 3, A. D. 1917.

LEVY COURT OF NEW CASTLE COUNTY.

CHAPTER 67.

LEVY COURT OF NEW CASTLE COUNTY.

AN ACT authorizing the Levy Court of New Castle County to sell certain real estate situate in said County.

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

Section 1. The Levy Court of New Castle County is hereby authorized, if it shall deem it advisable, to sell the house and lot of land belonging to said County, situate in the City of Wilmington, bounded on the East by Christiana Avenue, on the South and West by land of Wilmington Steel Company, and on the North by the Christiana River, for such sum as it may be able to obtain, and which it may deem advisable to accept.

To sell property in Wilmington

Section 2. A Deed of the Levy Court of New Castle County, upon Resolution of said Levy Court, executed and acknowledged by its President, and attested by the Clerk of the Peace of New Castle County, shall pass title to said house and lot of land.

Title

Approved April 2, A. D. 1917.



## LEVY COURT OF SUSSEX COUNTY.

## CHAPTER 68.

## LEVY COURT OF SUSSEX COUNTY.

AN ACT to amend Chapter 43 of the Revised Code of the State of Delaware, by increasing the amount which can be borrowed by the Levy Court of Sussex County.

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

1048 A.  
Sec. 36 A  
repealed

Section 1. Amend Chapter 43 of the Revised Code of the State of Delaware as amended by Chapter 76 of Volume 28, Laws of Delaware, by repealing all of 1048 A. Section 36 A. and inserting in lieu thereof the following to be known as "1048 A. Section 36 A."

Power to  
borrow  
money

"1048 A. Section 36 A. The Levy Court shall have the power from time to time to borrow money in such amounts as they may find necessary to promptly pay the county warrants issued by them, and to issue certificates of indebtedness as evidence thereof. Any money so borrowed shall be applied to the particular fund for which it shall be borrowed, and shall be repaid from the taxes apportioned to such fund, as said taxes shall be collected, provided, that the amount of money borrowed as aforesaid shall not, at any one time, exceed the sum of twenty-five thousand dollars, and provided that if the taxes apportioned to any fund, as to which money shall be borrowed, shall not, in any year, be sufficient to pay such money, the deficiency shall be considered in making up the annual estimate for the next year, and a rate shall be levied and apportioned sufficient to equalize such deficiency."

Approved April 9, A. D. 1917.

LEVY COURT OF SUSSEX COUNTY.

CHAPTER 69.

LEVY COURT OF SUSSEX COUNTY.

AN ACT to amend Chapter 76, of Volume 28, Laws of Delaware entitled, "An Act to amend Chapter 43 of the Revised Statutes, relating to the Levy Court of Sussex County, by reorganizing said Levy Court, defining its powers and duties with respect to the management and control of the affairs of said County, and the construction and maintenance of the roads and bridges therein, and to repeal certain sections of said Revised Statutes relating to said Levy Court," by providing for the placing of finger boards at road crossings 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 chapter 76 Volume 28, Laws of Delaware, be and the same is hereby amended by adding <sup>Chap. 76, Vol. 28,</sup> thereto another section to be known as 1083 B Section 71 B. <sup>amended</sup>

"The Levy Court Commissioners of Sussex County shall have placed at all the principal crossings in said County, <sup>Finger boards</sup> finger boards stating the distance to the nearest Towns and points of interest."

Approved March 21, A. D. 1917.

## LEVY COURT OF SUSSEX COUNTY.

## CHAPTER 70.

## LEVY COURT OF SUSSEX COUNTY.

AN ACT to amend Chapter 76, Volume 28, Laws of Delaware, by providing that the Causeway between Seaford and Blades shall be kept in repair by the Levy Court of Sussex County.

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

Chap. 76,  
Vol. 28,  
amended

Section 1. That Chapter 76, of Volume 28, Laws of Delaware, be and the same is hereby amended by adding thereto a new section to be known as Sec. 25, as follows:

Causeway

Sec. 25. That from and after the passage of this act, it shall be the duty of the Levy Court of Sussex County to keep in repair the Causeway in the town of Blades, connecting the residence portion of Seaford with the residence portion of the town of Blades.

Approved April 9, A. D. 1917.

VALUATION AND ASSESSMENT OF PROPERTY.

CHAPTER 71.

VALUATION AND ASSESSMENT OF PROPERTY.

AN ACT to amend Chapter 44, of the Revised Code of the State of Delaware in relation to the valuation and assessment of property by exempting property of incorporated relief associations for Volunteer Firemen.

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

That Chapter 44, of the Revised Code of the State of Delaware, be and the same is hereby amended by adding the following paragraph to 1098, to be known as 1098 A. Sec. 1 A:

"1098 A. Sec. 1 A. All lands, tenements and property not exceeding in value in any one instance the sum of Twenty-five Thousand Dollars, of all incorporated Relief Associations for Volunteer Firemen in this State, and maintained in whole or in part by charity, shall be exempt from all taxes, assessments, burdens, or impositions for county and municipal purposes."

Approved March 22, A. D. 1917.

## VALUATION AND ASSESSMENT OF PROPERTY.

## CHAPTER 72.

## VALUATION AND ASSESSMENT OF PROPERTY.

AN ACT to amend Chapter 43 and 44 of the Revised Code of Delaware by providing for the better assessment of taxes for New Castle County, abolishing the office of Assessor, providing a Board of Assessment and prescribing the powers and duties of said Board.

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

Section 1. That 1099, Section 2, of Chapter 44, of the Revised Code, is hereby repealed with respect to New Castle County, and said Chapter is hereby amended by the addition of a new section to be known as 1099 B Section 2 B, as follows:

Board of  
Assessment

1099 B. Section 2 B. That from and after the first day of July A. D. 1917, the several duties devolving upon the assessors in the several Hundreds and Districts of New Castle County shall be performed by a Board of Assessment to be composed of four persons.

Section 2. That 1100, Section 3, of Chapter 44 of the Revised Code, is hereby repealed with respect to New Castle County, and said Chapter is hereby amended by the addition of a new Section to be known as 1100 B. Section 3 B, as follows:

Term of  
office

1100 B. Section 3 B. The term of office of the members of the Board of Assessment of New Castle County shall be for four years commencing on the first day of July excepting the term of office of two of the members first appointed which shall be for two years.

## VALUATION AND ASSESSMENT OF PROPERTY.

Section 3. That 1101, Section 4, of Chapter 44, of the Revised Code, is hereby repealed with respect to New Castle County, and said Chapter is hereby amended by the addition of a new Section to be known as 1101 B. Section 4 B, as follows:

1101 B. Section 4 B. That the Levy Court of New Castle County, in addition to the powers now vested in it, shall have the power and it shall be its duty during the month of June A. D. 1917 to appoint four suitable persons members of said Board of Assessment, two of whom shall be appointed for the term of two years and two of whom shall be appointed for the term of four years. Two of said members of said Board of Assessment shall be residents of said County outside the City of Wilmington and two of said members of said Board of Assessment shall be residents of the City of Wilmington; both of the members resident outside of the City of Wilmington shall not be of the same political faith and both of the members in the City of Wilmington shall not be of the same political faith. During the month of June A. D. 1919 and every two years thereafter the Levy Court of New Castle County shall appoint two suitable persons members of said Board.

Said members of said Board shall devote their entire time to the duties of their office and any member of said Board may be removed by the Levy Court of New Castle County for any failure to perform such duties of his office, or any other sufficient cause, after due notice and hearing. Any person so removed shall have the right to appeal from said judgment or decision to the Superior Court, which said Court shall, upon such appeal, in a summary proceeding, either affirm or reverse the decision of the Levy Court. If such judgment or decision be reversed the person appealing shall be remitted to his said office and shall be entitled to all arrears of compensation.

No member of said Board of Assessment shall, during the time for which he is appointed, be a Levy Court Commissioner, County Treasurer, Receiver of Taxes or Col-

## VALUATION AND ASSESSMENT OF PROPERTY.

Vacancies

lector. If a vacancy occurs by death, removal from the County, resignation or otherwise in said Board such vacancy shall be filled by the Levy Court for the unexpired term.

Section 4. That 1102, Section 5 of Chapter 44, of the Revised Code is hereby repealed with respect to New Castle County.

Section 5. That 1103, Section 6 of Chapter 44, of the Revised Code is repealed with respect to New Castle County and said Chapter is hereby amended by the addition of 1103 B. Section 6 B, as follows:

Salary of  
Board of  
Assessment

1103 B. Section 6 B. Each member of the Board of Assessment for New Castle County as compensation for his services shall receive the sum of Twenty-five Hundred Dollars, per year, payable in equal monthly installments. The necessary traveling expenses of the members of the Board shall be made up monthly and duly verified by the members of the Board and shall be paid by the Levy Court after due investigation.

Section 6. That 1104, Section 7, of said Chapter 44, of the Revised Code, is hereby repealed with respect to New Castle County.

Section 7. That 1105, Section 8, of Chapter 44, of said Revised Code, is repealed with respect to New Castle County.

Section 8. That 1106, Section 9, of Chapter 44, of said Revised Code, is repealed with respect to New Castle County.

Section 9. That 1107, Section 10, of Chapter 44, of said Revised Code, is hereby repealed with respect to New Castle County, and said Chapter 44, is hereby amended by

## VALUATION AND ASSESSMENT OF PROPERTY.

the addition of a new Section to be known as 1107 B. Section 10 B, as follows:

1107 B. Section 10 B. On and after the first day of July, A. D. 1917, the Board of Assessment shall forthwith proceed to make a general assessment of the assessable persons and property of persons in New Castle County which said assessment shall be returned so as to be acted upon for the year 1918, and every year thereafter, subject however to such revisions from time to time as is hereinafter provided. <sup>Duties of</sup>

Section 10. That 1108, Section 11, of Chapter 44, of the Revised Code, is hereby repealed with respect to New Castle County, and said Chapter 44 is hereby amended by the addition of a new Section to be known as 1108 B. Section 11 B, as follows:

1108 B. Section 11 B. The Board of Assessment for New Castle County shall annually make an assessment of the persons and personal property of persons in New Castle County, and in making such assessment, the said Board of Assessment shall value and assess, in the same manner in which it valued and assessed in the general assessment, all personal property liable to assessment, all additions, new buildings, and improvements, and all persons liable who have arrived at twenty-one years of age since the preceding assessment, or who have become residents in the County, or who have been omitted, and the personal property of all such, and it shall strike from said assessment list all personal property sold and removed from the County, and the name of all persons who have died. <sup>How assessment be made</sup>

It shall also in the said annual assessment revise the assessment with respect to all real estate which has been sold or transferred during the year.

Section 11. That 1109, Section 12, of Chapter 44, of the Revised Code, is hereby repealed with respect to New Castle County, and said Chapter 44 is hereby amended by



## VALUATION AND ASSESSMENT OF PROPERTY.

the addition of a new Section to be known as 1109, Section 12, as follows:

Assess  
property

1109. Section 12. The said Board of Assessment of New Castle County shall have the power and it shall be its duty to value and assess all property which by law is liable to taxation and assessment for public purposes, and to revise all valuations and assessments of such assessable property in said County, and to lower or increase said assessments and valuations and to take proceedings for the discovery of all unassessed property of every kind.

Whenever the Board of Assessment shall purpose to alter or change any assessment by increasing the same, or to make a new assessment, other than an annual assessment of persons, and personal property of persons, it shall, before said alteration, change, or new assessment is made, give ten days' notice in writing to the owner of the property affected thereby, and if such owner cannot be found within the County by reasonable inquiry, than to the person in possession of the property, or to the person in whose custody the same may be, or if it be land and no one shall be in apparent occupancy thereof, then such notice shall be posted on said land.

Section 12. That 1110, Section 13, of said Chapter 44, of the Revised Code is repealed with respect to New Castle County.

Section 13. That \*112, Section 15, of said Chapter 44, of the Revised Code, is hereby repealed with respect to New Castle County, and said Chapter 44, be further amended by the addition of a new Section to be known as 1112 B. Section 15 B, as follows:

Post copy of  
Assessment

1112 B. Section 15 B. The said Board of Assessment of New Castle County, shall, on or before the first day of January of each year post in some convenient place in each Election District of the County outside of the City of Wil-

## VALUATION AND ASSESSMENT OF PROPERTY.

mington and in each ward of the City of Wilmington, a copy of the assessment of such election district or ward as made by it. And the said Board of Assessment shall sit during each secular day of the months of February and March of each year, to hear appeals and to make additions and corrections to said assessment. Notice of the places where said assessment is posted and of the time and places of sittings to hear appeals and to make additions and corrections to said assessments shall be given by advertisements published at least once each week for two weeks in at least two newspapers in said County, one of which newspapers shall be published in the City of Wilmington, and by such other means as will, in the descretion of the said Board of Assessment, best bring notice of the same to the parties interested.

If any taxables shall fail or neglect to prefer his appeal to the Board of Assessment, he shall be liable for the tax for such year as shown by the assessment lists.

After the closing of the hearings and the settlement of all appeals, and the adjustment of the assessment list, the said Board of Assessment shall ascertain the total of the assessed valuation of the County and certify the same to the Levy Court on or Before the first day of May, as a basis on which to estimate and fix the tax rate.

It shall be the duty of the said Board of Assessment to ascertain and report to the Levy Court of the County the names of all persons liable to capitation tax, the said report to the said Levy Court being made at the same time that the report of the total valuation and assessment is made.

Section 14. That 1113, Section 16, of Chapter 44 of the Revised Code is hereby repealed with respect to New Castle County, and said Chapter 44 be, and the same is hereby amended by the addition of a new Section to be known as 1113 B. Section 16 B, as follows:

## VALUATION AND ASSESSMENT OF PROPERTY.

Assessables  
to report  
values to  
Board

1113 B. Section 16 B. The Board of Assessment of New Castle County shall, immediately upon entering upon its duties and whenever an assessment of real or personal property is made, notify in writing every person, firm, association of persons, or corporation, who owns property liable to assessment and every person, firm, association of persons, or corporation, having the care, management or control of real or personal property liable to assessment, to deliver to said Board of Assessment within thirty days after such notice a particular account of the real or personal property owned by him, it or them, and of property, real or personal, which is in his, its or their care, management or control, together with the correct name of such owner and his place of residence, with the parcels of real estate separated and identified and the articles of personal property itemized, and such other information as may be required by said Board. Such return by said owner or agent in respect to real estate shall be made in said manner in every year of a general assessment, and in respect to personal property in said manner in every year of an annual assessment. Accompanying such written notices shall be a form of schedule for the making of proper returns.

The said Board of Assessment shall have full power and authority to compel any other or further return as occasion may require for the purpose of making additions, corrections or alterations to the assessment lists.

Penalty

Failure to render an account by any person liable so to do within ten days after the time limited for the making of his return shall be a misdemeanor and upon conviction such person shall be fined not exceeding One Hundred Dollars in the discretion of the Court. Provided, however, that the said Board of Assessment shall have the power and authority to stay a prosecution for any violation of the provisions of this section, upon the making and filing of a proper return and the payment of a sum of money not exceeding Ten Dollars for the use of the County by the person liable, to be fixed by the said Board of Assessment

Proviso

## VALUATION AND ASSESSMENT OF PROPERTY.

and the costs of prosecution, if any. A copy of this section shall accompany all written notice under this section.

The forms and schedules for the return of taxable property, provided for herein, shall have appended thereto a form of certificate to be signed by the person making said return, or in case of a firm, association of persons, or corporation, by a member of such firm or association of persons, or by an officer of said corporation that the return as made is a true, full and complete list of all real and personal property liable to assessment and taxation, as aforesaid, and that said return fairly and truly describes the said property and truly represents its true condition.

Forms for  
returns

Nothing in this Section shall be construed to apply to a licensed real estate agent having the care, management or control of, for sale or for rent, property of another in respect to such property.

Section 15. That 1114, Section 17, 1115, Section 18, 1116, Section 19, 1117, Section 20, 1118, Section 21, 1119, Section 22, 1120, Section 23, 1121, Section 24, of said Chapter 44, of the Revised Code, are hereby repealed with respect to New Castle County.

Section 16. That 1122, Section 25, of said Chapter 44, of the Revised Code, is hereby repealed with respect to New Castle County, and said Chapter is further amended by the addition of a new section to be known as 1122 B. Section 25 B, as follows:

1122 B. Section 25 B. If any person making oath, affirmation or affidavit required under the provisions of the assessment law relating to New Castle County shall swear or affirm falsely, he shall be guilty of the crime of perjury.

Section 17. That 1123, Section 26, of said Chapter 44, of the Revised Code, is hereby repealed and that said Chapter 44, of the Revised Code, be further amended by the addition of a new Section to be known as 1123, Section 26, as follows:

## VALUATION AND ASSESSMENT OF PROPERTY.

Returns to  
Levy Court

Offices

1123. Section 26. The said Board of Assessment of New Castle County, shall, on or before the first day of May in each year, prepare and furnish to the Levy Court duplicates or all the assessments and alterations and corrections thereof made by it, in books to be furnished by the Levy Court. The said Board of Assessment shall have its offices in the County Court House of said County, and the members thereof shall be present, in person, or by clerks duly authorized to act for them every secular day in the year, holidays excepted, to hear any and all questions that may arise in reference to said valuation and assessment, and the said Board shall have the power to correct said assessment lists at any time, subject, however, to the notices required by this act to be given. And for such purposes, the said Board shall have authority to sit at convenient places in said County.

Clerks

The said Board of Assessment shall have the power to employ a clerk or clerks at salaries to be fixed by the Levy Court \*or New Castle County, whose duties shall be as prescribed by said Board of Assessment. The Board of Assessment shall certify in writing the name of each person so employed and shall approve all bills rendered to said Levy Court by such person so employed before payment shall be made to such persons by the said Levy Court.

Section 18. That 1124, Section 27, of said Chapter 44, of the Revised Code is hereby repealed with respect to New Castle County, the said Chapter is further amended by the addition of a new section to be known as 1124 B. Section 27 B, as follows:

Personal  
Inspection

1124 B. Section 27 B. The said Board of Assessment, or a majority thereof, shall personally inspect each tract or parcel of real estate returned by the owners thereof on the forms and schedules aforesaid, for the purpose of ascertaining the true value thereof. All real and personal property liable to assessment shall be assessed at the true value thereof. If in any maner it shall appear, at any time, that any property assessed is not sufficiently valued, the Board

\* of

## VALUATION AND ASSESSMENT OF PROPERTY.

of Assessment shall give notice thereof to the owner, or person making return and shall fix a day not less than ten days after the date of said notice for a hearing and determination.

The said Board of Assessment shall have power to summon and to compel the attendance of witnesses, to examine such witnesses, and to compel the production of such books <sup>Powers</sup> and papers as are necessary, with respect to any assessable property and each member of the said Board of Assessment is hereby empowered to administer oaths or affirmations. Any person or persons, member of any firm, association of persons, or the officer of any corporation or agent who shall fail, refuse or neglect to answer questions submitted by the Board of Assessment or any member thereof, with respect to assessable property, or shall fail, neglect or refuse to produce, when required, such books and papers as are necessary with respect to assessable property, he shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not exceeding One Hundred Dollars in the discretion of the Court, provided, however, that licensed real estate agents shall be privileged to refuse to answer any questions concerning the property of another of which he shall have the care, management or control, for sale or for rent, other than questions of ownership and location of such property.

Section 19. That 1125, Section 28 of said Chapter 44, of the Revised Code, be and the same is hereby repealed with respect to New Castle County.

Section 20. That 1126, Section 29, of said Chapter 44, of the Revised Code, is hereby repealed with respect to New Castle County, and said Chapter 44 is hereby amended by the addition of a new section to be known as 1126 A. Section 29 A, as follows:

1126 A. Section 29 A. It shall be the duty of every purchaser of real estate in New Castle County to make a report <sup>purchasers of real estate to report</sup> to the Board of Assessment of New Castle County of the conveyance made to him, with a description of the real

## VALUATION AND ASSESSMENT OF PROPERTY.

Devised  
real estate

estate, and on so doing, the same shall be noted without charge on the deed of conveyance by the said Board of Assessment; but if said purchaser shall omit said duty it shall then be the duty of the Recorder of Deeds to furnish the proper description of such real estate with the date of conveyance and the name of the Grantor and Grantee within ten days to the Board of Assessment; and it shall be the duty of each devisee by Will or the heirs-at-law of any decedent to make a like return to said Board of Assessment of the property so devised or descending. And it shall be the duty of the Register of Wills of said County to furnish such descriptions of such real estate as is devised or which descends so far as the records in his office shall enable him to do and whether the same, if devised, be in trust or a devise in fee or otherwise. And it shall be the duty of the said Board of Assessment to procure and keep such books and records as it may deem necessary so that the owner of any particular piece of real estate in New Castle County and the description thereof can be readily ascertained.

Section 21. That 1128, Section 31 of Chapter 44, of the Revised Code, be and the same is hereby repealed with respect to New Castle County, and said Chapter be further amended by the addition of a new Section to be known as 1128 B. Section 31 B, as follows:

Building  
Inspector

1128 B. Section 31 B. It shall be the duty of the Building Inspector of the City of Wilmington and the Building Inspector or other officer authorized by law to issue permits for new buildings or for repairs or additions to old buildings, in any other city or town of New Castle County, to report to the said Board of Assessment on blanks to be furnished by said Board, every permit issued by him respectively, for the erection of a new building or buildings, or the repair, alteration or improvement of old buildings, specifying the estimated cost of the proposed new building, or the repair, alteration or improvement of the said old building.

## VALUATION AND ASSESSMENT OF PROPERTY.

Section 22. That 1130, Section 33 of Chapter 44, of the Revised Code, is hereby repealed with respect to New Castle County, and said Chapter is further amended by the addition of a new section to be known as 1130 B. Section 33 B, as follows:

1130 B. Section 33 B. The Board of Assessment for New Castle County shall ascertain and assess according to law all the taxable property in each election district outside of the City of Wilmington and in every ward in the City of Wilmington and make a written statement thereof showing the names of the owners, arranged alphabetically, and at least three consecutive letters of the last names thereof, the different kinds of property, the value of each kind, the amount of each owner's assessment, and the amount of assessment of said election districts and wards. <sup>Taxables arranged alphabetically</sup>

Section 23. That 1131, Section 34 of said Chapter 44, of the Revised Code, is hereby repealed with respect to New Castle County, and said Chapter 44 be further amended by the addition of a new Section to be known as 1131 B. Section 34 B, as follows:

1131 B. Section 34 B. If the Board of Assessment cannot discover the owner of any property real or personal it shall value it and show that the owner is unknown. <sup>Unknown owner</sup>

Section 24. That 1132, Section 35, of Chapter 44, of the Revised Code be repealed.

Section 25. That 1133, Section 36, of said Chapter 44, of the Revised Code, is hereby repealed with respect to New Castle County, and said Chapter 44 be further amended by the addition of a new Section to be known as 1133 B. Section 36 B, as follows:

1133 B. Section 36 B. All property, real and personal, subject to assessment, shall be assessed at its true value in money. If the said Board of Assessment, or any member thereof, shall knowingly and wilfully value or assess any <sup>Assessed at true value</sup>



## VALUATION AND ASSESSMENT OF PROPERTY.

property upon any other principal than its true value in money, each of the members of said Board participating therein shall be deemed guilty of a misdemeanor and shall be fined in any sum not exceeding One Hundred Dollars.

Section 26. That 1134, Section 37, of Chapter 44, of the Revised Code, is hereby repealed with respect to New Castle County.

Section 27. That 1137, Section 40, of Chapter 44, of the Revised Code, is hereby repealed with respect to New Castle County.

Section 28. That 1138, Section 41, of Chapter 44, of the Revised Code is hereby repealed with respect to New Castle County, and said Chapter is further amended by the addition of a new section to be known as 1138 B. Section 41 B, as follows:

Assessment  
of property  
of members  
of board

1138 B. Section 41 B. The Levy Court of New Castle County shall, during the month of February in each year, value and assess the property of the members of the Board of Assessment. The said members shall make the same returns and schedules and certifications as is provided in this Act for other taxables.

Section 29. That 1139, Section 42, of Chapter 44, of the Revised Code, is hereby repealed with respect to New Castle County, and said Chapter 44 is hereby further amended by the addition of a new Section to be known as 1139 B. Section 42 B, as follows:

Oath of  
office

1139 B. Section 42 B. Each member of the Board of Assessment, before entering upon his duties, shall appear before the Levy Court of New Castle County to take the oath of office prescribed by the Constitution. The oath of office may be administered by the Clerk of the Peace of New Castle County, or any member of the Levy Court of said County, and a minute thereof shall be entered upon the records of the said Levy Court.

## VALUATION AND ASSESSMENT OF PROPERTY.

Section 30. That 1140, Section 43, of said Chapter 44, of the Revised Code, be repealed with respect to New Castle County.

Section 31. That the provisions of 1141, Section 44, of Chapter 44, of the Revised Code shall apply to the Board of Assessment for New Castle County.

Section 32. That 1142, Section 45, of said Chapter 44, of the Revised Code, is hereby repealed with respect to New Castle County, and said Chapter 44 is hereby further amended by the addition of a new section to be known as 1142 B. Section 45 B, as follows:

1142 B. Section 45 B. The Board of Assessment shall annually make out lists of persons liable to pay a license tax to the State and Deliver the same duly attested to the Clerk of the Peace and shall be paid for such services as provided by Section 237 of Chapter Six. All compensation received by said Board for such services shall be paid by it to the County Treasurer for the use of New Castle County.

List of  
license  
taxables

Section 33. That 1143, Section 46, of said Chapter 44, of the Revised Code, be and the same is hereby repealed and said Chapter is further amended by the addition of a new section to be known as 1143. Section 46, as follows:

1143. Section 46. The Board of Assessment for New Castle County shall, at the time of making the general and annual assessments, make lists of the owners of all dogs in said County outside the City of Wilmington, and return the same to the Levy Court at the same time the return of valuation and assessment is made.

List of dog  
owners

Section 34. That said Chapter 44, be further amended by the addition of a new section to be known as 1144 B. Section 44 B, as follows:

1144 B. Section \*44 B. Any notice required to be given under the provisions of this Act may be sent by mail, and

Notices  
mailed

## VALUATION AND ASSESSMENT OF PROPERTY.

when any such notice is sent, the day of the mailing thereof shall be deemed and taken to be the day of the giving of said notice.

Section 35. That said Chapter 44 be further amended by the addition of a new Section to be known as 1144 C. Section 48, as follows:

District  
Assessors

1144 C. Section 48. There shall be a District Assessor for each of the Hundreds in New Castle County outside of Wilmington Hundred and for each of the Representative Districts in Wilmington Hundred. The terms of office of such District Assessors in the Hundreds outside of the Wilmington Hundred shall be for two years and in the Districts in Wilmington Hundred for four years. The election of District Assessors for the several Hundreds shall be held biennially in the Hundreds on the Tuesday next after the first Monday in November at the same time and in the same place as by law appointed for holding the General Election. The election of District Assessors for the several Districts in Wilmington Hundred shall be held quadrennially, commencing with the year 1918, in said Districts on the Tuesday next after the first Monday in November at the same time and in the same places as are by law appointed for holding the General Election. The said District Assessors shall be voted for upon the same ballots voted for other officers elected at the General Election aforesaid. Said District Assessors shall each be elected by the qualified voters of the Hundreds or Districts respectively for which such District Assessor is to be chosen. No District Assessor during the time for which he is elected or appointed shall be a Levy Court Commissioner, County Treasurer, Trustee of the Poor, Inspector of Election, Coroner, Sheriff or member of the General Assembly. Each District Assessor outside of Wilmington Hundred as compensation for his services shall receive such reasonable allowance as the Levy Court shall make. The District Assessor for each District in Wilmington Hundred shall receive as compensation or salary the sum of Eight Hundred Dollars per year payable monthly by the Levy Court Commissioners of New Castle

## VALUATION AND ASSESSMENT OF PROPERTY.

County. If there be an omission to elect a District Assessor of any Hundred or District or if any other vacancy happen in the office either by death, removal from the Hundred, or District, or neglect or refusal to serve, or otherwise, the Governor shall appoint some person resident of the Hundred or District to fill the vacancy. The present Assessors of New Castle County shall until the expiration of the time for which they were elected be District Assessors within their respective Hundreds and Districts. Such District Assessors shall perform such duties as shall be required of them by the said Board of Assessment, in reference to the assessment of personal and taxable property in their respective Hundreds and Districts.

Section 36. That 1058, Section 46; 1059, Section 47; 1061, Section 49; 1062, Section 50; 1063, Section 51; 1064, Section 52; 1066, Section 54; 1067, Section 55; 1068, Section 56; 1069, Section 57, and 1070, Section 58 of Chapter 43, of the Revised Code are hereby repealed with respect to New Castle County.

Section 37. That 1081, Section 69 of Chapter 43 of the Revised Code is hereby repealed with respect to New Castle County, and said Chapter is hereby amended by the addition of a new Section to be known as 1081 A. Section 69 A, as follows:

1081 A. Section 69 A. The Levy Court of New Castle County shall appoint the members of the Board of Assessment, appoint and qualify Tax Collectors, fix tax rates, prepare and deliver tax assessment duplicates and Collector's receipts and seals, make settlement with and compensate tax Collectors, appoint substitute Collectors, perform the duties relative to the relief of sureties for tax collectors and all other duties relating to the assessment and collection of County Taxes as provided by Chapters 44 and 45 and the several Amendments thereto.

Duties of  
Levy Court

## VALUATION AND ASSESSMENT OF PROPERTY.

Section 38. That Sections 3 and 29 of this Act shall become operative upon the approval thereof, and the remaining sections thereof shall become operative on the first day of July, A. D. 1917.

Approved April 19, A. D. 1917.

## VALUATION AND ASSESSMENT OF PROPERTY.

## CHAPTER 73.

## VALUATION AND ASSESSMENT OF PROPERTY.

AN ACT to amend Chapter 44, of the Revised Code of the State of Delaware (as amended by Chapter 79, Volume 28, Laws of Delaware) by changing the term of office of members of the Board of Assessment of Sussex County from 4 years to 6 years, and fixing the salary of the members of the said Board of Assessment of Sussex County.

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

Section 1. That 1100 Section 3, of Chapter 44 of the Revised Code, as amended by Section 2 of Chapter 79, Volume 28, Laws of Delaware, be and the same is hereby further amended by striking out the word "four" between the words "for" and "years" in the third line of 1100 A. Section 3 A, and inserting in lieu thereof, the word "Six"; and by adding at the end of said 1100 A. Section 3 A, the words "of the year in which they shall be appointed, respectively," so that said 1100 A. Section 3 A, of Chapter 44 of the Revised Code, as amended by said Chapter 79, Volume 28, Laws of Delaware, and as hereby further amended, will be as follows:

"1100 A. Section 3 A. The term of office of the members<sup>Term of office</sup> of the Board of Assessment of Sussex County shall be for six years, commencing on the first Tuesday of March of the year in which they shall be appointed, respectively."

Section 2. That 1101. Section 4 of said Chapter 44 of the Revised Code, as amended by Section 3 of said Chapter 79, Volume 28, Laws of Delaware, be and the same is hereby further amended by striking out all of the second paragraph

## VALUATION AND ASSESSMENT OF PROPERTY.

of 1101 A. Section 4 A, and inserting in lieu thereof the following:

Board of  
Assessment

"During the month of February, A. D. 1917, the Levy Court of Sussex County shall appoint three suitable persons, residents of Sussex County, no more than one of whom shall be appointed from any one Senatorial District of said County, and no more than two of whom shall belong to the same political party, who shall compose the Board of Assessment of Sussex County. One of the persons so comprising said Board of Assessment shall be appointed for a term of two years from the first Tuesday in March, A. D. 1917; one other of said persons shall be appointed for a term of four years from said first Tuesday in March, A. D. 1917; and the third one of said persons shall be appointed for a term of six years from said first Tuesday in March, A. D. 1917; and thereafter, upon the expiration of the term of office of each of the three persons so appointed, the said Levy Court of Sussex County shall appoint a suitable person as a member of said Board of Assessment for the full term of six years."

Section 3. That 1103. Section 6 of said Chapter 44 of the Revised Code, as amended by Section 5, of said Chapter 79, Volume 28, Laws of Delaware, be and the same is hereby further amended by striking out all of 1103 A. Section 6 A, and inserting in lieu thereof, the following:

Salary

"1103 A. Section 6 A. Each member of the Board of Assessment for Sussex County shall receive for the year in which a general assessment is made the sum of One Thousand Dollars (\$1,000.00), payable in equal monthly instalments, and in the year in which an annual assessment is made, the sum of Five Hundred Dollars (\$500.00), payable in equal monthly instalments. No member of said Board of Assessment shall be paid his monthly salary, however, until the said Levy Court shall be satisfied that the said member of said Board of Assessment has faithfully performed the duties of his office during the preceding month. And in addition to said annual salary, each member

## VALUATION AND ASSESSMENT OF PROPERTY.

of said Board of Assessment shall be paid by the Levy Court of Sussex County his actual and necessary traveling expenses incurred by him in traveling over the County for the purpose of investigating the value of any taxable property, either real or personal, in the County; and, when sitting for the purpose of hearing appeals from assessment, during the month of February of each year, as by law required, the members of said Board of Assessment shall be paid their actual and necessary expenses for board and traveling, in connection with their duties as a Board of Appeals.

Provided, however, that all bills for expenses presented <sup>Provided</sup> by the members of said Board of Assessment as herein provided, shall be itemized and duly verified before they shall be allowed by the Levy Court. No other or further compensation or emoluments in any guise whatsoever, shall be allowed or paid to said members of the Board of Assessment."

Approved February 26, A. D. 1917.



## COUNTY TREASURER AND COLLECTION OF TAXES.

## CHAPTER 74.

## COUNTY TREASURER AND COLLECTION OF TAXES.

AN ACT to amend Chapter 45 of the Revised Code of Delaware, the same relating to the abatement of county taxes in New Castle County on payment within certain times and providing a penalty for non-payment.

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

That Chapter 45, of the Revised Code of Delaware, be and the same is hereby amended by the repeal of 1174, Sec. 30, and the insertion in lieu thereof the following, which shall be styled 1174. Sec. 30:

Abatement  
of taxes

1174. Sec. 30. ABATEMENT OF TAXES ON PAYMENT WITHIN CERTAIN TIMES; PENALTY FOR NON-PAYMENT:—On all taxes paid before the first day of October there shall be an abatement of five per centum; on all taxes paid after the first day of October and 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 and before the first day of January, there shall be no abatement; on all taxes paid after the first day of January, there shall be added one-half of one per centum per month until the same shall be paid.

Penalty

Approved April 2, A. D. 1917.

## COUNTY TREASURER AND COLLECTION OF TAXES.

## CHAPTER 75.

## COUNTY TREASURER AND COLLECTION OF TAXES.

AN ACT to amend Chapter 45 of the Revised Code of the State of Delaware in relation to the number of Clerks or assistants for the Receiver of Taxes and County Treasurer 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 45 of the Revised Code of the State of Delaware be and the same is hereby amended by <sup>1179, Sec. 35.</sup> ~~repealed~~ repealing 1179, Section 35 thereof, and by inserting in lieu thereof the following paragraph, to be known as 1179, Section 35:

1179, Section 35. The annual salary of the Receiver of Taxes and County Treasurer shall be four thousand dollars. <sup>Salaries</sup> He may select and employ one deputy at an annual salary of one thousand five hundred dollars, and two clerks or assistants at an annual salary of twelve hundred dollars each. Provided, however, that the number of the said clerks or assistants which the said Receiver of Taxes and County Treasurer may select and employ may be increased or decreased from time to time to such number or numbers as the Levy Court Commissioners of New Castle County, shall, in their discretion, deem proper to perform the public work required in said office and shall authorize and direct by resolution duly adopted; and also further provided, that any additional clerks or assistants so to be authorized or employed shall receive an annual salary of twelve hundred dollars each. The salaries of such deputy and clerks shall be paid to them by warrants drawn by the Levy Court of New Castle County on the County Treasurer in equal monthly instalments, upon the certificate in writing of the

## COUNTY TREASURER AND COLLECTION OF TAXES.

Receiver of Taxes and County Treasurer that they have faithfully performed their duties during the preceding month. Such deputy and clerks shall be under the control of the Receiver of Taxes and County Treasurer by whom they are selected and employed. He shall have the right to discharge such deputy or clerks at any time and shall be responsible for all the official acts, neglects and defaults of such deputy and clerks as he may employ.

The salaries of the collectors provided by this Chapter shall be fixed and determined by the Levy Court Commissioners, at least five days prior to the appointment of such collectors, 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 instalments.

This Act shall not become effective until July 1st, 1917.

Approved April 18, A. D. 1917.

## COUNTY COMPTROLLER.

## CHAPTER 76.

## COUNTY COMPTROLLER.

AN ACT to amend Chapter 46 of the Revised Code, requiring the appointment of the County Comptroller of Sussex County, as a Special Notary Public.

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

Section 1. That Chapter 46, of the Revised Code be and the same is hereby amended by adding thereto immediately <sup>1274 A. Sec. 2 A.</sup> after 1274 Section 2, the following to be known as 1274 A. <sup>added</sup> Section 2 A:

1274 A. Sec. 2 A. The Governor shall on the passage of this Act appoint the County Comptroller of Sussex County a special Notary Public, with power to perform the duties of a Notary Public in taking affidavits of County Officers and acknowledgements of deeds and other papers by any official of the County. This work shall be done without charge. <sup>Notarial power to Comptroller</sup>

The Governor of the State of Delaware is hereby authorized and directed to appoint each County Comptroller of Sussex County, who may be elected or appointed as such, a special Notary Public for the purposes herein stated.

The Commission of such County Comptroller, as Notary Public, shall expire on the date of the expiration of his Commission as County Comptroller, or when the office of County Comptroller shall become vacant by resignation, removal or otherwise. <sup>Commission expires</sup>

Approved April 2, A. D. 1917.

## COUNTY COMPTROLLER.

## CHAPTER 77.

## COUNTY COMPTROLLER.

AN ACT to amend Chapter 46 of the Revised Code of the State of Delaware in relation to the Comptroller and Deputy Comptroller of New Castle County.

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

That Chapter 46 of the Revised Code of the State of Delaware be and the same is hereby amended by the repeal of 1275, Section 3, and the insertion in lieu thereof of the following, which shall be styled 1275, Section 3:

Office            1275. Section 3. A room in the County Court House shall be for the use of the County Comptroller.

Stationery,  
etc.            The Levy Court Commissioners shall provide the County Comptroller with the necessary records, books, cases, stationery and seals for the use of his office.

Salary            The salary of the Comptroller for New Castle County shall be Three Thousand Dollars per annum, payable monthly, in instalments of Two Hundred and Fifty Dollars, by warrants duly drawn upon the County Treasurer of New Castle County. The Comptroller of New Castle County may select and employ one Deputy, at a salary of fifteen hundred dollars per annum, to be paid in monthly instalments of one hundred and twenty-five dollars, by warrants drawn upon the County Treasurer of New Castle County. Such Deputy Comptroller shall be under the control of said Comptroller, who shall have the right to discharge him at any time. Such Deputy Comptroller shall have authority to sign or execute, in the name of the Comptroller, all checks, books,

Deputy

## COUNTY COMPTROLLER.

reports, bills or papers that the Comptroller is now or hereafter may be authorized, empowered or directed to sign or execute.

The annual salary of the County Comptroller for Kent <sup>Salaries</sup> County shall be fifteen hundred dollars, and for Sussex County one thousand dollars, and the said salaries shall be paid quarterly, by warrants duly drawn upon the County Treasurer of said respective Counties.

Whenever any County Comptroller in the Counties of New Castle or Sussex shall need additional clerical <sup>Clerical assistance</sup> assistance in the performance of the duties of his office, he shall apply to the Levy Court Commissioners, and if they deem it necessary they may authorize such employment.

Approved April 18, A. D. 1917.

## COUNTY COMPTROLLER.

## CHAPTER 78.

## COUNTY COMPTROLLER.

AN ACT to amend Chapter 46 of the Revised Code of the State of Delaware with relation to the publication of the reports of the audit of the Comptroller.

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

That 1278, Sec. 6 of Chapter 46 of the Revised Code as amended by Chapter 83 of Volume 28 of the Laws of Delaware, be, and the same is hereby amended, by striking out all of 1278. Sec. 6 and inserting in lieu thereof, to be known as 1278. Sec. 6, the following:

1278, Sec. 6,  
repealed

Auditors

1278. Sec. 6. In the month of December in each year, it shall be the duty of the Associate Judge of the Superior Court, resident in the Counties of Kent and Sussex, respectively, to appoint a Committee of two freeholders of his County, one from each of the principal political parties, who shall inspect the books and accounts of the County Comptroller of the County, and make report, in triplicate under oath, to the said Judge, for inspection and transmission to the Clerk of the Peace, who shall file and safely keep in his office the original copy, and shall cause the report to be published once each week for three weeks, in two of the weekly newspapers of said County, one from each of the principal political parties, at the expense of the County. The said Committee shall receive as compensation for their services the sum of five dollars for each day in which they shall be actually engaged in such duty.

The County Comptroller for Kent and Sussex Counties, respectively, shall, during the said month, make a general

COUNTY COMPTROLLER.

statement, showing the receipts, disbursements and appropriations, together with the bonded indebtedness of said Counties, respectively, which statement shall be verified by his affidavit, and shall be published in two of the weekly newspapers of said Counties, respectively.

Approved April 20, A. D. 1917.



## CORONERS.

## CHAPTER 79.

## CORONERS.

AN ACT to amend Chapter 49 of the Revised Code of the State of Delaware by abolishing the office of Morgue Superintendent in New Castle County.

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

1368,  
Sub-Sec. 23,  
repealed

Section 1. That Chapter 49 of the Revised Code of the State of Delaware be and the same is hereby amended by repealing Section 1368, sub-section 23, page 598.

Approved April 12, A. D. 1917.

## CORONERS.

## CHAPTER 80.

## CORONERS.

AN ACT to amend Section 24 of Chapter 49 of the Revised Code of the State of Delaware, relating to the records of coroners.

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

Section 1. That Chapter 49 of the Revised Code of the State of Delaware be, and the same is hereby amended by the repeal of 1369, Section 24 thereof, and by inserting in lieu thereof the following which shall be styled 1369 Section 24. <sup>1360, Sec. 21, repealed</sup>

1369. Section 24. RECORDS OF CORONER; CONTENTS OF; INDEX; EVIDENCE; DELIVERY TO SUCCESSOR:—It shall be the duty of the Coroner in each County of the State to procure and keep a record, which record is to be paid for by the Levy Court of the County, to be called "Record of the Coroner of County," in which he shall make an entry of each official action setting down the name or description of every deceased person, the cause of whose death he is required by law to investigate, the time when such person was found dead, the place where such person was found dead, the names of the witnesses and jurors if an inquest was held, the date of such inquest and the verdict of the jury, or, if no inquest was held, the reason why no inquest was held, the disposition made of the body of the person found dead, the date of such disposition and such other entries as are necessary and proper for a full understanding of such official action. The Coroner shall also keep an index to said record. <sup>Coroners' records and index</sup>

Said Record, or a certified copy thereof, shall be received as evidence in all the Courts of this State to prove the matters therein contained.

## CORONERS.

Each Coroner, at the expiration of his term, shall forthwith deliver to his successor in office said record and all other records, books, papers and other things belonging to said office, and not otherwise dispose of according to law.

Approved April 19, A. D. 1917.

RECORDERS.

CHAPTER 81.

RECORDERS.

AN ACT authorizing the Recorder of Kent County to employ an additional Clerk.

*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 Levy Court of Kent County is hereby authorized and empowered to employ one more additional Clerk for the Recorder of Kent County at such times as the Levy Court shall deem it necessary, at a salary not exceeding Forty Dollars per month.

Approved March 22, A. D. 1917.

## CONSTABLES.

## CHAPTER 82.

## CONSTABLES.

AN ACT to amend Chapter 82 Volume 27, Laws of Delaware, entitled "An Act to amend Chapter 59, Volume 25, Laws of Delaware," entitled "An Act to amend Chapter 66, Volume 23, Laws of Delaware" providing 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 Section 1 of Chapter 82, Volume 27, Laws of Delaware be, and the same is hereby amended by striking out the whole of said Section and inserting in lieu thereof the following:

Additional  
Constable

Section 1. That the Governor be and he is hereby authorized to appoint an additional Constable in New Castle County, who shall be appointed from 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.

Section 2. That said Chapter 82, Volume 27, Laws of Delaware be, and the same is hereby further amended by striking out all of Section 3 thereof and inserting in lieu thereof the following:

Section 2. That this Act shall become operative on the first day of April, A. D. 1917.

Approved March 22, A. D. 1917.

CONSTABLES.

CHAPTER 83.

CONSTABLES.

AN ACT to amend Chapter 51 of the Revised Code of the State of Delaware by providing additional Constables 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 1400. Sec. 4, Chapter 51 of the Revised Code, be and the same is hereby amended by adding an additional paragraph, to be known as (4) of said 1400. Sec. 4, as follows:

(4). The Levy Court of Sussex County shall annually appoint two (2) additional Constables for said County, one of whom shall reside in, or within one mile of, the town of Bridgeville, and one of whom shall reside in, or within one mile of, the town of Selbyville. <sup>Two additional Constables</sup>

Approved April 2, A. D. 1917.

## CONSTABLES.

## CHAPTER 84.

## CONSTABLES.

AN ACT providing for an appointment of an additional Constable, in Little Creek Hundred.

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

Additional  
Constable

Section 1. That the Levy Court of Sussex County, be and is hereby authorized and directed to annually appoint an additional Constable, in Little Creek Hundred, Sussex County, who shall be appointed from the Second Election District of the Fifth Representative District; the term of office of the Constable so appointed, shall continue for one year beginning on the first Tuesday in March, and shall have the same power and authority and shall be subject to all the requirements, qualifications and duties imposed or obligated by law upon Constables in and for Sussex County aforesaid.

Approved March 21, A. D. 1917.

COUNTY OFFICES.

CHAPTER 85.

COUNTY OFFICES.

AN ACT providing clerk hire for certain county officers 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 until January first, 1919, the Clerk of Clerk hire  
the Peace and the Prothonotary of Kent County shall each  
be allowed Two Hundred and Fifty Dollars per year for  
Clerk hire, to be paid by the County.

Approved April 4, A. D. 1917.



## SALARY OF CERTAIN COUNTY OFFICERS.

## CHAPTER 86.

## SALARY OF CERTAIN COUNTY OFFICERS.

AN ACT providing for the payment of the salaries of all employees of the County of New Castle semi-monthly.

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

*Paid semi-  
monthly*

Section 1. From and after the passage of this act, all officials and employees of the County of New Castle shall be paid for their services semi-monthly.

Approved March 15, A. D. 1917.

SALARY OF CERTAIN COUNTY OFFICERS.

CHAPTER 87.

SALARY OF CERTAIN COUNTY OFFICERS.

AN ACT fixing the compensation of the Registers of Wills of the several counties for certain services.

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

Section 1. That the compensation of the Registers of Wills of the several Counties for all service in the collection and return of the moneys to be collected by them and accounted for and paid over to the State Treasurer under <sup>Compensation of Register of Wills</sup> Sections 109 to 115 inclusive of Chapter 6 of the Revised Code of Delaware shall be as follows: For the Register of Wills of New Castle County, Four Hundred Dollars per annum; for the Register of Wills of Kent County, Two Hundred Dollars per annum; and for the Register of Wills of Sussex County, Two Hundred Dollars per annum, to be paid by the State Treasurer as other salaries are paid.

Approved April 25, A. D. 1917.

## SALARY OF CERTAIN COUNTY OFFICERS.

## CHAPTER 88.

## SALARY OF CERTAIN COUNTY OFFICERS.

AN ACT to amend Chapter 53 of the Revised Code of Delaware, relating to the salaries of certain county officers.

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

1438, Sec. 6.  
repealed

Section 1. That Chapter 53 of the Revised Code of Delaware be, and the same is hereby amended by the repeal of 1438, Section 6 thereof and by inserting in lieu thereof the following which shall be styled 1438, Section 6:

Salaries of  
officials in  
lieu of fees,  
N. C. Co.

1438. Section 6. COMPENSATION OF OFFICERS:—The Clerk of the Peace, Sheriff, Coroner, Prothonotary, Recorder, Register of Wills, Register in Chancery and Clerk of the Orphans' Court, in each of the Counties, shall be paid, in lieu of all fees, costs, allowances, perquisites and other compensation of every kind for performing every and all the services, acts and duties of their respective offices, the following annual salaries payable in equal monthly installments by warrants drawn by the Levy Court on the County Treasurer of their respective Counties, namely: In New Castle County, the Clerk of the Peace shall receive four thousand dollars; the Sheriff, three thousand and six hundred dollars; the Coroner, fifteen hundred dollars; the Prothonotary, three thousand and six hundred dollars; the Recorder, three thousand and six hundred dollars; the Register of Wills, three thousand and six hundred dollars; the Register in Chancery, one thousand and five hundred dollars; and the Clerk of the Orphans' Court, one thousand and five hundred dollars.

## SALARY OF CERTAIN COUNTY OFFICERS.

In Kent County, the Clerk of the Peace shall receive one thousand and eight hundred dollars; the Sheriff, two thousand dollars; the Coroner, one thousand dollars; the Prothonotary, one thousand and five hundred dollars; the Recorder, one thousand and five hundred dollars; the Register of Wills, one thousand and five hundred dollars; the Register in Chancery, seven hundred and fifty dollars; and the Clerk of the Orphans' Court, seven hundred and fifty dollars.

In Sussex County, the Clerk of the Peace shall receive one thousand and eight hundred dollars; the Sheriff, two thousand dollars; the Coroner, eight hundred dollars; the Prothonotary, one thousand and five hundred dollars; the Recorder, one thousand and five hundred dollars; the Register of Wills, one thousand and five hundred dollars; the Register in Chancery, seven hundred and fifty dollars; and the Clerk of the Orphans' Court, seven hundred and fifty dollars.

Provided, however, that the provisions of this Act shall not apply to or affect the salaries or compensation of any of said Officers during the continuance of their present term of office.

Approved April 18, A. D. 1917.

## SALARY OF CERTAIN COUNTY OFFICERS.

## CHAPTER 89.

## SALARY OF CERTAIN COUNTY OFFICERS.

AN ACT to amend Chapter 53, of the Revised Code of the State of Delaware, relating to salaries of County officers.

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

Section 1. That the second paragraph of Section 6, 1438, Chapter 53, of the Revised Code of the State of Delaware, be and the same is hereby stricken out and the following words inserted in lieu thereof:

Salaries

"In Kent County, the Clerk of the Peace shall receive One Thousand and Eight Hundred Dollars; the Sheriff, Two Thousand Dollars; the Coroner, One Thousand Dollars; the Prothonotary, One Thousand and Five Hundred Dollars; the Recorder, One Thousand and Five Hundred Dollars; the Register of Wills, One Thousand and Five Hundred Dollars; the Register in Chancery, Seven Hundred and Fifty Dollars; and the Clerk of the Orphans' Court, Seven Hundred and Fifty Dollars.

Approved March 21, A. D. 1917.

SALARY OF CERTAIN COUNTY OFFICERS.

CHAPTER 90.

SALARY OF CERTAIN COUNTY OFFICERS.

AN ACT to amend Chapter 53, of the Revised Code of the State of Delaware, relating to salaries of County officers.

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

Section 1. That the third paragraph of Section 6, 1438, Chapter 53, of the Revised Code of the State of Delaware, be and the same is hereby stricken out and the following words inserted in lieu thereof:

"In Sussex County, the Clerk of the Peace shall receive One Thousand and Eight Hundred Dollars; the Sheriff, Two Thousand Dollars; the Coroner, Eight Hundred Dollars; the Prothonotary, One Thousand and Five Hundred Dollars; the Recorder, One Thousand and Five Hundred Dollars; the Register of Wills, One Thousand and Five Hundred Dollars; the Register in Chancery, Seven Hundred and Fifty Dollars; and the Clerk of the Orphans' Court, Seven Hundred and Fifty Dollars."

Salaries

Approved March 22, A. D. 1917.

## SALARY OF CERTAIN COUNTY OFFICERS.

## CHAPTER 91.

## SALARY OF CERTAIN COUNTY OFFICERS.

AN ACT to amend Chapter 53, of the Revised Code of the State of Delaware, in relation to the salary of the Deputy Sheriff of Kent County.

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

Section 1. That Chapter 53, of the Revised Code of the State of Delaware, be and the same is hereby amended by repealing 1439, Section 7 thereof, and inserting in lieu thereof the following section to be styled 1439, Section 7:

Deputies

1439. Sec. 7. The officers mentioned in the first Section of this Chapter may select and employ Deputies and Clerks to assist them in the performance of the duties of their offices respectively, at the following annual salaries, namely:

Salaries

In New Castle County, the Clerk of the Peace may select and employ one Deputy at a salary of One Thousand and Two Hundred Dollars, and three clerks, each at a salary of Nine Hundred Dollars; the Sheriff, three Deputies, one at a salary of One Thousand and two Hundred Dollars, and two at Eight Hundred Dollars each; the Coroner, One Deputy at a salary of Five Hundred Dollars; the Prothonotary, one Deputy at a salary of One Thousand and Two Hundred Dollars, and one Clerk at a salary of Nine Hundred Dollars; the Recorder, one Deputy at a salary of One Thousand Two Hundred Dollars, and four clerks, each at a salary of Nine Hundred Dollars; the Register of Wills, one Deputy at a salary of One Thousand and Two Hundred Dollars, and one Clerk at a salary of Nine Hundred Dollars; the Register in

## SALARY OF CERTAIN COUNTY OFFICERS.

Chancery and Clerk of the Orphans' Court may select and employ two Deputies at a salary of One Thousand Dollars each; provided, however, that the Levy Court Commissioners of New Castle County from time to time may authorize and direct, by resolution duly adopted, that any, either or all of said officers may select such other clerks or deputies and at such times and in such numbers as it shall in its discretion deem proper to properly perform the public work required in any office or offices of any, either or all of said officers. And provided further, that any additional clerks or deputies so authorized or employed shall receive the same compensation as is fixed by law for the other clerks or deputies performing like or similar services and payable in the manner fixed by law.

The Sheriff in Kent County may select and employ a Deputy at a salary of Seven Hundred and Fifty Dollars, and the Sheriff in Sussex County and the Recorder in Kent County may each select and employ a Deputy at a salary of Six Hundred Dollars. The Levy Court of Kent County may, at such times as it may deem necessary, employ, in addition to the clerk above provided, a further clerk for the Recorder of said County, at a salary not to exceed Fifty Dollars per month.

Salaries of  
Deputies

In Kent and Sussex Counties, the other officers enumerated in Section 6 may each appoint a Deputy who shall have such powers and be charged with such duties as shall be enumerated in a certificate of appointment to be issued to him by the officer so appointing, which certificate shall be immediately recorded in the Recorder's Office of the County in which such office is located; except that in case of the Register of Wills such deputy shall have the powers and perform the duties now prescribed by law. The special deputies provided for in this paragraph shall receive no salary from the County.

Approved March 22, A. D. 1917.



## SALARY OF CERTAIN COUNTY OFFICERS.

## CHAPTER 92.

## SALARY OF CERTAIN COUNTY OFFICERS.

AN ACT to amend Chapter 53 of the Revised Code of the State of Delaware, in relation to the number of Deputies and Clerks of certain County officers 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 53 of the Revised Code of the State of Delaware be and the same is hereby amended by repealing the first paragraph of 1439, Section 7 thereof, and inserting in lieu thereof the following which shall be the first paragraph of 1439, Section 7.

Deputies

1439, Section 7. The officers mentioned in the first Section of this Chapter may select and employ Deputies and Clerks to assist them in the performance of the duties of their offices respectively, at the following annual salaries, namely:

Salaries

In New Castle County, the Clerk of the Peace may select and employ one Deputy at a salary of one thousand and five hundred dollars, and three clerks, each at a salary of twelve hundred dollars; the Sheriff, three Deputies, one at a salary of one thousand five hundred dollars, one at a salary of one thousand two hundred dollars and one at a salary of eight hundred dollars; the Coroner, one Deputy at a salary of five hundred dollars; the Prothonotary, one Deputy at a salary of one thousand and five hundred dollars, and one clerk at a salary of twelve hundred dollars; the Recorder, one Deputy at a salary of one thousand five hundred dollars, and four clerks, each at a salary of twelve hundred dollars; the Register of Wills, one Deputy at a salary of one thou-

## SALARY OF CERTAIN COUNTY OFFICERS.

sand and five hundred dollars, and one Clerk at a salary of twelve hundred dollars; the Register in Chancery and Clerk of the Orphans' Court may select and employ two Deputies at a salary of one thousand five hundred dollars each; provided, however, that the Levy Court Commissioners of New Castle County from time to time may authorize and direct, by resolution duly adopted, that any, either or all of said officers may select such other Clerks or Deputies and at such times and in such numbers as it shall, in its discretion deem proper to properly perform the public work required in any office or offices of any, either or all of said officers. And provided further, that any additional Clerks or Deputies so authorized or employed shall receive the same compensation as is fixed by law for the other Clerks or Deputies performing like or similar services, and payable in the manner fixed by law.

Section 2. This Act shall become operative on the first day of July, A. D. 1917.

Approved April 18, A. D. 1917.

## SALARY OF CERTAIN COUNTY OFFICERS.

## CHAPTER 93.

## SALARY OF CERTAIN COUNTY OFFICERS.

AN ACT to amend Chapter 53, of the Revised Code of the State of Delaware, relating to help for certain County officers in Sussex County.

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

That Chapter 53, of the Revised Code of the State of Delaware, be and the same is hereby amended by adding thereto, immediately after 1439. Section 7, the following, to be known as 1439 A. Section 7 A:

In Sussex County, the Recorder and the Prothonotary may employ such additional help, at such salary or wages as the Levy Court may determine, when, in the judgment of the Levy Court of Sussex County, either the Recorder or the Prothonotary, or both, is in need of such help.

Clerks

Approved April 18, A. D. 1917.

## ROADS AND BRIDGES, NEW CASTLE COUNTY.

## CHAPTER 94.

## ROADS AND BRIDGES, NEW CASTLE COUNTY.

AN ACT to amend Sections 1 and 31 of Chapter 55 of the Revised Code of the State of Delaware, relating to the roads and bridges 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 55 of the Revised Code of the State of Delaware be and the same is hereby amended by the repeal of 1481, Section 1 thereof, and by inserting in lieu thereof the following which shall be styled 1481, Section 1. <sup>1481, Sec. 1. repealed</sup>

1481. Section 1. ROADS, BRIDGES AND CAUSEWAYS; CONTROL OF:—The public roads, bridges and causeways in New Castle County shall be under the control of the Levy Court of the said County as in this Chapter prescribed. <sup>Control of roads, etc.</sup>

Section 2. That Chapter 55 of the Revised Code of the State of Delaware be, and the same is hereby amended by the repeal of 1511, Section 31 thereof, and by inserting in lieu thereof the following which shall be styled 1511, Section 31. <sup>1511, Sec. 31. repealed</sup>

1511. Section 31. ROADS IMPROVED TO BE COUNTY ROADS; DUTY OF CITY OR INCORPORATED TOWN AS TO ROAD CONSTRUCTED WITHIN ITS LIMITS:—Any road constructed under the provisions of Sections 21 to 31, inclusive, of this Chapter, except within the limits of any City, shall forever thereafter be a County road, and the duty of keeping the same in repair, except within the limits of any City, shall devolve upon the Levy Court of New Castle County, and all other powers and duties respecting such roads except within <sup>County roads</sup>

## ROADS AND BRIDGES, NEW CASTLE COUNTY.

the limits of any City, shall be imposed upon and vested in the said Levy Court to the exclusion of all Hundred, Borough or other Municipal Officers, excepting City Officers; the Levy Court shall provide all monies necessary to keep in a proper state of repair the roads constructed under said Statutory provisions, except within the limits of any City, and may, if there be no moneys on hand that can be lawfully used for such repairs borrow therefor on temporary loans until the next annual taxes shall have been assessed, collected and paid over to the County; it shall be the duty of the County Road Engineer to report to the Levy Court all repairs he may think necessary or proper to be made to such County roads, and under the direction and control of the said Levy Court to spend moneys raised for such repairs in such manner and upon such portions of the road as will tend to keep them in the best possible state of repair; no part of said money shall be paid into the hands of the said County Road Engineer, but all expenses of repair shall be paid by the County Treasurer on the order of the Levy Court, granted only on the presentation of bills verified and approved by the County Comptroller; it shall be the duty of the authorities of any City within which any portion of any highway may be constructed under the Statutory provisions aforesaid to keep the portion thereof within such City in repair forever after such construction, and such City shall have the same power, authority and jurisdiction over such portion of such road, and shall have imposed upon it the same duties as were imposed upon and vested in it with respect to such portion of such road before its improvement under the Statutory provisions aforesaid.

Approved March 21, A. D. 1917.

ROADS AND BRIDGES, NEW CASTLE COUNTY.

CHAPTER 95.

ROADS AND BRIDGES, NEW CASTLE COUNTY.

AN ACT to amend Chapter 55 of the Revised Code of the State of Delaware, relating to the roads 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 55 of the Revised Code of the State of Delaware be, and the same is hereby amended by the repeal of 1502, Section 22 thereof, and by inserting in lieu thereof the following which shall be styled 1502 Section 22. 1502, Sec. 22,  
repealed

1502. Section 22. DUTIES AND POWERS; SPECIFICATIONS FOR ROAD MATERIALS; WIDTH OF ROADS:—The said Highway Commissioner shall investigate and consider the best and most practical methods of construction and maintenance of highways, and the estimated cost of the various methods and systems. He shall prepare suitable maps and plans on which shall be clearly drawn the various routes he recommends. He may employ experts from time to time, and all necessary clerical and other assistants, and may incur such reasonable expense in this respect as may be authorized or approved by the said Levy Court. Construction

Separate specifications for the improvement of the highways or sections thereof, under the provisions of Sections 21 to 31 inclusive, of this Chapter shall be made for macadam, telford, gravel, oyster shells or any other good firm material which will at all seasons of the year be firm, smooth and convenient for travel. Specifications

## ROADS AND BRIDGES, NEW CASTLE COUNTY.

Width

The permanent roadways of all highways or sections thereof, improved under the provisions of Sections 21 to 31, inclusive of this Chapter, shall not be less than nine nor more than twenty feet between the shoulders, and the minimum width of the right of way shall be thirty-three feet, except in the case of roads already existing.

Approved March 21, A. D. 1917.

ROADS AND BRIDGES, NEW CASTLE COUNTY.

CHAPTER 96.

ROADS AND BRIDGES, NEW CASTLE COUNTY.

AN ACT to amend Chapter 55 of the Revised Code of the State of Delaware relating to the roads 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 55 of the Revised Code of the State of Delaware be, and the same is hereby amended by the repeal of 1506, Section 26 thereof, and by inserting in lieu thereof the following which shall be styled 1506, Section 26. <sup>1506, Sec. 26, repealed</sup>

1506. Section 26. PARTIAL PAYMENTS ON CONTRACT:—  
Partial payments may be made on account of said contract <sup>Payments on contract</sup> provided for under the provisions of Sections 21 to 31, inclusive, of this Chapter, and paid in the manner herein prescribed, when certified to by the said Commissioner, not exceeding eighty per centum of the full value of the work done prior to said payment, and the balance after the work specified to be done by such contract shall have been fully performed and accepted by the said Levy Court and the said Commissioner.

Approved March 21, A. D. 1917.



## ROADS AND BRIDGES, NEW CASTLE COUNTY.

## CHAPTER 97.

## ROADS AND BRIDGES, NEW CASTLE COUNTY.

AN ACT to amend Chapter 55 of the Revised Code of the State of Delaware relating to the roads 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 55 of the Revised Code of the State of Delaware be, and the same is hereby amended by the repeal of 1508, Section 28 thereof, and by inserting in lieu thereof the following which shall be styled 1508, Section 28.

1508, Sec. 28,  
repealed

1508. Section 28. COMMISSIONER TO HAVE CHARGE OF WORK; HIS DECISION FINAL; SUPERVISOR; APPOINTMENT AND REMOVAL; DUTIES; PARTIAL PAYMENTS; STATEMENT OF FINAL COST:—After the contract has been filed, as hereinbefore provided, the said Highway Commissioner shall take entire charge of the work done under said contract, and his decision upon all matters pertaining to said contract shall be final.

Work to be  
in charge of

He shall, as soon as practicable, appoint a supervisor of the construction of the work under such contract, who shall receive for his services in that behalf a per diem wage to be fixed by the Levy Court for the time he is actually engaged in work to be paid by the Levy Court.

Supervisor

The said Commissioner may, however, at any time summarily discharge any supervisor who in his judgment is incompetent or who neglects his duty, and in such case shall appoint a new supervisor to take the place of the one so discharged; the supervisor shall supervise all work done

## ROADS AND BRIDGES, NEW CASTLE COUNTY.

under said contract, shall give his whole time thereto, shall require the provisions of the contract to be strictly adhered to by the contractor, and in any case where the contract provides for partial payments during the progress of the work, he shall also, as each payment becomes due, and before payment shall be made, present to the Levy Court, and to the said Commissioner a certificate, and also a certificate of the surveyor or engineer, if any there be, stating as near as may be the total amount of work done, and that such work has been done in all respects as required by the contract; the Levy Court shall have power to appropriate such sums of money for the purpose of carrying on such work as may from time to time become necessary; and when the work shall be fully completed, and the terms and conditions of the contract shall be fully complied with, and such facts shall have been certified by the said Levy Court and the said Commissioner to their satisfaction, by the supervisor and the surveyor and engineer, if any there be, payment in full shall be made.

Approved March 21, A. D. 1917.

## ROADS AND BRIDGES, NEW CASTLE COUNTY.

## CHAPTER 98.

## ROADS AND BRIDGES, NEW CASTLE COUNTY.

AN ACT to amend Chapter 55, of the Revised Code of the State of Delaware, by providing for the repairs of certain roads or streets in certain incorporated towns in New Castle County by the Levy Court.

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

Section 1. That Chapter 55, of the Revised Code of the State of Delaware, be and the same is hereby amended by adding thereto, immediately after 1511 Sec. 31, the following, to be known as "1511 A. Sec. 31 A."

Connecting  
roads

1511 A. Sec. 31 A. In any incorporated town in New Castle County, of fifteen hundred population or less, where a road or street shall be a continuation or connection between two parts of a much used county road, the Levy Court may, upon request of the authorities of such town, make all needed repairs to said road.

Approved April 2, A. D. 1917.

ROADS AND BRIDGES, NEW CASTLE COUNTY.

CHAPTER 99.

ROADS AND BRIDGES, NEW CASTLE COUNTY.

AN ACT to amend Chapter 55 of the Revised Code of Delaware, relating to the roads 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 55 of the Revised Code of Delaware be and the same is hereby amended by adding thereto a new section to be styled 1512 A. Section 32 A.

1512 A. Section 32 A. The Levy Court of New Castle County is authorized to appropriate from the amount collected for road purposes in any hundred not more than one-half of the cost of any highway, or portion thereof, hereafter improved in said hundred under the provisions of Section 21 to 31, inclusive, of this Chapter; provided, however, that not more than one-half of the amount collected for road purposes in any hundred in any one year shall be appropriated for said purposes. Any such highway or section so improved shall thereafter be a County highway.

Available  
for road  
purposes

Approved April 18, A. D. 1917.

## ROADS AND BRIDGES, NEW CASTLE COUNTY.

## CHAPTER 100.

## ROADS AND BRIDGES, NEW CASTLE COUNTY.

AN ACT to enable the Levy Court of New Castle County to build a bridge over the Brandywine Creek in the City of Wilmington.

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

Bridge over  
Brandywine

Section 1. That the Levy Court of New Castle County shall have and is hereby granted full power and authority to construct a bridge over the Brandywine Creek in the City of Wilmington at such a place between the present Market Street Bridge and the present Eleventh Street Bridge as the said Levy Court shall deem advisable.

Right of way

Section 2. That whenever it shall be necessary for the Levy Court aforesaid, for the purpose of building the said bridge, or the approaches thereto, or making the same accessible to enter in and upon and occupy any lands, the owner or owners of which refuse to permit such entry and occupation, then it shall be lawful for the Superior Court, sitting in and for New Castle County, in term time, or any Judge of the said Court in vacation, upon application of the said Levy Court, and at the cost and charge of the same, to appoint five freeholders of the said County, who shall go upon the said lands and assess the damages of such owner or owners fairly and impartially, taking into consideration all the benefits to be derived from or in consequence of said bridge to the said owner or owners, and the said freeholders shall certify their finding and award to all parties in interest and make a return of their finding to be filed in the said Superior Court or with the said Judge, as the case may be, appointing them.

## ROADS AND BRIDGES, NEW CASTLE COUNTY.

The return upon one commission shall not be conclusive, but upon application by any party in interest or by President of the Levy Court upon resolution of said Court, within fifteen days after the filing of such return, the said Superior Court or said Judge shall issue a commission of review appointing five other freeholders with like instructions as were contained in the first commission, provided that if a review be granted upon the application of a person or persons interested, the review shall extend only to the assessment of damages made in respect to the person or persons making such application. If the return of a commission of review varies in the damages assessed from the return to the original commission the said Superior Court or said Judge shall grant a second commission of review upon the application of the President of the Levy Court upon the resolution of said Court, or any person interested in the return to the commission of review, within ten days after the filing of such return. If a review be not applied for in due time, the return to the original commission shall be conclusive as to the amount of damages. If the return to any two commissions correspond as to the amount of damages, such amount shall be conclusive, but if there be more than one return and none conclusive under the foregoing provisions, the said Superior Court or said Judge shall confirm such one of them as he shall deem most just, and the return so confirmed shall be conclusive. The said Superior Court or said Judge may set aside a return to a commission for gross inequality or inequity, in which case he shall issue another commission in its place, and the said Superior Court or said Judge shall have power to fill any vacancy in a commission.

Return of  
Commission  
not con-  
clusive

Whenever the damages to any owner or owners shall have been conclusively returned in accordance with the foregoing provisions the Levy Court, on paying the damages so assessed and determined upon, shall become entitled to have, use and enjoy the said lands for the purpose required by them forever. And in case the owner or owners of any land necessary for the purposes of the Levy Court shall be a minor, or non-resident, or for any cause incapable of receiving, or unwilling or neglecting to receive said damages, the

Damages

## ROADS AND BRIDGES, NEW CASTLE COUNTY.

said Levy Court may deposit the amount of the said damages to the credit of such owner or owners in the Farmers' Bank of the State of Delaware, at Wilmington, subject to the order of such owner or owners; whereupon the said Levy Court shall be entitled to have, use and enjoy the said land and premises required for the purposes aforesaid for or on account of which the said damages shall have been assessed. The expenses of the assessment of said damages shall always be paid by the Levy Court.

Issue of  
Bonds

Section 3. That the Levy Court of New Castle County be, and is hereby, authorized and empowered to borrow upon the faith and credit of said County as hereinafter provided, a sum not exceeding One Hundred Thousand Dollars (\$100,000), to be expended in erecting, constructing and completing the said bridge over the Brandywine Creek, in Wilmington, and for the purpose of securing the payment of such sum to issue bonds in denominations of One Thousand Dollars each and bearing such rate of interest, not exceeding four and one-half per centum per annum, as said Levy Court may deem expedient. The interest upon said bonds shall be payable semi-annually in each and every year from the date of issue thereof.

Section 4. Said bonds shall be divided into twenty classes and shall be paid at their face value, as follows:

When due	Class.	Amount.	Year of Maturity.
	A.....	\$5,000.....	1933
	B.....	5,000.....	1934
	C.....	5,000.....	1935
	D.....	5,000.....	1936
	E.....	5,000.....	1937
	F.....	5,000.....	1938
	G.....	5,000.....	1939
	H.....	5,000.....	1940
	I.....	5,000.....	1941
	J.....	5,000.....	1942
	K.....	5,000.....	1943
	L.....	5,000.....	1944

## ROADS AND BRIDGES, NEW CASTLE COUNTY.

M.....	5,000.....	1945
N.....	5,000.....	1946
O.....	5,000.....	1947
P.....	5,000.....	1948
Q.....	5,000.....	1949
R.....	5,000.....	1950
S.....	5,000.....	1951
T.....	5,000.....	1952

Said bonds may at the option of the Levy Court contain a provision for the redemption thereof by the Levy Court at any time after the expiration of five years from the date thereof at a premium not exceeding five per centum.

Section 5. Said bonds shall be prepared under the supervision of the Levy Court Commissioners and shall be signed by the County Treasurer, the President of the Levy Court and the Clerk of the Peace of New Castle County, and shall be under the seal used by the Levy Court of New Castle County. It shall be the duty of such officers to execute said bonds when directed by the Levy Court to do so, and it shall be the duty of the County Treasurer and the Levy Court to keep a record of said bonds.

Execution  
of bonds

Section 6. Said bonds or any part thereof may be sold when and as the Levy Court shall by resolution determine and until sold shall remain in the custody of the County Treasurer. Whenever in the judgment of the Levy Court it shall be deemed advisable that any part or all of said bonds shall be sold, said Levy Court Commissioners may sell and dispose of the same on the most advantageous terms possible after having advertised the same in the public press at least once each week for at least two weeks. No commission or other compensation shall be charged or paid to any member of the Levy Court for effecting the sale or negotiation of said bonds.

How dis-  
posed of

Section 7. Said bonds, principal and interest, shall be payable at the Farmers' Bank in Wilmington, Delaware, in

Payable at



## ROADS AND BRIDGES, NEW CASTLE COUNTY.

gold coin of the United States of America, equal in weight and fineness to the present standard, out of the money from time to time appropriated for that purpose by the Levy Court of New Castle County as hereinafter provided; and the said Levy Court is hereby authorized and directed to pay the interest on said bonds to the Farmers' Bank when and as the same shall become due, and pay said bonds when and as the respective classes mature in accordance with the foregoing schedule. The said Levy Court in fixing the rate of taxation shall annually, until the first installment of said bonds shall become due and payable, provide for a sum equal to the amount of interest due each year upon said bonds, and as and when said bonds shall become due and payable, shall in like manner provide for a sum equal to the amount of such bonds in addition to the amount necessary to pay the interest upon the unpaid bonds as before provided, which shall, when collected and paid to the County Treasurer be set apart by him in a separate account to be opened for that purpose; and the said County Treasurer shall apply the said sum annually to the payment of such part of said loan and interest thereon as may from time to time become due under the provisions of this act.

Proceeds of  
sale de-  
posited

Section \*9. All of said bonds shall bear the same date and shall be numbered from 1 to 100 inclusive. All money received from the sale of any or all of said bonds, after the payment of the charges and expenses connected with the preparation and sale thereof, shall be deposited by the County Treasurer in the Farmers' Bank at Wilmington to the credit of the Levy Court of New Castle County in a separate account and payments thereof shall be made in the same manner as other payments by said Levy Court; provided that no part of the money thus obtained, except as in this section provided, shall be used for any other purpose than for the erecting, constructing and completion of said bridge over the Brandywine Creek, in the City of Wilmington, as hereinbefore stated; and provided further that the purchasers or holders of said bonds shall not be bound to see to or to be affected by the application of said money realized from the sale of said bonds.

## ROADS AND BRIDGES, NEW CASTLE COUNTY.

Section 9. The bonds to be issued shall be in the following form:

## UNITED STATES OF AMERICA

## STATE OF DELAWARE.

Class.

Number. Form

## NEW CASTLE COUNTY BRIDGE IMPROVEMENT BOND.

1,000.00.

1,000.00.

New Castle County in the State of Delaware, for value received, hereby acknowledges its indebtedness and promises to pay to the holder of this bond at the Farmers' Bank at Wilmington on the                      day of A. D. 19   , the sum of One Thousand Dollars with interest thereon at the rate of            per centum per annum, payable semi-annually on the                      day of            and                      in each year. This bond is one of the authorized issue of One Hundred bonds aggregating One Hundred Thousand Dollars, by virtue and in strict conformity with an act of the General Assembly of the State of Delaware approved A. D. 1917, entitled "An Act to enable the Levy Court of New Castle County to build a bridge over the Brandywine Creek in the city of Wilmington," and in pursuance of a resolution of the Levy Court of New Castle County adopted                      A. D. 19   .

It is hereby certified that this bond is one of the issue authorized by the above recited act of the General Assembly, and that the faith and credit of said New Castle County are pledged for the punctual payment of the principal and interest of this bond according to the terms.

IN WITNESS WHEREOF, the County Treasurer, President of the Levy Court and the Clerk of the Peace of New Castle

## ROADS AND BRIDGES, NEW CASTLE COUNTY.

County, have hereunto set their hands and seal of the Levy Court of New Castle County, at the city of Wilmington in Delaware, this                      day of                      A. D. 191 .

.....  
*County Treasurer of New Castle County.*

.....  
*President of the Levy Court of New Castle County.*

.....  
*Clerk of the Peace of New Castle County.*

*Additional  
 provisions*

Section 10. Said bonds shall contain such provision in addition to those set forth in Section 9 of this Act and not inconsistent with the requirements of this Act, as said Levy Court shall determine.

*Public  
 service rights*

Section 11. That no public service corporation shall have the exclusive right and privilege to the use of the bridge hereby authorized to be built to the exclusion of any other public service corporation, and all acts or parts of acts inconsistent herewith are hereby repealed.

Approved April 12, A. D. 1917.

## ROADS AND BRIDGES, NEW CASTLE COUNTY.

## CHAPTER 101.

## ROADS AND BRIDGES, NEW CASTLE COUNTY.

AN ACT to authorize the Levy Court of New Castle County to borrow \$500,000 to be expended for the permanent improvement of public highways of New Castle County under the provisions of Chapter 55 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. That the Levy Court of New Castle County be, and is hereby, authorized and empowered to borrow upon the faith and credit of said County as hereinafter provided, a sum not exceeding Five Hundred Thousand Dollars (\$500,000), to be expended for the permanent improvement of highways of New Castle County under the provisions of Chapter 55 of the Revised Code of the State of Delaware, and for the purpose of securing the payment of such sum to issue bonds in denominations of One Thousand Dollars (\$1,000) each and bearing such rate of interest not exceeding four and a half per centum per annum, as said Levy Court may deem expedient. The interest upon said bonds shall be payable semi-annually in each and every year from the date of issue thereof.

To issue  
bonds for  
highways of  
N. C. Co.

Section 2. Said bonds shall be divided into thirty-four classes and shall be paid at their face value as follows: When due

Class.	Amount.	Year of Maturity.
A.....	\$15,000.....	1927
B.....	15,000.....	1928
C.....	15,000.....	1929
D.....	15,000.....	1930
E.....	15,000.....	1931
F.....	15,000.....	1932

## ROADS AND BRIDGES, NEW CASTLE COUNTY.

G.....	15,000.....	1933
H.....	15,000.....	1934
I.....	15,000.....	1935
J.....	15,000.....	1936
K.....	15,000.....	1937
L.....	15,000.....	1938
M.....	15,000.....	1939
N.....	15,000.....	1940
O.....	15,000.....	1941
P.....	15,000.....	1942
Q.....	15,000.....	1943
R.....	15,000.....	1944
S.....	15,000.....	1945
T.....	15,000.....	1946
U.....	15,000.....	1947
V.....	15,000.....	1948
W.....	15,000.....	1949
X.....	15,000.....	1950
Y.....	15,000.....	1951
Z.....	15,000.....	1952
AA.....	15,000.....	1953
BB.....	15,000.....	1954
CC.....	15,000.....	1955
DD.....	15,000.....	1956
EE.....	15,000.....	1957
FF.....	15,000.....	1958
GG.....	15,000.....	1959
HH.....	5,000.....	1960

Said bonds may at the option of the Levy Court contain a provision for the redemption thereof by the Levy Court at any time after the expiration of five years from the date thereof, at a premium not to exceed five per cent.

Execution  
of bonds

Section 3. Said bonds shall be prepared under the supervision of the Levy Court Commissioners and shall be signed by the County Treasurer, the President of the Levy Court and the Clerk of the Peace of New Castle County, and shall be under the seal used by the Levy Court of New Castle County. It shall be the duty of such officers to execute said

## ROADS AND BRIDGES, NEW CASTLE COUNTY.

bonds when directed by the Levy Court to do so, and it shall be the duty of the County Treasurer and the Levy Court to keep a record of said bonds.

Section 4. Said bonds, or any part thereof, may be sold when and as the said Levy Court Commissioners shall by resolution determine, and until sold shall remain in the custody of the County Treasurer. Whenever in the judgment of the Levy Court Commissioners it shall be deemed desirable that any part or all of said bonds shall be sold, said Levy Court Commissioners may sell and dispose of the same on the most advantageous terms possible after having advertised the same in the public press at least once each week for at least two weeks. No commission or other compensation shall be charged or paid to any member of said Levy Court for effecting the sale or negotiation of said bonds.

Section 5. Said bonds, principal and interest shall be payable at the Farmers' Bank at Wilmington, Delaware, in gold coin of the United States of America equal in weight and fineness to the present standard, out of the money from time to time appropriated for that purpose by the Levy Court of New Castle County as hereinafter provided; and the said Levy Court is hereby authorized and directed to pay the interest on said bonds to the said Farmers' Bank when and as the same shall become due and to pay said bonds when and as the respective classes mature, in accordance with the foregoing schedule. The said Levy Court in fixing the rate of taxation shall annually, until the first instalment of said bonds shall become due and payable, provide for a sum equal to the amount of interest due each year upon said bonds, and as and when said bonds shall become due and payable, shall in like manner provide for a sum equal to the amount of such bonds in addition to the amount necessary to pay the interest on the unpaid bonds as before provided, which shall, when collected and paid to the County Treasurer, be set apart by him in separate account to be opened for that purpose; and the said County Treasurer shall apply the said sum annually to the payment of such

## ROADS AND BRIDGES, NEW CASTLE COUNTY.

part of said loan and interest thereon as may from time to time become due under the provisions of Section 2 of this Act.

Proceeds of  
sale de-  
posited

Section 6. All of said bonds shall bear the same date and shall be numbered from one to five hundred inclusive. All money received from the sale of any or all of the said bonds after the payment of the charges and expenses connected with the preparation and sale thereof shall be deposited by the County Treasurer at the Farmers' Bank at Wilmington to the credit of the Levy Court of New Castle County in a separate account and payments therefrom shall be made in the same manner as other payments by said Levy Court; provided that no part of the money thus obtained, except as in this section provided, shall be used for any other purpose than for the permanent improvement of highways under the provisions of Sections 21 to 31 inclusive of Chapter 55 of the Revised Code of the State of Delaware, as the same now exists or may hereafter be amended; and provided further that the purchasers or holders of said bonds shall not be bound to see to, or be affected by, the application of said money realized from the sale of said bonds. And provided further, that the full amount of money thus obtained shall be spent for the permanent improvement of the following highways: In Brandywine Hundred, the road leading from the Pennsylvania State line to the corporate line of the City of Wilmington, known as the Wilmington and Philadelphia Turnpike, and in Christiana, Mill Creek, White Clay Creek and Pencader Hundreds such a road as the Levy Court of New Castle County and the New Castle County State Highway Commissioner should deem advisable, leading from the corporate line of the City of Wilmington to the Maryland State line via Elsmere, Price's Corner, Marshallton and Newark.

Section 7. The bonds to be issued shall be in the following form, to wit:

ROADS AND BRIDGES, NEW CASTLE COUNTY.

UNITED STATES OF AMERICA.

STATE OF DELAWARE.

Class

Number Form

NEW CASTLE COUNTY HIGHWAY IMPROVEMENT.

BOND.

Fifth Series.

\$1,000.00.

\$1,000.00.

New Castle County in the State of Delaware, for value received, hereby acknowledges its indebtedness and promises to pay to the holder of this bond at the Farmers' Bank at Wilmington, on the                      day of                      A. D. 19   , the sum of One Thousand Dollars, with interest thereon at the rate of                      per centum per annum, payable semi-annually on the                      day of                      and                      in each year. This bond is one of the authorized issue of five hundred bonds aggregating Five Hundred Thousand Dollars, by virtue of and in strict compliance with an Act of the General Assembly of the State of Delaware, approved A. D. 1917 entitled "An Act to authorize the Levy Court of New Castle County to borrow \$500,000 to be expended for the permanent improvement of public highways of New Castle County under the provisions of Chapter 55 of the Revised Code of the State of Delaware," and in pursuance of a resolution of the Levy Court of New Castle County, adopted A. D., 19   .

It is hereby certified that this bond is one of the issue authorized by the above recited Act of the General Assembly and that the faith and credit of said New Castle County are pledged for the punctual payment of the principal and interest of this bond according to the terms.

IN WITNESS WHEREOF the County Treasurer, President of the Levy Court and Clerk of the Peace, of New Castle



## ROADS AND BRIDGES, NEW CASTLE COUNTY.

County, have hereunto set their hands and the seal used by the Levy Court of New Castle County, at the City of Wilmington, in Delaware, this                      day of  
A. D. 19 .

.....  
*County Treasurer of New Castle County.*

.....  
*President of the Levy Court of New Castle County.*

.....  
*Clerk of the Peace of New Castle County.*

Additional  
provisions

Section 8. Said bonds shall contain such provisions in addition to those set forth in Section 7 of this Act, and not inconsistent with the requirements of this Act, as said Levy Court shall determine.

Approved April 4, A. D. 1917.

## ROADS AND BRIDGES, NEW CASTLE COUNTY.

## CHAPTER 102

## ROADS AND BRIDGES, NEW CASTLE COUNTY.

AN ACT relating to the construction of certain roads 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 roads built, constructed or permanently improved with money borrowed under and by authority of an Act entitled "An Act to authorize the Levy Court of New Castle County to borrow \$500,000 to be expended for the permanent improvement of public highways of New Castle County, under the provisions of Chapter 55 of the Revised Code of the State of Delaware," approved 1917, shall be built, constructed or improved by the Levy Court of New Castle County, and the New Castle County State Highway Commissioner, together with the Chief Engineer of the State Highway Department, by and with the consent of the State Highway Department, as consulting engineer, and all proposals, surveys, plans, specifications, and contracts and performance of contracts relating to said roads or any part thereof shall be subject to the joint approval of the said Levy Court, New Castle County Highway Commissioner, and Chief Engineer. If the said State Highway Department should refuse to permit said Chief Engineer to act as such consulting engineer, then said roads shall be built, constructed, or improved by the Levy Court of New Castle County and the New Castle County State Highway Commissioner, in conformity with the provisions of said Chapter 55.

Road construction in New Castle County

Under supervision of

## ROADS AND BRIDGES, NEW CASTLE COUNTY.

Object

The purpose of this Act is to secure as far as practicable, uniformity of proposals, surveys, plans, specifications, and construction, contracts or performance of contract, relating to State and County highways.

Approved April 24, A. D. 1917.

## ROADS AND BRIDGES, KENT COUNTY.

## CHAPTER 103.

## ROADS AND BRIDGES, KENT COUNTY.

AN ACT to amend Article 2, of Chapter 55, of the Revised Code of the State of Delaware, in relation to the improvement and maintenance of the public roads and bridges of Kent County.

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

Section 1. That Article 2, of Chapter 55, of the Revised Code of the State of Delaware, be and the same is hereby amended by repealing 1513, Sec. 33 and 1517, Sec. 37,<sup>1513, Sec. 33 and 1517, Sec. 37 repealed</sup> and substituting in lieu thereof the following new Sections, to be known as "1513, Sec. 33," and "1517, Sec. 37," and by adding after 1528, Sec. 48, a new Section to be known as "1529, Sec. 49," as follows:

"1513, Sec. 33. COUNTY ROAD ENGINEER; APPOINTMENT; OATH; BOND; TERM OF OFFICE; VACANCIES; SALARY:— The Levy Court of Kent County, at its January meeting, shall annually, by a majority vote, appoint some competent engineer to be County Road Engineer. Such County Road Engineer, before entering upon the duties of his office, shall make oath before a person qualified to administer oaths, that he will well and faithfully perform the duties of his office. Said Engineer, if the said Levy Court shall deem it necessary, shall give bond with surety or sureties, to be approved by said Levy Court, in a sum to be fixed by said Levy Court, to secure the faithful performance of his duties and the safe keeping to all papers and records of his office and the turning over of the same to his successor. He shall hold office during the pleasure of the Levy Court, but shall not be removed without good cause. Vacancies in such office<sup>Kent County road engineer</sup> shall be filled by said Levy Court for the unexpired term.<sup>Vacancies</sup>

## ROADS AND BRIDGES, KENT COUNTY.

**Salary** The said County Road Engineer shall receive a salary of Fifteen Hundred Dollars per annum and while in said office shall not be engaged in any other business.

**Supervisors** "1517, Sec. 37. UNIMPROVED ROADS AND BRIDGES; REPAIR; CONTRACTS FOR; SUPERVISOR OF ROADS; APPOINTMENT; AUTHORITY; DUTIES; REPORTS; COMPENSATION; REPORT OF CLERK OF PEACE AS TO EXPENDITURES:—The Levy Court of Kent County shall, annually, in the month of February, appoint two supervisors of roads for each Representative District of the County. Said Supervisors shall keep the roads and bridges of their Districts in repair, and shall be under the direction of the County Road Engineer, and subject to the supervision of the said Engineer, shall have authority to employ any necessary men, teams, and implements and to purchase all necessary materials for the purpose of making such repairs. Said supervisors shall work as any other men employed by them whenever they are working three men or less, and shall personally supervise the said repair work in their Districts, and shall make under oath full and complete reports in duplicate, accompanied by their vouchers, to the said Engineer, at the end of every week in which they shall do any work, giving in detail the number of hours they were employed in the service of the County, all items of work done, the number of men, teams and implements employed, the length of time of their employment and the materials used in such repair work; one of which reports shall be filed by the said County Road Engineer, with the County Comptroller. The said supervisors of roads may at any time be removed at the pleasure of the Levy Court, and the said Levy Court may appoint others in their places.

**Duties**

**Salaries** The compensation of supervisors shall be fixed at a rate of twenty-five cents per hour, and they shall receive for their services only such compensation as they are entitled to for the number of hours actually spent in the service of the County. No time shall be allowed going to and from work, or looking for workmen. A schedule of the amounts

## ROADS AND BRIDGES, KENT COUNTY.

to be paid for men employed, and teams or implements<sup>Labor, teams, etc.</sup> hired, and all expense allowances to the supervisors, if any, shall be fixed from time to time by the Levy Court, and no money shall be paid out for the services of the said supervisors, or for any such labor, teams, implements or materials, \*of for any other purpose, except by orders drawn by the Clerk of the Peace, countersigned by the President of the Levy Court and approved by the County Comptroller after he shall have satisfied himself of the correctness and fairness of the same. And before any such orders shall be drawn or approved by the Comptroller, the bills for the payment for which they are to be given shall be approved by the Levy Court Commissioner from the District in which such work shall be done, or materials used. All such moneys shall be paid from the road moneys collected from general taxes, except the compensation of the said supervisors, which shall be paid from the general fund, and a written report of such payments shall be submitted to each monthly meeting of the Levy Court by the County Comptroller and the Finance Committee of the said Levy Court, at such other times as it may require it. And if the said Levy Court shall deem it advisable so to do, it may contract with any person or persons to repair or keep in repair any road or roads, or portions of the same, within any District in Kent County, on such terms and for such compensation as it may deem advisable. But before entering into such contract, the said County Road Engineer shall prepare specifications of what work shall be required to be done on said road, which said specifications shall compose a part of any contract that may subsequently be entered into. And it shall also be one of the stipulations of any such contract that the work provided for shall be approved by the said Engineer before any compensation shall be received by the person or persons with whom said contracts shall be made. It shall not be a part of the duties of any of the supervisors to oversee such work unless directed so to do by order of the Levy Court. The compensation for such work shall also be paid from the road moneys collected by general taxation by order of the Levy Court on the County Treasurer; which

\* or

## ROADS AND BRIDGES, KENT COUNTY.

said orders shall be charged to the District in which it shall be done, and no more than ten per centum of the moneys available for the roads throughout the County shall be spent in any one year on the repair of the roads of any one District without the consent of the Levy Court. No bridges to cost over One Hundred Dollars shall be built in any District without the recommendation of the County Engineer, and consent of the Levy Court, and until the money for completing the same shall have been appropriated. But any bridges may be built by contract upon plans and specifications made by said County Road Engineer, or by the said County Road Engineer without contract, as the Levy Court may direct. If built by contract, such contract shall be awarded to the lowest responsible bidder therefor, after advertisements for bids for such work shall have been published for at least two weeks in two newspapers published in Kent County, giving the place, date and hour of the opening of such bids; and such bids shall be opened in the presence of the Engineer, the Clerk of the Peace and the Comptroller. The Levy Court may prescribe the amount of certified checks that shall accompany such bids, and shall require the successful bidder to enter into contract for such work, and to give a bond with surety or sureties, to be approved by the Levy Court, in such a manner as shall be fixed by the said Levy Court, conditioned for the faithful performance of the contract. Such contract shall be signed by said contractor and by the President of the Levy Court. The said contract shall, among other things, provide for the retention of at least ten per cent. of the contract price for one year after the completion and acceptance of the work, and the money so retained may be forfeited to the County, if within said year any such bridge is found not to be in compliance with the contract."

Permanent  
roads

"1529, Sec. 49. PERMANENT ROADS; HOW MAINTAINED; WIDTH; DITCHES:—All finished sections of permanently improved roads shall be kept in the best possible condition, and the County Road Engineer shall appoint a sufficient number of suitable persons living along the said

## ROADS AND BRIDGES, KENT COUNTY.

permanently improved roads to carry out the intent of this Section, who shall keep accurate account of their time and the locations, and the details of their work on said roads, and their wages shall be fixed by the Levy Court Commissioner living in that District and the County Road Engineer.

All permanently improved roads, except causeways, shall be worked to a width of at least thirty feet, and no ditch <sup>width</sup> shall be permitted within the said width, and all ditches which may be found within said width shall be filled up.

Section 2. The Levy Court of Kent County shall, at its next meeting after the passage and approval of this Act, appoint an additional Road Supervisor for each Representa- <sup>Additional Supervisors</sup> tive District of this County, to serve until the appointment of his successor under Section 1 hereof, in the month of February, 1918. All the supervisors of roads in Kent County in the year 1917 shall be subject, as to their compensation, powers and duties, to all the provisions of Section 1 hereof.

Approved April 19, A. D. 1917.



## ROADS AND BRIDGES, KENT COUNTY.

## CHAPTER 104.

## ROADS AND BRIDGES, KENT COUNTY.

AN ACT authorizing the Levy Court of Kent County to issue bonds for the permanent improvement of roads.

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

Issue of  
bonds

Section 1. The Levy Court of Kent County is hereby authorized and empowered to issue and sell bonds of Kent County, to be known as "Kent County Good Roads Bonds" to the amount of One Hundred Thousand Dollars (\$100,000.00), for the purpose of the further permanent improvement of the roads of Kent County.

Denomi-  
nation

Section 2. The said bonds shall be of the denomination of One Thousand Dollars (\$1,000) each, and bearing interest at the rate of not over five per centum per annum. The interest upon said bonds shall be payable semi-annually in each and every year from the date of issue thereof.

When due

Section 3. Said bonds shall be divided into twenty classes, and shall be paid at their face value as follows:

Class.	Amount.	Year of Maturity.
A.....	\$5,000.....	1937
B.....	5,000.....	1938
C.....	5,000.....	1939
D.....	5,000.....	1940
E.....	5,000.....	1941
F.....	5,000.....	1942
G.....	5,000.....	1943
H.....	5,000.....	1944
I.....	5,000.....	1945

## ROADS AND BRIDGES, KENT COUNTY.

Class.	Amount.	Year of Maturity.
J.....	\$5,000.....	1946
K.....	5,000.....	1947
L.....	5,000.....	1948
M.....	5,000.....	1949
N.....	5,000.....	1950
O.....	5,000.....	1951
P.....	5,000.....	1952
Q.....	5,000.....	1953
R.....	5,000.....	1954
S.....	5,000.....	1955
T.....	5,000.....	1956

Section 4. Said bonds shall be prepared under the supervision of the Levy Court Commissioners and shall be signed by the County Treasurer, the President of the Levy Court and the Clerk of the Peace of Kent County and shall be under the seal used by the Levy Court of Kent County. It shall be the duty of such officers to execute said bonds when directed by the Levy Court to do so, and it shall be the duty of the County Treasurer and the Levy Court to keep a record of said bonds. Said bonds, or any part thereof, shall be sold as follows:

The County Road Engineer shall, on the first day of May, A. D. 1917, and on the first day of April thereafter in each year, advise the Levy Court of Kent County in writing of the estimated portion of the said sum of One Hundred Thousand Dollars herein provided for, which will be needed for the improvement of roads in the succeeding twelve months. Whereupon, the County Treasurer, the President of the Levy Court and Clerk of the Peace, or a majority of them, are hereby authorized and empowered to sell a sufficient number of the bonds herein provided for to secure a sum sufficient to defray the cost of improvements to be made during the year; and to this end the County Treasurer, President of the Levy Court and the Clerk of the Peace are hereby directed to advertise twice a week for four consecutive weeks in such newspapers in or out of the State as in

## ROADS AND BRIDGES, KENT COUNTY.

their judgment may be conducive to said sale, that they will receive bids at such place or places as may be named in said respective advertisements for the bonds so decided to be sold, under such regulations as may be made in their discretion and accrued interest between the date of the bonds and the time of sale and delivery of and payment for said bonds shall be adjusted with the purchaser thereof under such regulations as may be made in the discretion of the said County Treasurer, the President of the Levy Court and the Clerk of the Peace, provided that any over due coupons attached to said bonds shall before the sale of said bonds be detached and cancelled in accordance with the provisions of this Act. And upon the day mentioned in said advertisement as the day for opening the bids for the proposals thereby called for, they shall receive such sealed proposals for the purchase of as many of such bonds as may be designated in said advertisement, and on the opening of said sealed proposals as many of said bonds or certificates of indebtedness as have been so bid for shall be awarded by the said County Treasurer, President of the Levy Court and Clerk of the Peace to the highest responsible bidder or bidders therefor, for cash, provided the prices bid are adequate in the judgment of the County Treasurer, President of the Levy Court and Clerk of the Peace. If two or more bidders have made the same bid and such bid is the highest and the bonds so bid for by the highest responsible bidders are in excess of the whole amount of bonds \*of certificates so offered for sale, such bonds shall be awarded such highest responsible bidders bidding the same price in a ratable proportion. If any of said bonds so offered for sale are not bid for or if any insufficient price be bid for them they may be subsequently disposed of under the direction of the County Treasurer, President of the Levy Court, and Clerk of the Peace aforesaid at private sale upon the best terms they can obtain for the same. Provided, however, that they shall not be sold at private sale for less than par and accrued interest. No commission or other compensation shall be charged or paid to any of said officers for effecting the sale or negotiations of said bonds.

\* or

## ROADS AND BRIDGES, KENT COUNTY.

Section 5. Said bonds, principal and interest, shall be payable at the Farmers Bank at Dover, Delaware, in gold coin of the United States of America equal in weight and fineness to the present standard, out of the money from time to time appropriated for that purpose by the Levy Court of Kent County as hereinafter provided; and the said Levy Court is hereby authorized and directed to pay the interest on said bonds to the said Farmers Bank when and as the same shall become due, and to pay said bonds when and as the respective classes mature, in accordance with the foregoing schedule. The said Levy Court in fixing the rate of taxation shall annually, until the first installment of said bonds shall become due and payable, provide for a sum equal to the amount of interest due each year upon said bonds and as and when said bonds shall become due and payable, shall in like manner provide for a sum equal to the amount of such bonds in addition to the amount necessary to pay the interest on the unpaid bonds as before provided, which shall, when collected and paid to the County Treasurer, be set apart by him in a separate account to be opened for that purpose; and the said County Treasurer shall apply the said sum annually to the payment of such part of said loan and interest thereon as may from time to time become due under the provisions of this Act. Payable at

Section 6. All of said bonds shall bear the same date, and shall be numbered from 1 to 100 inclusive. All money received from the sale of any or all of said bonds, after the payment of the charges and expenses connected with the preparation and sale thereof, shall be deposited as herebefore provided. Date of bonds

## ROADS AND BRIDGES, KENT COUNTY.

Form of  
bond

Section 7. The bonds to be used shall be in the following form, to wit:

UNITED STATES OF AMERICA

STATE OF DELAWARE.

Class. ....

Number. ....

KENT COUNTY HIGHWAY IMPROVEMENT BOND.

\$1,000

\$1,000

Kent County in the State of Delaware, for value received, hereby acknowledges its indebtedness and promises to pay to the holder of this bond at the Farmers Bank at Dover on the.....day of.....A. D. 19..., the sum of One Thousand Dollars, with interest thereon at the rate of.....per centum per annum, payable semi-annually on the.....day of.....and.....each year.

This bond is one of the authorized issue of one hundred bonds aggregating One Hundred Thousand Dollars, by virtue of and in strict compliance with an Act of the General Assembly of the State of Delaware, approved.....A. D. 1917, and providing for the permanent improvement of public highways in Kent County, Delaware, and in pursuance of a resolution of the Levy Court of Kent County adopted.....A. D. 19.... It is hereby certified that this bond is one of the issue authorized by the above recited Act of the General Assembly and the faith and credit of said Kent County are pledged for the punctual payment of the principal and interest of this bond according to its terms.

IN WITNESS WHEREOF the County Treasurer, President of the Levy Court and Clerk of the Peace, of Kent County,

ROADS AND BRIDGES, KENT COUNTY.

have hereunto set their hand and seal of the Levy Court of Kent County, at the town of Dover, in Delaware, this first day of July, 1917.

.....  
*County Treasurer of Kent County.*

.....  
*President of the Levy Court of Kent County.*

.....  
*Clerk of the Peace of Kent County.*

Section 8. Said bonds shall contain such provisions in addition to those set forth in this Act, and not inconsistent with the requirements of this Act, as said Levy Court shall determine, and the coupons shall be in the following form, Form of Coupon  
to wit:

No.....

Kent County, Delaware, will pay to the bearer at the Farmers Bank of the State of Delaware, at Dover, on the first day of.....A. D....., the sum of.....Dollars for six months' interest on Bond No.....

KENT COUNTY HIGHWAY IMPROVEMENT BOND OF 1917.

.....  
*County Treasurer.*

Dated July 1, 1917.

Section 9. That all moneys raised under this Act shall be expended under the provisions of Article II of Chapter 55 of the Revised Code as amended, relating to the permanent improvement of the roads of Kent County.

Approved April 2, A. D. 1917.

ROADS AND BRIDGES, SUSSEX COUNTY.

CHAPTER 105.

ROADS AND BRIDGES, SUSSEX COUNTY.

AN ACT to authorize Sussex County to borrow one million dollars to be expended for the permanent improvement of certain public highways of Sussex County.

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

Bond issue  
for Sussex  
County  
Highways

Section 1. That a joint committee composed of the members of the Levy Court of Sussex County, together with a Committee of three, to be composed of the Governor and two other citizens of Sussex County to be appointed by the Governor, one from each of the principal political parties to be known as an Advisory Committee, the members of which shall serve without compensation, be and is hereby authorized and empowered to borrow upon the faith and credit of said County, as hereinafter provided, a sum not exceeding one million dollars, to be expended for the permanent improvement of highways of Sussex County and for the purpose of securing the payment of such sum, to issue bonds with coupons attached thereto in denominations of five hundred dollars each and bearing such rate of interest, not exceeding four and one-half per centum per annum as said Levy Court and said Advisory Committee may deem expedient. The interest upon said bonds shall be payable semi-annually in each and every year from the date of issue thereof.

Classes of

Section 2. Said bonds shall be divided into forty classes and shall be paid at their face value as follows:

When due	Class.	Amount.	Year of Maturity.
	A .....	\$25,000.....	1927
	B .....	\$25,000.....	1928

## ROADS AND BRIDGES, SUSSEX COUNTY.

C	.....	\$25,000	.....	1929
D	.....	\$25,000	.....	1930
E	.....	\$25,000	.....	1931
F	.....	\$25,000	.....	1932
G	.....	\$25,000	.....	1933
H	.....	\$25,000	.....	1934
I	.....	\$25,000	.....	1935
J	.....	\$25,000	.....	1936
K	.....	\$25,000	.....	1937
L	.....	\$25,000	.....	1938
M	.....	\$25,000	.....	1939
N	.....	\$25,000	.....	1940
O	.....	\$25,000	.....	1941
P	.....	\$25,000	.....	1942
Q	.....	\$25,000	.....	1943
R	.....	\$25,000	.....	1944
S	.....	\$25,000	.....	1945
T	.....	\$25,000	.....	1946
U	.....	\$25,000	.....	1947
V	.....	\$25,000	.....	1948
W	.....	\$25,000	.....	1949
X	.....	\$25,000	.....	1950
Y	.....	\$25,000	.....	1951
Z	.....	\$25,000	.....	1952
AA	.....	\$25,000	.....	1953
AB	.....	\$25,000	.....	1954
AC	.....	\$25,000	.....	1955
AD	.....	\$25,000	.....	1956
AE	.....	\$25,000	.....	1957
AF	.....	\$25,000	.....	1958
AG	.....	\$25,000	.....	1959
AH	.....	\$25,000	.....	1960
AI	.....	\$25,000	.....	1961
AJ	.....	\$25,000	.....	1962
AK	.....	\$25,000	.....	1963
AL	.....	\$25,000	.....	1964
AM	.....	\$25,000	.....	1965
AN	.....	\$25,000	.....	1966



## ROADS AND BRIDGES, SUSSEX COUNTY.

Said bonds may at the option of the Levy Court and said Advisory Committee, contain a provision for the redemption thereof by the Levy Court at any time after the expiration of ten years from the date thereof, at a premium not to exceed five per cent.

How  
executed

Section 3. Said bonds shall be prepared under the supervision of the Levy Court Commissioners and said Advisory Committee, and shall be signed by the Receiver of Taxes and County Treasurer, the President of the Levy Court and the Clerk of the Peace of Sussex County, and shall be under the seal used by the Levy Court of Sussex County. It shall be the duty of such officers to execute such bonds when directed by the Levy Court so to do, and it shall be the duty of the Receiver of Taxes and County Treasurer and the Levy Court to keep a record of said bonds. Said bonds shall be exempt from State, County, municipal or other taxation.

How dis-  
posed of

Section 4. Said bonds, or any part thereof, may be sold when and as the said Levy Court Commissioners, together with said Advisory Committee, shall by resolution determine, and until sold shall remain in the custody of the Receiver of Taxes and County Treasurer. Whenever in the judgment of the Levy Court Commissioners and said Advisory Committee, it shall be determined desirable that any part or all of said bonds shall be sold, said Levy Court Commissioners and said Advisory Committee may sell and dispose of the same on the most advantageous terms possible, after having advertised the same in the public press at least once each week for at least two weeks. No Commission or other compensation shall be charged or paid to any member of said Levy Court or said Advisory Committee for effecting the sale or negotiation of said bonds.

Payable at

Section 5. Said bonds, principal and interest shall be payable at the Farmers' Bank at Georgetown, Delaware, in gold coin of the United States of America, equal in weight and fineness to the present standard, out of the money from time to time appropriated for that purpose by the Levy

## ROADS AND BRIDGES, SUSSEX COUNTY.

Court of Sussex County as hereinafter provided; and the said Levy Court is hereby authorized and directed to pay the interest on said bonds to the said Farmers' Bank when and as the same shall become due and to pay said bonds when and as the respective classes mature, in accordance with the foregoing schedule. The said Levy Court in fixing the rate of taxation shall annually until the first instalment of said bonds become due and payable, provide for a sum equal to the amount of interest due each year upon said bonds, and as and when said bonds shall become due and payable, shall in like manner provide for a sum equal to the amount of such bonds in addition to the amount necessary to pay the interest on the unpaid bonds as before provided, which shall, when collected and paid to the Receiver of Taxes and County Treasurer, be set apart by him in a separate account to be opened for that purpose; and the said Receiver of Taxes and County Treasurer shall apply the said sum annually to the payment of such part of said loan and interest thereon as may, from time to time, become due under the provisions of Section 2 of this Act.

Section 6. All of said bonds shall bear the same date and shall be numbered from one to two thousand, inclusive. All money received from the sale of any or all of said bonds, after the payment of the charges and expenses connected with the preparation and sale thereof, shall be deposited by the County Treasurer at the Farmers' Bank at Georgetown to the credit of the Levy Court of Sussex County and said Advisory Committee in a separate account, and payments therefrom shall be made in the same manner as other payments by said Levy Court; provided that the money thus obtained shall be used for the purpose of permanently improving the public roads and highways of Sussex County, and provided further that the purchasers or holders of said bonds shall not be bound to see to, or be affected by, the application of said money realized from the sale of said bonds; provided that no bonds shall be issued at any time without the approval of a majority of the joint body composed of the Levy Court of Sussex County and said Advisory Committee, at least four members of said joint Com-

Proceeds de-  
posited at

## ROADS AND BRIDGES, SUSSEX COUNTY.

mittee approving said proposition. Provided, further, that no moneys raised under and by the provisions of this Act shall be expended on the construction of any road or the repair of any road until the said roads to be so constructed or repaired shall have been selected by the said joint committee composed of the Levy Court of Sussex County and said Advisory Committee, at least four of said joint Committee agreeing as to which particular road shall at that time be so constructed or repaired. In all construction or repair of any road from the moneys raised by virtue of the bond issue herein authorized, the general supervision as to materials to be used, methods of construction and construction shall be in the aforesaid joint committee composed of the members of the Levy Court and the said Advisory Committee.

Form

Section 7. The bonds to be issued shall be in the following form, to wit:

UNITED STATES OF AMERICA.

STATE OF DELAWARE.

Class.....

Number.....

SUSSEX COUNTY HIGHWAY IMPROVEMENT.

BOND.

.....SERIES.

\$1,000.00

\$1,000.00

Sussex County, in the State of Delaware, for value received hereby acknowledges its indebtedness and promises to pay to the holder of this bond at the Farmers' Bank at Georgetown, on the.....day of.....  
A. D. 19.., the sum of one thousand dollars, with interest thereon at the rate of.....per centum per annum, payable semi-annually on the .....day of.....

## ROADS AND BRIDGES, SUSSEX COUNTY.

and.....in each year. This bond is one of the authorized issue of two thousand bonds aggregating one million dollars, by virtue of and in strict compliance with an Act of the General Assembly of the State of Delaware, entitled, "An Act to authorize Sussex County to borrow one million dollars to be expended for the permanent improvement of certain public highways of Sussex County," and providing for the permanent improvement of the public highways in Sussex County, Delaware, and in pursuance of a resolution of the Levy Court of Sussex County, adopted .....A. D. 19....

It is hereby certified that this bond is one of the issue authorized by the above recited Act of the General Assembly and that the faith and credit of Sussex County are pledged for the punctual payment of the principal and interest of this bond according to the terms.

In Witness whereof the Receiver of Taxes and County Treasurer, President of the Levy Court and Clerk of the Peace of Sussex County have hereunto set their hands and the seal used by the Levy Court of Sussex County, at the .....in Delaware, this.....day of .....A. D. 19....

Section 8. Said bonds shall contain such provisions in addition to those set forth in Section 7, of this Act, and not inconsistent with the requirements of this Act, as said Levy Court and said Advisory Committee shall determine. <sup>Additional provisions</sup>

Approved April 9, A. D. 1917.

## ROADS AND BRIDGES.

## CHAPTER 106.

## ROADS AND BRIDGES.

## GENERAL PROVISIONS.

AN ACT to amend Chapter 55 of the Revised Code of the State of Delaware, by defining what highways shall be deemed to be public roads.

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

Section 1. That 1566 Section 86, of Chapter 55 of the Revised Code of the State of Delaware, be and the same is hereby amended by striking out all of said Section 86 and inserting in lieu thereof the following, to be known as 1566 Section 86.

1566, Sec. 86  
amended

Highways  
deemed to be  
public roads

"All public roads, causeways and bridges heretofore laid out as such, or made by lawful authority, or which have been used as such and maintained at the public charge for twenty years or more are declared to be common highways. But the usage by the public for twenty years or more of any road shall not cause the said road to become a common highway or public road, unless the same has been maintained at the public charge for twenty years or more."

Approved April 2, A. D. 1917.

## ROADS AND BRIDGES.

## CHAPTER 107.

ROADS AND BRIDGES.  
GENERAL PROVISIONS.

AN ACT to amend Chapter 55 of the Revised Code of the State of Delaware relating to the use of certain bridges.

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

Section 1. That Chapter 55 of the Revised Code of the State of Delaware be and the same is hereby amended by <sup>1573, Sec. 93</sup> adding after 1573, Section 93 thereof a new section to be <sup>amended</sup> styled 1573 A, Section 93 A:

1573 A. Section 93 A. BRIDGES; USE OF REGULATED:—<sup>Maximum weight for bridges</sup>  
The Levy Court of the several Counties and any department of the State having control and jurisdiction of bridges, are hereby authorized and directed to ascertain the maximum weight of vehicles which can be safely driven across the bridges in the control of any such Levy Court or such department, and to post at each end of said bridges a notice showing such maximum weight. Where such notice is legally posted on a bridge, it shall be unlawful for any person to operate any vehicle over said bridge exceeding the weight shown on such notice and it shall also be unlawful for any person to operate any vehicle over any of said bridges, the weight of which, with or without load, exceeds two tons, at a greater rate of speed than one mile in ten minutes. Any person who shall violate either of the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction therefor shall be fined not less <sup>Penalty</sup> than Twenty-five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00).

Approved March 22, A. D. 1917.

## ROADS AND BRIDGES.

## CHAPTER 108.

ROADS AND BRIDGES.  
GENERAL PROVISIONS.

AN ACT to amend Chapter 55 of the Revised Code of the State of Delaware relating to the roads and bridges of New Castle County.

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

1575, Sec. 95  
amended

Section 1. That Chapter 55 of the Revised Code of the State of Delaware be, and the same is hereby amended by adding thereto the following to be styled 1575 A, Section 95 A:

Closing of  
roads during  
improvement

1575 A. Section 95 A. POWER TO CLOSE ROADS DURING CONSTRUCTION, IMPROVEMENT OR REPAIR; USE OF CLOSED ROAD MISDEMEANOR; PENALTY; EXCEPTION:—Whenever, in the judgment of the Levy Court of any County or of any department of the State having jurisdiction and control of roads it is necessary to close a road, or a portion thereof, to public travel which is being constructed, improved or repaired by any such Levy Court or department, upon the adoption of a resolution by any such Levy Court or department to the effect that it is necessary to close such road, or portion thereof, to public travel for either of said reasons, any such Levy Court or department, or those having charge of said construction, improvement or repair shall have the right to close such road, or portion thereof, to public travel by the erection of barriers or otherwise, and any person, other than an ordinary foot traveller, who shall use such road, or portion thereof, while the same is closed pursuant to said Resolution, for any purpose whatever, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall

ROADS AND BRIDGES.

be fined not more than One Hundred Dollars, provided, how- <sup>Proviso</sup>  
ever, that nothing herein contained shall in any way affect  
the right of persons using said roads or portion thereof, so  
closed, for the purpose of necessary ingress, egress or re-  
gress to any property located thereon.

Approved March 22, A. D. 1917.



# TITLE EIGHT

## Elections

### CHAPTER 109.

#### PRIMARY ELECTIONS.

AN ACT to amend Chapter 58, of the Revised Code of Delaware, relating to Primary Elections.

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

1715, Sec. 38 amended      Section 1. That Chapter 58, of the Revised Code of Delaware be and the same is hereby amended by adding a new Section after 1715 Section 38, to be known and styled as 1715 A, Section 39.

Bribery at  
Primary  
Election

"1715 A, Section 39. Bribery at Primary Elections; Penalty:—Every person, either in or out of the State, who shall receive or accept, or offer to receive or accept, or shall pay, transfer or deliver, or offer, or promise to pay, transfer or deliver, or offer, or promise to pay, transfer or deliver, or shall contribute or offer, or promise to contribute to another to be paid or used, any money, or other valuable thing, as a compensation, inducement or reward for the giving or withholding or in any manner influencing the giving or withholding a vote at any primary election held in Kent County for the purpose of selecting Delegates or Representatives to any Political Convention thereafter to be held for the purpose of selecting Candidates for public

## PRIMARY ELECTIONS.

office or for the purpose of selecting Delegates to a National Political Convention thereafter to be held for the purpose of nominating Candidates for the office of President and Vice-President of the United States, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than One Hundred Dollars nor more than Five Thousand Dollars, or shall be imprisoned for a term not less than one month nor more than three years, or shall suffer both fine and imprisonment within said limits at the discretion of the Court."

Approved April 19, A. D. 1917.

## GENERAL ELECTIONS.

## CHAPTER 110.

## GENERAL ELECTIONS.

AN ACT to amend Chapter 60 of the Revised Code of Delaware by changing the boundaries of the third election district of the sixth representative district of New Castle County and creating a new election district in said representative district.

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

1737, Sec. 17  
amended

Section 1. That Chapter 60 of the Revised Code of Delaware be, and the same is hereby amended by the repeal of all the paragraphs of 1737 Section 17 of said Code designated as "N. C. 3," describing the present boundaries of the Third Election District of the Sixth Representative District in New Castle County, and by inserting in lieu thereof the following:

Boundaries  
of N. C. 3

N. C. 3. The Third Election District of the Sixth Representative District is all that portion of Brandywine Hundred bounded by a line beginning on the Delaware River at Holly Oak or Tide Creek; thence with the several meanderings of the main or Northerly branch thereof until it intersects the Baltimore and Philadelphia Railroad; thence Westerly by the centre line of the right of way of said Railroad until the Railroad intersects the Lodge Road at Silverside Station; thence with the centre line of said Lodge Road in a Northerly direction until said Lodge Road intersects Quarryville Creek; thence down said Creek by the several meanderings thereof until it crosses the Carr Road, and thence running in an Easterly direction by the centre of said Carr Road to a point where said Carr Road runs into the Marsh Road; thence Southerly, by the centre of said Marsh Road to a point where said Road runs into the Philadelphia Turnpike; thence running in an Easterly direction

## GENERAL ELECTIONS.

by the centre line of said Philadelphia Turnpike until it is joined by the Lenderman Road; thence southerly by the centre line of the said Lenderman's Road until it is joined by the River Road; thence Westerly by the centre line of the said River Road until it intersects the line dividing the land of Isaac M. Lenderman from the land formerly of Gordon; thence by said line dividing said lands Southerly to the Delaware River; thence up the said River to Holly Oak or Tide Creek, the point of beginning.

All persons entitled to vote in said Third Election District <sup>Voting place</sup> shall vote at Mt. Pleasant School House.

The Inspector of Election elected from the Third Election <sup>Inspector</sup> District of the Sixth Representative District of New Castle County at the general election held A. D. 1916 shall be the inspector of the said Third Election District as created by this Act and shall have all the powers and perform all the duties given to and imposed upon inspectors of election.

Section 2. That Chapter 60 of the Revised Code of Delaware be, and the same is hereby amended by adding after that paragraph of 1737 Section 17 of said Code designated, <sup>New election district</sup> as "N. C. 3," and describing the boundaries of the Third Election District of the Sixth Representative District in New Castle County the following new paragraph describing the boundaries of a new Election District, to be known as the Fourth Election District of the Sixth Representative District in New Castle County.

N. C. 3 A. The Fourth Election District of the Sixth <sup>Boundaries of N. C. 3 A</sup> Representative District is all that portion of Brandywine Hundred bounded by a line beginning at a point on the Delaware River dividing the land of Isaac M. Lenderman from the land formerly of Gordon; thence by said line dividing said lands Northerly until it intersects the River Road; thence easterly by the centre line of said River Road to a point where said River Road runs into Lenderman's Road; thence Northerly by the centre line of Lenderman's Road until it is joined by the Philadelphia Turnpike; thence run-

## GENERAL ELECTIONS.

ning in a Westerly direction by the centre line of said Philadelphia Turnpike to a point where said Turnpike runs into the Marsh Road; thence Northerly, by the centre line of said Marsh Road to a point where said Marsh Road runs into the Carr Road; thence running in a Westerly direction by the centre line of said Carr Road to a point where said road runs into the Shipley Road; thence Southerly, by the centre line of said Shipley Road to Dixon's corner where said Shipley Road is joined by the Weldin Road; thence Westerly by the centre line of the said Weldin Road until it runs into Faulk Road; thence Southerly, by the centre line of said Faulk Road to the Philadelphia and Grant Valley Turnpike, commonly called Concord Pike; thence Southerly by the centre line of said Turnpike and Elliott Avenue to the City line of the City of Wilmington; thence Easterly, by said City line to the Delaware River, and thence by said Delaware River to the centre line extended of the Lenderman Road, the point of beginning.

Voting place      All persons entitled to vote in said Fourth Election District shall vote at Shellpot School House.

Inspector      The Governor shall appoint some qualified voter of the said election district to be the inspector thereof who shall have all the powers and perform all the duties given to and imposed upon inspectors of election.

Approved April 26, A. D. 1917.

## GENERAL ELECTIONS.

## CHAPTER 111.

## GENERAL ELECTIONS.

AN ACT providing for the submission to the vote of the qualified electors of the City of Wilmington as one district, and to the qualified electors of the remaining part of New Castle County as one district, as mentioned in Section 2, Article XIII of the Constitution of the State of Delaware, the question whether the manufacture and sale of intoxicating liquors shall be licensed or prohibited within the limits of the said two districts in accordance with said Article XIII of said Constitution and fixing penalties for the illegal manufacture and sale of intoxicating liquors in either of said districts wherein there shall be a majority of votes cast against license.

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

Section 1. That on the Tuesday next after the first Monday of November in the year of our Lord one thousand nine hundred and seventeen in the corporate limits of the City of Wilmington as one district and in the remaining part of New Castle County as one district as mentioned in Section 2, Article XIII of the Constitution of the State of Delaware, the question whether the manufacture and sale of intoxicating liquors shall be licensed or prohibited within the limits of the said districts, shall be submitted to the vote of the qualified electors of the said districts. In each district in which there shall be, upon said vote, a majority against license, no person, firm or corporation shall thereafter manufacture or sell spirituous, vinous or malt liquors, except for medicinal or sacramental purposes within said districts, until, at a subsequent submission of such question, a majority of votes shall be cast in said district for license.

## GENERAL ELECTIONS.

New registration

Section 2. For the special election provided for in Section 1 of this Act, a new and complete registration of voters shall be made, and all the provisions in relation to the registration of voters, as set forth in Chapters 56 and 57 of the Revised Statutes of the State of Delaware, shall apply to the registration of voters under this Act, so far as applicable, except as hereinafter provided.

Registration officers

The Governor some time in the month of June in the year one thousand nine hundred and seventeen shall appoint in each election district of that part of New Castle County outside the corporate limits of the City of Wilmington, three capable persons who shall be voters and residents in the election district for which they shall be appointed, and who shall be the registration officers of the election district for which they are appointed; one of whom shall be registrar and the other two assistant registrars. The persons so appointed shall be selected by the Governor from names submitted to him by the committee having charge of the campaign against license, and from the names submitted to him by the committee having charge of the campaign for license, and shall be divided as nearly as possible equally between the lists submitted for each representative district. For each appointment accredited to the committee having charge of the campaign against license, and for each appointment accredited to the committee having charge of the campaign for license, the respective committees shall furnish the Governor, on or before the first day of June in the year one thousand nine hundred and seventeen, a list of three names of properly qualified persons, from which list the Governor shall make his appointment; provided, however, that if the said lists of names are not furnished as aforesaid, then and in that event the Governor shall appoint suitable persons having the qualifications provided for by this section.

Alternate registrars

It shall be the duty of the Governor, when appointing registration officers, as hereinbefore provided, to appoint at the same time in each of said districts one other capable person, qualified as aforesaid, who shall be alternate registrar for

## GENERAL ELECTIONS.

the said election district; and the registration officers so appointed shall have all the powers and authority and shall be subject to all the duties and obligations, as now provided in relation to registration officers for the General Election, and shall sit on the days of the several months in the year one thousand nine hundred and seventeen, as now provided for sittings for registration in the year of a General Election.

The Governor shall, also, sometime in the month of June <sup>Election officers</sup> aforesaid appoint five suitable persons of the City of Wilmington for the purpose of conducting the election provided for in this Act. The said persons so appointed shall be selected from a list of names submitted by the committee having charge of the campaign against license, and from a list of names submitted by the committee having charge of the campaign for license, and not more than three of said persons shall be appointed from either of said lists.

This committee so appointed shall be known as the Department of Elections for the City of Wilmington herein provided for and shall perform all the duties in relation to said election, and in relation to the registration therefor, shall have all the power and authority and shall be subject to all the duties and obligations so far as said election is concerned now devolving upon the Department of Elections of the City of Wilmington under the provisions of Chapter 57 of the Revised Statutes of the State of Delaware.

Each member of said committee or newly appointed Department of Elections shall receive a compensation for his <sup>Compensation</sup> services. The same compensation as provided in Section 2, Chapter 57 of the Revised Statutes of the State of Delaware for members of the Department of Elections for one year in which a special election is held.

When the duties imposed upon the several officers under this section shall cease, the said offices herein provided for shall terminate and shall not effect the terms of office of <sup>Term of office</sup>



## GENERAL ELECTIONS.

any of the members of the Department of Elections of the City of Wilmington as previously constituted except to supersede them as to the special election herein provided.

Wherever the term of "political parties" and "political faith" occur in Chapters 56 and 57 of the Revised Statutes of the State of Delaware as applied to special election herein provided said term shall be interpreted to mean, the party for license and the party against license.

All penalties imposed by statute upon such Registration Officers for non-feasance or misfeasance in office, and upon all persons for violations of law regulating the registration of voters in this State shall be applicable to and in force in connection with the special registration of voters herein provided for.

Appeals from said Registration Officers shall be allowed and hearings thereon heard before the resident judge in the same manner as is now provided in relation to registration prior to a general election.

Qualification  
and place of  
voting

Section 3. All qualified electors shall be entitled to vote upon the question so to be submitted to them as aforesaid, under the same conditions as such electors would be entitled to cast their ballots at a general election. The Special Election for the taking of the vote provided for in this Act shall be held in each of the voting districts of New Castle County, upon similar notice, at the same places, by the election officers appointed as hereinafter provided, and subject in all respects to the same laws, so far as the same are applicable, as were employed, used and enforced at the General Election in the year 1916.

Inspectors

The registrars appointed by the Governor as hereinbefore provided shall be the Inspectors for the same election in the various districts for which they are appointed and the judges of said districts shall be selected and appointed as follows, one judge shall be appointed and selected by the

## GENERAL ELECTIONS.

committee having in charge the campaign "Against License" and one judge shall be selected by the committee having in charge the campaign "For License," these two so selected together with the Inspector shall compose the Judges of Election in each election district or precinct, and all questions to be decided by them shall be decided by the majority of said election officers. The other officers of said election shall be selected in the manner provided by law in relation to general elections.

The election officers so appointed, as well as election officers appointed as hereinbefore provided, shall take oaths and perform such other qualifying acts to fill such offices and fulfil the duties thereof, as are provided by law in that behalf.

Section 4. The Sheriff of New Castle County shall, after the twenty-fourth and before the twenty-eighth of October, in the year 1917 deliver to the Inspector of each election district, or other officer authorized hereby to hold the election for taking the vote hereby provided for therein, two suitable ballot boxes, with a piece of tape and sealing wax, appropriate written or printed forms of tally lists, of certificates of the result of the election in said election district of the oaths or affirmations of the Inspector or other person authorized by law to hold the election therein, and the persons to be taken as judges of the election, and also of the clerks who shall be chosen to act at such election, and of the certificate of administering such oaths or affirmations, with printed or written directions as to correcting, completing and signing such oaths or affirmations and certificate of administering the same, and shall also deliver to each Inspector or other officer authorized by law to hold the election as aforesaid a book of blank forms of oaths or affirmations provided for by the Revised Statutes of the State of Delaware. The ballot box, forms of oaths or affirmations to be administered to the Inspector or other officer authorized by law to hold the election, and to judges of election, the forms for the certificates of the qualification of such officers, the forms of oaths for the clerks of said election, and the

## GENERAL ELECTIONS.

certification of the administration of said oaths so furnished, shall be such as are prescribed by the Revised Statutes of the State of Delaware upon the holding of a general election.

Form of  
tally lists

The tally lists so furnished shall be in such form as is used at such general elections, except that in the margin, on the left side of said tally lists, shall be written or printed, instead of any names of persons to be voted for the words "For License" and the words "Against License," with convenient spaces between the same. Three forms of certificates, declaring the result of said election, shall be furnished, which may be according to the following form, viz.:

".....County and.....  
Election District of.....Representative  
District, S. S.

At the election held in said election district, for the purpose of taking the vote of the qualified electors upon the question whether the manufacture and sale of intoxicating liquors shall be licensed or prohibited within the local option district consisting of.....on the Tuesday next after the first Monday in November, A. D. 1917, the votes stand as follows: .....votes were received "for license".....votes were received "against License."

And we further certify that the clerks appointed by us were duly sworn or affirmed according to law, and that we were duly sworn or affirmed.

In Testimony Whereof, we, the Judges of said election for said election district, have hereunto set our hands the day and year aforesaid."

On the same written or printed forms of certificates, before the same shall be delivered by the sheriff as above directed, the name of the county and election district, and all Representative Districts, shall be inserted in the blanks for said purpose in the foregoing form.

## GENERAL ELECTIONS.

Section 5. The Clerk of the Peace of New Castle County shall cause to be prepared and printed all blanks and forms which shall be necessary for the proper conducting and the due ascertainment and certification of the results of the vote hereinbefore provided for. The said Clerk of the Peace shall cause to be printed for each of the election districts in said county all necessary ballots for said Special Election, which shall be in number not less than four times the total vote of all parties at the preceding general election. Said Clerk of the Peace shall fold, wrap, tie, mark and seal, and deliver said ballots and furnish and deliver indelible black lead pencils or crayons, in the same manner as at a general election. Said ballots and said pencils or crayons shall be received from said Clerk of the Peace by the same officials, at similar times and places, and by them held, treated, disposed of, delivered and employed for the purposes of said Special Election in the same manner as the ballots and pencils or crayons employed at a general election. The said ballots shall be initialed by the Clerk, delivered to qualified voters, deposited in the ballot boxes and counted in the same way as at a general election.

Duties of  
the Clerk of  
the Peace

The election officers conducting the said Special Election shall take the same oaths and be otherwise duly qualified as at a general election. The Clerk of the Peace and Sheriff of New Castle County, the Inspector or other persons conducting said election, the judges and clerks of said election, shall be subject to the same penalties for nonfeasance and mis-feasance in office, and all other persons shall be subject to such penalties for misbehavior relative to the Special Election herein provided for as are provided by the laws relative to general elections in this State.

Oaths to be  
taken

All the provisions and requirements of law looking to the secrecy of the ballot, together with all penalties imposed for violations of the provisions of law looking to that end, shall apply with full force to the Special Election herein provided for. The ballot boxes used in said Special Election shall be delivered, held and treated before, during and after

## GENERAL ELECTIONS.

the holding of said Special Election, in the same manner as at a general election.

Polls open  
and close

Section 6. On the day fixed for the holding of the Special Election for the taking of the vote aforesaid, the polls shall be opened in each of the local option districts voting, at 8 o'clock in the forenoon and remain continuously open until 7 o'clock in the afternoon. Said polls shall be opened and closed, and the ballots given during said election shall be counted and tallied in the same manner as at a general election. Three certificates of the results of the taking of said vote in each voting district, upon the blanks furnished said election officer as aforesaid, shall be made out, signed, certified, placed in envelopes, held and disposed of in the same manner as are corresponding certificates at general elections; provided that the two certificates which are not deposited in the ballot box shall be placed in the custody of the judges of election, not being the Inspector in each election district, one to each, and each of said judges shall produce and deliver said certificates to said Superior Court sitting as a Board of Canvass as aforesaid, at the County Courthouse at 12 o'clock noon on the first Thursday following the said Special Election.

Board of  
Canvass

Section 7. The Superior Court of New Castle County constituted as in case of a general election, shall convene at 12 o'clock noon in the County courthouse in the City of Wilmington on the first Thursday following the said Special Election, and publicly ascertain the state of the vote cast at such Special Election, in the same manner and with the same powers as said court, under the law, canvasses the result of general elections. For the purpose of such canvass of said vote the ballot boxes containing the ballots cast at said election, together with all of their contents, as in the case of a general election, shall be produced before said court sitting as said Board of Canvass, and afterwards disposed of as in the case of a general election. Upon the ascertainment of the result of said election by said court sitting \*at such Board of Canvass, the said court shall make

## GENERAL ELECTIONS.

two certificates showing the results of the taking said vote in each of the local option districts of said county, which certificates shall be in the following form :

"State of Delaware }  
New Castle County } ss.

Be it remembered that at the election held on the Tuesday next after the first Monday in November in the year of our Lord one thousand nine hundred and seventeen, for the purpose of taking the vote of the qualified electors of . . . . .  
 . . . . . in the State of Delaware, comprising a local option district in said State, upon the question whether the manufacture and sale of intoxicating liquors shall be licensed or prohibited within the limits of said district, according to the constitution and laws of the State of Delaware . . . . . votes were given for license and . . . . . votes were given against license, which is manifest by calculating and ascertaining the aggregate amount of all the votes given in all the election districts of the local option district aforesaid, according to the provisions of the Constitution and laws made in this behalf.

In Testimony Whereof, we . . . . .  
 and . . . . . constituting the Superior Court for New Castle County, who have met and ascertained the state of the vote throughout the said local option districts as the laws requires, have hereunto set our hands and caused the seal of the said Superior Court to be hereunto affixed at the court house in the said county on this day of November A. D. 1917."

The said Superior Court shall, within three days after making the certificates of the results of taking said election, either personally or by a person deputed by it for that purpose, transmit, deliver and file one of said certificates in the office of the Clerk of the Peace of New Castle County and one in the office of the Secretary of State.

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Proclamation  
by Governor

Upon the deposit in the office of the Secretary of State of all of the said certificates of the results of the taking of said vote in said local option districts, the Governor shall, without delay, examine said certificates and therefrom ascertain the result of said vote in the local option districts aforesaid, and forthwith proclaim the results of said election in each of the said local option districts by publishing the result of said vote in one or more public newspapers in the City of Wilmington and the remaining part of New Castle County.

Canvass to be  
separate

Section 8. The Superior Court constituting the Board of Canvass in New Castle County shall canvass the result of the vote within the corporate limits of the City of Wilmington and the vote cast in the remaining part of New Castle County separately. The results of the vote taken in each local option district as defined in Section 2, Article XIII of the Constitution of the State of Delaware, shall be determined by the ballots cast in each local option district, and no ballot cast in one of said local option districts shall be counted or considered in determining the result of the taking of said vote in the other of said local option districts.

Cost and  
expenses

Section 9. All of the costs and expenses of the said Special Election shall be paid by the Levy Court of the county wherein are located the local option districts in which said votes are taken.

Form of  
ballot

Section 10. The ballots to be used in the taking of said vote shall be printed upon white paper, of uniform appearance and quality and of the uniform size of three by six inches. Each of said ballots shall have a printed line in the middle thereof extending from the top to the bottom, with the words "against license" (Dry) printed clearly and legibly on the right hand side of said line, and the words "for license" (Wet) on the left hand side of the said line; in voting, each qualified elector shall mark his ballot with a pencil or crayon provided for the said election, by crossing two lines either on the side of the printed line aforesaid on which the words "against license" (Dry) appear, or on the side of said line on which the words "for license" (Wet)

## GENERAL ELECTIONS.

are printed. Every ballot cast under the provisions of this Act, marked as aforesaid anywhere on the right hand side of the printed line aforesaid, shall be counted as a vote against license, and every ballot marked as aforesaid on the left hand side of the printed line aforesaid shall be counted as a vote for license.

Section 11. That if it shall appear at said election that a greater number of votes have been cast against license <sup>Defining "Against License"</sup> than for license in any of said local option districts voting at this Special Election, on and after July 1, 1918 it shall be unlawful for any person or persons, firm, company, association or corporation, or the agent, officer or servant of any firm, company, association or corporation to manufacture or sell spirituous, vinous or malt liquors, except for medicinal or sacramental purposes, within the said districts, until at a subsequent submission of such question a majority of votes shall be cast in said district for license. Any person or persons, or any agent, officer or servant of any firm, company, association or corporation who shall violate any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall for the first offense be fined not less than Fifty Dollars (\$50) nor more than Two Hundred Dollars (\$200) and the cost of prosecution, and shall be imprisoned for a term not exceeding six months; and for each and every subsequent offense shall be fined not less than One Hundred Dollars (\$100) nor more than Five Hundred Dollars (\$500) and the cost of the prosecution, and shall be imprisoned for a term of not less than three months nor more than one year.

Section 12. That all prosecutions for any and all violations of any of the provisions of this Act shall be upon pre-<sup>Prosecutions</sup>sentment and indictment to the Court of General Sessions of New Castle County; and any justice of the peace of said county shall have the same authority to receive information of any violation hereof and to hold to bail for appearance to said court, as is now exercised by them under the laws of this State in other matters of criminal nature.

Approved April 5, A. D. 1917.



## REGULATION OF NOMINATION AND ELECTION EXPENSES.

## CHAPTER 112.

## REGULATION OF NOMINATION AND ELECTION EXPENSES.

AN ACT to amend Chapter 61 of the Revised Code of the State of Delaware, with reference to the regulation of nomination and election expenses.

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

Section 1. That Chapter 61 of the Revised Code of the State of Delaware be and the same is hereby amended by adding to said Chapter 61 the following Sections, to be known as 1876 A Section 23, 1876 B Section 24, 1876 C Section 25, 1876 D Section 26, 1876 E Section 27, 1876 F Section 28, 1876 G Section 29, 1876 H Section 30, 1876 I Section 31, 1876 J Section 32, 1876 K Section 33, 1876 L Section 34, 1876 M Section 35, 1876 N Section 36, 1876 O Section 37:

Defining  
terms

1876 A Section 23. That the term "candidate for nomination," as used in this Act, shall include all persons whose names are presented for nomination to public office at any primary meeting, caucus, or convention, whether or not such persons are actually nominated thereat.

The term "candidate for election," as used in this Act, shall include all persons whose names are printed as candidates on the official ballots, or on any official sticker, used at any election; and also all persons voted for, for any public office, who shall receive at least ten per cent. of the highest vote received by the successful candidate for such office, but whose names were not printed on the official ballots.

## REGULATION OF NOMINATION AND ELECTION EXPENSES.

The term "candidate," as used in this Act, shall, unless especially restricted therein, include both candidates for nomination and candidates for election.

The term "public office," as used in this Act, shall include every public office to which persons can be elected by vote of the people, under the laws of this State.

The term "political committee," as used in this Act, shall include every two or more persons who shall be elected, appointed or chosen, or who shall have associated themselves or co-operated, for the purpose, wholly or in part, of raising, collecting or disbursing money, or of controlling or directing the raising, collection or disbursement of money, for election expenses.

The term "election expenses," as used in this Act, shall include all expenditures of money or other valuable things in furtherance of the nomination of any person or persons as candidates for public office, or in furtherance of the election of any person or persons to public office, or to defeat the nomination or election to public office of any person or persons.

1876 B Section 24. Every political committee shall appoint and constantly maintain a treasurer, to receive, keep and disburse all sums of money, which may be collected or received by such committee or by any of its members for election expenses; and unless such treasurer is first appointed, and thereafter maintained, it shall be unlawful for a political committee or any of its members to collect, receive or disburse money for any such purpose. All money collected or received by any political committee or by any of its members, for election expenses, shall be paid over and made to pass through the hands of the treasurer of such committee, and shall be disbursed by him; and it shall be unlawful for any political committee or any of its members to disburse any money for election expenses, unless such money shall have passed through the hands of the treasurer.

Political  
committees  
shall appoint

## REGULATION OF NOMINATION AND ELECTION EXPENSES.

Money for  
election  
purposes

1876 C Section 25. No person who is not a candidate, or the treasurer of a political committee, shall pay, give or lend, or agree to pay, give or lend, any money or other valuable thing, whether contributed by himself or by any other person, for any election expenses whatever, except to a candidate or to a political committee; and no officer of any corporation, whether incorporated under the laws of this or any other State or any foreign country, except corporations formed for political purposes, shall pay, give or lend, or authorize to be paid, given or lent, any money or other valuable thing belonging to such corporation to any candidate or to any political committee, for the payment of any election expenses whatever.

Exceptions

1876 D Section 26. No candidate, and no treasurer of any political committee, shall pay, give or lend, or agree to pay, give or lend, either directly or indirectly any money, or other valuable thing, for any nomination or election expenses whatever, except for the following purposes:

First. For printing and traveling expenses, and personal expenses incident thereto, stationery, advertising, postage, expressage, freight, telegraph, telephone, and public messenger services.

Second. For dissemination of information to the public.

Third. For political meetings, demonstrations and conventions, and for the pay and transportation of speakers.

Fourth. For the rent, maintenance and furnishing of offices.

Fifth. For the payment of clerks, typewriters, stenographers, janitors, and messengers, actually employed.

Sixth. For the employment of watchers at primary meetings and elections, to the number allowed by law.

## REGULATION OF NOMINATION AND ELECTION EXPENSES.

Seventh. For the transportation of voters to and from the polls.

Eighth. For legal expenses, bona fide incurred, in connection with any nomination or election.

1876 E Section 27. Every candidate for nomination at any primary election, caucus or convention, whether nominated thereat or not, shall, within fifteen days after the same was held, if the amount received or expended shall exceed the sum of fifty dollars, and every candidate for election, and every treasurer of a political committee, or person acting as such treasurer, shall, within thirty days after every election at which such candidate was voted for, or with which such political committee was concerned, if the amount received or expended shall exceed the sum of fifty dollars,—file with the officers hereinafter specified a full, true and detailed account, subscribed and sworn or affirmed to by him, before an officer authorized to administer oaths, setting forth each and every sum of money contributed, received or disbursed by him for election expenses, the date of each contribution, receipt and disbursement, the name of the person from whom received or to whom paid, and the object or purpose for which the same was disbursed. Such account shall also set forth the unpaid debts and obligations of any such candidate or committee for election expenses, with the nature and amount of each, and to whom owing. In the case of candidates for election, who have previously filed accounts as candidates for nomination, the accounts shall only include contributions, receipts and disbursements subsequent to the date of such prior accounts. If the aggregate receipts or disbursements of a candidate or political committee, in connection with any nomination or election, shall not exceed fifty dollars, the treasurer of the committee or candidate shall, within thirty days after the election, certify that fact, under oath, to the officer with whom the statement is filed, as hereinafter provided.

Account of receipts and expenses to be filed

1876 F Section 28. Every such account shall be accompanied by vouchers for all sums expended exceeding ten dol-

## REGULATION OF NOMINATION AND ELECTION EXPENSES.

lars in amount. It shall be unlawful for any candidate, or treasurer of a political committee, or person acting as such treasurer, to disburse any money received from any anonymous source.

Where filed

Every such account, concerning expenses incurred by, or in regard to, candidates for offices to be voted for by the electors of the State at large, shall be filed with the Secretary of State; and every such account, concerning expenses incurred by, or in regard to, candidates for other offices, shall be filed with the Clerk of the Court of the several counties where such candidates may respectively reside: provided, that if any account concerns expenses in regard to candidates who do not all reside in the same county, such accounts shall be filed in each county in which any such candidate (not being a candidate for an office to be voted for by the electors of the State at large) resides.

Unlawful to  
administer  
oath of office  
until

1876 G Section 29. It shall be unlawful to administer the oath of office to any person elected to any public office, until he has filed an account as required by this Act, and no such person shall enter upon the duties of his office, until he has filed such account, nor shall he receive any salary for any period prior to the filing of the same.

Accounts  
public

1876 H Section 30. All such accounts shall be open to public inspection in the offices where they are filed, and shall be carefully preserved there for a period of two years.

Petition for  
audit

1876 I Section 31. Within twenty days after the last day for the filing of any account required by this Act, any five electors of the State, or of the political division thereof concerning which any such account has been filed, may present a petition to the Superior Court in the county in which the office where such account has been filed is situated, praying for an audit of such account. The Court shall thereupon direct the officer or officers with whom such account has been filed to certify the same to the Court for audit, and may, in its discretion, require security to be entered for

## REGULATION OF NOMINATION AND ELECTION EXPENSES.

costs. The Court may, in its discretion, appoint an auditor to audit said account; but the fees of such auditor shall not exceed the sum of ten dollars a day for each day actually engaged. The Court or auditor shall fix a date, as early as may be convenient, for the audit; at which time the person by whom such account has been filed shall be required to be present in person, to vouch his account, and answer, on oath or affirmation, all such relevant questions concerning same as may be put to him by the petitioners or their counsel. The auditor shall issue subpoenas to all parties whom the petitioner or the accountant may require to give evidence concerning such account, and he shall determine, subject to exception, all questions as to the admissibility of evidence, and shall file a copy of the evidence with his report. If, upon the audit, the Court shall decide that the account was false in any substantial manner, or that any illegal election expenses were incurred, the costs of said audit shall be paid by the accountant; but, otherwise, by the petitioners.

1876 J Section 32. The decision of the Court upon the audit shall be subject to appeal; but if the Court shall decide that any candidate who has been elected has incurred any illegal election expenses, or has consented to the incurring of any illegal election expenses by any person or committee, the Court shall certify its decision to the Attorney-General, who shall thereupon cause a writ of *quo warranto* to be issued; and if, upon proceedings under such writ of *quo warranto*, it shall be decided that the candidate in question has incurred any illegal election expenses, or has consented to the incurring of illegal election expenses by any person or committee, his election shall be declared void and his office vacant: provided, that in the case of candidates elected to the office of Senator or Representative in the General Assembly, the decision of the Court shall be certified to the President of the Senate or to the Speaker of the House of Representatives, as the case may be: and provided further, that in the case of any candidate elected to the office of member of the House of Representatives of the United States, the decision of the Court shall be certified to the

## REGULATION OF NOMINATION AND ELECTION EXPENSES.

Governor of this State, who shall transmit the same to the Speaker of the said House of Representatives.

Criminal  
proceedings

1876 K Section 33. If the Court shall decide, upon the audit, that any person, whether a candidate or not, has incurred illegal election expenses, or has otherwise violated any of the provisions of this Act, it shall certify its decision to the Deputy Attorney-General of the county in which such person may reside, and it shall thereupon be the duty of such Deputy Attorney-General to institute criminal proceedings against such person.

Incriminating  
evidence

1876 L Section 34. No person shall be excused from answering any question, in any proceedings under this Act, on the ground that such answer would tend to incriminate him; but no such answer shall be used as evidence against such person in any criminal action or prosecution whatever, except in an action for perjury in giving such testimony.

Statement  
blanks fur-  
nished by

1876 M Section 35. The Secretary of State shall, at the expense of the State, furnish to the Levy Court blanks, in the form approved by the Secretary and Attorney-General, suitable for the statements hereinbefore required. On the receipt of the list of candidates for public offices, before a caucus or primary, or upon the filing of a nomination, before a municipal election, the Levy Court shall transmit to the candidate or candidates put in nomination, or at said primaries, and to the treasurers of political committees, the blanks above described. Upon the filing of a nomination for a State or National election, the Secretary of State shall transmit to the candidate or candidates put in nomination and to the treasurer of the political committees, the blanks above described. To any person required to file a statement, such blank shall be furnished upon application therefor.

Penalty

1876 N Section 36. Any person who shall incur any illegal election expenses, or otherwise violate any of the provisions of this Act, shall be guilty of a misdemeanor; and upon conviction thereof, shall be punished by a fine of not

REGULATION OF NOMINATION AND ELECTION EXPENSES.

less than fifty dollars or more than one thousand dollars, or by imprisonment for not less than one month or more than two years, either or both, at the discretion of the Court.

1876 O Section 37. All laws and parts of laws inconsistent herewith be and the same are hereby repealed.

Approved April 2, A. D. 1917.



# TITLE NINE

## Corporations

### CHAPTER 113.

#### GENERAL PROVISIONS RESPECTING CORPORATIONS.

AN ACT to amend Chapter 65 of the Revised Code of Delaware, being the Corporation Laws of said State.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of all the members elected to each house of the General Assembly concurring therein):*

1915, Sec. 1  
repealed

Section 1. That Section 1915, being Section 1 of Chapter 65 of the Revised Code of the State of Delaware, be and the same is hereby repealed and the following substituted in lieu thereof:

Purpose for  
which formed

1915. Section 1. PURPOSES FOR WHICH FORMED:—Any number of persons, not less than three, may associate to establish a corporation for the transaction of any lawful business, or to promote or conduct any legitimate objects or purposes under the provisions of and subject to the requirements of this Chapter as hereinafter provided, excepting for such purposes as are excluded from the operation of the general law by Section 1 of Article IX of the Constitution of this State, upon making and filing a certificate of incorporation in writing in manner hereinafter mentioned. Corporations for constructing, maintaining and operating railroads, railways, telegraph or telephone lines outside of this State,

## GENERAL PROVISIONS RESPECTING CORPORATIONS.

may be formed under the general provisions of this Chapter, but corporations for constructing, maintaining and operating railroads or railways within this State shall be subject to the special provisions and requirements of this Chapter applicable to such corporations.

Section 2. That Section 1918, being Section 4 of Chapter 65 of the Revised Code of the State of Delaware, be and the same is hereby repealed and the following substituted in lieu thereof: <sup>1918, Sec. 4 repealed</sup>

1918. Section 4. BANKING POWERS DEFINED:—No corporation created under the provisions of this Chapter shall, by any implication or construction, be deemed to possess the power of carrying on the business of discounting bills, notes or other evidences of debt, of receiving deposits of money, or foreign coins, or buying and selling bills of exchange, or of issuing bills, notes or other evidences of debt for circulation as money: Provided, however, that corporations created or to be created under the provisions of this Chapter, or created under the provisions of any prior general corporation law of this State, to buy, sell and otherwise deal in notes (not including the discounting of notes), open accounts and other similar evidences of debt (not including bills of exchange), or to loan money and to take notes, open accounts and other similar evidences of debt as collateral security therefor, shall not be construed or considered to be within the prohibition of this section; and corporations created or to be created for such purposes may charge such amounts as may be agreed upon by the respective parties. <sup>Banking powers defined</sup>

Section 3. That Chapter 65 of the Revised Code of the State of Delaware be and the same is hereby amended by the addition thereto of the following section, to be styled 1918 a, Section 4 a.

1918 a. Section 4 a. STOCK WITHOUT PAR VALUE:—Any corporation may, if so provided in its Certificate of Incorporation or in an amendment thereof, issue shares of stock (other than stock preferred as to dividends or preferred as <sup>Stock without par value</sup>

## GENERAL PROVISIONS RESPECTING CORPORATIONS.

to its distributive share of the assets of the corporation or subject to redemption at a fixed price) without any nominal or par value. Every share of such stock without nominal or par value shall be equal to every other share of such stock, except that the Certificate of Incorporation may provide that such stock shall be divided into different classes with such designations and voting powers or restriction or qualification thereof as shall be stated therein, but all such stock shall be subordinate to the preferences given to preferred stock, if any. Such stock may be issued by the corporation from time to time for such consideration as may be fixed from time to time by the Board of Directors thereof, pursuant to authority conferred in the certificate of incorporation, or if such certificate shall not so provide, then by the consent of the holders of two-thirds of each class of stock then outstanding and entitled to vote given at a meeting called for that purpose in such manner as shall be prescribed by the by-laws, and any and all such shares so issued, the full consideration for which has been paid or delivered, shall be deemed full paid stock and not liable to any further call or assessment thereon and the holder of such shares shall not be liable for any further payments under the provisions of this Chapter.

Par value  
stated,  
when

In any case in which the law requires that the par value of the shares of stock of a corporation be stated in any certificate or paper, it shall be stated, in respect of such shares, that such shares are without par value, and wherever the amount of stock, authorized or issued, is required to be stated, the number of shares authorized or issued shall be stated, and it shall also be stated that such shares are without par value. For the purpose of the taxes prescribed to be paid on the filing of any certificate or other paper relating to corporations and of franchise taxes prescribed to be paid by corporations to this State, but for no other purpose, such shares shall be taken to be of the par value of One Hundred Dollars each.

1910, Sec. 5  
repealed

Section 4. That paragraph 1, Section 1919, being Section 5 of Chapter 65 of the Revised Code of the State of

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Delaware, be and the same is hereby repealed and the following substituted in lieu thereof:

1. The name of the corporation, which name shall contain one of the words "association," "company," "corporation," "club," "incorporated," "society," "union," or "syndicate," or one of the abbreviations "co." or "inc." and shall be such as to distinguish it from any other corporation engaged in the same business, or promoting or carrying on the same objects or purposes in this State. <sup>Name of corporation shall contain</sup>

Section 5. That paragraph 4, Section 1919, being Section 5 of Chapter 65 of the Revised Code of the State of Delaware, be and the same is hereby repealed and the following substituted in lieu thereof: <sup>1919, Sec. 5 amended</sup>

4. The amount of the total authorized capital stock of the corporation, which shall not be less than two thousand dollars, the number of shares into which the same is divided and the par value of each share; the amount of capital stock with which it will commence business, which shall not be less than one thousand dollars; in the case of a corporation without nominal or par value to its stock or any class thereof, the Certificate of Incorporation, with respect to such stock, in lieu of the above shall state the total number of shares authorized and that they are without nominal or par value, and the number of shares with which it will commence business, which shall not be less than ten shares; and if there be more than one class of stock created by the certificate of incorporation, a description of the different classes with the terms on which the respective classes of stock are created. Provided, however, that the provisions of this paragraph shall not apply to corporations not for profit, for which it is desired to have no capital stock; in case any such corporation desires to have no capital stock it shall be so stated, and the conditions of membership shall be also stated. <sup>Capital stock</sup>

Section 6. That Section 1923, being Section 9 of Chapter 65 of the Revised Code of the State of Delaware, be and <sup>1923, Sec. 9 repealed</sup>

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the same is hereby repealed and the following substituted in lieu thereof:

Directors  
Qualification,  
Classes, etc.

1923. Section 9. BOARD OF DIRECTORS; QUALIFICATIONS; POWERS; CLASSES; EXECUTIVE COMMITTEE:—The business of every corporation organized under the provisions of this Chapter shall be managed by a board of not less than three directors, except as hereinafter provided; they shall hold office until their successors are respectively elected and qualified, and a majority of them shall constitute a quorum for the transaction of business. The board of directors may, by resolution, passed by a majority of the whole board, designate two or more of their number to constitute an executive committee, who, to the extent provided in said resolution or in the by-laws of said company, shall have and exercise the powers of the board of directors in the management of the business and affairs of the company, and may have power to authorize the seal of the company to be affixed to all papers which may require it. The directors of any corporation organized as aforesaid may, if so stated in the certificate of incorporation or in any amendment thereto, or may by a vote of the stockholders, be divided into one, two or three classes; the term of office of those of the first class to expire at the annual meeting next ensuing; of the second class one year thereafter; of the third class two years thereafter, and at each annual election held after such classification and election, directors shall be chosen for a full term, as the case may be, to succeed those whose terms expire.

Section 7. That Section 1927, being Section 13 of Chapter 65 of the Revised Code of the State of Delaware, be and the same is hereby repealed and the following substituted in lieu thereof:

Preferred  
stock

1927. Section 13. KINDS OF STOCK; PREFERRED STOCK:—Every corporation shall have power to create two or more classes of stock, with such designations, preferences and voting powers, or restrictions or qualifications thereof, as shall be stated and expressed in the certificate of incorpora-

## GENERAL PROVISIONS RESPECTING CORPORATIONS.

tion; and the power to increase or decrease the stock, as in this act elsewhere provided, shall apply to any or all of the classes of stock. Any or all classes of preferred stock may, if desired, be made subject to redemption at such time or times, and at such price, not less than par, as may be expressed in the certificate of incorporation or an amendment thereof; and the holders of any preferred stock shall be entitled to receive and the corporation shall be bound to pay thereon dividends at such rates and on such conditions as shall be stated in the certificate of incorporation, or an amendment thereof, payable quarterly, half-yearly or yearly, before any dividends shall be set apart or paid on the common stock; and when any such quarterly, half-yearly or yearly preferred dividend shall have been paid or set aside as herein provided, a dividend upon the common stock may then be paid out of the remaining surplus or net profits of the company; and such preferred dividends may be made cumulative; and in no event shall a holder of preferred stock be personally liable for the debts of the corporation; but in case of insolvency, its debts or other liabilities shall be paid in preference to the preferred stock. Unless its original or amended charter or certificate of incorporation shall so provide, no corporation shall create preferred stock. The terms "general stock" and "common stock" are synonymous.

Section 8. That Section 1929, being Section 15 of Chapter 65 of the Revised Code of the State of Delaware, be and the same is hereby repealed and the following substituted in lieu thereof: 1920, Sec. 15  
repealed

1929. Section 15. CERTIFICATES OF SHARES:—Every stockholder shall have a certificate signed by the President or Vice-President and the Treasurer or an Assistant Treasurer, or the Secretary or an Assistant Secretary, certifying the number of shares owned by him in such corporation. Certificate  
of shares

Section 9. That Section 1931, being Section 17 of Chapter 65 of the Revised Code of the State of Delaware, be and 1931, Sec. 17  
repealed

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the same is hereby repealed and the following substituted in lieu thereof:

Voting  
powers  
of stock-  
holders

1931. Section 17. VOTING POWER OF STOCKHOLDERS; BY PROXY; LIMITATION OF; CUMULATIVE VOTING:—Unless otherwise provided in the Certificate of Incorporation or an amendment thereto, each stockholder, shall at every meeting of the stockholders be entitled to one vote in person or by proxy for each share of the capital stock held by such stockholder, but no proxy shall be voted on after three years from its date, unless said proxy provides for a longer period nor shall any share of the stock be voted on at any election for Directors which has been transferred on the books of the corporation within twenty days next preceding such election of Directors.

The certificate of incorporation of any corporation may provide that at all elections of directors of such corporation, each stockholder shall be entitled to as many votes as shall equal the number of his shares of stock multiplied by the number of directors to be elected, and that he may cast all of such votes for a single director or may distribute them among the number to be voted for, or any two or more of them as he may see fit, which right, when exercised, shall be termed cumulative voting.

1934, Sec. 20  
repealed

Section 10. That Section 1934, being Section 20 of Chapter 65 of the Revised Code of the State of Delaware, be and the same is hereby repealed and the following substituted in lieu thereof:

Assessment  
of unpaid  
stock

1934. Section 20. STOCKHOLDERS LIABILITY FOR PART PAID FOR STOCK:—When the whole capital stock of a corporation shall not have been paid in, and the assets shall be insufficient to satisfy the claims of its creditors, each stockholder shall be bound to pay on each share held by him the sum necessary to complete the amount of the par value of such share as fixed by the charter of the company or its certificate of incorporation, or such proportion of that sum as shall be required to satisfy the debts of the com-

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pany, in the case of stock without par value, this liability shall be limited to the unpaid balance of the consideration for which such stock was issued by the corporation, which said sum or proportion thereof may be recovered as provided for in Section 49 of this Chapter, after a writ of execution against the corporation has been returned unsatisfied, as provided for in Section 51 of this Chapter.

Section 11. That Section 1935, being Section 21 of Chapter 65 of the Revised Code of the State of Delaware, be and the same is hereby repealed and the following substituted in lieu thereof: <sup>1935, Sec. 21 repealed</sup>

1935. Section 21. SUBSCRIPTION TO CORPORATE STOCK; <sup>subscription to stock</sup> DIRECTORS MAY OPEN BOOKS FOR; HOW PAID:—At any time after a corporation is authorized to commence business, the directors may, if its whole capital stock has not been subscribed, increase its capital stock up to the amount authorized in its certificate of incorporation, and open books for additional subscriptions thereto.

The capital stock of a corporation shall be paid in such amounts and at such times as the directors may require. The directors may, from time to time, assess upon each share of stock not fully paid up, such sum of money as the necessities of the business may, in the judgment of the Board of Directors, require, not exceeding in the whole the balance remaining unpaid on said stock, up to the par value thereof, or in the case of stock without par value, not exceeding the consideration for which such stock was issued by the corporation, and such sum so assessed shall be paid to the Treasurer at such times and by such installments or calls as the directors shall direct, the said directors having given at least thirty days' notice of the time and place of such payments in a newspaper of the County in this State where such corporation is established, or has its principal place of business, or by written notice mailed at least thirty days before the time for such payment, to each stockholder at his last known postoffice address.



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Section 12. That paragraph designated 1, Section 1940, being Section 26 of Chapter 65 of the Revised Code of the State of Delaware, be and the same is hereby repealed and the following substituted in lieu thereof:

Amendments  
to charter

1. If the corporation has a capital stock, its Board of Directors shall adopt a resolution setting forth the amendment proposed, declaring its advisability, and calling a meeting of the Stockholders entitled to vote, for the consideration thereof. Said meeting shall be called and held upon such notice as the corporation's charter or by-laws provide, and in the absence of such provision, upon notice thereof to the Stockholder entitled to vote, either delivered to the stockholder or mailed to the stockholder's postoffice address, if known, at least ten days before the date fixed for said meeting. At said meeting, a vote of the Stockholders entitled to vote, by ballot, in person or by proxy, shall be taken for and against the proposed amendment, which vote shall be conducted by two Judges appointed for that purpose either by the Directors or by the said meeting. Said Judges shall decide upon the qualification of voters, and accept their votes, and when the vote is completed, count and ascertain the number of shares voted respectively for and against said amendment, and shall declare whether the persons or bodies corporate holding the majority of the voting stock of said corporation (or of each class of stock entitled to vote thereon, when such vote is to be taken by classes, as hereinafter provided) have voted for or against the proposed amendment; and shall make out certificates accordingly in duplicate, stating the number of shares of stock, issued and outstanding entitled to vote, and the number of shares voted for and the number of shares voted against the amendment respectively, and shall subscribe and deliver the said certificates to the Secretary of the corporation. If it shall appear by said duplicate certificates of the Judges that the persons or bodies corporate holding the majority of the stock of said corporation entitled to vote (or of each class of stock when such vote is to be taken by classes, as hereinafter provided) have voted in favor of the amendment, thereupon the said cor-

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poration shall make, under its corporate seal, and the hands of its President or Vice-President, and Secretary or Assistant Secretary, a certificate accordingly, and the President or Vice-President shall duly execute and acknowledge the said certificate before an officer authorized by the laws of Delaware to take acknowledgements of deeds; and the said certificate, so executed and acknowledged with one of the said duplicate certificates of the Judges attached, shall be filed in the office of the Secretary of State, and a copy thereof certified by said Secretary of State, shall be recorded in the office of the Recorder of the County in which the original charter of incorporation is recorded; or if the corporation shall have been created by special public Act of the Legislature, then said certificate shall be recorded in the office of the Recorder of any County where the business of the said corporation may be conducted. And upon so filing and recording the same, the charter of said corporation shall be deemed to be amended accordingly; provided, however, that if any such proposed amendment would alter or change the preferences given to any one or more classes of preferred stock, authorized by the certificate of incorporation, or would increase or decrease the amount of the authorized stock of such class or classes of preferred stock, or would increase or decrease the par value thereof, then the holders of the stock of each class of preferred stock so affected by the amendment shall be entitled to vote as a class upon such amendment, whether by the terms of the certificate of incorporation such class be entitled to vote or not; and the affirmative vote of a majority in interest of each such class of preferred stock so affected by the amendment shall be necessary to the adoption thereof, in addition to the affirmative vote of a majority of every other class of stock entitled to vote thereon, but the certificate of incorporation may contain provisions requiring the affirmative vote of a larger proportion of such preferred stock for the adoption of such amendment.

Section 13. That Section 1941, being Section 27 of Chapter 65 of the Revised Code of the State of Delaware, be and the same is hereby repealed.

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1949, Sec. 35  
repealed

Section 14. That Section 1949, being Section 35 of Chapter 65 of the Revised Code of the State of Delaware, be and the same is hereby repealed and the following substituted in lieu thereof:

Dividends

1949. Section 35. DIVIDENDS; HOW DECLARED AND PAID; VIOLATIONS OF SECTION; PENALTY; EXONERATION FROM LIABILITY:—No corporation created under the provisions of this Chapter, nor the directors thereof, shall make dividends except from the surplus or net profits. Dividends may be paid in cash or capital stock at par, or in the case of stock without par value, dividends in capital stock may be paid at a price fixed by the Board of Directors, but otherwise the corporation shall not divide, or in any way pay to the stockholders, or any of them, any part of its capital stock, except according to this Chapter, and in case of any wilful or negligent violation of the provisions of this Section the directors under whose administration the same may happen shall be jointly and severally liable in an action on the case at any time within six years after paying such dividend to the corporation and to its creditors or any of them in the event of its dissolution or insolvency, to the full amount of the dividend made or capital stock so divided, or paid out, with interest on the same from the time such liability accrued; provided, that any director who may have been absent when the same was done or who may have dissented from the act or resolution by which the same was done, may exonerate himself from such liability by causing his dissent to be entered at large on the books containing the minutes of the proceedings of the directors at the time the same was done, or forthwith after he shall have notice of the same, or by causing a true copy of said dissent to be published, within two weeks after the same shall have been so entered, in a newspaper published in the County where the corporation has its principal office.

1953, Sec. 39  
repealed

Section 15. That Section 1953, being Section 39 of Chapter 65 of the Revised Code of the State of Delaware, be and the same is hereby repealed and the following substituted in lieu thereof:

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1953. Section 39. DISSOLUTION; PROCEEDINGS FOR:—If it <sup>Dissolution</sup> should be deemed advisable, in the judgment of the Board of Directors, and most for the benefit of any corporation organized under this Chapter, that it should be dissolved, the Board, within ten days after the adoption of a resolution to that effect by a majority of the whole Board at any meeting called for that purpose, of which meeting every director shall have received at least three days' notice, shall cause notice of the adoption of such resolution to be mailed to each stockholder residing in the United States, and thereupon cause a like notice to be inserted in a newspaper published in the County wherein the corporation shall have its principal office, at least three weeks successively, once a week, next preceding the time appointed for the same, of a meeting of the stockholders having voting power, to be held at the office of the corporation, to take action upon the resolution so adopted by the Board of Directors, which meeting shall be held between the hours of ten o'clock in the forenoon and three o'clock in the afternoon of the day so named, and which meeting may, on the day so appointed, by consent of a majority in interest of the stockholders present in person or by proxy, having voting power, be adjourned from time to time, for not less than eight days at any one time, of which adjourned meeting notice by advertisement in said newspaper shall be given; and if at any such meeting two-thirds in interest of all the stockholders, having voting power, shall consent that a dissolution shall take place and signify their consent in writing, such consent, together with a list of the names and residences of the directors and officers, certified by the President and Secretary and Treasurer, shall be filed in the office of the Secretary of State, who, upon being satisfied by due proof that the requirements aforesaid have been complied with, shall issue a certificate that such consent has been filed, and the Secretary of State shall cause such certificate to be published in one issue in a newspaper published in the County wherein the principal office of the dissolved corporation was situated. The Secretary of State shall ascertain the charge for publishing the certificate of dissolution as aforesaid, and collect the amount from the

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1949, Sec. 35  
repealed

Section 14. That Section 1949, being Section 35 of Chapter 65 of the Revised Code of the State of Delaware, be and the same is hereby repealed and the following substituted in lieu thereof:

Dividends

1949. Section 35. DIVIDENDS; HOW DECLARED AND PAID; VIOLATIONS OF SECTION; PENALTY; EXONERATION FROM LIABILITY:—No corporation created under the provisions of this Chapter, nor the directors thereof, shall make dividends except from the surplus or net profits. Dividends may be paid in cash or capital stock at par, or in the case of stock without par value, dividends in capital stock may be paid at a price fixed by the Board of Directors, but otherwise the corporation shall not divide, or in any way pay to the stockholders, or any of them, any part of its capital stock, except according to this Chapter, and in case of any wilful or negligent violation of the provisions of this Section the directors under whose administration the same may happen shall be jointly and severally liable in an action on the case at any time within six years after paying such dividend to the corporation and to its creditors or any of them in the event of its dissolution or insolvency, to the full amount of the dividend made or capital stock so divided, or paid out, with interest on the same from the time such liability accrued; provided, that any director who may have been absent when the same was done or who may have dissented from the act or resolution by which the same was done, may exonerate himself from such liability by causing his dissent to be entered at large on the books containing the minutes of the proceedings of the directors at the time the same was done, or forthwith after he shall have notice of the same, or by causing a true copy of said dissent to be published, within two weeks after the same shall have been so entered, in a newspaper published in the County where the corporation has its principal office.

1953, Sec. 39  
repealed

Section 15. That Section 1953, being Section 39 of Chapter 65 of the Revised Code of the State of Delaware, be and the same is hereby repealed and the following substituted in lieu thereof:

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1953. Section 39. DISSOLUTION; PROCEEDINGS FOR:—If it <sup>Dissolution</sup> should be deemed advisable, in the judgment of the Board of Directors, and most for the benefit of any corporation organized under this Chapter, that it should be dissolved, the Board, within ten days after the adoption of a resolution to that effect by a majority of the whole Board at any meeting called for that purpose, of which meeting every director shall have received at least three days' notice, shall cause notice of the adoption of such resolution to be mailed to each stockholder residing in the United States, and thereupon cause a like notice to be inserted in a newspaper published in the County wherein the corporation shall have its principal office, at least three weeks successively, once a week, next preceding the time appointed for the same, of a meeting of the stockholders having voting power, to be held at the office of the corporation, to take action upon the resolution so adopted by the Board of Directors, which meeting shall be held between the hours of ten o'clock in the forenoon and three o'clock in the afternoon of the day so named, and which meeting may, on the day so appointed, by consent of a majority in interest of the stockholders present in person or by proxy, having voting power, be adjourned from time to time, for not less than eight days at any one time, of which adjourned meeting notice by advertisement in said newspaper shall be given; and if at any such meeting two-thirds in interest of all the stockholders, having voting power, shall consent that a dissolution shall take place and signify their consent in writing, such consent, together with a list of the names and residences of the directors and officers, certified by the President and Secretary and Treasurer, shall be filed in the office of the Secretary of State, who, upon being satisfied by due proof that the requirements aforesaid have been complied with, shall issue a certificate that such consent has been filed, and the Secretary of State shall cause such certificate to be published in one issue in a newspaper published in the County wherein the principal office of the dissolved corporation was situated. The Secretary of State shall ascertain the charge for publishing the certificate of dissolution as aforesaid, and collect the amount from the

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corporation before the certificate of dissolution is issued; and upon the filing in the office of the Secretary of State of an affidavit of the manager or publisher of the said newspaper that said certificate has been published one time, in said newspaper, the corporation shall be dissolved.

Whenever all the stockholders, having voting power, shall consent in writing to a dissolution, no meeting of stockholders shall be necessary, but on filing said consent in the office of the Secretary of State, he shall, as above provided, issue a certificate of dissolution, which shall be published as above provided.

Whenever the Secretary of State issues a certificate of dissolution it shall be recorded in the office of the Recorder of the County in which the principal office of the corporation was maintained.

1953a, Sec. 39a  
repealed

Section 16. That Section 1953 A, being Section 39 A of Chapter 65 of the Revised Code of the State of Delaware, be and the same is hereby repealed.

Chapter 65  
amended

Section 17. That Chapter 65 of the Revised Code of the State of Delaware be, and the same is hereby amended by the addition thereto of the following section to be styled 1978 A, Section 64 A:

Sale of  
assets

1978 A. Section 64 A. SALE OF ASSETS AND FRANCHISES: —Every corporation organized under the provisions of this Chapter, may at any meeting of its Board of Directors, sell, lease or exchange all of its property and assets, including its good will and its corporate franchises, upon such terms and conditions as its Board of Directors deem expedient and for the best interests of the corporation, when and as authorized by the affirmative vote of the holders of a majority of the stock issued and outstanding having voting power given at a stockholders' meeting duly called for that purpose, or when authorized by the written consent of a majority of the holders of the voting stock issued and

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outstanding, provided, however, that the certificate of incorporation may require the vote or written consent of a larger proportion of the stockholders.

Section 18. That Section 1981, being Section 67 of Chapter 65 of the Revised Code of the State of Delaware, be and the same is hereby repealed and the following substituted in lieu thereof: <sup>1981, Sec. 67 repealed</sup>

1981. Section 67. FORFEITURE OF CHARTER; PROCEED- <sup>Forfeiture of charter</sup>  
INGS:—The jurisdiction to revoke or forfeit charters of corporations organized under the laws of this State for abuse, mis-use or non-use of their corporate powers, privileges or franchises shall be vested in the Court of Chancery. It shall be the duty of the Attorney-General, upon his own motion or upon the relation of proper parties, to proceed for this purpose by bill in equity or by information in the nature of a bill in equity in the county in which the principal office or place of business of the corporation shall be located. The Court of Chancery shall have power, by appointment of receivers or otherwise, to administer and wind up the affairs of any corporation, whose charter shall be revoked or forfeited under the provisions of this section, and to make such orders and decrees with respect thereto as shall be just and equitable respecting its affairs, business, property and assets and the rights of the stockholders and creditors thereof. No proceedings shall be instituted hereunder for non-use of any corporation's powers, privileges or franchises during the first two years after its incorporation.

Section 19. That Section 1993, being Section 79 of Chapter 65 of the Revised Code of the State of Delaware, be and the same is hereby repealed and the following substituted in lieu thereof: <sup>1993, Sec. 79 repealed</sup>

1993. Section 79. CHANGE OF LOCATION OF PRINCIPAL <sup>Change of principal office, etc.</sup>  
OFFICE; CHANGE OF RESIDENT AGENT:—(1) The Board of Directors of any corporation organized under the laws of this State may change the location of the principal office of



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such corporation within this State to any other place within this State by resolution adopted at a regular or special meeting of such Board; by like resolution, the resident agent of such corporation may be changed to any other person or corporation. In either such case, such resolution shall be as detailed in its statement as is provided in Paragraph 2, Section 1919, being Section 5 of this Chapter. Upon the adoption of a resolution as aforesaid, a copy thereof shall be filed in the office of the Secretary of State signed by the President and Secretary of such corporation, and sealed with its corporate seal; and a certified copy recorded in the office of the Recorder in and for the County in which said new office may be located; for filing the said certificate, the Secretary of State shall charge a fee of five dollars.

Change of  
resident  
agent's office

(2) The location of the office of any resident agent of corporations, in any City or Town of this State may be transferred from one address to another, in the same City or Town, upon making and executing by such resident agent of a certificate, duly acknowledged before an officer authorized by the laws of this State to take acknowledgements of deeds, setting forth the names of all the corporations represented by such resident agent, and the address at which such resident agent has maintained the principal office for each of such corporations, and further certifying to the new address to which such resident agency will be transferred on a given day, and at which new address such resident agent will thereafter maintain the principal office for each of the corporations recited in said certificate. Upon the filing of such certificate, in duplicate, in the office of the Secretary of State, the said Secretary shall furnish a certified copy of the same under his hand and seal of office, and said certified copy shall be recorded in the Office of the Recorder of Deeds of the County where the principal office of said corporation is located in this State, in a book kept for that purpose and thereafter, or until further change of address, as authorized by law, the principal office in this State of each of the corporations recited in said certificate shall be located at the new address of the resident

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agent thereof as given in the certificate. The fees to be charged by the Secretary of State for the use of the State for the filing of said certificate shall be Fifty Dollars plus the same fees for receiving, filing, indexing, copying and certifying the same as is charged in the case of filing a charter.

(3) The Resident Agent of one or more corporations, <sup>Resignation  
of resident  
agent</sup> organized and operating under the laws of this State, may make and file with the Secretary of State his or its certificate, in duplicate, resigning the said office of Resident Agent, and appointing another person or corporation as such Resident Agent in his or its stead, and stating further the address of such substitute agent, in accordance with the requirements of Paragraph 2, Section 1919, being Section 5 of this Chapter. There shall be attached to such certificate statements, each signed by the President, or a Vice-President, of the corporations for which such agent was appointed, and sealed with the corporate seal thereof, ratifying and approving such change of Resident Agent, and the certificate shall be executed by both the original Resident Agent and the substituted Resident Agent, and shall be duly acknowledged before an officer authorized by the laws of this State to take acknowledgements of deeds, and shall be executed in duplicate. Upon the filing of such duplicate certificate in the office of the Secretary of State, the substituted Resident Agent shall thereupon become the Resident Agent of such corporations as have ratified and approved such substitution as aforesaid, and the Secretary of State shall then issue his certificate, that the substituted Resident Agent has become the Resident Agent of the said corporations so ratifying and approving such change of Resident Agent, and setting out the names of such corporations, which certificate of the Secretary of State shall be recorded in the office of the Recorder of Deeds, in and for the County in which the Certificate of Incorporation is recorded, and the Recorder shall forthwith make a note of the change of Resident Agent on the margin of the record of the Certificates of Incorporation of those corporations which have ratified and approved such change. For filing

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such duplicate certificates of change of Resident Agent the Secretary of State shall charge a fee of Fifty Dollars and a further fee of Two Dollars for each corporation whose Resident Agent is changed by such certificate.

1994, Sec. 80  
repealed

Section 20. That Section 1994, being Section 80 of Chapter 65 of the Revised Code of the State of Delaware, be and the same is hereby repealed and the following substituted in lieu thereof:

Waiver of  
notice

1994. Section 80. WAIVER OF NOTICES:—Whenever any notice whatever is required to be given under the provisions of this Chapter, or under the provisions of the Certificate of Incorporation or By-laws of any corporation organized under the provisions of this Chapter, a waiver thereof in writing, signed by the person or persons entitled to said notice, whether before or after the time stated therein, shall be deemed equivalent thereto.

2000, Sec. 86  
repealed

Section 21. That Section 2000, being Section 86 of Chapter 65 of the Revised Code of the State of Delaware, be and the same is hereby repealed.

2001, Sec. 87  
repealed

Section 22. That Section 2001, being Section 87 of Chapter 65 of the Revised Code of the State of Delaware, be and the same is hereby repealed.

2002, Sec. 88  
repealed

Section 23. That Section 2002, being Section 88 of Chapter 65 of the Revised Code of the State of Delaware, be and the same is hereby repealed.

2003, Sec. 89  
repealed

Section 24. That Section 2003, being Section 89 of Chapter 65 of the Revised Code of the State of Delaware, be and the same is hereby repealed.

2024, Sec. 110  
repealed

Section 25. That Section 2024, being Section 110 of Chapter 65 of the Revised Code of the State of Delaware, be and the same is hereby repealed, and the following substituted and adopted in lieu thereof, which shall be styled 2024, Section 110:

## GENERAL PROVISIONS RESPECTING CORPORATIONS.

2024. Section 110. EMINENT DOMAIN:—Whenever any railroad company of this State, whether created by prior special act or under this chapter, cannot agree with the owner or owners of any land, including any buildings and appurtenances thereon erected, sand, earth, gravel or other materials necessary to be taken and used in the construction or in straightening, widening or otherwise improving the whole or portions of its line or lines of railroads and the structures and appurtenances thereof for the purchase thereof, the said corporation (notwithstanding any provisions in its Charter), may apply to the Associate Judge of the State of Delaware, resident in the County where the land and materials necessary to be taken are located, 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 in some newspaper in the County in which the land proposed to be taken is located, at least five days prior to the intended application, and the said Associate Judge shall appoint five judicious and impartial freeholders to view the premises and assess the damages which the owner or owners will sustain by reason of the said railroad passing through, taking or using the same. The said freeholders shall be sworn and affirmed before some Judge, Justice of the Peace, or Notary Public, before entering on the premises, faithfully and impartially to perform the duties assigned them. They shall give ten days' notice, in writing, to the owner or owners of the premises, or to their guardian or guardians, duly appointed according to law, if within the State, and the same to the president of the corporation of the time of their meeting to view the premises; the said commissioners shall certify their finding and award to both parties; if either party is dissatisfied with the damages so assessed such party may, on application to the Prothonotary of the Superior Court of the State of Delaware, in and for the County where the land lies, 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 as aforesaid, and their report shall be final;

## GENERAL PROVISIONS RESPECTING CORPORATIONS.

the said commissioners shall, in assessing the damages as aforesaid, award at least the actual cash value of the land and buildings, sand, earth, gravel or other materials so to be taken or used, as aforesaid, whereupon the corporation, upon paying the damages so assessed, shall become entitled to have, hold, use and enjoy the said lands, the buildings thereon and materials for the purpose by them required, forever; and in case any owner of lands necessary and taken for the purpose of construction of the said railroad shall be a minor or a non-resident, or for any cause incapable of receiving, or unwilling or neglecting to receive said damages, or to call upon the said corporation, for the same, the said corporation may deposit the amount of the said damages to the credit of such owner or owners, in the Farmers' Bank in the County in which the said land and materials taken are located, subject to his, her or their order, whereupon the said corporation shall be entitled to have, hold, use and enjoy the said lands, premises, the buildings thereon and materials described and condemned in said report and require for the purposes of said corporation, for or on account of which said damages shall have been so assessed; the expenses of the assessment by the said commissioners of the damages aforesaid and the fees of the said Sheriff, Prothonotary and all costs incurred in the execution of the writ of ad quod damnum shall in all cases be paid by the corporation.

Chapter 65  
amended

Section 26. That Chapter 65 of the Revised Code of the State of Delaware be and the same is hereby amended by inserting after 2034, Section 120 thereof, and before 2035, Section 121 thereof, a new section, to be known as 2034 A, Section 120 A, as follows:

Lease of  
property

2034 A. Section 120 A. LEASE OF PROPERTY; PROCEEDINGS; REMEDY OF STOCKHOLDER:—(1) It shall be lawful for any railroad company incorporated under the laws of this State to lease its railroad and franchises for the operation thereof to any other railroad company incorporated under the laws of this or any other State or to become the lessee of the railroad and franchises of any such other railroad

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## GENERAL PROVISIONS RESPECTING CORPORATIONS.

company or to merge its stock, property, franchises and railroad with those of any other railroad company of this or any other State, or to acquire by merger the stock, property, franchises and railroad of any other company or companies of this or any other State, provided that the railroads of said companies parties to any such lease or merger shall within or without this State, either directly or by means of an intervening line, connect and form a continuous route or routes for the transportation of persons and property; and provided further, that the agreement of lease shall not contain any provisions which will exempt said railroad so far as it lies within this State from the operation of the laws of this State. The agreement containing the terms and conditions of any proposed lease or merger shall, after due approval by the board of directors of each company party thereto, be submitted to the stockholders of such one or more of said railroad companies as shall have been incorporated under the laws of this State at either a special meeting thereof, duly called in accordance with the charter and by-laws of the companies whereof they are stockholders for the consideration of the same, or at any annual meeting thereof, likewise duly called, and in the call for which it shall be stated that the said agreement will be considered at such meeting; and if approved by a vote of not less than two-thirds of the capital stock of such company or companies outstanding and entitled to vote represented at said meeting, the said agreement shall then be duly executed by each of the parties thereto, and, when so executed, a copy thereof, duly certified by the Secretary of each of the companies parties thereto under their respective corporate seals, shall be filed in the office of the Secretary of State of the State of Delaware, and upon such filing the said agreement and the lease or merger thereby affected shall become and be in full force and operation in accordance with its terms.

(2) If any stockholder of any lessor company or of any company whose stock, property, franchises and railroad shall be so merged who shall not either in person or by proxy have voted at such meeting of stockholders in favor <sup>Rights of  
any lessor  
stockholder</sup>

## GENERAL PROVISIONS RESPECTING CORPORATIONS.

of the agreement, shall be dissatisfied with the lease or merger thereby effected, it shall and may be lawful for such stockholder within thirty days after the filing of said agreement in the office of the Secretary of State, as herein-before prescribed, to apply by petition to any Judge of the Superior Court for any County in this State wherein any part of the railroad so leased or merged is situated for the appointment of three disinterested commissioners who shall estimate and appraise the value of the share or shares of such stockholder, without regard to any depreciation resultant from such lease, and the award of said commissioners, or any two of them, when confirmed by the Court, shall be final and conclusive; and thereupon the lessee or acquiring company shall pay to such stockholder the value of his shares as ascertained by said appraisement, and said shares shall thereupon in case of merger be extinguished and in case of lease shall become the property absolutely of the lessee company, and the same shall be thereafter owned, held or disposed of by the latter as its directors may determine, authorize and direct. The commissioners shall make their award in writing in triplicate original, and shall deliver one of such originals to each party and file the other with the clerk of the court within five days after completing the same; and if either party be dissatisfied with such award, exceptions thereto shall be filed on or before the first day of the term of Court succeeding the date of the award; and thereupon the court shall fully hear and consider the said exceptions, and either affirm the said award or set the same aside, as it shall determine, and if set aside, appoint three other disinterested commissioners to make another appraisement.

Chapter 65  
amended

Section 27. That Chapter 65 of the Revised Code of the State of Delaware be and the same is hereby amended by inserting after 2067, Section 153 thereof, and before 2068, Section 154 thereof, a new section to be known as 2067 A, Section 153 A, as follows:

Lease of  
property

2067 A. Section 153 A. LEASE OF PROPERTY; PROCEEDINGS; REMEDY OF STOCKHOLDERS:—(1) It shall be lawful

## GENERAL PROVISIONS RESPECTING CORPORATIONS.

for any railway company incorporated under the laws of this State to lease its railway and franchises for the operation thereof to any other railway company incorporated under the laws of this or any other State or to become the lessee of the railway and franchises of any such other railway company or to merge its stock, property, franchises and railway with those of any other railway company of this or any other State, or to acquire by merger the stock, property, franchises and railway of any other company or companies of this or any other State, provided that the railway of said companies parties to any such lease or merger shall within or without this State, either directly or by means of an intervening line, connect and form a continuous route or routes for the transportation of persons and property; and provided further, that the agreement of lease shall not contain any provisions which will exempt said railway so far as it lies within this State from the operation of the laws of this State. The agreement containing the terms and conditions of any proposed lease or merger shall, after due approval by the board of directors of each company party thereto, be submitted to the stockholders of such one or more of said railway companies as shall have been incorporated under the laws of this State at either a special meeting thereof, duly called in accordance with the charter and by-laws of the companies whereof they are stockholders for the consideration of the same, or at any annual meeting thereof, likewise duly called, and in the call for which it shall be stated that the said agreement will be considered at such meeting; and if approved by a vote of not less than two-thirds of the capital stock of such company or companies outstanding and entitled to vote represented at said meeting, the said agreement shall then be duly executed by each of the parties thereto, and, when so executed, a copy thereof, duly certified by the Secretary of each of the companies parties thereto under their respective corporate seals, shall be filed in the office of the Secretary of State of the State of Delaware, and upon such filing the said agreement and the lease or merger thereby effected shall become and be in full force and operation in accordance with its terms.

Conditions of  
proposed  
lease sub-  
mitted to  
stockholders



## GENERAL PROVISIONS RESPECTING CORPORATIONS.

Stockholder  
not voting on  
agreement  
may have  
recourse

(2) If any stockholder of any lessor company or of any company whose stock, property, franchises and railway shall be so merged who shall not either in person or by proxy have voted at such meeting of stockholders in favor of the agreement, shall be dissatisfied with the lease or merger thereby effected, it shall and may be lawful for such stockholder within thirty days after the filing of said agreement in the office of the Secretary of State, as hereinbefore prescribed, to apply by petition to any Judge of the Superior Court for any County in this State wherein any part of the railway so leased or merged is situated for the appointment of three disinterested commissioners who shall estimate and appraise the value of the share or shares of such stockholder, without regard to any depreciation resultant from such lease, and the award of said commissioners, or any two of them, when confirmed by the Court, shall be final and conclusive; and thereupon the lessee or acquiring company shall pay to such stockholder the value of his shares as ascertained by said appraisement, and said shares shall thereupon in case of merger be extinguished and in case of lease shall become the property absolutely of the lessee company, and the same shall be thereafter owned, held or disposed of by the latter as its directors may determine, authorize and direct. The commissioners shall make their award in writing in triplicate original, and shall deliver one of such originals to each party and file the other with the clerk of the court within five days after completing the same; and if either party be dissatisfied with such award, exceptions thereto shall be filed on or before the first day of the term of court succeeding the date of the award; and thereupon the Court shall fully hear and consider the said exceptions, and either affirm the said award or set the same aside, as it shall determine, and if set aside, appoint three other disinterested commissioners to make another appraisement.

Chapter 65  
amended

Section 28. That Chapter 65 of the Revised Code of the State of Delaware be and the same is hereby amended by inserting after 2101 G. being Section 194 thereof, three new sections to be known as 2101 H. Section 195, 2101 I.

## GENERAL PROVISIONS RESPECTING CORPORATIONS.

Section 196 and 2101 J. Section 197, respectively, as follows:

2101 H. Section 195. UNAUTHORIZED PUBLICATION OF CORPORATION LAW; PENALTY:—That it shall be unlawful for any person, firm, association of persons or corporation to print or publish, or to have printed or published the General Corporation Laws of the State of Delaware without the authority of the Secretary of State. <sup>Unauthorized publication of Corp. law</sup>

Any person, firm, association or persons or corporation violating the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof in the Court of General Sessions shall be fined not more than five hundred dollars or imprisoned for a term not exceeding three months or both, in the discretion of the Court.

2101 I. Section 196. AUTHORIZED PUBLICATION OF CORPORATION LAW; DISTRIBUTION:—The Secretary of State be and he is hereby authorized to have printed from time to time as he shall deem necessary pamphlet copies of the General Corporation Law of the State of Delaware and he shall dispose of said copies to persons and corporations desiring the same for a sum not exceeding ten cents a copy. The money received from the sale of said copies shall be disposed of as other fees of the office of the Secretary of State. Nothing in this section shall prevent the free distribution of single pamphlet copies of said Law by the Secretary of State for the printing of which provision is made from time to time by joint resolution of the General Assembly. <sup>Distribution of Corp. law</sup>

2101 J. Section 197. NAME OF CORPORATION LAW:—The provisions now or hereafter contained in this Chapter shall be known and may be identified and referred to as the "General Corporation Law of the State of Delaware." <sup>Name of Corp. law</sup>

Approved March 20, A. D. 1917.

## GENERAL PROVISIONS RESPECTING CORPORATIONS.

## CHAPTER 114.

## GENERAL PROVISIONS RESPECTING CORPORATIONS.

AN ACT to amend 2078 Section 164 and 2079 Section 165 of Chapter 65 of the Revised Code of the State of Delaware, in reference to corporations, by providing that the State Highway Department shall maintain roads conveyed to the State by Boulevard Corporations.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of all the members elected to each House concurring):*

2078, Sec. 164  
amended

Section 1. That code section 2078 chapter section 164 of chapter 65 of the Revised Code of the State of Delaware be amended by striking out all of said section after the section number thereof and inserting in lieu thereof the following:

State  
Highways

"Upon the completion of any such road for vehicular travel by any Boulevard corporation organized under the provisions of this chapter, or of any such section thereof not less than ten miles in length, and the acceptance thereof by the commission created by Section 167 of this Chapter and the conveyance of the same to the State of Delaware as aforesaid, the Governor shall notify the State Highway Department thereof, and it shall thereupon and thereafter be the duty of said Department to maintain such road for vehicular travel so conveyed to the State as fully and in the same manner as the said Department is required to maintain state highways constructed by it under the terms of the act creating the "State Highway Department," and the said Department shall make provision in its annual budget and from its annual appropriation apply an amount of money for the maintenance of such road for vehicular travel in the same manner and to the same amount as said Department

## GENERAL PROVISIONS RESPECTING CORPORATIONS.

is required to do under the terms of said Act with respect to state highways constructed by it and in said Act defined.

Section 2. That code section 2079 chapter section 165 <sup>2070. Sec. 165 amended</sup> of chapter 65 of said Revised Code be amended by striking out all of said Section after the section number thereof and inserting in lieu thereof the following:

"In case the State of Delaware should neglect, fail or omit <sup>Failure to keep road in repair</sup> to repair any portion of any such road, or any bridge, culvert or crossing forming a part thereof, constructed and conveyed to the State by any Boulevard corporation organized under the provisions of this Chapter, after the same shall have become in need of repairs and shall clearly be in worse condition than when completed and conveyed to the State, the Boulevard corporation which shall have constructed and conveyed such road to the State shall after thirty days' notice to the State Highway Department and a failure on the part of the State to make such repairs, have the right, power and authority to forthwith proceed to make such repairs as shall be necessary to restore said road, or any part thereof, to the same condition as when it was originally completed and conveyed to the State and upon the presentation by said Boulevard corporation to the State Treasurer of an itemized bill covering the whole cost of making such repairs, with six per cent. interest thereon to date of presentation, approved as to correctness by the State Auditor, it shall be the duty of the State Treasurer forthwith to pay the amount of said bill unto said Boulevard corporation out of any funds in the Treasury of the State not otherwise specifically appropriated; and any such Boulevard corporation, having repaired such road in the manner and under the conditions aforesaid, shall have, and it is hereby given, the right, power and authority to institute, in any Court of competent jurisdiction any appropriate legal or equitable action against the State or any of the officers of

## GENERAL PROVISIONS RESPECTING CORPORATIONS.

the State, to compel the payment to it by the State of any amounts expended by it for such repairs, as aforesaid, with six per cent. interest, as aforesaid.

Approved April 9, A. D. 1917.

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RENEWAL AND REVIVAL OF CHARTERS.

CHAPTER 115.

CORPORATIONS.

RENEWAL AND REVIVAL OF CHARTERS.

AN ACT in relation to the renewal of the Charters of corporations.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of all the members elected to each House of the General Assembly concurring therein):*

Section 1. That any corporation whose charter has expired by reason of failure to renew the same through oversight or inadvertence, or whose charter has been renewed but through failure to comply strictly with the provisions of the General Corporation Law, the validity of the renewal has been brought into question, may, at any time before the first day of January, A. D. 1918, procure a renewal and revival of its charter or a confirmation of the renewal and revival of its charter for any period, together with all the rights, franchises, privileges and immunities and subject to all its duties, debts and liabilities which had been secured or imposed by its original charter and all amendments thereto, by filing with the Secretary of State a certificate of its last or acting President and Secretary, or the officers performing the functions of President and Secretary, or by such officers to be elected as hereinafter provided, duly sworn or affirmed to by such officers.

Renewal of  
charters  
before 1918

File certificate with  
Secretary of  
State

Such certificate shall set forth:

1. The name of the corporation, which name shall be the same name it bore when the charter expired or was attempted to be removed.

Name

## RENEWAL AND REVIVAL OF CHARTERS.

Location

2. The name of the city, town or place within the county in which its principal office or place of business is located in this State.

Date of  
renewal

3. The date when such renewal or revival is to commence, which shall be prior to the date of the expiration of the charter which it is desired to renew, or prior to the date when it was attempted to renew the charter; whether or not such renewal is to be perpetual, and if not perpetual, the time for which such renewal is to continue.

Statement

4. That the corporation desiring to renew and so renewing its charter was duly organized and carried on the business authorized by its charter until the                      day of

1                      , at which time its charter expired by limitation through inadvertence and oversight on the part of the corporation, or in the case of a corporation whose charter has been renewed but not in strict compliance with the provisions of the General Corporation Law, that it was duly organized and carried on the business authorized by its charter until the                      day of

1                      , at which time its charter was renewed but not in strict compliance with the provisions of the General Corporation Law; and that this certificate is filed by the authority of those who were directors or managers of the said corporation at the time its charter expired and who under the laws of this State and by virtue thereof became its trustee, or who were elected directors of said corporation, as hereinafter provided.

Certificate  
filed and  
recorded

Section 2. Such certificate shall be filed, copied, recorded and dealt with, and in all respects shall have the same force and effect as if such certificate had been filed by such corporation before the expiration of its charter, under the provisions of Chapter 65, Revised Statutes of the State of Delaware.

All acts  
ratified

Upon such revival and renewal, or confirmation of renewal, all acts, matters and things done and performed by such corporation within the scope of its charter, since the ex-

## RENEWAL AND REVIVAL OF CHARTERS.

piration of the same, or since the attempted renewal of its charter, shall be and hereby are expressly ratified and approved, and all real and personal property, rights and credits, which were of the said corporation at the time of the expiration of its charter, and which have not been disposed of, shall be vested in and restored to the renewed and revived corporation as fully and amply as they were held by the said corporation at and before the time when its charter expired or was attempted to be renewed.

Section 3. Any corporation seeking to renew or to con-<sup>Taxes shall be paid</sup>firm the renewal of its charter under the provisions of this Act shall first pay all City, County, State and franchise taxes and charges which it would by law have been liable to pay and chargeable with, if its said charter had not expired; and said corporation shall file the certificate mentioned in Section 1 of this act a statement executed and sworn or affirmed to by its last or acting President and Secretary, or the officers performing the functions of President and Secretary. Said statement shall contain the amount of said taxes, and charges so paid, the date of payment, to whom paid, and the period of time covered by said taxes and during which they accrued.

Section 4. Before the charter of any corporation shall be renewed and revived, or the renewal of any charter con-<sup>Accept provisions of Constitution</sup>firmed, under the provisions of this Act, the said corporation shall file under the seal used by it immediately prior to the expiration of the charter of the said corporation, and duly attested by its last or acting Secretary, or the officer performing the functions of Secretary, an acceptance of the provisions of the present Constitution of this State.

Section 5. That if the last President and Secretary,<sup>In case of death of officers</sup> or the officers performing the functions of President and Secretary, or either of them, of any such corporation so desiring to renew its existence, should be dead at the time of such renewal, the directors of such corporation, or the survivors of them, if not less than three, may elect a suc-



## RENEWAL AND REVIVAL OF CHARTERS.

cessor to such deceased president or secretary, or the officers performing the functions of president and secretary, or successors to both, if both be dead, and if less than three directors of such corporation shall be living when it is desired to effect a renewal of such corporate existence, then the stockholders of such corporation may elect as many directors as may be necessary (together with the surviving directors or director, if any) to constitute a board of three directors; and such board may elect a successor to the deceased president or secretary, or the officers performing the functions of president and secretary, or successors to both, if both be dead, and may authorize the execution of the Certificate of Renewal, as hereinbefore provided, but may not perform or exercise any other office or function. A meeting of the directors of the corporation, or of the survivors of them, or of the board, as elected wholly or partly by the stockholders as provided in this Section, may be called by any director upon ten days' written notice, delivered personally to, or mailed to the last known postoffice address of, every other director; and a meeting of the stockholders for the purpose of electing directors, as aforesaid, may be called by any stockholder upon ten days' written notice, delivered personally to, or mailed to the last known postoffice address of, every other stockholder. The President and Secretary, or the officers performing the functions of president and secretary, so elected may take all steps and do all things necessary and proper to be done for the renewal of the existence of such corporation as hereinbefore provided, and their acts in furtherance of such renewal shall be as valid and effective as if performed and done by the last president and secretary, or the officers performing the functions of president and secretary, of such corporation. After a renewal of the existence of such corporation shall be effected, the last president, or the officer performing the functions of president, or his successor, elected as provided in this section, shall forthwith call a meeting of the stockholders of such corporation, upon such notice as is required by the Certificate of Incorporation, Charter or By-laws, for a regular meeting thereof, and at

RENEWAL AND REVIVAL OF CHARTERS.

such meeting the stockholders shall elect a full board of directors, in accordance with the Certificate of Incorporation or Charter. Such board shall thereupon elect officers, and assume control of the business and affairs of the corporation, as prescribed by the Certificate of Incorporation or Charter.

Section 6. Provided, however, that this Act shall not <sup>Exemptions</sup> apply to any Life or Fire Insurance Company, or other Company engaged in the insurance business.

Approved April 10, A. D. 1917.

## RENEWAL AND REVIVAL OF CHARTER.

## CHAPTER 116.

## CORPORATIONS.

## RENEWAL AND REVIVAL OF CHARTER.

AN ACT providing for the renewal and revival of the charters of corporations which have expired.

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

Renewal of  
charters

Section 1. That any Corporation which was created under the provisions of an Act entitled "An Act Providing a General Corporation Law," approved March 10, A. D. 1899, and the Acts amendatory thereof and supplemental thereto, and whose charter has become inoperative or void by proclamation of the Governor or by operation of law, for non-payment of taxes, and which, by reason of lapse of time cannot be re-instated and entitled to all its franchises and privileges under the provisions of Section 16 of an Act entitled "An Act to Raise Revenue for the State by Taxing Certain Corporations," approved March 10, A. D. 1899, may, at any time before the first day of January, A. D. 1918, procure a renewal and revival of its Charter for any period, together with all the rights, franchises, privileges and immunities and subject to all its duties, debts and liabilities which had been secured or imposed by its original Charter, and all amendments thereto, by filing with the Secretary of State of the State of Delaware, a certificate of its last or acting President and Secretary, duly sworn or affirmed to by such Officers. Such Certificate shall set forth:

1: The name of the Corporation, which name shall be the same name it bore when the Charter expired, except as otherwise provided in Section 2 of this Act;

## RENEWAL AND REVIVAL OF CHARTER.

2: The name of the City, Town or place within the County in which its principal place of business is located in this State;

3: The date when such renewal or revival is to commence, which shall be prior to the date of the expiration of the old charter, which it is desired to renew or revive; whether or not such renewal and revival is to be perpetual and the time for which such renewal and revival is to continue.

4: That the corporation desiring to be renewed and revived, and so renewing its charter, was duly organized and carried on business authorized by its Charter until the day of                      A. D. 1     , at which time its charter became inoperative and void by proclamation of the Governor or by operation of law, for non-payment of taxes.

This certificate for renewal and revival is filed by authority of those who were President and Directors or Managers of the said Corporation at the time its charter expired, and who, under the laws of this State, by virtue thereof, became its Trustees. Such certificate shall be filed, copied, recorded and dealt with, and in all respects shall have the same force and effect as if said charter had not become inoperative or void. Upon such revival and renewal, all acts, matters and things done and performed by such Corporation within the scope of its Charter, since the expiration of the same, shall be and hereby are expressly ratified and approved, and all real and personal property, rights and credits which were of said corporation at the time of the expiration of its charter, and which have not been since disposed of, shall be vested in and restored to the renewed and revived corporation as fully and amply as they were held by the said Corporation at and before the time its charter expired.

Section 2. If, since the expiration of the charter of said corporation, any other corporation organized under the provisions of the laws of the State of Delaware shall have been given and shall have adopted the same name as the corpora-<sup>Name changed, if</sup>

## RENEWAL AND REVIVAL OF CHARTER.

tion whose charter has expired or shall have been given or adopted a name so nearly similar thereto, that the Secretary of State of the State of Delaware shall consider would constitute a confusion in names, then and in such case said renewed and revived corporation shall not be renewed under the same name which it bore when its charter expired, but shall adopt and be renewed under, any other name which, under existing law, could be adopted by any corporation intended to be formed and organized under the General Corporation Laws of the State of Delaware, and in such case the certificate to be filed by the last or acting President and Secretary as set forth in Section 1 of this Act, shall recite the name borne by said Corporation at and before the time its charter expired, and the new name under which said corporation is intended to be renewed and revived.

Pay all back  
taxes, etc.

Section 3. Any corporation seeking to renew its charter under the provisions of this Act, shall first pay all City, County, State and Franchise taxes and charges which it would, by law, have been liable to pay and chargeable with, if its said charter had not expired; and said corporation shall file with the certificate mentioned in Section 1 of this Act, a Statement executed and sworn or affirmed by its last or acting President and Secretary. Said statement shall contain the amount of said taxes and charges so paid, the date of payment, to whom paid and the period of time covered by said taxes and during which they accrued.

Approved April 10, A. D. 1917.

REVIVAL OF PRIVATE ACTS.

CHAPTER 117.

CORPORATIONS.  
REVIVAL OF PRIVATE ACTS.

AN ACT to revive and extend the time for recording private acts.

*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 <sup>Revival of Private Acts</sup> that have become void on account of not being duly recorded in compliance with the provisions of 374, Section 9 of Chapter 10 of the Revised Statutes of the State of Delaware, and that have not been repealed by special act or become void by lapse of the time for which they were limited, be and the same are hereby severally renewed and re-enacted, together with the provisions therein contained are respectively declared to be in full force for the period mentioned in the original acts, and to have the same force and effect as if the said acts had been severally recorded according to law, and all acts and transactions done and performed under the provisions of said acts and property and other rights accrued thereunder, 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 shall be duly recorded in the Recorders' 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 shall be published as such.

Approved March 20, A. D. 1917.

## BANKS.

## CHAPTER 118.

## BANKS.

AN ACT making it lawful for certain national banks to act as executor, administrator, or trustee, and as registrar of stocks and bonds.

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

National  
Bank to act  
as Trustee,  
etc.

Section 1. It shall be lawful for any National Bank, located in this State, when authorized by the laws of the United States, to act by any and every method of appointment, and in any capacity, whatever, as Trustee, and as Executor, Administrator, or Registrar of stocks and bonds.

No security  
on bond

Section 2. In case any such National Bank shall be appointed Trustee, Executor or Administrator, as aforesaid, it may not be required, in the discretion of the appointing person, corporation, court, judge, officer, or authority, to give security on any bond, which it may by law be compelled to give by reason of such appointment.

Approved April 18, A. D. 1917.

THE CITY OF WILMINGTON

CHAPTER 119.

THE CITY OF WILMINGTON  
MUNICIPAL COURT.

AN ACT to confer upon the Municipal Court of the City of Wilmington exclusive original jurisdiction to hear, try and determine certain offenses against the laws of this State alleged to have been committed within the corporate 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 (two-thirds of all the members elected to each branch thereof herein concurring):*

Section 1. That Chapter 67 of the Revised Code of the State of Delaware be and the same is hereby amended by adding thereto a new section, which shall be known as Paragraph 2121 A, Sec. 6 A, as follows: Chapter 67  
amended

The Municipal Court of the City of Wilmington shall have exclusive original jurisdiction to hear, try and determine all charges of throwing glass, etc., upon the public Highway, as more fully set forth in, and in violation of, Paragraph 3582, Section 147 of the Revised Code of the State of Delaware; all charges of threatening to kill or wound another, or to injure him in person, or estate; and all charges of the breach of the peace; alleged to have been committed within the corporate limits of the City of Wilmington, and to punish all persons convicted of said offenses, agreeably to the Laws of this State, or to the Common Law. Jurisdiction  
of Municipal  
Court

Section 2. The proceedings in all such cases in the said Municipal Court shall be without indictment by Grand Jury, Trial with  
jury



## THE CITY OF WILMINGTON.

or trial by petit jury, with the right of appeal as provided in Article IV, Section 30, of the Constitution of this State.

Section 3. All acts or parts of Acts inconsistent herewith are hereby repealed. •

Approved March 26, A. D. 1917.

THE CITY OF WILMINGTON

CHAPTER 120.

THE CITY OF WILMINGTON.  
MUNICIPAL COURT.

AN ACT to amend Chapter 67 of the Revised Code of the State of Delaware in relation to Witness Fees.

*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 Chapter 67 of the Revised Code of the State of Delaware be and the same is hereby amended by repealing Paragraph 2129. Sec. 14 thereof, and substituting in lieu thereof the following, which shall be styled Paragraph 2129. Sec. 14: <sup>2129, Sec. 14 repealed</sup>

The fees for the attendance of a witness in said Court shall be one dollar per day. Witness fees shall be paid to all material witnesses in all cases or proceedings where the City Judge sits as a committing magistrate. Where the defendant in any case or proceeding is committed for trial before the Court of General Sessions, the clerk of the said Municipal Court shall endorse opposite the names of the State's witnesses, which appear on the commitment or recognizance, as provided for in Paragraph 3975 Sec. 27, the number of days such witnesses were in attendance at the preliminary hearings; and the Clerk of the Peace of the Court of General Sessions shall pay to such witnesses fees for their total attendance in such case or proceeding, and shall include the same in the costs of the case or proceeding. Where the defendant in any such case or proceeding is discharged by the said City Judge, all fees for the attendance of all material witnesses shall be paid out of the City Treasury. All witness fees which shall be paid to the clerk of <sup>Witness fees</sup>

## THE CITY OF WILMINGTON.

the Municipal Court, and not claimed by the persons entitled to the same within thirty days from the time said fees come into the hands of said clerk, shall be forfeited to the City and paid by said clerk into the City Treasury.

Section 2. All Acts or parts of Acts inconsistent herewith are hereby repealed.

Approved March 26, A. D. 1917.

## THE CITY OF WILMINGTON.

## CHAPTER 121.

## THE CITY OF WILMINGTON.

AN ACT providing for assessment against abutting properties in the City of Wilmington in proportion to the special benefit the present improved street roadway will have to said properties.

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

Section 1. That there is hereby levied and imposed upon property in the City of Wilmington specially benefitted by improved paving (said property being hereinafter specified), a special tax of the amount hereinafter specified, said tax to continue as to each property for the life of said improvement, not exceeding, however, ten years in any event, and the entire proceeds thereof shall be used for improving paving in the City of Wilmington. Abutting  
property tax

Section 2. That for the purpose of this Act all property in the City of Wilmington adjoining or abutting upon any public street which has been paved with improved paving without special assessment of any part of the cost upon abutting or adjoining property owner, by the City of Wilmington, is hereby declared to be specially benefitted by such improved paving to an extent greater than the entire amount of the special tax hereby levied thereon. Said property so benefitted is hereby divided into three classes, to be designated as classes A, B and C. Class A shall include all such property in the City of Wilmington adjoining or abutting upon a public street paved with improved paving and having a width between curbs of over thirty feet. Class B, shall include all such property in the City of Wilmington adjoining Classification

## THE CITY OF WILMINGTON.

ing or abutting upon any public street paved with improved paving and having a width of roadway between curbs of over twenty and not exceeding thirty feet. Class C, shall include such property in the City of Wilmington adjoining or abutting upon any public street paved with improved paving and having a width of roadway of not more than twenty feet.

Street and  
Sewer  
Department  
to classify

Section 3. That the Board of Directors of the Street and Sewer Department of the City of Wilmington is hereby authorized and directed to proceed to classify and list for taxes as provided by this Act, for the fiscal year commencing July 1, 1918, all property in the City of Wilmington which on the first day of January, A. D. 1918, was in the situation to come under the requirements of any, of said Classes.

"Improved  
paving"  
defined

That "improved paving," as used in this Act, shall mean any substantial paving above the grade of ordinary macadam, and shall include cobble, granite, or Belgium blocks, paving brick or blocks, wood blocks, asphalt or concrete blocks, sheet asphalt, bithulithic, bituminous macadam, and bituminous concrete; "property" shall mean real estate whether in fee simple or leasehold, and whether improved or unimproved.

Rates

That the amount of the special tax hereby levied shall be as follows: On all property embraced in Class A sixteen cents per year per front foot or lineal foot adjoining or abutting upon the public street; on all property embraced in Class B, twelve cents per year per front foot or lineal foot adjoining or abutting upon the public street. On all property in Class C, eight cents per year per front foot or lineal foot adjoining or abutting upon the public street; provided, however, that the frontage of any corner lot abutting on two streets shall not be computed at more than the frontage of such lot on the intersecting street.

Then

Section 6. That the amount of the special tax apportioned against each property, as hereinbefore provided,

## THE CITY OF WILMINGTON.

shall be a lien thereon from the first day of January, A. D. 1918, and such lien shall have priority over all other liens except those for general taxation. The fact that the property shall have been conveyed shall not prevent the lien from attaching as herein provided.

Section 7. The Board of Directors of the Street and Sewer Department, as soon as the names of the owners and the amounts of the special taxes hereinbefore provided can be ascertained, shall forthwith furnish such names and amounts to the Collector of Taxes for the Northern District of the City of Wilmington, if said property be located in said District, or to the Collector of Taxes for the Southern District, if the property be located in said District, and such Collector of Taxes, when preparing the next tax bills for his District for City and School Purposes shall include on them the first payment for said special tax, designating it "Paving Tax," First Installment." The next installment shall\* be placed on the tax bills for the next year and shall be designated "Paving Tax, Second Installment," and shall so continue from year to year until ten annual installments have been placed on the tax bills, or until the owner of said property shall be subject to assessment for the repaving of said streets, at which time said special tax shall cease. Such special tax shall be paid as the City and School Taxes are paid, subject to the same discount and penalties, and shall for the purpose of collections be treated in the same manner in all respects as though it were a City and School Tax, and proceedings for the recovery thereof shall be taken under the provisions of an Act entitled "An Act Providing for the Collection of Taxes for the City of Wilmington," approved March 11, 1915, being Chapter 119, Volume 28, Laws of Delaware, as the same has been or may be amended.

Names and  
amounts  
furnished to  
collectors

Tax bill to  
include

Approved April 27, A. D. 1917.

## THE CITY OF WILMINGTON.

## CHAPTER 122.

## THE CITY OF WILMINGTON.

AN ACT providing for assessment against abutting properties in the City of Wilmington for a portion of the cost of paving and improving the public street roadways.

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

Street and  
Sewer  
Department  
authorized  
to pave

Section 1. That the Mayor and Council of Wilmington through the agency of the Board of Directors of the Street and Sewer Department is hereby authorized and empowered to pave and improve the street roadways of the City of Wilmington in accordance with any methods now or that may hereafter, from time to time, be adopted, and a portion of the cost of paving and improving such street roadways shall be paid by the abutting property owners in such proportions and at such times as are hereinafter set forth; provided, however, that no part of the cost of paving any street, which paving has been arranged or provided for by the City Council and the Directors of the Street and Sewer Department before the passage of this Act, shall, under this Act, be charged against any abutting property owner. The amount to be charged against any abutting property owner for street paving or improvement shall be proportioned according to the frontage of any property owned by him and abutting or bordering on such street, provided, however, that for any improvement or paving which may be completed before the first day of January, A. D. 1929, the frontage of any corner lot shall not be computed at more than the frontage of such lot on the intersecting street, and the cost of improving or paving any excess frontage shall be paid by the said City.

Charge shall  
be propor-  
tioned

## THE CITY OF WILMINGTON.

Section 2. That whenever a petition, signed by the owner or owners of more than one-half of the frontage on any street or block or blocks of a street, shall be presented to the Board of Directors of the Street and Sewer Department, asking for the paving or re-paving or general re-surfacing of said street or block or blocks of said street, said Department shall accept and file such petition, and, as soon thereafter as practicable, shall give the notice and the public hearing as hereinafter provided, and may by a majority vote of said Board, proceed with the paving, re-paving or general re-surfacing of the street, block or blocks, mentioned in said petition, and charge a part of the cost thereof to the abutting property owners, as provided in this Act. <sup>Petitions for paving</sup>

Section 3. That whenever in the judgment of the Board of Directors of the Street and Sewer Department it shall become necessary or desirable to pave, repave or to generally re-surface any street or block or blocks of a street, for which no sufficient petition shall have been received, the said Board shall give notice of its intention to do such work by posting notices at the office of the Board and at least one in some conspicuous place in each block that is to be so improved; and so far as shall be practicable, notice shall be sent by mail to each person owning property in said street or block that is to be improved; such notices shall set forth the street or block or blocks that are to be improved, the kind of paving proposed, and the time and place when the Board will hold a public hearing on the subject. <sup>Notice given of proposed paving</sup>

After giving the notices and the public hearing as aforesaid, the Board may, by unanimous vote of all the members thereof, proceed to do said work and charge part of the cost thereof to the abutting property owners, as provided in this Act. <sup>May proceed</sup>

Section 4. That any property that has been subjected to the cost of improving the street roadway on which it is located, as provided in this Act, shall be exempt from <sup>Property exempt</sup>



## THE CITY OF WILMINGTON.

any such further charge for a period of ten years from the date upon which the proportionate cost of the improvement was certified by the Board to the Clerk for collection, unless a petition signed by the owner or owners of the total frontage on any street or block shall be presented to the Board waiving the provisions of this Section.

Amount  
apportioned

Section 5. That the amount apportioned to each abutting property owner shall be one-third of the actual cost of such paving, re-paving or general re-surfacing, not counting any fixed charges of the Street and Sewer Department, and after deducting any portion that may be chargeable against any Street Railway Company, the cost of paving and re-paving intersections of streets that is, all portions included within the side lines of two or more streets, shall not be chargeable to the abutting property owners, but shall be paid out of the funds provided by the City.

Corner  
property

Section 6. That corner lots shall bear their proportion on each frontage, except as hereinbefore provided, and that the owners of "jib" or "flatiron" lots, formed by the converging of two streets at an acute angle, may compel the City to accept a deed for the narrow end of such lots, to be used for street purposes, and such owner shall, therefore, not be compelled to pay any assessment against that portion which shall have been conveyed as aforesaid.

Charges be-  
come a lien

Section 7. That when the Board of Directors of the Street and Sewer Department shall have ascertained the cost and apportioned part of the same among the abutting property owners, as herein provided, the said Department shall cause to be presented bills to the owners of the abutting properties against whom said apportionment shall have been made, and shall certify to its Clerk the names of such owners and the amounts thereof. The amount apportioned against each property shall be a lien thereon from the date of said certificate, and such lien shall have priority against all other liens, except those for general taxation. The fact that the property shall have been con-

## THE CITY OF WILMINGTON.

veyed since the apportionment was made and before the making of the certificate as aforesaid, shall not prevent the lien from attaching as herein provided.

Section 8. If the lien, or amount apportioned, is paid <sup>Payments and rebates</sup> within two months from the date of the bill, there shall be deducted three per centum from the face of the bill; if paid during the third month, there shall be deducted two per centum from the face of the bill; if paid during the fourth month, there shall be deducted one per centum from the face of the bill; if paid during the fifth or sixth month from the date of the bill, no deduction shall be made from the face thereof. Payment may be made beginning with the end of the sixth month from the date of the bill in six equal installments; the first installment shall be due at the end of six months from the date of the bill and one installment each six months thereafter until the whole bill shall have been paid; lawful interest compounded annually shall be charged and collected on any unpaid installment.

Section 9. Proceedings for the enforcement of payment <sup>Enforcement of payment</sup> of the amount of the said lien may be commenced by the direction of the Board of Directors of the Street and Sewer Department any time after the expiration of three years from the date of the bill; and such proceedings shall be the same as is provided for the collection of delinquent taxes for the City of Wilmington in an Act entitled "An Act Providing for the Collection of Taxes for the City of Wilmington," approved March 11, A. D. 1915, being Chapter 119, Volume 28, Laws of Delaware, as the same has been or may be amended.

Section 10. The Board of Directors of the Street and Sewer Department shall not be required to consider, in connection with the work proposed to be done in any particular year, petitions, received after such a date or dates as they shall determine. <sup>Consideration of petitions</sup>

Section 11. In \*constructing this Act the words "abutting" and "bordering" shall be taken as synonymous.

\* construing

## THE CITY OF WILMINGTON.

Section 12. In the event of "An Act Providing for Assessment against Abutting Properties in the City of Wilmington in proportion to the Special Benefit the Present Improved Street Roadway will have to said properties" being declared null and void by any Court of competent and final jurisdiction, then from the date of such decision this Act shall become inoperative and of no effect.

Section 13. Separate accounts shall be kept of all moneys collected under the provisions of this Act and at least as large an amount shall be appropriated annually by the Council of the Mayor and Council of Wilmington for paving and improving the Streets of the City of Wilmington.

Approved April 27, A. D. 1917.

## THE CITY OF WILMINGTON.

## CHAPTER 123.

## THE CITY OF WILMINGTON.

AN ACT in relation to the Harbor of the City of Wilmington.

AN ACT creating the Board of Harbor Commissioners for the City of Wilmington, and prescribing its powers and duties.

*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 on and after the first day of May, A. D. 1917, "The Mayor and Council of Wilmington" is hereby authorized, through the agency of a "Board of Harbor Commissioners" hereby created, constituted and appointed, and their successors in office, to prepare a plan for the improvement of the water front, and to increase the harbor and shipping facilities of the City of Wilmington on or adjacent to the banks or shore of the navigable waters within the limits of the said City, as they now exist, or may hereafter be extended; or such part of said water front as in its judgment it may deem advisable, whether such water frontage be now owned by the City or others. Said plan shall contemplate accommodations and facilities for shipping at such place or places as are deemed most suitable for the purposes of this Act, and shall be submitted to The Council of the City of Wilmington, for its approval. The Council shall approve or disapprove of said plan by a majority vote. If said plan is approved then said Board shall proceed to acquire by gift, purchase or condemnation, such land, on or adjacent to the banks or shore of the said navigable waters, together with the riparian rights, as may be included in said plan, and all other rights and privileges deemed necessary thereto; said land shall have such frontage on tide water, and extend back of such frontage

Harbor Com-  
mission  
Duties of

## THE CITY OF WILMINGTON.

**Purpose of** such distance as may be determined by said Board, for the purpose of building and constructing wharves, piers, docks, slips, bulkheads and terminals, together with the necessary tracks thereon and such other tracks and rails connecting therewith as may be necessary to connect said structure or structures with railroad or railway lines or other wharves and terminals, and to construct on any such wharves or piers, a warehouse or warehouses, and such other structures, appliances, cranes and machinery as the Board may determine, for the convenience of shipping and commerce. Said Board shall also have the power to do such dredging as may be contemplated in said plans, and designate the place or places where such dredged material shall be deposited. The Board shall construct, maintain and operate, and shall have and exercise full power and control over, said wharves, docks, piers, slips, harbors and warehouses, under such rules and regulations and provisions, as it, by resolution, may establish.

**Powers** The Board of Harbor Commissioners shall also have the following powers:

(a) To make, adopt and enforce by-laws, rules and regulations, regarding the use and management of all municipal wharves, piers and docks, or other municipal water front property, including structures and appliances, and to collect and receive the income therefrom.

(b) To fix, regulate and collect rates or charges for wharfage, tonnage and other services rendered in the loading and unloading of vessels, or other carriers, and also such warehouse and storage charges as it may determine.

(c) To enter into joint arrangements with steamship lines, railroads, railways or any other transportation line, or any common carriers, if said Board shall deem it to the advantage of the City so to do.

(d) To construct all, or any part of the work contemplated in said plan, by contract or otherwise as it may determine.

## THE CITY OF WILMINGTON.

Section 2. The Mayor of the City of Wilmington shall, <sup>Mayor to appoint</sup> on the first day of May, A. D. 1917, appoint three members of the said Board of Harbor Commissioners, who, upon the confirmation of said appointments by The Council, by a majority vote, shall be and constitute the Board of Harbor Commissioners for the said City of Wilmington, with full power to act as such. One Commissioner shall be appointed <sup>Terms of office</sup> for the term of two years, another shall be appointed for the term of four years, and another shall be appointed for the term of six years, respectively, from the time of their appointment. At the expiration of the term of the said Commissioners, who shall be appointed for the term of two years, and biennially thereafter, the place of the retiring Commissioner shall be filled by appointment by the Mayor of the City of Wilmington for the term of six years, subject, however, to confirmation by The Council as herein provided. No person shall be eligible to appointment as a Member of said Board who shall not be a citizen of the United States, a qualified voter of this State, and a resident of the City of Wilmington, for the last five years next preceding his appointment. Any Member of said Board may be removed for cause by the Mayor of said City with the concurrence of two-thirds of all the members of The Council. The reasons for said removal shall be entered in the Journal of The Council, and the person against whom such charges are made shall be given a reasonable opportunity to make his defense. The Members of the said Board shall not hold any other municipal, County, State, or Federal office during his or their membership in said Board. The Mayor shall have power to fill any vacancy caused by death, resignation or otherwise in the membership of said Board, which appointment shall be for the unexpired term, but all the members of said Board shall not at any one time belong to the same political party. Each Member of said Board, before entering upon his duties, in addition to any oath required to be taken by other municipal officers, shall take, subscribe and file in the office of the Mayor of the said City, an oath or affirmation that he will faithfully perform his duties as said Commissioner of said City, and that he will neither directly nor indirectly

## THE CITY OF WILMINGTON.

be concerned or interested pecuniarily or otherwise in any contract for work or material used by said Commissioners, while a Member of said Board; and further that he will not be controlled in any vote or action as a Member of said Board, by any political or partisan considerations. The President of the Board of Harbor Commissioners shall be a member of the Advisory Board. A majority of said Board shall constitute a quorum and may act in all matters.

**Organization** Section 3. On or before the tenth day of May, A. D. 1917, the said Board of Harbor Commissioners hereby constituted shall organize by electing one of its members President, who shall hold his office for one year and until his successor is elected, unless his membership in the Board sooner expires. The said Commissioners shall be paid for their services from the first day of May, A. D. 1917, yearly

**Salaries** salaries which shall not be less than Five Hundred Dollars per annum, payable quarterly; The Council of said City may, however, increase the said salaries to such an amount as they may deem reasonable. Each of the Members of said Board of Harbor Commissioners shall, before the organization of said Board, enter into a bond with a corporate surety to The Mayor and Council of Wilmington, in the sum of Five Thousand Dollars, said corporate surety first having been approved by the Resident Judge of the Superior Court in and for New Castle County, the condition thereof being that said Commissioner shall, in all things, comply with the provisions of this Act and shall faithfully execute the trust confided to him. To the said bond there shall be subjoined a warrant of attorney to confess judgment thereon, and the said bond and warrant shall be filed in the office of the Prothonotary of said Court, there to remain until, in the judgment of the Mayor, the interest of the City demands that it be entered in the Superior Court of the State of Delaware, in and for New Castle County, when said Mayor shall, in writing, direct the Prothonotary to enter the same, and it shall then be so entered. The premium or charges for said surety bonds shall be paid as one of the expenses of said Board.

## THE CITY OF WILMINGTON.

Section 4. The Board of Harbor Commissioners shall appoint a Secretary, not a member of the Board, whose salary shall be fixed by resolution of the Board, and he shall be required to give bond for the faithful performance of his duties, in such form and for such amount as may, by resolution, of the Board, be required. He shall keep a record of all the proceedings of the Board, specifying therein the names of the Commissioners present at all meetings, and giving the ayes and noes upon all votes. The Secretary of the Board may certify such proceedings under his hand as may be necessary, and shall perform such other duties as the Board may prescribe. The said Board may employ such other officers and employes as from time to time may be determined by resolution, and prescribe their title, powers, duties and salaries, and may require of them, or any of them, bond for the faithful performance of their duties. Said Board shall have the power to discharge, remove or suspend any or all officers or employes, in such manner, and at such times, as it may deem for the best interest of the City. The City Engineer of the City of Wilmington shall be, ex-officio, the Engineer for the Board of Harbor Commissioners, but said Board is hereby authorized to employ another engineer or engineers or assistants to carry out the purposes of this Act, and by resolution fix their compensation.

Section 5. In case the said Board of Harbor Commissioners shall, for any cause, be unable to agree with the owner or owners for the purchase of any water front, wharves, piers, land, together with the riparian rights and other rights and privileges appurtenant thereto, as selected by the said Board as aforesaid, for the purpose aforesaid, it shall be the duty of the Superior Court of the State of Delaware, in and for New Castle County, or any Judge thereof in vacation, upon the application of the said Board of Harbor Commissioners, to order notice of the said application to be published in one newspaper of the City of Wilmington, once in each week for the space of one month, which notice shall describe the said lands and premises and rights aforesaid, intended to be condemned, together with



## THE CITY OF WILMINGTON.

the names of the owner or owners, or the reputed owner or owners thereof, and shall require all persons interested in the said land and premises and rights as aforesaid, to appear at the next term of the said Superior Court, after the expiration of said notice, on a day specified in said notice. The said Superior Court shall have jurisdiction and power over proceedings for such condemnation, and at the time therein specified, or 'as soon thereafter as the Court may direct, shall prepare an issue, for trial before a jury under the direction of the judge or judges of said Court, and to empanel a jury to assess the value of said land and rights, and the damages which the owner or owners thereof or any person having an interest therein, will sustain by reason of the condemnation and appropriation of said land and rights, for the purposes of this Act, taking into consideration all the circumstances of benefit and detriment to result to such owner or owners.

Special  
juries

A special jury to assess the value of said lands and premises and rights, and the damages the owner or owners thereof will sustain by reason of the condemnation and appropriation of said lands and premises and rights, taking into consideration all the circumstances of benefit and detriment to result to such owner or owners, shall be ordered by the Superior Court, upon the application of any party to the proceedings, instead of empaneling a jury for such purposes as heretofore provided in this Section, in the same manner and form and the same procedure as is now provided for striking special juries under the Laws of the State of Delaware, in other cases. The Court shall order that a view of the premises shall be made by the jury before any evidence is given in the trial of the case. After the evidence introduced by any of the parties to such proceedings shall have been heard, and after due deliberation, the jury shall return their assessment of damages after the consideration of the benefits, as aforesaid, in writing, duly signed by each of them, into Court; which return shall be confirmed by the Court unless within ten days a motion for a new trial shall be made and the reasons in support thereof filed, and the proceedings under this Section shall

## THE CITY OF WILMINGTON.

be entered of record in said Court. The amount of such damages after the consideration of the benefits awarded in such return, after confirmation by the said Court, together with the costs of said proceedings, may be paid into said Court, to be deposited by said Court to the credit of the owner or owners in the active depository bank of the City of Wilmington, or the said owner or owners may waive such payment in open Court, which waiver shall be duly entered of record and signed before the Prothonotary of said Court; and thereupon the said Superior Court shall make an order directing the Sheriff of New Castle County to execute to "The Mayor and Council of Wilmington" a deed of said lands and premises and rights, reciting the proceedings in the case, which deed shall convey to the said The Mayor and Council of Wilmington, all the right, title and interest of all persons in said lands and premises and rights, which had been condemned as aforesaid. Whenever damages shall have been assessed as aforesaid, and the said Board of Harbor Commissioners shall neglect to pay or render the amount determined as due under said damages to the person or persons entitled to the same, or to deposit the same in the manner herein provided within a period of three months from the day of final approval by the Court, this condemnation proceeding as herein provided, shall fail and lapse, and no further application or proceeding shall be made for condemning said land and premises and rights for one year from the date of said previous application.

Damages  
paid into  
Court

In all cases arising under this Act there shall be, of right, a writ of error of certiorari from the Supreme Court to said Superior Court to review any final judgment entered therein.

Section 6. For the sole purpose of paying for the land, the riparian rights, and all other rights or privileges acquired under the provisions of this Act, and for building and constructing wharves, piers, docks, slips, bulkheads and terminals, together with the warehouses and rails and tracks, and operating machinery as herein contemplated, The Mayor and Council of Wilmington, shall, and is hereby

Issue bonds

## THE CITY OF WILMINGTON.

authorized and empowered, to borrow upon the faith and credit of the City of Wilmington, such sum of money as it by ordinance shall determine, to enable the said Board of Harbor Commissioners to carry out the provisions of this Act in accordance with the plan proposed and submitted by said Board to The Council, and approved by it. All money received from the sale of bonds as herein provided shall be kept in a separate account, and payment therefrom shall be made only upon order signed by the President of the Board of Harbor Commissioners, and none of the money received from the sale of said bonds shall be applied to any purpose except as provided in this Act. Provided, however, that any premium over and above the par value of said bonds may be used by The Council for other municipal purposes, as it may determine.

Income paid  
to City  
Treasurer

Section 7. All the income, receipts, revenues and moneys which may be received by the said Board of Harbor Commissioners from any and all sources, excepting, however, appropriations made by the Council to said Board, shall be paid monthly on the first day of each and every month to the City Treasurer for the use of the City, to be expended for municipal purposes in such manner as The Council may deem proper. The Board of Harbor Commissioners shall furnish annually an estimate to The Council of the amount of money that will probably be required by the said Board for its uses and purposes, under the provisions of this Act, during the next fiscal year, and the said The Council shall make an appropriation to said Board in the same manner as appropriations are made to other commissions of the said City, for such amount as meets with its approval, for such uses and purposes.

City Auditor

Section 8. The City Auditor shall examine all bills against said Board, and endorse them as correct, before they are presented to said Board for payment. He shall also examine and countersign all drafts or orders upon the City Treasurer before they shall be paid, and withhold his signature in case the draft or order is made without the sanction of Law, and in all such cases he shall report his

## THE CITY OF WILMINGTON.

action and the grounds therefor to the Board of Harbor Commissioners at its ensuing meeting. The Board shall thereupon, duly, carefully and publicly, consider the case and shall sustain or overrule his action by the unanimous vote of all the members of said Board. Whereupon it shall be the duty of the City Auditor, in case he shall be overruled, to countersign the said draft or order, in which case he shall be exonerated from all responsibility in the premises. He shall also keep a book or books in which an exact and complete record of all accounts so paid shall be entered.

Section 9. The Board of Harbor Commissioners may from time to time submit to The Council plans for extensions, enlargements or additions supplemental to its original plan, as approved by The Council, for the further improvement of the harbor of the City of Wilmington, as it may deem desirable, which upon receiving the approval of The Council, shall be added to and made a part of the original plan. The Council, upon giving its approval thereto, shall proceed by ordinance to borrow upon the faith and credit of The Mayor and Council of Wilmington, such additional sum or sums of money as may be necessary to enable the said Board of Harbor Commissioners to carry out the said supplemental plan, to be expended in the same manner as heretofore prescribed in this Act, for the original plan.

Plans submitted to Council

Section 10. The Board of Harbor Commissioners shall have an office or offices in the Municipal Building of the City of Wilmington, and the Public Building Commission shall designate and assign to the said Board of Harbor Commissioners, a suitable office or offices in the said Municipal Building. Provided, however, if all the offices at the disposal of the City, or to which said City is entitled for the use of other officers of the City, are already assigned to those entitled, then said Board may rent such other offices as it may require.

Offices

Section 11. All violations of the rules and regulations of the said Board of Harbor Commissioners shall be within the criminal jurisdiction of the Municipal Court of the City

Violations

## THE CITY OF WILMINGTON.

## Penalties

of Wilmington, and such Court may impose any fine or penalty prescribed for the violation of such rule or regulation not exceeding the sum of One Hundred Dollars. All such fines or penalties shall be recovered in the name of the State of Delaware, and shall be for the use of The Mayor and Council of Wilmington.

Section 12. All acts or parts of acts inconsistent with the provisions of this Act are hereby repealed.

Approved April 12, A. D. 1917.

## THE CITY OF WILMINGTON.

## CHAPTER 124.

## THE CITY OF WILMINGTON.

AN ACT reducing a building restriction upon certain real estate in the City of Wilmington.

WHEREAS, by an Act of the Legislature of the State of Delaware 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 at Dover March 30, 1882," it was ordered and directed that the Trustees of the Poor of New Castle County shall convey in fee simple all the real estate situate in Wilmington, belonging to said Corporation, to Henry G. Banning, Edward T. Bellah, Joseph L. Carpenter, Jr., William C. Lodge and Victor DuPont, and the survivor and survivors of them, and the heirs and assigns of said survivor in trust, to sell and convey the same in whole or in part at public or private sale in their discretion, and to execute and deliver therefor Deeds of Conveyance to the purchasers of the same, free and clear of liens and discharged from responsibility of a non-application or misapplication of the money therefor; and,

WHEREAS the Trustees of the Poor of New Castle County aforesaid, by virtue of the power and authority contained in the above recited Act of the Legislature and pursuant to the direction thereof, by Indenture dated the 27th day of June, A. D. 1883, did grant and convey unto the said Henry G. Banning, Edward T. Bellah, Joseph L. Carpenter, Jr., William C. Lodge and Victor DuPont in fee simple, the already mentioned lots of which the hereinafter described lot is a portion as by said Indenture as recorded in the office of the Recorder of Deeds in and for New Castle County, in Deed Record A. Volume 13, Page 126, etc., will more fully and at large appear; and

## THE CITY OF WILMINGTON.

WHEREAS the Act of the Legislature limited the time within which the said real estate should be held in trust for sale as aforesaid, to the term of five years from the passage of said Act; and,

WHEREAS the said General Assembly by another Act entitled, "A supplement to 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 30, 1883, passed at Dover, March 21, 1887," directed and authorized the said Henry G. Banning, Edward T. Bellah, Joseph L. Carpenter, Jr., William C. Lodge and Victor DuPont, Trustees as aforesaid, and the said Trustees of the Poor of New Castle County, to execute and deliver proper Deeds and instruments of writing for the purpose of extending the term within which that portion of the said real estate which then remains unsold by them might be sold, for the further period of five years; and,

WHEREAS Victor DuPont, one of the said Trustees having died, upon petition of the Trustees of the Poor of New Castle County, Willard Saulsbury, Jr. was appointed by the Chancellor of the State of Delaware as Trustee in lieu of said Victor DuPont; and,

WHEREAS the said Henry G. Banning, Edward T. Bellah, Joseph L. Carpenter, Jr., William C. Lodge and Victor DuPont, by their indenture bearing date the 21st day of September, A. D. 1887, and recorded in the office for the recording of deeds in and for New Castle County aforesaid, in Deed Record Z, Volume 13, Page 360; and,

WHEREAS the said Henry G. Banning, Joseph L. Carpenter, Jr., and Willard Saulsbury, surviving Trustees as aforesaid, by their indenture bearing date the 19th day of June, A. D. 1902, and recorded in the office for the recording of deeds, etc., in and for New Castle County aforesaid, in Deed Record C, Volume 19, Page 286, did convey unto Archibald S. Reed and Tilghman Johnston *inter alia* all that certain piece, parcel and tract of land situate in the

## THE CITY OF WILMINGTON.

City of Wilmington, County of New Castle and State of Delaware, and more particularly bounded and described as follows, to-wit:

BEGINNING at a point on the Northerly side of Front Street, commonly known as Lancaster Avenue, at the distance of twenty (20) feet Westerly from the intersection of the Northerly side of Front Street or Lancaster Avenue, with the Westerly side of Broome Street; thence Northerly and parallel with Broome Street two hundred fifty-seven (257) feet, eight (8) inches to the Southerly side of Second Street; thence Westerly along said side of Second Street thirty (30) feet; thence Southerly parallel with Broome Street aforesaid, two hundred fifty-seven (257) feet, eight (8) inches to the said Northerly side of Front Street, or Lancaster Avenue, and thence thereby Easterly thirty (30) feet to the place of beginning.

Together with the right of use for a grass plot or shrubbery of all that lot, piece or parcel of land lying directly in front of the above described lot of land between the aforesaid building line and Broome Street, but not to erect any building thereon or place anything on the same that may obstruct the free admission of light and air, with the right of egress, regress and ingress forever; and,

WHEREAS the said Archibald S. Reed became seized of the above described lands and premises in fee by diverse conveyances; and,

WHEREAS the said Archibald S. Reed conveyed to Cecelia A. Concannon in fee by his Deed bearing date the 19th day of October, A. D. 1916, and recorded in the office for the recording of Deeds, etc., in and for New Castle County, in Deed Record L. Volume 26, Page 465, etc., all of that portion of the above described lands and premises, beginning at a point on the Northerly side of Front Street, or Lancaster Avenue, at the distance of twenty (20) feet from the intersection of the Westerly side of Broome Street with the Northerly side of Lancaster Avenue; thence Northerly and



## THE CITY OF WILMINGTON.

parallel with Broome Street aforesaid, one hundred eighty-eight (188) feet, eleven (11) inches; thence Westerly and parallel with Front Street aforesaid, thirty (30) feet; thence Southerly and parallel with Broome Street aforesaid, one hundred and eighty-eight (188) feet, eleven (11) inches to the aforesaid Northerly side of Front Street, or Lancaster Avenue, and thence thereby Easterly thirty (30) feet to the place of beginning; and,

WHEREAS the said building restriction aforesaid of twenty (20) feet from Broome Street is unnecessary and interferes with the proper development of the adjoining property; and,

WHEREAS the said building restriction has not been observed in other property conveyed by the said Trustees above named in the immediate vicinity; and, therefore,

*Be it enacted by the Senate and House of Representatives of the State of Delaware in the General Assembly meeting, two-thirds of each branch concurring:*

Deed of Con-  
veyance to  
A. S. Reed

Section 1. That Joseph L. Carpenter, Jr., and Willard Saulsbury, Jr., surviving Trustees under the above described Acts of the Legislature are hereby authorized and empowered to cause a proper Deed of Conveyance to be made to Archibald S. Reed, his heirs and assigns, of all that portion of the above described lot of land, beginning at a point on the Southerly side of Second Street at the distance of fifteen (15) feet Westerly from the Westerly side of Broome Street; thence Westerly along said side of Second Street five (5) feet; thence Southerly parallel with Broome Street aforesaid, sixty-eight (68) feet and nine (9) inches to a point; thence Easterly and parallel with Second Street aforesaid, five (5) feet to a point; thence Northerly and parallel with Broome Street sixty-eight (68) feet and nine (9) inches to the place of beginning, be the contents thereof what they may.

## THE CITY OF WILMINGTON.

Section 2. That the said Joseph L. Carpenter, Jr., and Willard Saulsbury, Jr., surviving Trustees under the above described Acts of the Legislature, are hereby authorized and empowered to cause a proper deed of conveyance to be made to Cecelia A. Concannon, her heirs and assigns, of all that portion of the above described lot of land, beginning at a point on the Northerly side of Front Street, or Lancaster Avenue, at the distance of fifteen (15) feet Westerly from the intersection of the Westerly side of Broome Street with the Northerly side of Front Street or Lancaster Avenue; thence Northerly and parallel with Broome Street aforesaid, one hundred eighty-eight (188) feet, eleven (11) inches to a point; thence Westerly and parallel with Front Street aforesaid five (5) feet; thence Southerly and parallel with Broome Street aforesaid, one hundred eighty-eight (188) feet, eleven (11) inches to the Northerly side of Front Street, or Lancaster Avenue, and thence by said side of Lancaster Avenue Easterly five (5) feet to the place of beginning.

Deed of Con-  
veyance to  
C. A. Concannon

Approved April 12, A. D. 1917.

## THE CITY OF WILMINGTON.

## CHAPTER 125.

## THE CITY OF WILMINGTON.

AN ACT authorizing the Mayor and Council of Wilmington to dispose of certain property and make certain covenants in relation thereto.

WHEREAS, "The Mayor and Council of Wilmington," a municipal corporation of the State of Delaware by and through its Council, passed a resolution authorizing the sale at public auction of the lot of land on which the City Hall is situate and the land in the rear thereof; and

WHEREAS, pursuant to said authorizat<sup>on</sup>, the Council advertised for sale the said lot of land in parcels and as a whole, and sold the same as a whole at public auction on December 7, 1916, to John S. Mullin, of the City of Wilmington aforesaid, for the sum of one hundred and Seventy-five Thousand Dollars; and

WHEREAS, a more particular description of said lot of land sold at said sale by metes and bounds, is as follows:—

BEGINNING at the point of intersection of the southerly side of Sixth Street and the westerly side of King Street; thence southerly along said westerly side of King Street, one hundred and seven feet ten and one-half inches to land now or formerly of Henry Eckel; thence westerly and parallel with Sixth Street one hundred and five feet and three inches to the middle distance line between Market and King Streets; thence northerly and parallel with King Street; one foot ten and one-half inches to a stake; thence north fifty-eight degrees west, one hundred and five feet three inches to a point in the easterly side of Market Street, distant one hundred and six feet and three-quarters of an inch southerly from the southerly side of Sixth Street and twenty feet and

## THE CITY OF WILMINGTON.

three inches northerly from the line of land formerly of Henry Lea; thence thereby northerly, seventy-two feet and three-quarters of an inch more or less to the middle of the wall of the building of John S. Mullin, on the land adjoining on the north; thence easterly and passing through the centre of said wall and parallel with Sixth Street, one hundred and five feet three inches more or less to the middle distance line between Market and King Streets; thence northerly and parallel with Market Street, thirty-four feet to the aforesaid southerly side of Sixth Street; and thence thereby easterly, one hundred and five feet three inches more or less to the place of beginning; and

WHEREAS, examination of the title to said land discloses that a portion thereof comprising one lot fronting twenty-five feet ten and one-half inches on Market Street and extending at that width in depth to the middle distance line between King and Market Streets, was sold and conveyed to the Burgesses and Inhabitants of the Borough of Wilmington by John Dickinson under date of September 8, 1796, for the consideration of one cent, upon and subject to the express condition and limitation that the deed should become void and the land revert to John Dickinson's heirs upon the breach of certain conditions therein stipulated to be done or not to be done;

And concerning another portion of said land, being all that portion thereof fronting on King Street, and extending in depth to the middle distance line between King and Market Streets, excepting thirty-four feet thereof situate at the southwest corner of Sixth and King Streets, no deed nor any record of a deed vesting title thereto either in the Borough of Wilmington, the predecessor of the present municipal corporation, or the present corporation "The Mayor and Council of Wilmington," can be found, although other evidences of such ownership in ancient documents are disclosed; and

WHEREAS, some doubts have arisen as to the marketability of the title to the land in the preceding paragraph

## THE CITY OF WILMINGTON.

more particularly designated and described, and doubts also exist as to the general power and authority of "The Mayor and Council of Wilmington" to convey a good unencumbered fee simple title to all or any part of the lot of land sold to the said John S. Mullin, and the power and authority to execute the covenants necessary to protect and assure the title to the land conveyed; now therefore,

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

Sale of land  
known as  
City Hall lot

Section 1. That the sale of the lot of land of "The Mayor and Council of Wilmington," known as the City Hall lot, to John S. Mullin for \$175,000 on December 7, 1916, by the metes and bounds contained in the description in the preamble to this Act, is hereby confirmed, and the said "The Mayor and Council of Wilmington," is hereby authorized and empowered to execute, acknowledge and deliver to the said John S. Mullin, a deed for the land more particularly described in the preamble to this Act, conveying a good fee simple title to said land, free from conditions, liens and encumbrances, upon the said John S. Mullin, paying to said "The Mayor and Council of Wilmington," the purchase money agreed to be paid for the same.

Covenants

Section 2. The said "The Mayor and Council of Wilmington" is further authorized and empowered to execute, acknowledge, and deliver to said John S. Mullin, his heirs and assigns, a deed with covenant for further assurances to be made at the cost and charges of the said corporation grantor, and covenant against encumbrances, and to give a covenant of general warranty, and such other covenants as said corporation may find it necessary to make, to assure a marketable title to the purchaser, and to be answerable at law or in equity for the breach or non-fulfillment thereof.

Approved February 20, A. D. 1917.

## THE CITY OF WILMINGTON.

## CHAPTER 126.

## THE CITY OF WILMINGTON.

AN ACT empowering the Mayor and Council of Wilmington to acquire water rights by purchase or condemnation proceedings.

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

Section 1. The Mayor and Council of Wilmington, acting by and through the agency of the Board of Water Commissioners, shall have power to acquire, by purchase or condemnation as hereinafter provided, such water rights in the waters of the rivers or streams in New Castle County as may be necessary for furnishing to the City of Wilmington a supply of pure and wholesome water adequate to meet the present and probable future needs of the said city, and to appropriate for such purposes so much of the waters of such rivers or streams as shall be required therefor. In the event the said Board shall be unable to agree with any owner or owners of any water right or rights for the purchase of such right, then such water rights may be con-<sup>Acquire certain water rights</sup>demned and taken therefor in the same manner and subject to the same conditions and proceedings as are by Section 116 of Chapter 207, Volume 17, Laws of Delaware, entitled "An Act to Revise and Consolidate the Statutes relating to the City of Wilmington," prescribed for condemning and taking land for the extending, widening, laying out or opening streets, except that the Commission to be issued, shall command the freeholders to whom it shall be directed to assess the damages that may result to the several owner or owners of the water rights required for the purpose of furnishing to the City of Wilmington a supply of pure and <sup>May condemn</sup>

## THE CITY OF WILMINGTON.

wholesome water adequate to meet the present and probable future needs of the said city, and except that the rights and duties devolved or conferred upon the Council or the Board of Directors of the Street and Sewer Department by said Section 116 and Acts amendatory thereof, shall be conferred upon and exercised by the said Board of Water Commissioners.

Approved April 12, A. D. 1917.

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## THE CITY OF WILMINGTON.

## CHAPTER 127.

## THE CITY OF WILMINGTON.

AN ACT to amend Chapter 207, Volume 17, Laws of Delaware, relating to the boundaries 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 all the members elected to each Branch thereof concurring therein):*

Section 1. That Chapter 207, Volume 17, Laws of Delaware, be and the same hereby is amended, by adding at the end of said section, the following: Chap. 207,  
Vol. 17,  
amended

Further extended as follows:

Beginning at a point where the present City boundary line intersects the center line of Concord Ave., thence westerly by said boundary line 30' to the westerly side of Concord Ave.; thence northerly by the westerly side of Concord Ave., extended, to the center line of the B. & P. R. R. as existing at the former extension of boundaries; thence thereby easterly 30' more or less to the center line of Concord Ave.; thence thereby southerly to the place of beginning. Said annexed territory shall be included in and form part of the Ninth Ward of said City. Ninth Ward  
boundaries

Further extended as follows:

Beginning at a point where the westerly side of Greenhill Ave. intersects the northerly side of Pennsylvania Avenue; thence along the said northerly side of Pennsylvania Avenue to the easterly side of Rising Sun Lane; thence southerly along the easterly side of Rising Sun Lane extended, Seventh  
Ward  
boundaries



## THE CITY OF WILMINGTON.

70' more or less to a corner in the southerly side of Pennsylvania Avenue, extended; thence parallel to and 70' from the northerly side of Pennsylvania Avenue aforesaid, in an easterly direction to the westerly side of Greenhill Avenue; thence thereby northerly about 70' to the place of beginning. Said annexed territory shall be included in and form part of the Seventh Ward of said City.

Further extended as follows:

Fifth Ward  
boundaries

Beginning at a point where the westerly side of Greenhill Avenue intersects the southerly side of Seventh Street; thence westerly thereby to the westerly side of Cleveland Avenue; thence northerly along the westerly side of Cleveland Avenue, extended, 49' to the northerly side of Seventh Street extended; thence easterly and parallel to the southerly side of Seventh Street to the easterly side of Greenhill Avenue, extended; thence thereby in a southerly direction 49' to the place of beginning. Said annexed territory shall be included in and form part of the Fifth Ward of said City.

Further extended as follows:

Second Ward  
boundaries

Beginning at a point in the Delaware River, said point being at the intersection of the present Easterly and Southerly boundary line of said City and three thousand feet Easterly from a marked stone set in the middle of the Western bank of said River; thence in a Northwesterly direction along the present Southerly boundary line of said City to a point where the said Southerly boundary line intersects the present Southeasterly side of the right of way of the New Castle Branch of the Philadelphia, Baltimore and Washington Railroad Company; thence in a Southeasterly direction along the said Southeasterly side of the said right of way of the New Castle Branch of the Philadelphia, Baltimore and Washington Railroad Company to a point where said side of said right of way intersects the present Northerly side of the right of way of the Philadelphia and Reading Railroad Company; thence in an Easterly direction along the said

## THE CITY OF WILMINGTON.

Northerly side of said right of way of the Philadelphia and Reading Railroad Company to a point where said right of way intersects the middle line of the Western bank of the Delaware River; thence continuing in a line parallel with the said present Southerly boundary line of the City of Wilmington, to a point in the said Delaware River, three thousand feet from the said Western bank of said River, and thence thereby, Northerly to the place of beginning. Said annexed territory shall be included in and form part of the Second Ward of said City.

Section 2. Within the limits of all the territory by this Act annexed, included within and made part of the City of Wilmington, the Mayor and Council of Wilmington shall be, and it hereby is, vested with all the powers, rights, privileges and immunities, which by law appertain and belong to it as a municipal corporation, and all the Laws, Ordinances, Resolutions, Rules and Regulations in force within the limits of the City of Wilmington, as now or heretofore existing therein, shall be extended to and made applicable, in all respects, to the territory comprised within the respective extensions and limits set forth in this Act.

Approved April 12, A. D. 1917.

## THE CITY OF WILMINGTON.

## CHAPTER 128.

## THE CITY OF WILMINGTON.

AN ACT to amend Chapter 185, Volume 24, Laws of Delaware, relating to the Police Pension Fund 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):*

Disabled  
members

Examination

Section 1. Whenever a member of the Police Force of the City of Wilmington shall have become disabled or incapacitated while in the active performance of official duty, or whenever any member of said force who has performed faithful continuous service as such member for a period of not less than fifteen years, nor more than twenty-five years, shall have become permanently incapacitated from performing such regular active duty, he may, upon application to the Board of Police Commissioners of the City of Wilmington, be retired by said Board from regular active service and placed on the retired list. Before any such member shall be so retired, he shall undergo a careful examination as to his physical condition by a Board of Physicians, consisting of the Police Surgeon of the City of Wilmington, the family physician of said Officer, and a third reputable physician of the City of Wilmington, to be selected by the other members of the said Board of Physicians, which Board shall report in writing to the Board of Police Commissioners the result of said physical examination, together with a statement as to how far in the opinion of said Board of Physicians, the officer examined is incapacitated from performing regular active duty on said Police Force, the expense of said physical examination to be borne by the officer making the application for retirement. Any member of said force who shall not at the time of the passage of this Act have served on the Police Force for a period of five years, shall

## THE CITY OF WILMINGTON.

before he may be placed upon the retired list, have performed faithful continuous service as such member for a period of at least twenty-five consecutive years, and have reached the age of fifty-five years, and he shall then, upon making application to the Board of Police Commissioners, be placed on the retired list, whether said member be physically incapacitated or not, and any member of said force who shall at the passage of this Act have served on the Police Force for a period of five years and who shall have performed faithful continuous service as such member for a period of at least twenty-five consecutive years, shall be placed on the retired list, upon making application to said Board of Police Commissioners.

Section 2. After the passage of this Act, a copy of the report of the physical examination of each member hereafter entering the Police Department, as a member of the Police Force, shall be filed with the Board of Trustees of the Police Pension Fund, and if any such member should become physically incapacitated before completing twenty-five consecutive years of service, and such physical disability be directly caused by any complaint, or physical deficiency existing at the time he became a member of said Police Force as shown by the said report of his physical examination, such member shall not share in, or be eligible to be retired on said Pension Fund, and shall not be entitled to any benefits therefrom; and should any member of the Police Force become physically incapacitated at any time, while an active member of said Police Force, through any self-neglect or misconduct on his part, such member shall not be eligible to be retired on said Pension Fund, and shall not be entitled to any benefits therefrom. When a member of the force is placed upon the retired list by reason of his physical disability, he shall report in writing to the Board of Trustees of the Police Pension Fund, at least once every three months, giving his address, and if employed, where and by whom, and the kind of employment.

Section 3. At no time shall any of the money of the fund which has been invested, be used for the payment of pen-

## THE CITY OF WILMINGTON.

Amount In-  
vested, when  
available

sions, until the amount invested shall have reached the sum of at least One Hundred Thousand Dollars (\$100,000.00), and at least One Thousand Dollars (\$1,000.00) of the annual appropriation from The Mayor and Council of Wilmington shall be added annually to the amount invested, causing the amount invested to increase at least One Thousand Dollars (\$1,000.00) annually, until the amount invested shall have reached said sum of at least One Hundred Thousand Dollars (\$100,000.00). The fiscal year of the Police Pension Fund shall begin on the first day of July of each year, and end on the thirtieth day of June of the following year, and should there be insufficient funds in the treasury at any time during said fiscal year, after said One Thousand Dollars (\$1,000.00) has been invested, to pay each member on the retired list the full amount of his pension each month, the amount in the Treasury shall be divided each month between said members on the retired list, and the claims of all persons entitled, shall abate proportionately. All members of the Police Force placed upon the retired list, shall receive from the Police Pension Fund the following amounts per month, according to his rank at the time of retirement: Chief of Police, Seventy Dollars (\$70.00); Captains Fifty Dollars (\$50.00); Sergeants, Forty-five Dollars (\$45.00); Patrolmen, Forty Dollars (\$40.00); Matrons, Twenty-five Dollars (\$25.00).

Re-examina-  
tions

Section 4. The Board of Police Commissioners may at any time require any officer on the retired list, except those retired by reason of having served twenty-five years, to be re-examined by the Surgeon of said force, or some other competent physician authorized by said Board to act in the premises, and if on such re-examination said officer is reported capable of performing regular duty, he may be required by said Commissioners to return to regular duty in the same rank or grade in which he was serving at the time of his retirement.

Board to  
consist of

Section 5. The Board of Trustees of the Police Pension Fund shall consist of the members of the Board of Police Commissioners of the City of Wilmington, the Chairman of

## THE CITY OF WILMINGTON.

the Finance Committee of The Council of the City of Wilmington, the Chairman of the Police Committee of the said Council, and five members of the Police Force of the City of Wilmington, said five members to be elected annually by the vote of the members of the Police Force of the City of Wilmington in active service. The presiding Officer of the Board of Police Commissioners of the City of Wilmington shall be the President of the Board of Trustees of the Police Pension Fund. The Board of Trustees of the Police Pension Fund shall appoint a Secretary from among their own number, who shall execute a bond for the faithful performance of his duties with respect to the Police Pension Fund, in such sum and form and with such surety as shall be satisfactory to the said Board of Trustees; the cost of said bond to be defrayed from the proceeds of the fund hereinafter created.

Police Force  
members  
voted for by

Secretary to  
be appointed

Section 6. All moneys collected in payment of fines imposed by said Police Commissioners upon members of the Police Force, all moneys deducted or withheld from the pay of the members of the Police Force by reason of absence from duty from any cause, all moneys donated to the Fund, all moneys derived from the sale of unclaimed property coming into the possession of the Police Department, shall be paid to the Board of Trustees of the Police Pension Fund, and shall become part of said Pension Fund. Trustees of the Police Pension Fund may also receive such annual sum from each member of the Police Force as he may voluntarily agree to contribute to be paid monthly to the said Trustee, which sum shall not be less than as follows: Chief of Police, One Dollar Seventy-five cents (\$1.75); Captains, One Dollar twenty-five cents (\$1.25); Sergeants, One Dollar fifteen cents (\$1.15); Patrolmen, One Dollar (\$1.00); Matrons, Sixty-five cents (\$.65). The Council of The Mayor and Council of Wilmington shall annually appropriate not less than Five Thousand Dollars (\$5,000.00) which shall be paid to the said Trustees and credited to the Police Pension Fund.

Pension  
Fund  
credited with

Section 7. Whenever a member of the Police Force has been promoted, it shall be necessary for him to serve at least five years in the rank to which he has been promoted before

Promotion of  
member

## THE CITY OF WILMINGTON.

he shall be eligible to retirement at such rank. If any member shall be retired before he shall have completed five years service in the rank he shall hold at the time of retirement, the rate of his pension shall be determined by the rank next below that which he held at the time of retirement.

Custodian of  
Fund

Section 8. The Treasurer of the City of Wilmington shall be the custodian of said Fund, and shall disburse the same upon written order of the Board of Trustees of the Police Pension Fund. The said Treasurer shall execute a bond for the faithful performance of his duties with respect to this fund, in such sum and form and with such surety as shall be satisfactory to said Board of Trustees, the cost of said bond to be defrayed from the proceeds of the fund herein created.

Board may  
invest fund

Section 9. The Board of Trustees of said Police Pension Fund may invest any part of said Police Pension Fund that it may deem proper in National, State, County or Municipal bonds, or in first mortgages on improved City real estate. The said Board of Trustees shall make a report to The Council of the City of Wilmington of the condition of said Fund on the first day of April of each year.

Section 10. Chapter 185, Volume 24, Laws of Delaware, and all acts or parts of acts inconsistent with the provisions of this Act be and the same are hereby repealed.

Approved April 12, A. D. 1917.

## THE CITY OF WILMINGTON.

## CHAPTER 129.

## THE CITY OF WILMINGTON.

AN ACT to amend an Act entitled "An Act to revise and consolidate the statutes relating to the City of Wilmington," passed at Dover, April 13, 1883, the same being Chapter 207, Volume 17 Laws of Delaware, and relating to the salaries of the members of the Council.

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

Section 1. That all of the first and second paragraphs of Section 47 of Chapter 207, Volume 17 Laws of Delaware, be and the same hereby are repealed, and the following is inserted in lieu thereof:

Sec. 47. The salaries of the Councilmen shall be Five Hundred Dollars per year; the President of The Council shall receive an additional sum of Three Hundred Dollars per year; and the Chairman of the Finance Committee of The Council shall receive an additional sum of Three Hundred Dollars per year, thus making the respective salaries of the President and the Chairman of the Finance Committee Eight Hundred Dollars per year. The said salaries shall be paid as the salaries of other city officials are paid.

This Act shall take effect on the first day of July, A. D. 1917.

Approved April 12, A. D. 1917.



## THE CITY OF WILMINGTON.

## CHAPTER 130.

## THE CITY OF WILMINGTON.

AN ACT to amend Chapter 120, Volume 28, Laws of Delaware, relating to the Assessors and Collectors of Taxes for the City of Wilmington, by allowing the present delinquent tax collectors until the thirtieth day of June, A. D. 1918, in which to collect outstanding taxes.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of all the members elected to each Branch thereof concurring therein):*

Chap. 120,  
Vol. 28,  
amended

Section 1. That Section 2 of Chapter 120, Volume 28, Laws of Delaware, and Section 4 thereof, be and the same hereby are repealed and two new sections, styled Section 2 and Section 4 are inserted in lieu thereof, as follows:

Extension of  
time to  
delinquent  
tax collectors

Section 2. That the present Assessors and Collectors for the City of Wilmington shall continue in office until their present terms expire, and shall collect all City and School Taxes now outstanding and remaining unpaid in their respective Districts, or which may be assessed or have been assessed for the fiscal year beginning July first, 1915, on or before the thirtieth day of June, 1918, to which time the authority of the present Assessors and Collectors shall extend, anything in this Act or any existing law to the contrary notwithstanding.

Priority of  
lien

Section 4. All of said City and School Taxes now outstanding and remaining unpaid, or which may be assessed or have been assessed for the fiscal year beginning July 1, 1915, shall constitute a prior lien thereon until the thirtieth day of June, A. D. 1918, provided, however, that if the

THE CITY OF WILMINGTON.

owner of any real estate upon which City or School Taxes <sup>Proviso</sup> remain unpaid, has transferred and delivered the same to a bona fide purchaser for an adequate consideration, nothing in this Act shall revive the lien of any such tax which was not a lien against such real estate at the time of such transfer and delivery.

Approved April 12, A. D. 1917.

## THE CITY OF WILMINGTON.

## CHAPTER 131.

## THE CITY OF WILMINGTON.

AN ACT authorizing and directing the Wilmington Building Commission to pay into the treasury of The Mayor and Council of Wilmington, any and all funds heretofore placed to its credit by The Mayor and Council of Wilmington, and which has not been expended by it in erecting and furnishing the new Municipal Building for the City of Wilmington.

WHEREAS, Chapter 200, Volume 27, Laws of Delaware, provides for the appointment of the Wilmington Building Commission, for the purpose of erecting and furnishing a new municipal building for the City of Wilmington, and

WHEREAS, under said Act, The Mayor and Council of Wilmington issued certain bonds for the payment of the work which the said Wilmington Building Commission was to do, and

WHEREAS, the said Wilmington Building Commission has completed its work, and has to its credit certain funds received by it from the sale of the bonds as aforesaid, which should be returned to the Treasury of The Mayor and Council of Wilmington, now therefore,

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

Building  
Commission  
to pay into  
Treasury  
certain sums

Section 1. That the Wilmington Building Commission, created by and under authority of Chapter 200, Volume 27, Laws of Delaware, be and it is hereby directed to forthwith pay into the Treasury of The Mayor and Council of Wil-

THE CITY OF WILMINGTON.

mington any and all funds heretofore deposited to its credit by the City Treasurer of The Mayor and Council of Wilmington, and which has not been expended by it in the erection and furnishing of a new municipal building for the City of Wilmington, as provided in said Act, together with any accumulated interest thereon.

Section 2. That the money so received by The Mayor and Council of Wilmington shall be used by it for the purpose of paying money heretofore borrowed, and for which it has issued its bonds as security.

Approved April 2, A. D. 1917.

## THE CITY OF WILMINGTON.

## CHAPTER 132.

## THE CITY OF WILMINGTON.

AN ACT authorizing and directing the New Castle County Building Commission to pay to the Treasurer of New Castle County any and all funds heretofore placed to its credit by the County Treasurer of New Castle County and which has not been expended by it in erecting and furnishing the new County Building for New Castle County.

WHEREAS Chapter 201, Volume 27, Laws of Delaware, provides for the appointment of the New Castle County Building Commission for the purpose of erecting and furnishing a new County Building for New Castle County and

WHEREAS under said Act the Levy Court of New Castle County issued certain bonds for the payment of the work which the said the New Castle County Building Commission was to do and

WHEREAS the said the New Castle County Building Commission has completed its work and has to its credit certain funds received by it from the sale of the bonds as aforesaid which should be returned to the Treasurer of New Castle County now therefore

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

New Castle  
Co. Building  
Commission  
to pay

Section 1. That the New Castle County Building Commission created by and under authority of Chapter 201, Volume 27, Laws of Delaware, be, and it is hereby, directed to forthwith pay to the Treasurer of New Castle County any and all funds heretofor deposited to its credit by the County Treasurer of New Castle County and which has

## THE CITY OF WILMINGTON.

not been expended by it in the erection and furnishing of the new County Building for New Castle County, as provided in the said Act together with any accumulated interest thereon.

Section 2. That the Levy Court of New Castle County be, and it is hereby, authorized, if it should deem it advisable, to appropriate the money so received by the County Treasurer of New Castle County for the use of the Public Building Commission for the City of Wilmington and for New Castle County to be used by it on account of the maintenance and repair of the said new County Building.

Levy Court  
to Approp-  
riate to

Approved March 22, A. D. 1917.

## THE CITY OF WILMINGTON.

## CHAPTER 133.

## THE CITY OF WILMINGTON.

AN ACT authorizing the formal correction of certain municipal bonds issued by 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 all the members elected to each House thereof concurring therein):*

Correction of  
defects as to  
form

Section 1. That "The Council" of "The Mayor and Council of Wilmington," be and the same hereby is authorized to correct any defects as to form, but not as to substance, in any outstanding obligations of said City, when it appears to the satisfaction of said Council that the City has received adequate value for such obligations.

When and  
how changed

When such correction is authorized by resolution of Council, then the proper officers of said City are hereby authorized to correct such outstanding obligations either by changing same, or by issuing new obligations in lieu thereof upon the surrender of such defective obligations.

Approved April 12, A. D. 1917.

## THE CITY OF WILMINGTON.

## CHAPTER 134.

## THE CITY OF WILMINGTON.

AN ACT to amend Chapter 186, Volume 11, Laws of Delaware the Same being an Act entitled "An Act to provide a sinking fund for the payment of the City debt of Wilmington," passed at Dover February 9th, 1855.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of all the members elected to each Branch thereof concurring therein):*

Section 1. That Section 2 of the Act entitled "An Act to provide a Sinking Fund for the Payment of the City Debt of Wilmington," be and the same is hereby amended by striking out said Section and inserting in lieu thereof a new Section, to be styled Section 2, as follows:

Sec. 2. That the City Council of Wilmington shall appropriate the sum of One Thousand Dollars on or before the first day of April, in the year eighteen hundred and fifty-five, and One Thousand Dollars on or before the first day of October, in the year eighteen hundred and fifty-five, and a like and equal sum on or before the first day of April and the first day of October in every year thereafter, to be paid to the Commissioners of the Sinking Fund, said Commissioners to be appointed in the manner hereinafter expressed, and the City Council shall on or before the first day of October, in the year eighteen hundred and fifty-five, and on or before the first day of April and the first day of October in every year thereafter, in addition to the sums aforesaid, appropriate a sum equal to two per centum of the total amount of Sinking Fund bonds previously issued by the "The Council," said additional sum to be paid to the said Commission-

Chap. 186,  
Vol. 11,  
amended

Appropriations to Sinking Fund



## THE CITY OF WILMINGTON

ers of the Sinking Fund, and the semi-annual appropriation aforesaid shall continue to be paid until the whole debt of the city shall have been paid.

Sec. 6, Chap.  
186, Vol. 11,  
Laws of  
Delaware  
amended

Section 2. That Section 6 of said Act be amended by striking out said Section and inserting in lieu thereof a new section to be styled Section 6, as follows:

Commis-  
sioners of  
the Sinking  
Fund

Sec. 6. That the City Council shall, at its first stated meeting in the month of March, in the year one thousand eight hundred and fifty-five, choose by ballot from the citizens of Wilmington having a right to vote at the city election and owners of real estate in the city to the assessed value of not less than One Thousand Dollars, three Commissioners of the Sinking Fund. Immediately after their election the said Commissioners shall draw lots for their respective terms of office, and the said terms to expire in one, two and three years from the day of their election. The Council shall, at its first stated meeting in the month of March, in the year one thousand eight hundred and fifty-six, and in every year thereafter, elect from the citizens as aforesaid one Commissioner of the Sinking Fund for the term of three years and until a successor is elected.

Salary of

The said Sinking Fund Commissioners shall each receive a salary of One Hundred Dollars, and the Secretary, who shall be a member of the said Commission, shall receive in addition thereto, a yearly salary of Fifty Dollars, payable as other city officials are paid.

That this Act shall not be construed as to effect, in any manner, the legality or the dates of maturity of any Sinking Fund bonds, now authorized to be issued by Ordinance of the "The Council" but which have not as yet been issued.

Approved April 12, A. D. 1917.

## THE CITY OF WILMINGTON.

## CHAPTER 135

## THE CITY OF WILMINGTON.

AN ACT to revise and consolidate the statutes relating to curbsto-  
ne markets 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 all the members elected to each Branch thereof  
herein concurring):*

Section 1. That "The Mayor and Council of Wilming-  
ton," a municipal corporation of the State of Delaware, act-  
ing by and through the agency of its Street and Sewer  
Department, be and the same is hereby authorized to estab-  
lish within the City of Wilmington aforesaid, public curb-  
stone markets upon such streets as the said Department  
may, in its discretion, deem proper,—such curbsto-  
ne markets to be occupied solely by farmers and truckers whose  
principal business is the raising of farm productions or  
truck, and by none others. Such curbsto-  
ne markets shall be used by such farmers or truckers, ex-  
clusively, for the sale of fruit, vegetables, fowls and other farm products and  
meats raised or fed on land occupied by such farmers or  
truckers, either as owners, lessees or farmers upon the  
share. Such curbsto-  
ne markets shall be known as the Farmers' and Truckers Curbsto-  
ne Markets. The public  
curbsto-  
ne markets now existing on King and Madison  
Streets, in the said City of Wilmington, shall be deemed and  
taken to be Farmers' and Truckers' Curbsto-  
ne Markets for all the purposes of this Act, and shall be continued as such  
under the provisions of this Act, in addition to any addi-  
tional Farmers' and Truckers' Curbsto-  
ne Markets that may be established on other streets under the provisions of this  
Act. From the First day of May until the First day of

Curbsto-  
ne Markets

Farmers and  
truckers ex-  
clusively

## THE CITY OF WILMINGTON.

When and  
where held

November, each year, the said curbstone markets shall be held on Wednesdays and Saturdays of each week on the Easterly side of the Streets; from the First day of November until the first day of May, the said markets shall be held on Wednesdays and Saturdays of each week, on the Westerly side of said streets; from the first day of May until the first day of November, the said markets will be held on Tuesdays and Fridays of each week on the Westerly side of said streets; and from the first day of November until the first day of May, the said markets shall be held on Tuesdays and Fridays of each week, on the Westerly side of said streets.

Regulations

At the said markets, farmers and truckers as aforesaid shall be permitted to back up their vehicles to the curbstone, on Tuesdays and Fridays of each and every week, at 12 o'clock (noon), and commence the sales of products on the sidewalks; and when the said markets are held on one side of the street in the afternoon, and on a different side of the street on the following day, the said farmers and truckers attending such markets shall have the right to remove their vehicle over to the opposite side of the street, to secure their stands, on Tuesdays and Fridays of each week at 4 o'clock (P. M.), and no earlier, where they shall be allowed to remain backed up to the curbstone on Wednesdays and Saturdays of each week until 4 o'clock (P. M.), and no longer; provided, nevertheless, that no sales of products shall be made after three o'clock (P. M.), on Wednesdays and Saturdays, and all unsold products, together with all receptacles and equipments shall be removed in order that the curbstones and streets and pavements shall be clear of all such articles on and after three o'clock (P. M.) on Wednesdays and Saturdays, as aforesaid.

Spaces laid  
off

Section 2. That it shall be the duty of the said The Mayor and Council of Wilmington, acting by and through the agency of its Street and Sewer Department as aforesaid, during the month of April in each year, to lay off and designate spaces on both sides of the streets now used, or hereafter to be used, under the provisions of this Act, for said Farmers' and Truckers' Curbstone Markets, in the said City of Wilmington; such spaces shall not exceed eight feet nor

## THE CITY OF WILMINGTON.

be less than six feet in length, and shall be marked and numbered on the top of the curb in such manner that the numbers thereof shall be plainly legible and not easily erased or defaced, and when such spaces shall have been so laid off and numbered, a plan thereof shall be made and filed with the said Department and the same shall be a public record and open to public inspection at all reasonable hours.

Spaces, size  
of how  
marked

Section 3. That from and after the 30th day of April, A. D. 1917, the following conditions shall apply to the use of all said spaces in the said farmers' and truckers' curb-stone markets, viz: The said The Mayor and Council of Wilmington, acting by and through the agency of its Street and Sewer Department as aforesaid, shall provide, on or before the first day of April in each year, a sufficient number of suitable blanks or forms to be used by the said farmers and truckers in making application for such spaces. Said blanks or forms shall have a blank space for the date, shall be addressed to the Clerk of the Market of the City of Wilmington, and shall state that the applicant is a farmer or trucker whose principal business is the raising of farm productions or truck, and whether or not said applicant is now the occupant of any such spaces, and, if so, for how long past, and the said application shall also state just what spaces are desired by the applicant, giving the number of the spaces and the name of the street, and not more than two spaces, and not more than one space on the same side of the street, and the two spaces being as near as possible opposite each other, one on each side of the street; and the said application shall be signed by the applicant by his or her full name. When any farmer or trucker who has duly filled out and signed his or her application as above stated, shall present the same to the Clerk of the Market, if the spaces therein applied for have not been theretofore awarded, the Clerk of the Market shall thereupon issue to said applicant a certificate permitting such applicant to occupy such space for one year from the first day of May, or until the 30th day of April of the following year, for each of which two spaces the said applicant shall pay the sum of two dollars and twenty-five cents. The person to

Conditions

## THE CITY OF WILMINGTON.

Rate payable  
to property  
owner

Reallotment  
of space

whom any such spaces shall be so allotted shall, in addition, pay to the owner of the property, or properties, in front of which such spaces shall be, the sum of thirty cents, if demanded by said owner or owners, for each and every foot, for the like period of one year for the spaces so allotted. When any farmer or trucker is already the occupant of any such spaces, as shown by his or her application as above stated, and is applying for a re-allotment of his or her old spaces and said application is filed with the Clerk of the Market on or before the 20th day of April, in any year, then the Clerk of the Market shall re-allot to the said applicant his or her old spaces as requested, and no spaces already immediately previously occupied by any such farmer or trucker shall be allotted to any other farmer or trucker until after the 20th of April in any year, and the immediately previous occupant shall always have the preference and shall always be re-allotted his or her old spaces for the succeeding year, provided, such previous occupant shall express such desire, as shown by his or her application filed on or before the 20th day of April, in any year, as aforesaid. When such annual sums shall have been paid as hereinbefore prescribed, the person paying the sums and receiving the certificate aforesaid, shall, subject to all the provisions of this Act, and subject to such other reasonable rules and regulations as the said Department, under this Act and not inconsistent therewith, may prescribe, be entitled to the free and uninterrupted use of such spaces for market purposes as aforesaid, for the period of one year from the first day of May as above stated. No person shall have allotted to him or her, upon any street now or hereafter used as such market more than two spaces for any one year, and such spaces shall not both be upon the same side of any such streets; and the certificate hereinbefore provided to be given, shall have plainly expressed upon its face, the date, the number of the space or spaces allotted, the name of the street, and the name in full of the person to whom such spaces are allotted, and shall be signed by the Clerk of the Market by his full name. All said certificates shall expire on the 30th day of April in each year, and any spaces not allotted during the month of April or within thirty days

## THE CITY OF WILMINGTON.

thereafter, in any year, shall, upon proper application as hereinbefore stated, be allotted for the balance of the year ending on the 30th day of April next ensuing at pro rata rates. Any farmer or trucker, to whom has been duly allotted such spaces in the farmers' and truckers' curbstome markets as hereinbefore described, and who does not desire to use the said spaces on all of the market days during the week for any part or portion of the said year, during which year the said spaces have been so allotted to him or to her, may, if he or she shall so desire, reallo<sup>t</sup> or sublet said spaces to such other farmer or trucker as he or she may select, for such days of the week during the said year, or any part thereof, as he or she may designate, and such other farmer or trucker shall have the same right to the use of said spaces during such days as the person to whom said spaces are allotted in the first instance would have, subject at all times to the right of the original allottee to reclaim the said spaces for the full time according to his or her certificate, provided, nevertheless, that any such farmer or trucker, who shall reallo<sup>t</sup> or sublet his or her said space for any of the market days during any part of any particular year as above stated, shall not charge or receive any profit or remuneration therefor exceeding a pro rata amount for the actual time during which said spaces are thus sublet, as compared with the total amount paid by such farmer or trucker for such spaces for such year.

Section 4. That it shall be the duty of the said Clerk of the Market to make and keep in a book, to be by the said Street and Sewer Department, provided, an accurate record of all spaces allotted, with the name of the person and the time for which such person is entitled to the use thereof, which shall be a public record and open to the inspection of the public at all reasonable hours. All the spaces allotted under the provisions of Section 3 of this Act, as well as any not theretofore allotted, shall be reallocated in the like manner provided for in the said last mentioned section, in the month of April, A. D. 1918, and in like manner annually reallocated in the said month of April in each and every year thereafter, and the terms for which said allotments shall be made shall

## THE CITY OF WILMINGTON.

be for one year from the first day of May in each year, unless such allotments shall be made for the balance of the year, as provided in Section 3 of this Act, and ending on the 30th day of April next ensuing.

Shall not ex-  
pose for sale

Section 5. That no person shall expose for sale in any farmers' and truckers' curbstone market, now or hereafter existing within the limits of the City of Wilmington, any beef, or pork, or mutton, unless the same shall have been fed upon lands occupied by such person for a period of at least ninety days before slaughtering the same. No person shall expose for sale, in any such market, any veal meat, except such be the product of such person's own cows, upon lands occupied by such person. No person shall expose for sale, in any such market, more than six head of beef cattle in any twelve consecutive months.

Oath made  
by

Section 6. That no person shall expose for sale, in any farmers' and truckers' curbstone market, now or hereafter existing within the limits of the City of Wilmington, any beef, or pork, or mutton, without having previously taken and subscribed an oath or affirmation before the Clerk of the Council of the Mayor and Council of Wilmington (for which such person shall pay to said Clerk of said Council the sum of twenty-five cents) that he is a farmer or trucker (as the case may be) ; that he will not expose for sale in any farmers' or truckers' curbstone market, now or hereafter existing within the limits of the City of Wilmington, any beef, any pork, or mutton, unless the same shall have been fed upon lands occupied by him, for a period of at least ninety days before the slaughtering of the same, nor any veal meat, except such be the product of his own cows, upon land occupied by him, nor more than six head of beef cattle in any twelve consecutive months. The said Clerk of said Council shall thereupon issue to such farmer or trucker a certificate of the taking of such oath or affirmation. The said oath or affirmation and a record of the issuing of the certificate as aforesaid, shall be entered in a book kept by the said Clerk of the said Council for that purpose. The said oath or affirmation and the Certificate so given as aforesaid shall only avail the person so taking and receiving the same up to

## THE CITY OF WILMINGTON.

the 30th day of April next, after the same has been so taken and received.

Section 7. That no person shall erect or use any stand or other convenience for the sale of any goods or products of any kind in any public curbstone market between the building lines of any street which intersects any street on which any such market is held.

Use of  
stands

Section 8. That any person filling out and signing and filing with the said Clerk of the Market any false application for space or spaces in said market, or making any false statement in any such application, or any Clerk of the Market, or any Clerk of the said Council, as the case may be, refusing to grant a certificate, as hereinbefore provided in Sections 3 or 6 of this Act, or charging or receiving more than the legal fees as hereinbefore provided, or failing to comply with any of the provisions of this Act, or violating any of the provisions of this Act, or offending against any of the provisions of this Act, or any farmer or trucker, or any other person or persons, violating any of the provisions of this Act, or offending against any of the provisions of this Act, shall be deemed guilty of a misdemeanor, and upon conviction thereof, by the Court of General Sessions, shall forfeit and pay a fine not exceeding Fifty Dollars, or be imprisoned for a period not exceeding thirty days, or both, at the discretion of the Court.

False ap-  
plication

Pennalties

Section 9. That, in addition to the farmers' and truckers' curbstone markets hereinbefore provided for, the said The Mayor and Council of Wilmington, a municipal corporation as aforesaid, acting by and through the agency of its Street and Sewer Department as aforesaid, shall have full power and authority to establish and regulate such other public curbstone markets in the said City of Wilmington as the said Street and Sewer Department shall deem proper, all such markets, established and regulated by said Department as provided for in this Section, shall be other than farmers' and truckers' curbstone markets and shall at all times be kept separate and distinct from the farmers'

Additional  
curbstone  
markets



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and truckers' curbstone markets as designated, described and provided for in the foregoing sections of this Act.

Powers to  
regulate

Section 10. That the said The Mayor and Council of Wilmington, acting by and through the agency of its Street and Sewer Department as aforesaid, shall have full and complete power and authority, and it is hereby authorized and directed to adopt and promulgate suitable rules and regulations for the regulation and control of such curbstone markets as shall be established under Section 9 of this Act, and for the enforcement of such rules and regulations, and to make provision for the punishment of persons, firms, associations, or corporations, who shall refuse or neglect to comply with the same or any of the same.

Chap. 600,  
Vol. 17,  
repealed

Section 11. That Sections 8 and 9, of Chapter 600, of Volume 17, of the Laws of Delaware, be and the same are hereby repealed.

Clerk of  
Market ap-  
pointed by,  
when

Section 12. That upon and after the expiration of the term of office of the present Clerk of the Market in the said City of Wilmington, the Clerk of the Market shall be appointed by the said Street and Sewer Department and shall hold office at the pleasure of said Department, shall receive such compensation as the said Department shall determine, not exceeding in any event the sum of Eighteen Hundred Dollars per year. After the expiration of the term of office of the present Clerk of the Market as aforesaid, all fees derived from market licenses and all other fees and moneys of every kind and description collected or received by the Clerk of the Market shall be paid to the City Treasurer and shall constitute a portion of the general funds of the City, and the compensation or salary of such Clerk of the Market shall be paid by the Council of the said City as other City officials are paid.

All fees  
received be  
paid to

Clerks salary  
paid by

Act to be  
printed

Section 13. That within three months after the passage of this Act, the said The Mayor and Council of Wilmington, acting by and through the agency of its Street and Sewer Department as aforesaid, shall cause this Act to be printed

THE CITY OF WILMINGTON.

in a convenient pamphlet form, together with any rules and regulations that said Department may adopt and promulgate under the provisions of this Act, for free public distribution to any farmer or trucker, or other person applying for the same.

Section 14. That all acts and parts of acts inconsistent with the provisions of this Act or manifestly supplied by this Act, be and the same are hereby repealed.

Section 15. That this Act shall be deemed and taken to be a part of the constitution and fundamental law of the said City of Wilmington and shall have as full force and effect as if incorporated in and made a part of the Charter and Laws of the said The Mayor and Council of Wilmington. <sup>Act taken to be a part of</sup>

Approved April 12, A. D. 1917.

## THE CITY OF WILMINGTON.

## CHAPTER 136.

## THE CITY OF WILMINGTON.

AN ACT to authorize the Board of Public Education in Wilmington to borrow Fifty Thousand Dollars for the purpose of paying off any floating indebtedness and current liability incurred in operating the public schools of Wilmington in consequence of an insufficient appropriation.

*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):*

To borrow  
money

Bond issue

Rate of  
interest

Section 1. That the Board of Public Education in Wilmington be and is hereby authorized and empowered to borrow upon its faith and credit a sum not exceeding Fifty Thousand Dollars to be expended for the purpose of paying off any floating indebtedness and current liability incurred in operating the public schools of Wilmington in consequence of an insufficient appropriation, and for the purpose of securing the payment of such sum, to issue bonds in denominations of One Thousand Dollars and bearing such rate of interest not exceeding four and one-half per centum per annum as the Board of Public Education in Wilmington may deem expedient. The interest upon said bonds shall be payable semi-annually in each and every year from the date of issue thereof.

Section 2. Said bonds shall be divided into ten classes and shall be paid at their face value as follows:

Class.		
Classification		
A.....	\$5,000.....	1918
B.....	5,000.....	1919
C.....	5,000.....	1920

## THE CITY OF WILMINGTON.

D.....	5,000.....	1921
E.....	5,000.....	1922
F.....	5,000.....	1923
G.....	5,000.....	1924
H.....	5,000.....	1925
I.....	5,000.....	1926
J.....	5,000.....	1927

Section 3. Said bonds shall be prepared under the direction and supervision of the Board of Public Education in Wilmington and shall be signed by the President and Secretary of the Board of Public Education in Wilmington and the City Treasurer of Wilmington and shall be under the corporate seal of the said Board of Public Education in Wilmington, and it shall be the duty of such officers to execute said bonds when directed by the Board of Public Education in Wilmington to do so. It shall be the duty of the City Treasurer and the Secretary of the said Board of Public Education in Wilmington to keep a record of said bonds.

Section 4. Said bonds, or any part thereof may be sold when and as the Board of Public Education in Wilmington shall by resolution determine and until sold shall remain in the custody of the City Treasurer of Wilmington. Whenever in the judgment of the Board of Public Education in Wilmington it shall be deemed expedient that any part of said bonds shall be sold, the said Board of Public Education in Wilmington may sell and dispose of the same on the most advantageous terms possible after having advertised the same in the public press at least once each week for at least two weeks. No compensation or commission shall be charged by or paid to any member of the said Board of Public Education in Wilmington for effecting the sale or negotiation of said bonds.

Section 5. Said bonds, principal and interest, shall be payable at the Union National Bank at Wilmington, Delaware, in gold coin of the United States of America equal in

## THE CITY OF WILMINGTON.

How to be  
paid

weight and fineness to the present standard, out of the money from time to time appropriated to the Board of Public Education in Wilmington by the City Council of Wilmington, and the said Board of Public Education in Wilmington is hereby authorized and directed to pay the interest on said bonds to the said Union National Bank when and as the same shall become due, and to pay said bonds when and as the respective classes mature in accordance with the schedule in Section 2 of this Act.

Proceeds to  
be credited  
to

Section 6. All of said bonds shall bear the same date and shall be numbered from one to fifty, inclusive. The money received from the sale of said bonds shall be deposited by the City Treasurer to the credit of the Board of Public Education in Wilmington and payments therefrom shall be made in the same manner as other payments are made by the said Board of Public Education in Wilmington.

Bond to con-  
tain provi-  
sions

Section 7. Said bonds shall contain such provisions not inconsistent with the requirements of this Act as the Board of Public Education in Wilmington shall determine.

Expenses  
connected  
with, paid by

Section 8. All charges and expenses connected with the preparation of said bonds, and the sale thereof shall be paid by the said Board of Public Education in Wilmington from the proceeds of the sale.

Approved April 12, A. D. 1917.

## CITIES AND TOWNS.

## CHAPTER 137.

## CITIES AND TOWNS.

AN ACT to amend an Act entitled, "An Act to re-incorporate the Town of St. Georges in New Castle County," being Chapter 227, of Volume 27, 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 all the members elected to each branch concurring therein):*

Section 1. That an Act entitled, "An Act to Re-Incorporate the Town of St. Georges, in New Castle County," be and the same is hereby amended by adding after the word "County" in Section 24 of said Act, in line seven, the words, "That the Town Council of St. Georges be and is hereby authorized and empowered to borrow, upon the faith and credit of the said town of St. Georges, a sum not exceeding <sup>Issue bonds not exceeding</sup> Eight Thousand Dollars, to be expended towards the improvement of the streets of said town, as hereinafter provided, and to issue bonds of the said town of St. Georges for the payment thereof."

Section 2. The denomination of said bonds shall be a sum determined by said Town Council, and the rate of <sup>Denomina- tion and rate of interest</sup> interest shall not exceed five per centum per annum, the same payable semi-annually.

Section 3. The Town Council of St. Georges shall direct and effect the preparation, printing and sale of said bonds <sup>Preparation and sale of</sup> authorized by this Act, at such time or times and on such terms as they may deem expedient.

Section 4. That before the provisions of this Act shall go into effect, the sum or sums of money proposed to be

## CITIES AND TOWNS.

Subject to a vote of borrowed or raised under this Act shall be submitted by the said Town Council of St. Georges to a vote of the resident taxables of the said town of St. Georges at a regular Town Election, and be approved by a majority of the votes cast upon such question. In case the proposal to borrow the money aforesaid shall not be approved by a majority of the votes cast upon the question submitted as aforesaid, the Town Council shall, on the application of ten resident taxables of said town, resubmit the question aforesaid at a regular Town Election, every person having a right to vote at the election at which the question aforesaid is submitted shall have a right to express his or her opinion on said question by casting one vote for every dollar, and fractional part of a dollar, of tax assessed upon his head, and upon all real and personal property owned by him or her; and every female having a right to vote may vote personally, or by proxy, as she may elect. Notice that the question aforesaid is to be submitted at any special or regular Town Election shall be given by the Secretary of the said Town Council of St. Georges by advertisement published in some one newspaper printed in the County of Newcastle, and by notice posted in at least ten public places in the said town of St. Georges at least ten days prior to such election.

**Sinking Fund** Section 5. The said Town Council is fully authorized and empowered to establish a sinking fund for the payment of said bonds at their maturity; and, for this purpose, to levy and raise by taxation, from time to time, such sum or sums as shall be necessary for the redemption of said bonds at or before the maturity thereof. The taxes authorized in this Section shall be levied and collected as other taxes in said Town of St. Georges are levied and collected, and shall be assessed on the head and on property, and shall be in excess of, and in addition to, the sum or amount which the said Town Council is authorized by any other law to raise by taxation. The Sinking Fund provided by this Act shall be deposited in the Delaware City National Bank, and shall not be available for any other purpose; but, if the said Town Council shall elect to invest said fund, or any part thereof, in some safe security until such time as it may be needed

## CITIES AND TOWNS.

for the redemption of the bonds authorized by this Act, or any of them, said Town Council is hereby authorized to do so by a majority vote of the members of said Council.

Section 6. The said bonds shall be signed by the President of the said Town Council and by the Treasurer of said Town Council, and sealed with the corporate seal of the said Corporation, and shall be exempt from state, county and municipal taxation. <sup>How executed</sup>

Section 7. The said Town Council in fixing the rate of taxation in the said Town of St. Georges shall annually, until the redemption of said bonds, provide for a sum equal to the amount of interest due each year upon said bonds and as and when said bonds shall become due and payable shall, in like manner, provide for a sum sufficient for the redemption of said bonds, both principal and interest. All of such sums provided as aforesaid shall, when collected and paid to the Treasurer of the said Town of St. Georges, be set apart by him in a separate account to be opened for that purpose, and the moneys so set apart shall be applied by the said Treasurer to the payment of the interest on said bonds and the redemption of said bonds as the said interest and as the said principal shall become and be due and payable. <sup>Principal and interest provided for</sup>

Section 8. The said bonds shall bear date as of the date of their issue, and the principal thereof shall be payable at the National Bank of Delaware City at the expiration of the time fixed by the said Town Council when the said bonds shall become due. If the Town Council shall deem expedient, contain a provision for the redemption of such bonds, at the option of the said Town Council at such period prior to the expiration of the date of maturity of the said bonds, elect to redeem any of said bonds within the period of the time fixed for payment from their date. The said Town Council shall give notice, signed by the President and Secretary of said Town Council, and advertised for one month in one newspaper published in the County of New Castle. <sup>Payable at</sup>



## CITIES AND TOWNS.

**Redemption**      Section 9. The net proceed of the sale of said bonds shall be used for the redemption of the floating indebtedness of the said Town of St. Georges, incurred in the improvement of the streets of said town, and any residue remaining from said proceeds shall be expended for the further improvement of the streets of said town.

Aproved April 18, A. D. 1917.

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## CITIES AND TOWNS.

## CHAPTER 138.

## CITIES AND TOWNS.

AN ACT to further amend Chapter 36, Volume 12, Laws of Delaware, entitled "An Act to Incorporate the Town of Middletown," in relation to the Alderman of 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 all the members elected to each branch of the Legislature concurring therein):*

Section 1. That Chapter 36, Volume 12, Laws of Delaware entitled "An Act to Incorporate the Town of Middletown," as the same has since been altered and amended, be hereby further amended by striking out Section 21 thereof as amended and inserting in lieu thereof the following:

"Section 21. And be it further enacted, that it shall and may be lawful for the citizens of the Town of Middletown, having a right to vote for Commissioners under the provisions of this act, to elect by ballot, at the same time in which the Commissioners for said town are elected, an Alderman for said town. The person elected as aforesaid Alderman of said town shall be a resident of said town and shall have all the powers of a Justice of the Peace within the limits of said town so far as the jurisdiction and cognizance of all breaches of the peace and other offences within said town, to arrest and hold to bail or fine and imprison such offenders, and of all fines, forfeitures and penalties which may be prescribed by any law of this State, or by ordinance of the Town Commissioners regularly passed and established for the government of said town, and of all neglects, omissions or defaults of the Town Constable, Assessor or Treasurer, or any other person or officer, whose duty it may be to

To elect an  
Alderman

Powers of

## CITIES AND TOWNS.

Term of  
office

collect, receive, pay over, or account for any money belonging to said town, or to execute or obey any law or ordinance thereof; and shall hold his office for one year from the time of his election or until another is elected and qualified. Provided, that he shall not impose any fine exceeding ten dollars, nor have jurisdiction in any civil matter other than to carry out the provisions of this act or the rules and regulations adopted for the government of said town by the persons authorized to adopt the same under this act. The fees of said Alderman shall be the same as are allowed Justices of the Peace for similar services under the laws of this State. It shall be the duty of the Alderman whose term of office has expired to deliver over to his successor in office all the books, papers and documents pertaining to his office, within ten days after the election and qualification of his successor, and in default of so doing he shall forfeit and pay for the use of said town the sum of twenty dollars, to be recovered before the succeeding Alderman or any Justice of the Peace residing in said town.

Unable to  
perform  
duties

"And it is further provided, that in case of the sickness, absence, interest in the cause or proceeding, or other inability of the said Alderman, the President of "The Commissioners of the Town of Middletown," may either perform the duties of said Alderman, or designate in writing, some suitable person to discharge such duties, whose acts shall be of the same force and effect as if performed by the said Alderman."

Approved March 22, A. D. 1917.

## CITIES AND TOWNS.

## CHAPTER 139.

## CITIES AND TOWNS.

AN ACT authorizing "The Mayor and Council of New Castle" to borrow money and issue bonds therefor, for the purpose of street improvement in the City of New Castle, appointing Commissioners to effect such improvement, and providing for assessing part of the cost of the same against property affected.

*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 all the members elected to each House of the General Assembly):*

Section 1. For the purpose of further improving the streets and roads within the City of New Castle, as hereinafter provided, "The Mayor and Council of New Castle," a municipal corporation of the State of Delaware, is authorized and empowered to borrow on the faith and credit of the said City a sum or sums of money not exceeding Twenty-Five Thousand Dollars, and for this purpose to issue bonds of the said municipal corporation.

The said money shall be borrowed and the bonds issued in such amounts and at such times as the Commissioners hereinafter appointed, or a majority of them, shall determine and shall certify to the Council of the said municipal corporation. The principal of said bonds shall be made payable at the expiration of thirty years from the date of the issue thereof, the said municipal corporation reserving the right to redeem said bonds, or any of them, at par and accrued interest, at any interest period after the expiration of five years from the date of issue, provided that if the said municipal corporation shall elect to redeem any of said bonds as aforesaid, such redemption shall be made in pursuance of a notice to that effect published at least twice a week for at least three successive weeks in at least two

## CITIES AND TOWNS.

newspapers of the City of Wilmington. In calling said bonds for redemption, they shall be called consecutively beginning with the lowest number, and the interest on all bonds so called shall cease from the date named in said calls for redemption.

Form and  
denomina-  
tion of

The Council of the said municipal corporation shall prescribe the form of the said bonds and the denominations thereof, determine and fix the rate of interest thereon not exceeding five per centum per annum, and shall direct and effect the preparation and printing of and negotiate the sale and delivery of the said bonds. The said bonds shall bear date when issued and shall bear interest from date, payable semi-annually. They shall be signed by the Mayor, the President of Council and the Treasurer of said City of New Castle, and be sealed with the corporate seal of the said municipal corporation, and shall be exempt from State, County and Municipal taxation.

How  
executed

Proceeds of

The moneys received from the sale of the said bonds shall be paid over to the Treasurer of the City of New Castle, and held by him as a special fund to the credit of the Commissioners under this Act, and to be drawn out and used by them as hereinafter provided. The Treasurer shall furnish additional bond to cover such fund.

Taxation for  
interest and  
Sinking  
Fund

Section 2. The Council of the said City is authorized and required to levy and collect annually by taxation such sum of money as shall be sufficient to pay the interest accruing on said bonds; and it is further authorized and empowered to levy and collect by taxation, from time to time, such sum or sums as shall be necessary to provide a sinking fund adequate for the redemption of said bonds at or before their maturity. The taxes for such interest and sinking fund shall be levied and collected in the same manner as are the other City taxes in said City. The sinking fund above provided for shall not be available for any other purpose.

Commis-  
sioners

Section 3. Lewis E. Eliason, Andrew Bryson, James E. White, Patrick McGrory and the President of Council of

## CITIES AND TOWNS.

the City of New Castle for the time being, and their successors as herein provided, are hereby appointed and named Commissioners for the purposes of this Act, to do and perform all matters and things herein provided for them to do. All acts and things to be done and performed by them as such Commissioners shall be done and performed by them, or a majority of them. They shall as soon as conveniently may be after the approval of this Act meet and organize by the election of one of their number as President and one of their number as Secretary, and they may elect such other officers and employ such other assistants as may be necessary and proper. Before entering upon the duties of their office, they shall each be sworn or affirmed to faithfully, impartially and honestly perform their duties as such Commissioners. Such oath or affirmation may be taken before the Mayor of the City of New Castle. Should any of the said Commissioners die, resign, become incapacitated or remove from the City, a majority of the remaining Commissioners shall have power to fill the vacancy so caused.

Duties of  
Commis-  
sioners

Section 4. The said Commissioners shall have entire control, supervision and management of all work done and materials furnished and of all moneys expended within the contemplation and intent of this Act, and all moneys received for the purposes of this Act shall be paid out by the Treasurer of the City only on orders drawn upon him for the purpose and signed by the President and the Secretary of the Commissioners. They shall make all expenditures in a judicious and economical manner. The Commissioners shall have the power, and it shall be their duty, to expend and apply the moneys received under the provisions of this Act, in and about the permanent improvement of the Streets and roads within the City of New Castle, by building, paving, repairing, draining and curbing the same in such manner as a majority of the said Commissioners shall, in their judgment and discretion, determine and deem necessary, and they, or a majority of them, shall have power to determine what streets or roads within said City shall be improved and the nature of and manner of affecting such improvement, and they shall have the power to enter into

Have charge  
of

Powers of

## CITIES AND TOWNS.

all necessary contracts for carrying out the purposes of this Act.

Section 5. The said Commissioners shall have the power, when paving or otherwise permanently improving the bed of any street, to lay or repair gutters and drains along or under said street, and to fix, renew or reset curbs and curbstones.

Expenses to  
be paid for  
by abutting  
property

Rules for ex-  
penses and  
recourse

The cost and expense of laying or repairing gutters and of fixing, renewing or resetting curbs and curbstones along any street, the bed of which has been paved or permanently improved by the said Commissioners, shall be assessed against the owner or owners of the property abutting thereon according to their respective frontage. The Commissioners shall prepare a list of the costs and expenses assessed against the several owners and shall present bills for the same to such owners for their respective proportions, and it shall be the duty of such owners to pay such costs and expenses. If any such owner shall not pay the same within thirty days after the presentation of the bill, the Commissioners shall certify the same to the Council of the City, and the Council shall cause suit to be brought in the name of the municipal corporation against such owner or owners for such costs and expenses, and judgment may be recovered and execution issued in the usual way provided by law for the collection of debts. When such judgment is recovered before a Justice of the Peace, a transcript of the same may be taken and entered in the Superior Court. The lien of such judgment shall relate back to the date of the completion of the work and shall be prior to all liens created or suffered by the owner. All moneys so paid to the Commissioners or recovered by suit, less the necessary expenses in the same, shall be turned over to the Treasurer of the City to be held by him for the same purposes and uses as the moneys borrowed under this Act.

Intentions to  
pave

Section 6. Whenever the said Commissioners are preparing to pave any street or section thereof, they shall notify the Council of the said City, and it shall thereupon be the

## CITIES AND TOWNS.

duty of the Council to see that any water main or sewer main in said street is connected with the curb line in front of each property abutting thereon, prior to the date when such paving is to be done; and the Council may make such rules, regulations and requirements as to the making of such connections as may be necessary and proper. In case such connections are not made by the person or persons whose duty it is so to do, after notice from the Council, the Council may cause such connections to be made and shall recover the costs thereof from such person or persons.

Council to make rules for connections

Section 7. The said Commissioners shall, when requested by the Council, make a report to it of their proceedings and expenditures, not however oftener than once a month. They shall also, at least once a year, publish a detailed statement of their proceedings and expenditures. They shall carefully preserve all vouchers, accounts, receipts, contracts and other papers relating to the performance of their duty under this Act, and when their duties have been fully performed and completed, they shall deliver the same to the Council to be safely kept among the public records of the City.

Commissioners to make report when

Section 8. Each of the said Commissioners shall receive for his entire services, the sum of One Hundred Dollars, and they may make such allowance to the Treasurer of the City for his services under this Act as they may deem proper, not exceeding the sum of One Hundred Dollars. These sums shall be paid out of the moneys borrowed under this Act.

Compensation to

All necessary expenses in and about the preparation, printing and sale of said bonds authorized by this Act, shall be paid out of the moneys herein authorized to be borrowed.

Should any surplus remain after the work contemplated by this Act has been accomplished, said surplus shall be held and applied toward the payment of the principal or interest of said bonds herein authorized.

surplus

Approved March 21, A. D. 1917.



## CITIES AND TOWNS.

## CHAPTER 140.

## CITIES AND TOWNS.

AN ACT to amend Chapter 195, Volume 24, Laws of Delaware, being an Act entitled, "An Act to re-incorporate the Town of Newport," by increasing and enlarging the corporate powers 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 all the members elected to each branch thereof concurring herein):*

Chap. 105,  
Vol. 24,  
amended

Power of the  
Town Com-  
missioners

Section 1. That Section 10 of Chapter 195, Volume 24, Laws of Delaware, being an Act entitled, "An Act to re-incorporate the Town of Newport," be and the same is hereby amended by adding at the end of said Section 10, the words "The Town Commissioners shall have power to enact Ordinances to preserve the health of the Town and to prevent the introduction of infectious and contagious diseases. The Town Commissioners may also pass Ordinances to define and remove nuisances; to prescribe and regulate the use of the highways, streets, squares, lanes, and alleys of the Town of Newport, and to have and exercise control over the same; for cleaning docks and regulating wharves in said Town; to regulate public amusements; to regulate party walls; to provide for the safety of citizens, and for that purpose to prescribe the height and thickness of walls and materials of buildings and the mode of erecting the same within said town, and for providing for and securing the safety of inmates thereof, and may make provision for the enforcement of such regulations; to provide for the proper lighting of streets, squares, lanes and alleys of said town, and in its discretion to provide for the payment of the expenses thereof; and to regulate the storage of gun powder or any other dangerously combustible matter."

Approved April 2, A. D. 1917.

## CITIES AND TOWNS.

## CHAPTER 141.

## CITIES AND TOWNS.

AN ACT authorizing the "Commissioners of Newport" to borrow money and to issue bonds to secure the payment thereof, for the purpose of establishing water works, or a sewer system, or both, and to control and regulate the same, when so established.

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

Section 1. That the "Commissioners of Newport," a <sup>Establish</sup> municipal corporation of the State of Delaware, sometimes <sup>Water Works</sup> hereinafter referred to as the Town of Newport, be and it is hereby authorized and empowered to establish and maintain municipal water works, or a sewer system for said town, or both, as it shall deem advisable.

Section 2. That for the purpose of providing funds to defray the expenses of establishing water works, or a sewer system, or both, as provided in Section 1 of this Act, the said municipal corporation is hereby authorized and em- <sup>Authorized to</sup> powered to borrow upon the faith and credit of said muni- <sup>borrow</sup> cipal corporation any sum of money not exceeding Thirty- <sup>money</sup> Five Thousand Dollars, which the Commissioners of the "Commissioners of Newport" shall deem necessary therefor, and to this end, the said Commissioners are hereby authorized and empowered by Resolution, to issue and sell <sup>Issue bonds</sup> bonds of said municipal corporation, to be known as "Newport Improvement Bonds" to an amount not exceeding in the aggregate the sum of ThirtyFive Thousand dollars.

## CITIES AND TOWNS.

**Denominations and rate of interest where payable**      The said Bonds shall be issued in such denominations as the said Commissioners may deem proper, and shall be numbered consecutively beginning with number one, and shall bear interest at such rate per annum as said Commissioners shall determine, not exceeding five per centum per annum, payable semi-annually at the Newport National Bank, Newport, Delaware, on the presentation of the proper coupons representing the said semi-annual interest.

**Bonds, when and where payable**      The principal of the said bonds shall be payable at the said Newport National Bank at the expiration of thirty-five years from the date of said bonds, but the said bonds or any of them, may be redeemed at the option of the said Commissioners, at par and accrued interest, at any interest period after the expiration of fifteen years from the date of said bonds; provided, however, that if the Commissioners shall, at any time, after the expiration of fifteen years from the date of said bonds, elect to redeem any of said bonds, such redemption shall be made in pursuance of notice signed by the President of said Municipal Corporation and by the Treasurer thereof, published once a week for two consecutive weeks in one daily newspaper published in the City of Wilmington. Such notice shall indicate the bonds called, and in making such calls the municipal corporation shall call the bonds according to their number, beginning with the lowest number, and the interest on any of the said bonds shall cease from the date named in any of said calls for redemption.

**Redemption**

**Preparation and sale**      Section 3. That the said Commissioners shall direct and effect the preparation and printing and sale of said bonds authorized by this Act, at such time or times and on such terms as the said Commissioners may deem expedient, but all moneys, the proceeds of such sales, shall be applied to carrying into effect the provisions of this Act.

**Form**      Section 4. That the form of said bonds with the coupons thereto attached, shall be prescribed by Resolution passed by the said Commissioners, and the said bonds shall be signed by the President of said Municipal Corporation, and

## CITIES AND TOWNS.

by the Treasurer thereof, and sealed with the corporate seal of said corporation, and shall be exempt from State, County, and Municipal taxation. How executed

As the said bonds and coupons thereto attached shall be paid, the same shall be cancelled as the said Commissioners shall direct.

Section 5. That the said Commissioners are hereby authorized and required to levy and raise by taxation in each year a sum of money sufficient to pay all interest accruing on said bonds or any of them, whilst any of said bonds shall remain unpaid; and the said Commissioners are further authorized and empowered to levy and raise by taxation from time to time such sum or sums as shall be necessary to create a sinking fund adequate for the redemption of said bonds at or before the maturity of all the bonds which may be issued under the provisions of this Act. The taxes for the said interest and for the said sinking fund shall be levied and collected as other taxes in said town are, and shall be assessed on the head and on property, and shall be in excess of, and in addition to the sum or amount which the said Commissioners are authorized by any other law or raise by taxation. Taxation for interest and Sinking Fund

The sinking fund provided for by this Act shall be deposited in any bank or trust company in New Castle County selected by said Commissioners, and shall not be available for any other purpose, but the same may be invested at any time in good interest bearing securities upon the vote of two-thirds of all the members elected as Commissioners of the "Commissioners of Newport." Sinking Fund

Section 6. That the faith of the said the "Commissioners of Newport" is hereby pledged for the punctual payment of principal and interest of the bonds authorized to be issued under this Act. Faith pledged

Section 7. The bonds authorized by this Act may be issued at one time and in one series or at different times and How issued

## CITIES AND TOWNS.

in different series as the Commissioners shall by resolution determine.

Powers of  
Commis-  
sioners

Section 8. That if the said Municipal Corporation by and through the said Commissioners shall determine to establish a municipal water works under the provisions of this Act, then and in such event the said Commissioners shall be deemed and taken to be authorized and empowered to do all things necessary for the location, erection, construction, equipment and operation of a municipal water works, and of all pipes, mains and conduits, and of all other things necessary to the supplying of water to the inhabitants of the said Town of Newport, and to make, adopt and promulgate all rules and regulations concerning the same, and the use of the water supplied thereby, including charges or rentals therefor, that the said Commissioners shall deem expedient. The said Commissioners shall have the further power to adopt ordinances prescribing penalties for any injury to the said water works, or any part thereof, or for any abuse of any privilege granted in connection therewith.

Section 9. The said Commissioners shall have power to lay pipes, mains, and conduits, under or along any of the streets, lanes, or highways, of said town, or any public road extending to said town, and also to contract and agree with the owner or owners for the occupation or purchase of any land or lands which may be necessary for the purpose of carrying into effect the provisions of this Act.

The said Commissioners shall have all such other and further powers as may be necessary and proper for the establishment, maintenance and operation of a municipal water works, and the equipment thereof, and the repair, alteration and improvement of the same.

Section 10. If the said Municipal Corporation by and through the said Commissioners shall determine to establish a sewer system under the provisions of this Act, then and in such event the said Commissioners shall be deemed and taken to be authorized and empowered to lay all such

## CITIES AND TOWNS.

sewers, mains, and pipes, as they shall deem advisable, under or along any of the streets, lanes, or highways, of said town, or any public road extending to said town, and also to contract and agree with the owner or owners for the occupation or purchase of any land or lands which may be necessary for the purpose of carrying into effect the provisions of this Act.

Section 11. The said Commissioners shall have the further power to do, or cause to be done, any and all acts, matters and things necessary or proper for the establishment and maintenance of an effective sewer system in the said town. The said Commissioners shall have the further power to make, adopt and promulgate all rules and regulations relative to the use of any sewers established under this Act, and the tapping thereof, including the charge or fee therefor, as they shall deem proper, and they may also adopt ordinances prescribing penalties for any injury to the said sewer system, or any part thereof, or for any abuse of any privilege granted in connection therewith. Powers of

The said Commissioners shall have the further power to prescribe the material of all private drains or sewers which shall hereafter enter into any municipal sewer and shall direct the manner they shall be laid.

Section 12. If the owner or owners of any land or lands necessary to be taken for the purpose mentioned in this Act, be unable or unwilling to contract and agree with the said Commissioners of Newport upon the compensation to be made for any real or supposed injury that may be done to said lands by entry and occupation, then said Municipal corporation shall have power and authority to go upon said land or lands and the said Commissioners, or a majority of them, after viewing the same, may assess the damages of said owner or owners fairly and impartially under all the circumstances and certify their finding and award in writing to the said owner or owners, and if such owner or owners be not resident within said town, the said Commissioners, or a majority of them, shall certify their finding and award Failure to contract with owners

## CITIES AND TOWNS.

Right of  
appealCommission  
to assess

to the tenant of said real estate, but if there be no tenant resident in said town, the said notice shall be affixed to the most conspicuous part of the premises, which notice shall be as effectual as personal service of the same. If any owner be dissatisfied with the amount of the compensation or damages allowed by said Commissioners, he or she may, within five days after such notice, appeal from said assessment of compensation or damages by serving written notice to that effect on the President or other presiding officer of the Commissioners of Newport. In order to prosecute said appeal, such owner or owners shall within five days after the expiration of five days allowed for appeal and upon five days notice to the said President or presiding officer, make written application to the Associate Judge of the Superior Court of this State, resident in New Castle County, for the appointment of a Commission for five persons to hear and determine the matter in controversy, and thereupon the said Associate Judge shall issue a Commission under his hand directed to five freeholders of said County, three of whom shall be residents of the said Town of Newport, and two of whom shall be non-residents of said town, commanding them to assess the damages which the owner or owners of said land or lands intended to be taken, occupied or used for the purposes of this Act as aforesaid (and who shall have notified said Commissioners of their intention to appeal) may sustain or incur by reason of such use or occupancy and to make return of their proceedings to the said Associate Judge at the time in said Order 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 Judge, who shall deliver said Return to the said Commissioners of Newport, which Return 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 said Commissioners of Newport may pay or tender the same to the person or persons entitled thereto, within one month after the same shall be finally

## CITIES AND TOWNS.

ascertained, or if the person or persons so entitled reside out of and are absent from said town during the said period of one month, then the same may be deposited to his or her credit in any responsible bank or trust company in New Castle County, Delaware, within said time, and thereupon said property or land may be taken or occupied for the use aforesaid. In the ascertainment of damages by the freeholders aforesaid, if the damages shall be increased, the costs of the appeal shall be paid by the Commissioners of Newport, out of the money in its custody arising from the sale of said bonds, but if said damages shall not be increased, the cost of the appeal shall be paid by the appellant. The fees of the freeholders shall be two dollars per day each, which shall be taxed as part of the costs.

After the damages shall be fixed and ascertained by the freeholders, the said Commissioners of Newport shall have the option to pay the damages assessed within the time aforesaid and to proceed with said improvements, or upon payment of costs only, may abandon their intention of taking and occupying said land or lands for the purposes aforesaid.

Section 13. The entire supervision and control of any water works, or of any sewer system, established under the provisions of this Act, shall be vested in the said Commissioners, and the said Commissioners are given every power necessary or proper for the establishment, maintenance, operation, repair, alteration and improvement thereof.

Section 14. That the said Commissioners are authorized to engage the services of a practical engineer and such agents and servants as the said Commissioners may deem necessary for the work to be done under this Act, and to pay them reasonable and proper compensation therefor.

Section 15. That no water works or sewer system shall be established under this Act, nor any money borrowed for either or both of said purposes, until the borrowing of such



## CITIES AND TOWNS.

money shall be approved at a special election called for that purpose by the said Commissioners, as hereinafter provided.

## Election

Section 16. That if the said Commissioners shall at any time after the approval of this Act, resolve that it is advisable that a municipal water works, or a sewer system, or both water works and sewer system, be established in the said town, then and in such event the said Commissioners shall provide for the submission of the question of the borrowing of money therefor at a special election to be held in said town. Such election shall be held at such time and place as the said Commissioners shall determine. The said Commissioners shall give notice of the same by advertisements posted in ten or more public places in the said town at least ten days before the date of said election. The advertisement shall state the time and place of the election, the amount of money (not exceeding Thirtyfive Thousand Dollars), that the Commissioners propose to borrow, and whether the money as borrowed is to be used for a water works, or for a sewer system, or for both. Such special election shall be held by the Alderman and two Commissioners of said Commissioners of Newport, who shall be selected and appointed for that purpose by the said Commissioners. The said Alderman shall be the presiding officer at any such special election. If for any cause said Alderman shall not perform the duties of presiding officer at any such special election, the said Commissioners shall select and appoint some other male qualified voter of the said Town of Newport to be the presiding officer at such special election. The voting at such special election shall be by ballot, upon which shall be printed or written either the words "For Newport Improvement Bonds," or the words "Against Newport Improvement Bonds." Except as otherwise provided by this Act, such special election shall be held according to the laws governing the annual town election of the said Town of Newport.

## Right to vote

Every resident or non-resident owner of real estate within the corporate limits of the Town of Newport who shall have paid the town tax last assessed to him or her, and every

## CITIES AND TOWNS.

male citizen of said town above the age of twenty-one years who shall have paid the town tax last assessed to him, shall be entitled to one vote. If a majority of the votes cast at such special election shall be "For Newport Improvement Bonds" then and in such event the Commissioners shall be deemed and held to be authorized and empowered to borrow any sum of money not exceeding the sum stated in the advertisement of such special election, and in no event exceeding the sum of Thirtyfive Thousand Dollars (\$35,000.00), and said Commissioners shall further be deemed and held to be authorized and empowered to issue the bonds provided for in this Act, and to do all things proper to be done under the provisions hereof. If a majority of the votes cast at such special election shall be "Against Newport Improvement Bonds," then and in such event the Commissioners shall take no further step under this Act, except that they may at such time or times thereafter, as they shall deem proper, again submit the question of the borrowing of any sum of money, not exceeding Thirty five Thousand Dollars (\$35,000.00) at a special election called, advertised and held as hereinbefore prescribed, provided that not more than two special elections shall be called in any one year under the provisions of this Act.

Section 17. Any person who shall wilfully vote or attempt to vote illegally at such special election, or any person acting as an election officer at such special election, who shall wilfully receive, or consent to receiving an illegal vote, or who shall wilfully refuse to receive a legal vote, or who shall in any way act in a fraudulent or illegal manner at such special election, shall be guilty of a misdemeanor and upon conviction thereof, shall be fined or imprisoned, or both, in the discretion of the Court.

Section 18. That the Treasurer of said Town of Newport, to secure the said town against loss on account of the said money so derived from the sale of said bonds, shall enter into a special bond or bonds with surety in such amount as shall be fixed by Resolution of the Commissioners of Newport.

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Section 19. That an Act entitled "An Act to authorize "The Board of Town Commissioners of Newport" to borrow money and issue Bonds to secure the payment thereof, for the purpose of providing a Water and Sewerage System, and to control and regulate the same," being Chapter 127, Volume 28, Laws of Delaware, be and the same is hereby repealed.

Approved March 22, A. D. 1917.

## CITIES AND TOWNS.

## CHAPTER 142.

## CITIES AND TOWNS.

AN ACT to amend Chapter 216, Volume 27, Laws of Delaware, entitled "An Act amending, revising and consolidating the Charter of the City of New Castle," in relation to the election of the Council of the City.

*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 all the members elected to each House of the General Assembly):*

Section 1. That Chapter 216, Volume 27, Laws of Delaware, being "An Act amending, revising and consolidating the Charter of the City of New Castle," be amended by striking out all of Sections 3, 4, and 5 of said Act, and inserting in lieu thereof new sections 3, 4 and 5 as follows:

"Section 3. The officers of the said corporation shall consist of a Mayor, a Council to be composed of four Members and a President of Council who shall be ex-officio a member and presiding officer of the Council, a Treasurer, and City Clerk. No person shall be eligible to any of the above offices who is not a citizen of the State and a resident of the City. The Mayor and the President and Members of Council must have resided in the City for two years next before their election and at the time of their election be qualified voters of the City. The Council by ordinance may provide for such other officers as may be deemed necessary.

Section 4. The Mayor, the President of Council, the members of Council, the Treasurer and the City Clerk, who shall run in all wards and the Inspectors of Election in each ward, shall be elected bi-ennially by ballot on the second

## CITIES AND TOWNS.

Tuesday of April in each year after the general election and shall continue in office for a term of two years or until their successors are legally qualified.

Division into  
wards

Section 5. For the purpose of holding such election, the City of New Castle shall be divided into four wards or districts, corresponding within the City to the present election districts as now laid out under the general election laws, with voting places as now provided for by said general election laws. The inspector elected in each district at the preceding election shall hold the election in such district. In case of his death, removal from the district, inability to serve, or absence on the day of election, the Mayor shall appoint an inspector to hold the election. Two assistant inspectors shall be appointed in each district, one each by the City executive Committees of the two leading political parties; and upon failure to so appoint, the inspectors respectively shall appoint said assistant inspectors, one of whom shall be of the opposite political party from the said inspector. Each assistant inspector shall appoint a Clerk.

Inspectors

Notice given

Notice of the time and places of holding such election shall be given by advertisement made and signed by the Mayor and posted in at least three of the most public places in each of the said districts at least a week before the day of said election. The election officers shall open the polls on the day of election between the hours of twelve and one o'clock in the afternoon and close the same at seven o'clock in the afternoon. In case it is impossible to hold the election at the voting place designated, the inspector shall procure some other suitable and convenient place in the City.

Oath of  
officers

The election officers before entering upon their duties shall swear and subscribe to the following oath before the Mayor of the City or a Justice of the Peace, or, in their absence, to be administered by the inspector to the assistants and by one of the assistants to the inspector: "I do solemnly swear (or affirm) that I will this day in conducting the City election of New Castle, determine and act in every particular with impartiality and faithfulness, and

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that I will cause to the best of my ability a true return of the election to be made, so help me God (or so I affirm)."

There shall be voted for at such election, a Mayor, a President of Council, a Treasurer, a City Clerk, and four members of Council, who shall run in all wards, and an inspector of election in each ward, who shall be residents of the City and qualified voters therein. At every such election every male citizen of the age of twenty-one years and upwards having resided in the City of New Castle one year next before the election, and none others, shall be entitled to vote; provided however that no person shall vote whose name does not appear upon the last list of registered voters of the City of New Castle as hereinafter provided. The Clerk of the Peace of New Castle County shall furnish to the registration officers for the several districts of New Castle Hundred in the year of any general election, when he furnishes the registration books as now provided by law, two separate and similar books in which the said registration officers shall register all persons who are entitled to be registered who reside in the City of New Castle. One of these registration books for the City of New Castle shall be returned by the registration officers of New Castle Hundred to the Clerk of the Peace of New Castle County as the other registration books are returnable, and the other registration book shall be returned to the Council of the City of New Castle within thirty days after the last day of registration. The registration officers shall be under the same regulations and liabilities for the registration of the citizens of the City of New Castle as for the general registration for the Hundred. The Council of the City of New Castle shall sit as a Board of Registration the third and fourth Tuesday and Wednesday evenings of March of each year in which a city election is to be held, between the hours of seven and nine o'clock, for the purpose of adding to the said list of registered voters any unregistered person who shall apply and who shall have, since such general registration, acquired a residence necessary to qualify him as a voter at the City election, and to transfer those registered voters who have moved from one district to another, and the City Clerk shall

To be voted  
for

Those en-  
titled to vote

Clerk of the  
Peace duties  
of

Board of  
Registration

## CITIES AND TOWNS.

place the names of voters so registered or transferred by the Council on the books of registered voters for the several districts. The said registration books so turned over to the Council of New Castle, with the additions and transfers made by the Council as above provided for, shall in every year of election under this Act be turned over by the City Clerk on the day of such election to the inspector duly elected or appointed to hold such election.

Ballot boxes  
how and  
when opened

When the election shall be closed, the inspector and his assistants shall at once openly and publicly open the box containing the ballots and proceed publicly and openly to read and count the ballots in the presence of each other and in the presence of such electors as shall think proper to be present, and the reading and counting of such votes shall be continued without interruption or adjournment until completed, when the result shall be publicly announced by the inspector.

Certificates  
of election

The election officers shall forthwith prepare certificates under their hands setting forth the persons voted for and the number of votes cast for each. Such certificates shall be triplicate; one copy to be retained by the inspector, one copy to be delivered to the City Clerk and the other copy to be delivered to the Mayor of the City. All ballots after being counted shall be placed in the ballot box and sealed by the election officers and delivered to the Mayor who shall place the same in a good and safe place to be kept for six months. In case of a tie vote for any office, the inspector holding the election shall cast the deciding vote.

Those deemed  
elected

At such election the persons receiving the plurality of votes cast for Mayor, President of Council, Treasurer, City Clerk, and Inspector of Election, respectively, shall be deemed and declared elected, and the four persons receiving the highest number of votes cast for members of Council shall be deemed and declared elected.

At eight o'clock in the evening on the day following any election held under the provisions of this Act, the several

## CITIES AND TOWNS.

inspectors shall meet at the Mayor's office and canvass the <sup>Canvass of</sup> returns from the several districts. After ascertaining which candidates have received the greatest number of votes and have been elected to the various offices, they shall make out three certificates of election for each office, furnish one to the candidate elected, one to the Clerk of Council, and one to the Mayor of the City. In case two or more persons receive the same number of votes for the office of Mayor, President of Council, Treasurer, or Assessor they shall proceed to select one of said candidates for such office by a vote of said inspectors.

After each election the inspector shall return to the City the books of registered voters furnished them.

In case of contest being made against seating any person <sup>Contest</sup> in any office mentioned in this Act, the Council shall decide such contest by a majority vote of all the members of the Council.

The pay for inspectors for holding the election shall be <sup>Pay for</sup> five dollars, for assistant inspectors three dollars, and for <sup>officers</sup> clerks two dollars, to be paid by the Council. Not more than five dollars shall be paid as rental for the place to hold said election, such rental to be paid by the Council.

Section 2. That said Chapter 216, Volume 27, Laws of Delaware, be further amended by striking out the words "consisting of the President of Council and two members from each ward or district," where they occur in the second, third, and fourth lines of Section 15 of said Act.

Approved March 21, A. D. 1917.



## CITIES AND TOWNS.

## CHAPTER 143.

## CITIES AND TOWNS.

AN ACT to amend an Act entitled "An Act to re-incorporate the Town of Townsend."

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

Amount ap-  
propriated to  
Townsend

Section 1. That the Act to Re-Incorporate the Town of Townsend, being Chapter 174 of Volume 23, Laws of Delaware, be and the same is hereby amended by striking out of the fourth line of Section 5 of said Act the words "Four Hundred Dollars," and by inserting in lieu thereof the words "One Thousand Dollars."

Approved April 2, A. D. 1917.

## CITIES AND TOWNS.

## CHAPTER 144.

## CITIES AND TOWNS.

AN ACT with reference to the election of the President and the members of the Council of "The Council of Newark," Delaware.

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

Section 1. That at all elections held in the Town of Newark, Delaware, for president or members of the Council of "The Council of Newark," uniform ballots shall be used, and shall be provided by the secretary of the Council of "The Council of Newark," as hereinafter provided.

Section 2. Any person intending to become and be a candidate for president or member of the Council of "The Council of Newark", (Delaware), at any annual election hereafter held, pursuant to the charter of the said "The Council of Newark," or any amendment thereof, shall at least ten days before said election file with the secretary of the Council of "The Council of Newark," and in case of his absence, with the president of said Council, a written notice of his intention to become such candidate.

Section 3. It shall be the duty of the said secretary, or in his absence, the said president, to prepare and have printed a sufficient number of ballots to be used at said election, placing thereon the names of the candidates who have complied with the provisions of Section 2 of this Act, said ballots to be uniform in size, the names of the candidates for president shall be placed thereon alphabetically, the names of the candidates for members of the Council shall be

## CITIES AND TOWNS.

placed thereon alphabetically, under the number of the respective districts for which they are candidates; said ballot shall also have printed thereon instructions as to how many persons are to be voted for. At least five hundred of said ballots shall be delivered on the morning of the election day, to the Treasurer of "The Council of Newark," or to such other person authorized to hold said election, and as many ballots shall be delivered to any candidate as he may desire, upon said candidate paying the actual cost of printing said ballots, such candidate being entitled to receive the same at least two days before election day.

Marking of  
ballot

Section 4. A voter designating the candidate or candidates who he wishes to vote for, shall leave unmarked such name or names on the ballot, and those he does not wish to vote for, he shall draw a line through their name or names, using either pencil or ink. The persons holding said election, as inspectors or judges thereof, shall not count any ballot or ballots that are cast for any person not placed on the official ballot, as herein provided for.

Vacancy

Section 5. In case of the death of a candidate within ten days from the day of said election, whose name has been filed, as herein provided, it shall be lawful in that case for any qualified voter at said election to vote for any legally qualified person, even though he has not previously filed his name, pursuant to the provisions of this Act.

Approved March 22, A. D. 1917.

## CITIES AND TOWNS.

## CHAPTER 145.

## CITIES AND TOWNS.

AN ACT authorizing the Town of Clayton to borrow money and to issue bonds to secure the payment thereof, to pay the remainder of the cost of its sewer and water systems.

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

Section 1. That for the purpose of providing funds to pay the remainder of the cost of its sewer and water systems the Council of the Town of Clayton are hereby authorized and empowered to borrow upon the faith and credit of the said The Town of Clayton a further sum of money not exceeding Nine Thousand Dollars which they shall deem necessary therefor, and to this end the said Council are hereby authorized and empowered to issue and sell bonds of The Town of Clayton, said bonds to be known as "Clayton Improvement Bonds" to an amount not exceeding in the aggregate the sum of Nine Thousand Dollars.

The said bonds shall be issued in such denominations as the said Council of The Town of Clayton may deem proper, and shall be numbered consecutively beginning with number one, and shall bear interest at such rate per annum as said Council of The Town of Clayton shall determine, not exceeding six per centum per annum, payable semiannually at The Clayton Bank, at Clayton, Delaware, on the presentation of the coupons attached to such bonds representing the said semiannual interest.

The principal of the said bonds shall be payable at the said The Clayton Bank at the expiration of thirty-five years

## CITIES AND TOWNS.

Redemption  
of

from the date of said bonds, but the said bonds or any of them, may be redeemed at the option of the said Council of The Town of Clayton, at par and accrued interest, at any interest period after the expiration of ten years from the date of said bonds; provided, however, that if the Council of The Town of Clayton shall, at any time, after the expiration of ten years from the date of said bonds, elect to redeem any of said bonds, such redemption shall be made in pursuance of notice signed by the President of said Council of The Town of Clayton and by the Treasurer thereof, published once a week for three consecutive weeks in one daily newspaper published in the City of Wilmington, and in one weekly newspaper published in Kent County, Delaware. Such notice shall indicate the bonds called, and in making such calls the Council of The Town of Clayton shall call the bonds according to their number beginning with the lowest number, and the interest on any of the said bonds shall cease from the date named in any of said calls for redemption.

Printing and  
sale of

Section 2. That the said Council of The Town of Clayton shall direct and effect the preparation and printing and sale of said bonds authorized by this Act, at such time or times and on such terms as the said Council may deem expedient, but all moneys, the proceeds of such sales, shall be applied to carrying into effect the provisions of this Act.

Form and  
Execution

Section 3. That the form of said bonds with the coupons thereto attached, shall be prescribed by the said Council of The Town of Clayton, and the said bonds shall be signed by the President of The Town of Clayton and by the Treasurer thereof, and sealed with the corporate seal of said corporation, and shall be exempt from State, County and Municipal taxation.

Cancellation

As the said bonds and coupons thereto attached shall be paid, the same shall be cancelled as the said Council of The Town of Clayton shall direct.

Section 4. That the said Council of the Town of Clayton, are hereby authorized and required to levy and raise by

## CITIES AND TOWNS.

taxation in each year a sum of money sufficient to pay all interest accruing on said bonds or any of them, whilst any of said bonds shall remain unpaid; and the said Council of The Town of Clayton are further authorized and empowered to levy and raise by taxation from time to time such sums as shall be necessary to create a sinking fund adequate for the redemption of said bonds at or before the maturity of all the bonds which may be issued under the provisions of this Act. The taxes for the said interest and for the said sinking fund shall be levied and collected as other taxes in said town are, and shall be assessed on the head and on property, and shall be in excess of, and in addition to the sum or amount which the said Council of The Town of Clayton are authorized by any other law to raise by taxation.

Taxation for  
interest and  
Sinking  
Fund

The sinking fund provided for by this Act shall be deposited in The Clayton Bank and shall not be available for any other purpose, but the same may be invested at any time in good interest bearing securities upon the vote of two-thirds of all the members elected to the Council of The Town of Clayton.

Sinking  
Fund

Section 5. The faith and credit of The Town of Clayton is hereby pledged for the payment of all the bonds that may be issued under the provisions of this Act.

Faith  
pledged

Section 6. The bonds authorized by this Act may be issued at one time and in one series or at different times and in different series as the Council of The Town of Clayton shall determine.

When issued

Section 7. This Act shall be deemed and taken to be a public Act.

Approved March 22, A. D. 1917.

## CITIES AND TOWNS.

## CHAPTER 146.

## CITIES AND TOWNS.

AN ACT to amend an Act entitled "An Act to re-incorporate the Town of Harrington," being Chapter 209 of Volume 24 of the Laws of Delaware, as amended by Chapter 230 of Volume 26 of the Laws of Delaware, by prescribing certain powers of said town with relation to taxation.

*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 House concurring therein):*

Chap. 209,  
Vol. 24,  
amended

Section 1. That Chapter 209 of Volume 24 of the Laws of Delaware be, and the same is hereby amended by striking out all of said Section 1, and inserting in lieu thereof the following:

**Town limits**

That the limits of the Town of Harrington shall start at a point in the center of the Northbound track of the Delaware Railroad, opposite the Southwest corner of the Tank House or Water Tank a short distance North of the Railroad Depot at the said Town, and shall not extend from said point in a Northerly direction up said track more than twenty-six hundred and forty feet, and in a Southerly direction down said track more than twenty-six hundred and forty feet, and shall not extend in an Easterly direction perpendicular to said Railroad track more than twenty-six hundred and forty feet, and in a Westerly direction perpendicular to said track more than twenty-six hundred and forty feet, thereby forming a square of one mile; and provided that all tracts or parcels of land, included within the limits aforesaid, and exceeding six acres in area, which have not been plotted or laid out for building purposes, and which are used exclusively for agricultural or farming purposes, shall be assessed by said Town of Harrington, as a basis

CITIES AND TOWNS.

of taxation for its uses, at an amount not exceeding the value of the buildings erected thereon; notwithstanding the provisions of Section 13 hereof.

Section 2. That Section 13 of Chapter 209, Volume 24, Laws of Delaware, be and the same is hereby amended by striking out of said Section 13, the words "not exceeding Twenty-five Hundred Dollars, excluding the dog tax," which appear at the end of the first sentence in said Section, and inserting in lieu thereof the following words "Four Thousand Dollars, excluding the dog tax."

Approved April 2, A. D. 1917.



## CITIES AND TOWNS.

## CHAPTER 147.

## CITIES AND TOWNS.

AN ACT to amend Chapter 176, Volume 18, Laws of Delaware, entitled: "An Act to incorporate the town of Kenton," passed April 22, 1887 by increasing the annual appropriation for said town by the Levy Court.

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

Chap. 176,  
Vol. 18,  
amended

Section 1. That Section 7 of Chapter 176, Volume 18, Laws of Delaware, entitled, "An Act to Incorporate the Town of Kenton," be and the same is hereby amended by striking out the word "Fifty" in the eighth line thereof, and inserting in lieu thereof the words "Two Hundred."

Approved March 26, A. D. 1917.

## CITIES AND TOWNS.

## CHAPTER 148.

## CITIES AND TOWNS.

AN ACT to amend an Act entitled, "An Act authorizing the Town Council of the Town of Dover to establish and maintain an electric light plant in said town to supply electric light for both public and private use."

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

Section 1. Amend the Act entitled, "An Act Authorizing The Town Council of the Town of Dover to Establish and Maintain an Electric Light Plant in said Town to Supply Electric Light for both Public and Private Use," approved March 8, 1899, being Chapter 280, of Volume 21, Laws of Delaware, by striking out Section 1 thereof, and substituting a new Section to be known as "Section 1," as follows:

Chap. 280,  
Vol. 21,  
amended

"Section 1. That the Town Council of the Town of Dover be and they are hereby authorized and empowered to do all things necessary for locating, erecting, constructing, equipping, operating and maintaining an electric light plant, to furnish electricity for light and power for the Town of Dover, and for public and private use, whether for its own distribution or by contract for re-distribution by others, and to purchase engines, boilers, dynamos, poles and wires, and all such instruments and machines as may be necessary for said purpose, and to lay pipes and to erect poles, and to erect or lay wires above, under, on, in, or along any of the roads, streets, lanes or alleys in the said Town of Dover, or adjacent thereto."

To build and  
operate an  
Electric light  
Plant

Approved March 26, A. D. 1917.

## CITIES AND TOWNS.

## CHAPTER 149.

## CITIES AND TOWNS.

AN ACT to reincorporate the Town of Cheswold.

*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):*

Citizens to be  
a body  
corporate

Section 1. That the citizens of the Town of Cheswold shall be a body politic and corporate, in fact and in law, by the name of "The Town of Cheswold," and by that name shall sue and be sued, plead and be impleaded, in all Courts of either law or equity in this State, and may have and use a common seal with such device or devices as they shall think proper, with the power to alter the same as may be deemed expedient, to purchase, hold, receive and enjoy any lands and tenements, and also personal property, and to alien, grant, sell, and dispose of the same in such manner and form as they may deem expedient for the use of said Town.

Limits of

Section 2. The Limits of said Town Cheswold shall be as follows:

The initial point shall be where a line drawn in an easterly and westerly direction in the middle of the public road leading from Moore's Corner to Leipsic, would intersect a line drawn in a northerly and southerly direction in the middle of the public road running on the west side of the Delaware Railroad, and parallel therewith.

From this initial point, the town shall extend North three hundred and fifty yards, and, from the same point South four hundred and fifty yards, and from the same point East

## CITIES AND TOWNS.

three hundred yards, and from the same point West four hundred yards, forming a parallelogram, whose east and west sides shall be eight hundred yards (800 yards) long, and whose north and south sides shall be seven hundred yards long, and the commissioners may at any time have the same surveyed and plotted and may have said plot recorded in the Recorder's Office of Kent County, and being so recorded, it, or a duly certified copy thereof, shall be evidence of what is therein properly set forth.

The said Commissioners may also have the streets, lanes and alleys surveyed and designated upon said plot.

The streets as now known and established are as here stated:

The public road leading from Moore's Corner to Leipsic, and within the above limits shall be called Main Street, and is forty feet wide; the public road running along the Delaware Railroad, on the west side, within the limits above given shall be called Commerce Street, and is thirty feet wide; the street running from Commerce Street to West Street shall be called New Street, and is thirty feet wide; the street running from New Street to Main Street shall be called West Street, and is thirty feet wide.

Section 3. That on the last Saturday in March A. D. 1917, and annually thereafter, from two until four o'clock in the afternoon, there shall be held a town election at such place as the said Commissioners shall designate, at which all male citizens of Twenty-one years of age and upwards, who shall have paid the town tax last assessed against them, or who shall have become residents of said town since the last assessment was made and thirty days prior to said election, or who shall have gained their majority since the last assessment was made, shall have the right to vote.

The election to be held on the last Saturday in March A. D. 1917, as aforesaid, shall be held by the Alderman and two judges of election, elected at the town election for the

## CITIES AND TOWNS.

Election of  
Commissioners

year A. D. 1916; at which election there shall be chosen by ballot five Commissioners, three of whom shall be resident freeholders of said town, and whose term of office shall be for one year or until their successors are duly elected.

Provided, that at all times three of said Commissioners shall be freeholders, as aforesaid.

The persons having the highest number of votes shall be elected, but should two or more have the highest and equal number of votes, the Alderman shall give the casting vote.

Judges of  
election

The judges of election shall be duly sworn to discharge their duties with fidelity and impartiality, and the Alderman or any Justice of the Peace or Notary Public may administer such oath, and any oath required by this Act and not otherwise directed.

Duties of

The said judges of election shall keep a correct list of the names of the voters, which, with an accurate account of the election returns, shall be entered in a book procured for that purpose, and said book shall be deposited with the Clerk as town property.

If at any election the Alderman, or any person whose duty it is to hold such election, should not be present for that purpose, at the place designated by the Commissioners for holding the election, the voters present may proceed to select a person, or persons, in place of the Alderman or judge of election so absent.

Meetings of  
Commissioners

Section 4. That there shall be four stated meetings in every year of the said Commissioners, viz:

Duties of

On the last Monday in January, April, July and October, at which meetings they may pass all such ordinances, or rules, for the good government of said town, the improvement of the streets, the paving or other improving of the sidewalks, the proper lighting of the streets; the planting and protection of ornamental trees; the repairs and making

## CITIES AND TOWNS.

of public pumps, and for all other matters relating to said town, its police, improvement, ornaments, and general welfare, as said Commissioners may deem proper;

Provided, the same be not repugnant to the Constitution <sup>Proviso</sup> and Laws of this State and of the United States.

By such ordinance they may impose fines, penalties and forfeitures, and provide for their collection; also the Commissioners shall have authority to call special meetings of the Commissioners whenever they deem such meetings necessary, and at all such meetings they shall have the right to transact any business that they have authority to transact at regular meetings and the Commissioners shall receive for their services no compensation. <sup>Powers of</sup>

The said Commissioners shall, at their first meeting after their election, elect one of their members as President of said Board of Commissioners, whose duty it 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 Commissioners; receive complaints of nuisances and other complaints of citizens of violation of laws and ordinances; and present the same to the Commissioners 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 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 Commissioners. <sup>Duties of the President</sup>

Section 5. That the Commissioners herein provided for <sup>Tax rate</sup> and their successors in office, shall at their first stated meeting in each year, determine the amount of tax to be raised in said town for that year, not exceeding Three Hundred Dollars, including tax on real and personal property and poll tax, but excluding exonerations and commissions for collections, and shall appoint one or more assessors who may or may not be of their number, to make an assessment of

## CITIES AND TOWNS.

persons and property in said town, and shall appoint a Collector and Treasurer.

**Duties of  
Assessors**

It shall be the duty of the Assessor or Assessors of said town, within two weeks from his or their appointment, to make a true, just and impartial valuation and assessment of all the assessable real estate and personal property within said Town, and also \*as assessment of all the male citizens residing in said Town, above the age of twenty-one years as well as those owning real estate within the limits, at least one dollar per head; and the said Assessor or Assessors shall forthwith, after making such assessments, deliver to the Commissioners for the time being, a duplicate containing the names of all persons assessed, and the amount, of their assessments, distinguishing the real and personal assessments of each.

**Commis-  
sioners to  
hear appeals**

When the assessment is returned the Commissioners shall give five days public notice of the fact, that they will sit together at a certain place and on a certain day, to be designated by them, from one until four o'clock in the afternoon, to hear appeals from the said assessments.

They shall have power on such day to add to or decrease any assessment. All taxes shall be paid within thirty days from the appeal day, to the Treasurer of said Town who shall receipt for the same.

**Collection of  
taxes**

At the expiration of the said thirty days the Commissioners shall cause a transcript of the assessment list, covering all unpaid taxes, to be made and delivered to the Collector, who shall thereupon collect, from each taxable, on his list, his proportion of the tax laid, together with eight per centum (8%) thereof additional for the costs of collecting the same, and shall pay over the whole of the tax so collected to the said Treasurer by the first day of October next after the receipt of his duplicate.

The Collector shall have the same power for the collection of said taxes as are conferred by law on the Collectors of county taxes.

\*an

## CITIES AND TOWNS.

Section 6. That the Commissioners, or a majority of them, shall have authority to employ, and use the money in the treasury of the town, for the general improvement, benefit and ornament of said town, as they may deem advisable, and all the money paid out by the Treasurer shall be paid upon the order of the Commissioners, or a majority of them.

Commissioners may employ, etc.

Section 7. That any ordinance for the paving or improving of sidewalks shall apply only to those persons owning the property fronting upon them, who, and who alone, shall bear the expense of making the pavements, or other improvements ordered.

Sidewalks, expense of

If such ordinance be not complied with within one month the Commissioners may procure the materials and work to be found and done, and collect the expense of the same on ten days notice by advertisement at three of the most public places in said town, out of the real or personal estate of the person in default, situate in said town. The sale may be made by any person whom the Commissioners may depute for that purpose, and if the proper notice has been given the sale shall be valid and shall transfer all the title of the person in default in such property to the purchaser, subject to prior liens and encumbrances.

May do work and collect

The money realized from the sale shall be paid to the Treasurer for the use of the Town.

The Commissioners shall tax and allow the officer making the sale his reasonable costs, and the surplus, if any, shall be paid to the owner of the property sold.

Section 8. That the President and Commissioners for the time being shall have the superintendence and oversight of all the roads and streets now opened, 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 appropriate for the repairs of said roads and streets, a sum of money not less than Two Hundred Dollars; and

Roads and streets



## CITIES AND TOWNS.

shall make an order for the payment thereof to the Treasurer of the Town of Cheswold, for the use of said town.

Treasurer  
and Collector  
shall be

Section 9. That the Treasurer and Collector shall be severally sworn or affirmed, to discharge their respective duties with fidelity, such oath or affirmation may be administered by any person authorized by the Laws of this State to administer oaths, or by the President of the Board of Commissioners. They shall also before entering upon the duties of their office give bond to the Town of Cheswold, with sufficient surety, to be approved by the Commissioners of said town, in the penal sum of double the amount of what may be likely to come into their hands conditioned for the faithful discharge of the duties of their said office, and for the payment to their successor in office of all sums of money belonging to said town, which may remain in their hands upon the settlement of their accounts; to which said bonds 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 Commissioners, and signed by the President thereof, out of any moneys in his hands belonging to the said town.

He shall settle his accounts with the said Commissioners annually in the month of February and after and at such other times as the said Commissioners may require.

Compensa-  
tions

The Treasurer, Clerk and Assessor of said town shall each receive a reasonable compensation for their services, to be determined by the Commissioners of said town;

Proviso

Provided, the compensation of the said Treasurer, as such, shall not exceed two per cent. on all moneys received by him belonging to said town, and of the Treasurer acting as Collector, shall not exceed eight per centum on the taxes collected by him.

Section 10. That the Town Commissioners, at their first meeting, or as soon thereafter as convenient shall annually

## CITIES AND TOWNS.

proceed to elect by ballot some suitable person, resident in said town, to be Alderman of the Town of Cheswold, who may or may not be a Justice of the Peace, resident of said town, to serve as such for the term of one year, and until his successor shall be duly elected, subject, however, to be removed from office at any time, by a vote of two-thirds of all the members of the Board of Town Commissioners.

Commissioners to elect an Alderman

Before entering upon the duties of his office, he shall be sworn or affirmed by the President of the Board of Commissioners, or by any one of the Commissioners to perform the duties of his office with fidelity.

Section 11. That the Commissioners of said town may appoint such number of town constables as shall be deemed necessary, who shall constitute the town police.

Constables

The Commissioners 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 appointment.

Section 12. That the Commissioners shall appoint a Town Clerk, who may or may not be one of their number, who shall keep a record of the proceedings of the Commissioners, and the same shall be evidence.

Town clerk

Section 13. The said Commissioners shall have power to locate and lay out new streets, lanes or alleys, or to straighten, widen, or extend those streets now existing, and to fix the compensation for the land so taken.

New streets

Whenever land is wanted for any of these purposes it shall be the duty of said Commissioners as soon as the survey and plot is made, to notify the owner or owners of the real estate through or over which such street, lane or alley may run, of their determination to open, widen or extend 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

Damages

## CITIES AND TOWNS.

within said town, to notify the holder or tenant of said real estate, but if there be no holder or tenant of said real estate resident in said town, the said notice may be affixed to any part of the premises.

Owner may  
appeal, pro-  
cedure of

Condemna-  
tion

If any owner be dissatisfied with the amount of compensation or damage allowed by the said Commissioners, 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 the Board of Commissioners. 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 the said President of the Board of Commissioners, make written application to the associate judge of the Superior Court of the State of Delaware, in and for Kent County, for the appointment of a commission to determine the amount of damages, and thereupon the said associate judge shall issue a commission under his hand, directing five freeholders of the said County, three of whom shall be resident of the said Town of Cheswold, and two of whom shall be non-residents of the said town, commanding them to assess the damage which the owner of the real estate, through or over whose lands the said street, lane or alley shall pass, who shall have notified the said Commissioners of his 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 said 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 the said Commissioners of the said Town of Cheswold, which return shall be final and conclusive.

The said associate judge shall have power to fill any vacancy in said Commission.

## CITIES AND TOWNS.

The amount of damage being so ascertained the Town Commissioners may pay or tender the same to the person or persons entitled thereto within one month after the same shall have been finally ascertained, or, if person or persons so entitled reside out of or are absent from the Town of Cheswold during the said period of one month, or are minors, then the same may be deposited to his or her credit in the Farmers' Bank of the State of Delaware, at Dover, within said time, and thereupon the said lands or property may be taken and occupied for the uses aforesaid. Damages ascertained

If in the ascertainment and assessment of damages by the freeholders appointed by the associate judge as aforesaid, the damages shall be increased, the costs of the appeal shall be paid by the Treasurer of the town out of any moneys in his hands belonging to the said Town of Cheswold, but if the damages shall not be increased, the cost of the appeal shall be paid by the party appealing. Cost of appeal paid by

The fees of the freeholders shall be one dollar per day each and shall be taxed as part of the costs.

After the damages shall be fixed and ascertained as aforesaid, the Town Commissioners shall have the option to pay the damages assessed within the time aforesaid and proceed with the said improvements, or, upon the payment of the costs, may abandon the said improvements. Option of Commissioners

Section 14. Any land so condemned shall be for the purpose set forth in the proceedings and none other; and, if abandoned for that purpose, shall revert to the owner. No land shall be taken until paid for.

Section 15. The said Commissioners shall have power to regulate the streets, lanes, alleys and sidewalks of said town, and lighting of the same, and may direct the sidewalks, or any part thereof, to be paved or otherwise improved, at the expense of the owner of the ground adjacent. Commissioners to have power to

## CITIES AND TOWNS.

Complaints  
of

On complaint of any citizen, to examine any chimney, stove-pipe, fixture, or any other matter dangerous to the town, and if adjudged dangerous, to require and compel it to be repaired, remedied or removed; to prevent and remove nuisances therein, to prohibit the firing of guns or pistols, the making of bonfires, or setting off fireworks, or any dangerous sport or practice; and to prevent or suppress any noisy or turbulent assemblages within the town and generally they shall have all the powers necessary to preserve and maintain peace and good order in said town.

Preservation  
of health

Section 16. The said Commissioners shall have power and authority to enact ordinances to preserve the health of citizens of said town, and to prevent the introduction of infectious or contagious diseases; to enact ordinances regulating travel over and upon the streets, lanes and alleys of said town and the use thereof; to enact ordinances regulating the running at large, keeping or harboring of dogs, and may provide for the registering of same; and may also provide suitable penalties for the violation of any of said ordinances.

Exemptions  
from tax-  
ation

They shall also have full power and authority to exempt from town taxation any manufacturing plant which may be established within the limits of said town, for any term not exceeding ten years.

Levy of  
special taxes

Section 17. The Commissioners shall have power to levy a special tax to pay for right of way, charge and cost incidental to the widening, straightening, extending and laying out and opening new streets, lanes or alleys, which shall be collected as other town taxes.

Section 18. The Town Commissioners provided for in this Act and their successors in Office, shall constitute a Board of Commissioners of the Town of Cheswold.

Quorum

Three Commissioners shall constitute a quorum to do business, but in determining the necessity or propriety of laying out new streets, when the same may require a special

## CITIES AND TOWNS.

tax, at least three shall concur in favor of doing so. The yeas and nays shall be taken and recorded on the minutes on any vote when required by a member.

Section 19. That it shall be the duty of the Alderman of said town, and of the town constables, to suppress all riot-out, turbulent, disorderly or noisy assemblages, or gatherings of persons in or about any building used for any fair, festival, concert, or any social, literary, or religious meetings, 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, lanes, alleys, sidewalks; and for this purpose it shall be the duty of any of said constables to seize and arrest any such person so offending, and take him or 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 or parties to prison for a period not exceeding thirty days, or until said fine and costs shall be paid.

Duties of  
Alderman  
and Con-  
stable

It shall be the duty of the Alderman of said town, upon the complaint made before him, of any such riotous, turbulent or noisy assemblages or gatherings 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 constables aforesaid, or any of them, to arrest any drunken or disorderly person they may see on the streets of said town, and to 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 offence in this Section first enumerated.

## CITIES AND TOWNS.

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 or tried, he may use his own discretion in fixing or appointing a time for trial for all such person or persons brought before him for violating this Section.

*Fees*

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 two dollars, and the keeper of the jail shall be entitled to a fee of fifty cents for each commitment, whether by 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.

In cases not herein provided for, the fees of the Alderman and constables shall be the same paid to Justices of the Peace and constables in like cases.

*Docket and books*

Section 20. The said Commissioners shall provide the Alderman with a suitable docket, and the Clerk and Treasurer with suitable books which shall belong to the town, and the said Alderman and Clerk and Treasurer shall surrender them in good condition, together with all papers belonging to their respective offices, to their successors, at the expiration of their terms.

*Vacancies*

Section 21. The said Commissioners shall have power to fill any vacancy in their number caused by deaths, resignation, or otherwise, and the acts of the majority of said Commissioners (except as hereinbefore provided) shall be as binding as the acts of all of them.

Section 22. That an Act entitled "An Act to Incorporate the Town of Cheswold," passed at Dover, April 18, A. D.

## CITIES AND TOWNS.

1889, and all Acts amendatory thereof and supplementary thereto are hereby repealed, but nothing herein contained shall affect or impair any ordinances now in force in the town of Cheswold which are not inconsistent with the provisions of this Act or the Laws of this State, and same are hereby ratified and confirmed until changed, amended or repealed by the Board of Commissioners of said Town.

That all debts, fines, forfeitures and penalties due to said Town, and all debts due to said Town or by said Town to any person or corporation are hereby declared to be unaffected by this repeal, and all taxes that may be now due shall in no way be affected or impaired by any of the provisions of this Act, and all the powers now conferred by law on the Collector for the collection of all taxes shall continue in full force and effect until such taxes shall have been paid, and that all the doings of the Town Commissioners of the Town of Cheswold are hereby ratified and confirmed.

Approved March 28, A. D. 1917.



## CITIES AND TOWNS.

## CHAPTER 150.

## CITIES AND TOWNS.

AN ACT to amend Chapter 182, Volume 23, Laws of Delaware, entitled, "An Act to reincorporate the Town of Wyoming," by increasing the appropriation by the Levy Court for repairs of roads and streets.

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

Chap. 182,  
Vol. 23,  
amended

Section 1. That Chapter 182, of Volume 23, Laws of Delaware, entitled, "An Act to Reincorporate the Town of Wyoming," be and the same is hereby amended by repealing all of Section 4 of said Act, and inserting in lieu thereof the following:

Appropriation

Section 4. That on the approval of this Act, the Levy Court of Kent County shall, for the present year 1917, and yearly thereafter, appropriate a sum of money not less than Three Hundred Dollars, and shall make an order for the payment of the same to the Commissioners of said town to be by them expended on the roads, streets and avenues thereof, and said Commissioners shall annually account to said Levy Court for the money so appropriated in the same manner as overseers of public roads are required to account.

Approved April 2, A. D. 1917.

## CITIES AND TOWNS.

## CHAPTER 151.

## CITIES AND TOWNS.

AN ACT authorizing certain improvements in and upon the streets of the town of Smyrna, and making provision for the raising of funds to pay the cost thereof by the abutting property owners and the said town, and authorizing the making of notes and issuing of bonds.

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

Section 1. That the Town Council of the Town of Smyrna be and it is hereby authorized and empowered to pave, gutter, curb and grade such streets or such sections of streets in the Town of Smyrna, as may be selected for that purpose and to provide funds for the payment of the cost of such improvements as hereinafter set forth.

Authorized  
to improve  
streets

Section 2. That the said Town Council of the Town of Smyrna is hereby vested with every power necessary or proper for the execution of the work authorized by Section 1 of this Act, and the Town of Smyrna shall be bound by any contract entered into by said Town Council for all things required in said work. All work done and improvements made under the provisions of this Act shall be done under the supervision of the said Town Council which is hereby vested with the sole and exclusive power to determine whether any such work or improvements has been completed in accordance with the terms of the contract entered into therefor and to accept or reject such work.

Power of  
Council

Section 3. The said Town Council of the Town of Smyrna shall have full power and authority to determine which of

## CITIES AND TOWNS.

Assess abut-  
ting property

the streets or section of streets of the said Town of Smyrna shall be paved and improved as aforesaid, and to select certain of said streets of certain sections thereof for paving, guttering, curbing and grading as aforesaid. When any street or any section thereof is paved, guttered, curbed and graded or is improved in any way under this Act by direction of said Town Council, the said Town Council of the Town of Smyrna shall have the power and authority and is hereby directed to assess against each property abutting upon the street or the section thereof, which is improved under the provisions of this Act, the cost of curbing or re-setting of curb in front of such property and the cost of improving in front of such property three feet, measured from such curb towards the centre of such street.

Duties of  
Council

Section 4. When any improvement made under the provisions of this Act is completed the Town Council aforesaid shall cause to be prepared a list showing the names of the abutting property owners, the amount proposed to be assessed against each lot or parcel of land abutting upon the street or section thereof improved, and the total cost of such improvements. Upon the completion of such list a copy of the same shall be hung up for at least twenty days in some public place in the Town of Smyrna for the inspection of the public, and notice of the completion of said list and of the place where the same is hung up for inspection shall be given to all parties in interest by advertisement in at least one newspaper published in the Town of Smyrna in at least two successive issues of said paper. Said advertisement shall also state the time and place and where the said Town Council will hear objections which may be made against any assessment. The time of the meeting for the hearing of objections as aforesaid shall be not earlier than one week nor later than four weeks from the date of the last issue of the newspaper containing the advertisement aforesaid. The place of said meeting shall be at the usual meeting place of the Town Council of Smyrna or some other convenient room in said Town. The said Town Council shall sit to hear any objections to the assessment aforesaid at the place advertised from one o'clock in the afternoon to

## CITIES AND TOWNS.

four o'clock in the afternoon of the day designated and may adjourn from day to day if necessary. At such session the Town Council aforesaid shall make such alterations and corrections of the assessment as said Town Council shall deem proper and in accord with the provisions of this Act. The determination of the Town Council at any such session shall be final and conclusive. A copy of the assessment list as corrected as aforesaid shall be hung up for at least ten days in the same place in which the copy of the original list had been displayed. At the expiration of the ten days aforesaid the assessment list as corrected shall by the said Town Council be certified to the collector of taxes of the Town of Smyrna for collection, and from the date of such certification the several amounts shown upon such list as assessed against the properties shall be a lien upon the property upon which the assessment is made and such lien shall have priority of other liens, encumbrances or conveyances except taxes or prior liens for public improvements. No error or mistake in regard to the name of an owner shall be held to invalidate any assessment, and it shall be sufficient if the name of the last owner as shown by the record in the office of the Recorder of Deeds for Kent County is shown upon such assessment list.

Section 5. That all property abutting a street or section thereof improved shall be assessed alike regardless of the depth, width or dimensions of such property or the improvements thereon, each property being assessed for the linear feet of such property actually abutting upon the street improved. All assessments so made shall be due upon the date of the certification by the Town Council to the collector of taxes aforesaid, but shall not be collectible until the expiration of thirty days from such date. The payment of the amount of any assessment within the said thirty days shall be accepted by the collector as a full satisfaction of said assessment. On all assessments remaining unpaid after the expiration of said thirty days from the date of the certifying as aforesaid, interest at the rate of six per centum per annum computed from the date of the certifying as aforesaid, shall be added. Any property owner may at his elec-

Abutting  
property

## CITIES AND TOWNS.

## Payments

tion, expressed in writing to the Town Council aforesaid, within thirty days after the date of the certifying as aforesaid, pay his assessment in four equal installments together with interest as above stated. The first of said installments with accrued interest to be due, payable and collectible at the expiration of three months from the date of the certifying aforesaid, and thereafter one of said installments with accrued interest shall become due, payable and collectible at the expiration of every three months until all of said installments with accrued interest have been fully paid. Any property owner may have the right at any installment period to pay the balance due on his assessment or any part thereof not less than one installment with accrued interest thereon. All assessments shall be due and payable to the collector of taxes of the Town of Smyrna at such office or place in the Town of Smyrna as he shall designate, the designation of such place or office to be given notice of by said collector of taxes by advertisement in at least one issue of one newspaper published in the Town of Smyrna. The date of the issue of such newspaper shall be at least five days before the expiration of thirty days from the date of the certifying of the assessments by the Town Council to the said collector of taxes as hereinbefore set forth.

Non-pay-  
ment

Section 6. If any property owner who has signified his desire to pay his assessment in installments, as hereinbefore set forth, shall omit to pay any of said installments when the same shall become due and payable as aforesaid, then and in such event the entire assessment, or so much thereof as shall then be unpaid, together with accrued interest shall immediately become due, payable and collectible. If any property owner who has not elected to pay his assessment in installments as hereinbefore set forth shall omit to pay the said assessment before the expiration of thirty days from the date of the certification of the assessment as aforesaid, and if any property owner who shall have elected to pay his assessment in installments shall omit to pay any of said installments when the same shall become due and payable as aforesaid, then and in every such case it shall be the duty of the president of the Town Council of the Town of

## CITIES AND TOWNS.

Smyrna to issue his warrant directed to the collector of taxes of the said Town commanding him to levy the entire assessment, or so much thereof as shall then remain unpaid, together with accrued interest and all costs thereon, upon the property affected by said assessment, which said property or any part thereof shall be sold by the said collector of taxes of the said Town at public auction after advertisement in two successive issues of a newspaper published in said Town, and a deed from the President of the Town Council of the Town of Smyrna shall convey to the purchaser of such property, as full and complete a title to said property in fee simple, or otherwise, as if the same were executed by the owner thereof, and it shall be the duty of the said collector of taxes out of the purchase money of said property so sold as aforesaid, to pay all costs arising from said process and sale to the parties entitled thereto respectively, and to retain the amount of such assessment with accrued interest thereon as aforesaid. The residue of said purchase money shall be immediately deposited by the said collector of taxes in The National Bank of Smyrna to the credit of the owner of the property so sold.

Section 7. The total cost and expense of the work to be done and improvements to be made under the provisions of this Act, which shall be paid by the Town of Smyrna in addition to the aggregate of the amounts assessed upon property owners as hereinbefore set forth, shall not exceed in the aggregate the sum of twenty-five thousand dollars, which shall be defrayed out of the funds which shall be raised by the Town Council of the Town of Smyrna as hereinbefore set forth.

Section 8. The collector of taxes of the town of Smyrna shall render an accurate account of all moneys received or collected by him under the provisions of this Act to the Town Council aforesaid at such times as the said Town Council shall require. All moneys received and collected as aforesaid shall be paid to the treasurer of the Town of Smyrna at such times as the Town Council aforesaid shall direct. All payments made to the treasurer of the Town of

## CITIES AND TOWNS.

**Depository** Smyrna under the provisions of this Act and all moneys raised by the Town Council aforesaid, as hereinafter provided, shall be deposited in The National Bank of Smyrna to a special account which shall be known as the Smyrna Street Improvement Account. All moneys being in said account shall be payable only on check or warrant signed by both the president and treasurer of the Town of Smyrna. None of the moneys aforesaid shall be used for any other purpose than to pay for the work and improvements contemplated by this Act.

**Treasurer  
and Collector  
of taxes  
bonded**

Section 9. The Town Council of the Town of Smyrna is hereby authorized to require of both the treasurer and collector of taxes of said Town bonds in addition to those prescribed by the Charter of said Town, which additional bonds shall be to the Town of Smyrna in penal sum to be fixed by said Town Council and with such sureties as said Council shall approve. The conditions of such additional bonds shall be prescribed by the said Council.

**Authorized  
to borrow  
money**

**Providso**

Section 10. The Town Council of the Town of Smyrna is hereby authorized to borrow money on the faith and credit of the Town of Smyrna, executing a note or notes of said Town therefor, and pledging as security for said loans the proceeds of the assessment to be collected for making the proposed improvements authorized by this Act. Provided, however, that the aggregate of the sums borrowed under this section shall not exceed the aggregate amount of assessments unpaid at the time of the execution of any note or notes aforesaid. All moneys so borrowed shall be deposited to the credit of the Smyrna Street Improvement Account provided for in Section 8.

**Cost of  
paving**

Section 11. The entire cost of paving, grading and improving the intersections of said streets shall be paid out of the moneys raised by the Town Council of the Town of Smyrna, as hereinafter provided. Intersections here mean all that portion of the roadways between curb lines lying between the building lines extended and the two intersecting streets.

## CITIES AND TOWNS.

Section 12. When the word street is used in this Act it shall be construed to mean that portion of any street, or avenue lying between the outside curb lines and regularly recognized as a public highway. When the word improvement is used in this Act it shall be construed to embrace all the kinds of work authorized by Section 1 hereof. When the word pave is used in this Act it shall be construed to embrace the making, repairing or improving of streets by the use of any material.

Section 13. For the purpose of providing the funds required to be expended on the part of the Town of Smyrna for the improvements contemplated by this Act over and above the aggregate of the assessments against abutting properties, the Town Council of the Town of Smyrna is hereby authorized to borrow such sum or sums of money as may be required for said purpose, not to exceed in the aggregate the sum of Twenty-five Thousand Dollars, and to this end the said Council is hereby authorized and empowered to make, execute and deliver the note or notes of the Town of Smyrna signed by its President and Treasurer, and bearing interest at a rate not to exceed five per centum per annum, or to issue and sell bonds of the Town of Smyrna. In case bonds are issued, such bonds shall be known as Smyrna Street Improvement Bonds. The said Bonds shall be issued in such denominations as the said Town Council of the Town of Smyrna may deem proper, and shall be numbered consecutively beginning with number one and shall bear interest at such rate per annum as said Town Council of the Town of Smyrna shall determine, not exceeding five per centum per annum, payable semi-annually at The National Bank of Smyrna on the presentation of the coupons attached to said bonds representing the said semi-annual interest. The principal of said bonds shall be payable at The National Bank aforesaid, at the expiration of twenty years from the date of said bonds.

Section 14. That the said Town Council shall direct and effect the preparation, printing and sale of said bonds authorized by this Act, at such time or times, and on such



## CITIES AND TOWNS.

terms as the said Town Council may deem expedient. But all moneys derived from the sale of such bonds shall be applied to carrying into effect the provisions of this Act.

Form of  
bond

Section 15. That the form of said bonds with the coupons thereto attached shall be prescribed by the said Town Council, and the said bonds shall be signed by the president and treasurer of the said Town Council and sealed with the corporate seal of the said corporation, and shall be exempt from State, County and Municipal taxation. As the said bonds and coupons thereto attached shall be paid the same shall be cancelled as the said Town Council shall direct.

Payment of  
interest

Section 16. That the interest on such note or notes and bonds shall be paid from time to time as the same becomes due out of any moneys in the treasury of the said Town available for general purposes.

Faith  
pledged

Section 17. That the faith and credit of the Town of Smyrna is hereby pledged for the payment of all notes or bonds that may be made or issued under the provisions of this Act.

Bonds, how  
issued

Section 18. The bonds authorized by this Act may be issued at one time and in one series or at different times and in different series as the Town Council of the Town of Smyrna shall determine, and the authority to issue and sell any bond or bonds under this Act shall not be deemed to be exhausted until the total amount of money borrowed on the notes or bonds of said town, provided for in Section 13 and subsequent sections of this Act, shall in the aggregate amount to the sum of Twenty-five Thousand dollars.

Section 19. That nothing in this Act shall be taken or construed to alter, amend or otherwise affect Chapter 537 of Volume 20, Laws of Delaware.

Approved March 15, A. D. 1917.

## CITIES AND TOWNS.

## CHAPTER 152.

## CITIES AND TOWNS.

AN ACT to incorporate the Town of Hartly, Kent County, Delaware.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of all the members elected to each Branch of the General Assembly concurring therein):*

Section 1. That the inhabitants of the village of Hartly <sup>Incorporated</sup> are hereby constituted a municipal corporation and body politic. The name and style of said corporation shall be "The Commissioners of Hartly," by which name the said <sup>Commis-</sup> corporation may sue and be sued, plead and be impleaded, <sup>sioners</sup> complain, answer and defend in all courts of this State, and the said Corporation shall have and use a common seal of its own devising with power to alter and renew the same.

Section 2. The boundaries of said corporation, hereinafter designated as the town of Hartly, shall be as follows, viz:

Beginning at a point where the centre of Main Street and <sup>Boundaries</sup> the centre of Hayes' Lane intersect, and running in a Northerly direction two hundred feet to a stake on the lands of W. D. Hawkins; thence in a Westerly direction to a point in the middle of the road running from Hartly to Kenton two hundred feet North of the intersection of said road with Main Street in the town of Hartly; thence in a Northerly direction with the centre of said Hartly to Kenton road to the South edge of Farrow's Bridge; thence from said point to a stake in Perry's field two hundred feet to the Westward of said Farrow's Bridge; thence in a Southerly direction to the Southwest corner of the School House lot;

## CITIES AND TOWNS.

thence two hundred feet in an Easterly direction to a point in the middle of the Templeville road; thence in a Northerly direction to George P. Scotten's land; and thence in an Easterly direction to the centre of Hayes' Lane; thence with one line to the place of beginning.

Governed by      Section 3. The said corporation shall be governed by a Board of Commissioners. They shall elect a President from their own number and shall elect a Treasurer and a clerk from among the citizens of the said corporation. Until the last Saturday in March, A. D. 1917, George P. Scotten, Warner Cowdright, J. Frank Davis, Eddy C. Daly and Joseph J. Latter shall be the Commissioners of said corporation.

Town  
election

Section 4. A town election shall be held on the last Saturday in March, A. D. 1917, and on the same date in each and every year thereafter in the said town of Hartly, at a place to be selected by the Commissioners therein, between the hours of two o'clock P. M. and four o'clock P. M. Such election may be held by the President of the Commissioners, or any other voter in his absence, and two citizens chosen by the legally qualified voters present at the opening of the polls, who shall be judges of said election, and shall decide the legality of the votes offered.

Judges of  
election

They shall receive the ballots, ascertain the result and certify the same on the book of the commissioners. At every such election every male resident of said town above the age of twenty-one years, and who shall have paid the town tax last assessed to him, shall be entitled to a vote. There shall be chosen at the first election held under this Act three commissioners to serve for the term of one year, or until their successors shall be duly chosen and qualified, and if any vacancy or vacancies shall occur among them by death, resignation, refusal to serve or otherwise, the remaining commissioners, shall have the power to fill such vacancy or vacancies until the ensuing annual election. No one shall be eligible to the office of commissioner unless he

## CITIES AND TOWNS.

has been a resident of said town for a period of at least one year and is a freeholder therein.

Section 5. That there shall be four stated meetings in <sup>Meetings of,</sup> every year of the said Commissioners, viz: on the last Saturday in March, June, September and December, at which meetings they may pass ordinances and rules for the good <sup>Powers of</sup> government of said town, the lighting and improvement of the streets, the paving or other improving of the sidewalks, the planting and protection of ornamental trees, the repairs and making of public pumps, and for all other matters relating to the general welfare of said town, provided the same be not repugnant to the constitution and the laws of the State and of the United States. By such ordinances, they may impose fines, penalties and forfeitures and provide for their collection, also the President shall, at the request of two or more commissioners, call a special meeting of the Commissioners whenever they may deem such meeting necessary, and at such meeting they shall have the right to transact any business they may have power to transact at regular meetings, the said commissioners shall at their first meeting after the election, elect one of their number as President whose duty it shall be to preside at the meetings of the commissioners, have the general supervision of all streets in said town, and of the persons who may be employed by the town Commissioners, receive complaints of nuisances and other complaints of citizens of violations of the laws and ordinances, and present the same to the commissioners at the first stated meeting for action, and such violation or infractions of the laws or ordinances as require immediate action to cause the same to be proceeded on before the Alderman. He shall sign all warrants on the treasurer for the payment of money and shall perform such other duties as may be prescribed by ordinances.

Section 6. That the commissioners herein named and <sup>Fix tax rate</sup> their successors in office shall, at their first stated meeting in every year, determine the amount of tax to be raised in said town for that year, not exceeding Three Hundred Dollars, including tax on real and personal property and poll

## CITIES AND TOWNS.

tax; and they shall appoint an assessor, who may or may not be one of their number, to make an assessment of persons and property in said town; and shall also appoint a collector and treasurer, who may or may not be one of their number.

Collector and  
Treasurer,  
duties of

The Collector and Treasurer may be the same person. It shall be the duty of the assessor of said town, within two weeks from his appointment, to make a true, just and impartial valuation and assessment of all real estate and personal property within said town now or hereafter assessable for County purposes, and also an assessment of all the male citizens residing in said town, above the age of twenty-one years, as well those owning real estate as those not owning real estate, at least fifty cents per head as tax, provided that all vacant lots, pieces and parcels of land within the limits of the town, as the limits may be determined and designated, exceeding one acre in quantity, shall be exempt from taxation, for the uses and purposes of said town of Hartly, but all such lots and pieces and parcels of land exceeding an acre as aforesaid, having a dwelling thereon, shall be assessed and taxed as for one town lot, and the said assessor shall forthwith, after making such assessment, deliver to the commissioners for the time being a duplicate containing the names of all persons assessed and the amount of assessment, distinguishing the real and personal assessment of each. When the assessment is returned, the commissioners shall give five days' public notice of the fact, and they shall sit together at a certain place, on a certain day, from two to four o'clock in the afternoon, to hear appeals from said assessment; they shall have power on such day to add to or decrease any assessment. When the appeal day is passed, they shall without delay cause the assessment list to be transcribed and the transcript to be delivered to the collector, who shall thereupon collect from each taxable his proportion of the tax laid, and pay over the whole amount, deducting commission and delinquencies which shall be allowed by the commissioners to the treasurer by the first day of June next after the receipt of his duplicate. The collector shall have the same power for the collection of said

Proviso

Commissioners to  
hear appeals

## CITIES AND TOWNS.

taxes, as are conferred by law, upon collectors of county taxes, provided, however, that in making said assessment for the town of Hartly, all machinery in any factory now in said town or that hereafter may be erected shall be exempt from taxation for town purposes, and that only the real estate and buildings, belonging to said factory shall be taxed.

Section 7. That the commissioners, or a majority of them, shall have authority to employ and use the money in the treasury of the town for the general improvement, benefit and ornament of the said town, as they may deem advisable, and all money paid out by the treasurer shall be paid upon order of the commissioners, or a majority of them provided that said commissioners shall have no authority to create debts on said town to a greater amount than they are authorized to raise by said taxation and receive from the County.

Section 8. That any ordinance for the paving or improving the sidewalks shall apply only to those persons owning property fronting upon them, who, and who alone, shall bear the expenses of making pavements or other improvements where the same shall be ordered. If such ordinance be not complied with within three months, the commissioners may procure the materials and work to be found and done and collect the expense of the same from the owner of said property in an action at law.

Section 9. That the President and Commissioners for the time being shall have the superintendence and oversight of all roads and streets now opened, or hereafter to be opened, within the limits of said town, and no overseer of such road or street shall be appointed by the Levy Court of Kent County, but the said Levy Court shall annually appropriate for the repair of said roads a sum of money not less than Two Hundred dollars and shall make an order for the payment thereof to the Treasurer of the town of Hartly for the use of said town.

Section 10. That the Treasurer and Collector shall be severally sworn or affirmed to discharge their respective

## CITIES AND TOWNS.

Collector and  
Treasurer  
take oath  
and bond

duties with fidelity; such oath or affirmation may be administered by any person authorized by the laws of this State to administer oaths, or by the President of the Commissioners. They shall, also, before entering upon the duties of their office, give bond to the town of Hartly, with sufficient surety to be approved by the Commissioners of said town, in the penal sum of double the amount of what may be likely to come into their hands, conditioned for the faithful discharge of the duties of their said offices and for the payment to their successors in office of all sums of money belonging to said town which may remain in their hands upon the settlement of their accounts, to which said bonds and conditions 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 Commissioners and signed by the President thereof, out of any moneys belonging to said town. He shall settle his accounts with the said commissioners annually in the month of March and at such other times as the said commissioners may require.

Compensa-  
tions

The treasurer, clerk, and assessor of said town shall receive each a reasonable compensation for their services, to be determined by the commissioners of said town; provided the compensation of said Treasurer, as such, shall not exceed two per cent. on all moneys received by him belonging to said town, and of the treasurer acting as collector shall not exceed eight per centum on the taxes collected by him.

Elect an  
Alderman

Section 11. That the town commissioners at their first meeting or as soon thereafter as convenient, shall annually proceed, to elect, by ballot some suitable person, resident in said town to be alderman of the town of Hartly, who may or may not be a Justice of the Peace, resident of said town, to serve as such for the term of one year or until his successor shall be duly elected, subject, however, to be removed from office at any time by vote of two-thirds of all the commissioners. Before entering upon the duties of his office, he shall be sworn or affirmed by the president of the com-

## CITIES AND TOWNS.

missioners, or by any one of the commissioners, to perform the duties of his office honestly, faithfully and diligently.

Section 12. That the commissioners shall appoint a town <sup>Town Clerk</sup> clerk, who may or may not be one of their number, who shall keep a record of the proceedings of the commissioners, and the same shall be evidence.

Section 13. That the Commissioners shall appoint a town <sup>Constable</sup> constable.

Section 14. That it shall be the duty of the Alderman of said town, and of the town constable, to suppress all riotous, turbulent, disorderly or noisy assemblages or gatherings of persons in or at any building used for any fair, festival, concert or any other social, literary or religious meeting, or any entertainment whatsoever, or on the streets, lanes, 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, lanes, alleys, or sidewalks; and for this purpose it shall be the duty of said constable to seize and arrest any such persons so offending and take him or 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 or parties to the County prison for a period not exceeding thirty days, or until said fines and cost 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 gatherings, as aforesaid, to issue his warrant to the Constable 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 to arrest any drunken or disorderly person who may be seen on the streets of said town and take him, or them, 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

Duties of  
Alderman  
and Con-  
stable



## CITIES AND TOWNS.

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 use his own discretion in fixing or appointing a time for trial of all such person or persons brought before him for violating this section. 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, and in all cases, if fees for the Alderman and Constable are not herein provided for, they shall be entitled to receive the same fees as are specified by law to be paid to Justices of the Peace and Constables in like cases.

**Powers of  
corporation**

Section 15. That the said corporation shall have power to lay out, improve, control and police streets, lanes, alleys and sidewalks in the said town; to regulate, abate, and pass ordinances prohibiting and fixing penalties for all kinds of nuisances, disorders and practices, and performances which shall be deemed by the commissioners obnoxious, unhealthy, unsafe or detrimental to persons and property within the corporate limits; and to own such property and make such contract and engage in such business as shall be deemed proper for the improving of the town, for the advantage of its citizens or for the promotion of the general peace and welfare.

Section 16. That this Act shall be deemed and taken to be a public Act.

Approved April 9, A. D. 1917.

## CITIES AND TOWNS.

## CHAPTER 153.

## CITIES AND TOWNS.

AN ACT to re-incorporate the Town of Seaford.

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

Section 1. That the limits of the town of Seaford in Sussex County, shall be and they are hereby declared to be as follows:

Beginning at a point near the centre of the Seaford Mill-<sup>Boundaries</sup>  
ing Company's Mill Dam near where the old waste gates of  
formerly stood, said point being marked by a monument,  
which is set in the road at a distance of 25 feet from said  
point and at rightangles to first course of this description,  
thence running from said point with a course of North 64°  
West (as of February 1917) to a monument 231 feet;  
thence deflecting to the right with an angle of 26° 30' and  
running in a northwesterly course to a monument set on  
the prolongation of the South line of Poplar Street, 276.5  
feet; thence deflecting to the right with an angle of 45° and  
running on a course parallel with and at a distance of 473.4  
feet from the easterly line of North Street 2,466 feet to  
a monument set on the southeasterly line of the County  
Road, leading to Bridgeville, thence with an interior angle  
of 36° and running along the southeasterly line of said  
County Road passing over a monument set at the intersec-  
tion of the easterly line of North Street and continuing to  
a monument set at the intersection of the Westerly line of  
North Street 908 feet; thence deflecting to the right with  
an angle of 8° and running along the Southeasterly line of

## CITIES AND TOWNS.

said County Road to a monument 282.8 feet; thence deflecting to the right with an angle of  $31^{\circ}$  passing over a monument set at the intersection of the easterly line of Front Street and continuing to a monument set at the intersection of the Westerly line of said Front Street 133 feet; thence continuing with the same course along the Southerly line of the County Road and making an interior angle of  $75^{\circ}$  with the Westerly line of Front Street passing over monuments set at the intersections of the Easterly and Westerly lines of Market and Arch Streets; also a monument set at the intersection of the Easterly line of Pine Street and continuing to a point in the roadway of Pine Street 2,280.3 feet (the said point in the said Pine Street being in the prolongation of the last named course and at a distance of 35.5 feet from the monument set at the intersection of the easterly line of Pine Street); thence deflecting to the right with an angle of  $2^{\circ} 22'$  and running along the South line of the County Road to a monument set at the intersection of the Westerly line of Pine Street 20.65 feet; thence continuing the same course and running along the Southerly line of the County Road to a monument 139.3 feet; thence deflecting to the right with an angle of  $9^{\circ} 5'$  to a point 182.2 feet (the said point being at a distance of 4.6 feet from a point on the prolongation of the back tangent of the Northbound track of the P., B. & W. R. R. as now laid down); thence deflecting to the right with an angle of  $2^{\circ} 22'$  and running along the Southerly line of the County Road to a monument 657 feet; thence deflecting to the right with an angle of  $0^{\circ} 55'$  and running along the Southerly line of the County Road passing over a monument set at the intersection of the Easterly line of Shipley Street (as now laid out and used) to a monument set at the intersection of the Westerly line of said Shipley Street 1,046.5 feet; thence deflecting to the left with an angle of  $3^{\circ} 39'$  and running along the Southerly line of the County Road to a monument 620.8 feet; thence deflecting to the left with an angle of  $5^{\circ}$  and running along the Southerly line of the County Road to a stone set for a corner of lands of J. M. Williams 268.9 feet; thence deflecting to the left with an angle of  $91^{\circ}$  and running in a Southeasterly course along the Westerly line of lands of J. M.

## CITIES AND TOWNS.

Williams to a stone set for a corner of lands of said J. M. Williams and Donoho & Robinson 1,631.9 feet; thence deflecting to the right with an angle of  $69^{\circ} 44'$  and running in a Southwesterly course along the Northwesterly line of lands of Donoho & Robinson to a stone set for a corner of said Donoho & Robinson lands 315.8 feet; thence deflecting to the left with an angle of  $94^{\circ} 4'$  and running in a Southeasterly course passing over a stone set for a corner of the lands of Donoho & Robinson and Mrs. Tharp Moore (said stone being at a distance of 289.1 feet from last named corner) to a monument on the Northerly side of a Road (extending Westwardly from Shipley Street) 1,501.5 feet; thence deflecting to the left with an angle of  $12^{\circ} 28'$  and running in a Southeasterly course along the lands of Isaac Willin to a stone on the Northerly side of a road (extending Westwardly from Shipley Street) 775.5 feet; thence deflecting to the right with an angle of  $63^{\circ} 38'$  and running in a Southwesterly course along the Northwesterly line of lands of Isaac Willin to a stone set for a corner of lands of said Isaac Willin 584 feet; thence deflecting to the left with an angle of  $76^{\circ} 30'$  and running in a Southeasterly course along the Westerly line of lands of said Isaac Willin, intersecting the centre line of track of the C. & S. R. R. at a distance of 165.8 feet from last named corner and forming an angle of  $122^{\circ} 52'$  with the forward tangent as now laid down, and continuing same course an additional distance of 35.7 feet to a stone set on the Southerly right of way line of the said C. & S. R. R. also a corner of the lands of Mrs. T. E. Willin, thence deflected to the left with an angle of  $5^{\circ} 8'$  and running in a Southeasterly course along the Easterly side of a road (same being the line of lands of Mrs. T. E. Willin), to a Persimmon tree, a corner of lands of said Mrs. T. E. Willin 335.8 feet; thence deflecting to the right with an angle of  $19^{\circ} 4'$ , and running in a Southeasterly course along the line of lands of C. & S. R. R. Company and along the Easterly side of above named road to a monument 358 feet; thence deflecting to the right with an angle of  $25^{\circ} 14'$  and running in a Southeasterly course along the Easterly side of road to a stone set for a corner of the lands of the Delaware Shipbuilding Company 240.4 feet; thence deflecting

## CITIES AND TOWNS.

to the right with an angle of  $65^{\circ} 45'$  and running in a Southwesterly course along the line of lands of Delaware Shipbuilding Company to a monument on the Southerly side of road 228.4 feet; thence deflecting to the left with an angle of  $33^{\circ} 25'$  and running in a Southwesterly course partly along the line of the lands of the Delaware Shipbuilding Company and lands of John Palmer, and along the Southerly side of road to a monument on the Southerly side of road 330 feet; thence deflecting to the left with an angle of  $4^{\circ} 45'$  and running in a Southwesterly course along the line of lands of the Delaware Shipbuilding Company to a monument set for a corner of the lands of the Delaware Shipbuilding Company 275.3 feet; thence deflecting to the left with an angle of  $11^{\circ} 51'$  and running along the line of the lands of the Delaware Shipbuilding Company, passing through the decayed stump of a large Sycamore tree standing at the edge of the wharf of the Allen Package Company (said tree and edge of wharf being at a distance of 182.5 feet from last named monument) and continuing along said course to the line of low water of the Nanticoke River; thence up the said Nanticoke River to Herring Run or Clare Creek Branch; thence up said run or branch with the several meanderings thereof to the Seaford Milling Company's mill dam, the place of beginning.

The above description, courses, and distances conform to a resurvey and plot made of said town of Seaford, as its limits are established by this Act, and the said plot so made and approved by the said Council, shall be recorded in the Recorder's Office, in and for Sussex County, and shall be evidence in all courts of law and equity in this State.

Council shall  
consist of

Section 2. Until the Second Tuesday in March, A. D. 1917, the Council of the town of Seaford shall consist of seven members. The Councilmen now constituting the Town Council, and other officers of the town, shall continue in office until their successors are duly elected or chosen and qualified. After the second Tuesday of March, A. D. 1917, the Council shall consist of five members. On the first Monday of March, A. D. 1917, an election shall be held at

## CITIES AND TOWNS.

the town hall in the town of Seaford, or at such other place Election for as may be designated by the present Council of the town of Seaford, at which said election a Mayor and an Assessor shall be elected by the qualified electors of the said Town of Seaford. The Mayor and Assessor chosen at such election shall be elected for the term of one year, or until his successor shall be elected and qualified. When the term of office of Charles M. Hollis and Glenn M. Houston as councilmen of said town under its present charter, shall expire, there shall be no one elected to succeed them, but James A. Morgan, Charles E. Hastings, P. Jefferson Williams, Joseph B. Lord and William H. Parsons, shall continue to be members of the Council of Seaford until the second Tuesday of March, A. D. 1918, or until their respective terms shall expire. On the first Monday of March, A. D. 1918, a Mayor shall be elected for the term of one year; one councilman shall be elected for the term of two years; two councilmen shall be elected for the term of three years, and an assessor shall be elected for the term of one year, or until their successors are elected and qualified; and thereafter, on the first Monday in March of each and every year, a Mayor shall be elected for the term of one year; councilmen shall be elected for the term of three years; and an assessor shall be elected for the term of one year, to succeed those whose terms have expired.

If any vacancy shall occur in the office of Mayor, councilman or assessor, by death, resignation or removal from the town, refusal to serve, failure to elect or otherwise, the same may be filled by the members of the council of said town, the person or persons so chosen to fill such vacancy or vacancies shall be qualified as hereinafter provided, and shall hold office until the next annual election, when such vacancy or vacancies shall be filled for the remainder of the unexpired term.

The Mayor, each of said councilmen, and the assessor shall be a resident and a substantial freeholder of said town of Seaford.

## CITIES AND TOWNS.

to the right with an angle of  $65^{\circ} 45'$  and running in a Southwesterly course along the line of lands of Delaware Shipbuilding Company to a monument on the Southerly side of road 228.4 feet; thence deflecting to the left with an angle of  $33^{\circ} 25'$  and running in a Southwesterly course partly along the line of the lands of the Delaware Shipbuilding Company and lands of John Palmer, and along the Southerly side of road to a monument on the Southerly side of road 330 feet; thence deflecting to the left with an angle of  $4^{\circ} 45'$  and running in a Southwesterly course along the line of lands of the Delaware Shipbuilding Company to a monument set for a corner of the lands of the Delaware Shipbuilding Company 275.3 feet; thence deflecting to the left with an angle of  $11^{\circ} 51'$  and running along the line of the lands of the Delaware Shipbuilding Company, passing through the decayed stump of a large Sycamore tree standing at the edge of the wharf of the Allen Package Company (said tree and edge of wharf being at a distance of 182.5 feet from last named monument) and continuing along said course to the line of low water of the Nanticoke River; thence up the said Nanticoke River to Herring Run or Clare Creek Branch; thence up said run or branch with the several meanderings thereof to the Seaford Milling Company's mill dam, the place of beginning.

The above description, courses, and distances conform to a resurvey and plot made of said town of Seaford, as its limits are established by this Act, and the said plot so made and approved by the said Council, shall be recorded in the Recorder's Office, in and for Sussex County, and shall be evidence in all courts of law and equity in this State.

Council shall  
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Section 2. Until the Second Tuesday in March, A. D. 1917, the Council of the town of Seaford shall consist of seven members. The Councilmen now constituting the Town Council, and other officers of the town, shall continue in office until their successors are duly elected or chosen and qualified. After the second Tuesday of March, A. D. 1917, the Council shall consist of five members. On the first Monday of March, A. D. 1917, an election shall be held at

## CITIES AND TOWNS.

the town hall in the town of Seaford, or at such other place <sup>Election for</sup> as may be designated by the present Council of the town of Seaford, at which said election a Mayor and an Assessor shall be elected by the qualified electors of the said Town of Seaford. The Mayor and Assessor chosen at such election shall be elected for the term of one year, or until his successor shall be elected and qualified. When the term of office of Charles M. Hollis and Glenn M. Houston as councilmen of said town under its present charter, shall expire, there shall be no one elected to succeed them, but James A. Morgan, Charles E. Hastings, P. Jefferson Williams, Joseph B. Lord and William H. Parsons, shall continue to be members of the Council of Seaford until the second Tuesday of March, A. D. 1918, or until their respective terms shall expire. On the first Monday of March, A. D. 1918, a Mayor shall be elected for the term of one year; one councilman shall be elected for the term of two years; two councilmen shall be elected for the term of three years, and an assessor shall be elected for the term of one year, or until their successors are elected and qualified; and thereafter, on the first Monday in March of each and every year, a Mayor shall be elected for the term of one year; councilmen shall be elected for the term of three years; and an assessor shall be elected for the term of one year, to succeed those whose terms have expired.

If any vacancy shall occur in the office of Mayor, councilman or assessor, by death, resignation or removal from the town, refusal to serve, failure to elect or otherwise, the same may be filled by the members of the council of said town, the person or persons so chosen to fill such vacancy or vacancies shall be qualified as hereinafter provided, and shall hold office until the next annual election, when such vacancy or vacancies shall be filled for the remainder of the unexpired term.

The Mayor, each of said councilmen, and the assessor shall be a resident and a substantial freeholder of said town of Seaford.



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## Candidates

After the first Monday in March, A. D. 1917, no person shall be eligible as a candidate for the office of Mayor, councilman, or assessor, unless he first shall have notified in writing, the Secretary of the Town Council of such desire; or five or more qualified voters of said town may file the name of any such candidate, with his written consent endorsed thereon, with said Secretary. In either case, such desire or notification shall be filed with said Secretary ten full days before the election then next ensuing; and thereupon, it shall be the duty of the said Secretary to post a list of the names of the various candidates filed with him as aforesaid, designating the offices sought, in at least five of the most public places in said town of Seaford, at least five full days before the election then next ensuing. In case of the inability of the said Secretary to act because of illness, absence or otherwise, in that event the names of such candidates shall be filed with the Vice-President of the Council, who shall thereupon perform the duties so required of said Secretary.

## Rules for election

The election shall be opened at one o'clock P. M., and shall close at four o'clock P. M. At such election every male person of said Town of Seaford, of the age of twenty-one years or upwards, who shall have paid the town tax last assessed to him, or who shall have become a citizen of said town since the last previous assessment of taxes of said town, and who shall have resided in said town, at least six months prior to said election; and every female person of the age of twenty-one years or upwards, who is a freeholder in said town, and who shall have paid the town tax last assessed to her; or who shall have become a freeholder in said town since the last previous assessment of taxes in said town, and who shall have resided in said town at least six months prior to said election, shall have the right to vote for mayor, councilman, assessor, and all other elective officers of said town.

## Held by

The election to be held on the first Monday in March, A. D. 1917, and all subsequent elections shall be held and conducted by the holding over members of the Council of the said town of Seaford, and by such officers as the said

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holding over members of the said Council shall designate, either from among themselves, or from among the taxables of the said town of Seaford. If any of the officers chosen and designated to conduct such election shall not be present at the time designated for the holding of said election, it shall be lawful for the qualified voters present at the place of holding said election, to elect from among themselves, a person or persons to fill the vacancy or vacancies in such election board caused by the absence of such person or persons.

Immediately after the election shall be closed, the votes shall be counted, and the person or persons resident in said town having a plurality of votes shall be declared elected. Election results  
But in case the vote for Mayor, councilman, assessor or other officer to be chosen at such election shall be a tie, then the Judge or Presiding Officer of the said election shall cast the deciding vote. After the result of the election shall have been ascertained, the election officers shall make out certificates of election and deliver one to the Mayor elect, one to each councilmen elect, and one to the assessor elect, which said certificates shall be delivered to the Secretary of the Council at the first regular meeting after such election.

A minute of such election containing the names of the Mayor, councilmen and assessor chosen thereat shall be entered immediately after said election, in a book provided for that purpose, and subscribed by the persons holding said election. Minutes of  
Such book shall be preserved by the Town Council, and shall be evidence.

Before entering upon the duties of their respective offices, the Mayor elect, the councilmen elect, and the assessor elect shall be sworn by one of the holding over members of the Council of the said town of Seaford, to perform the duties of their respective offices with fidelity. Oath of office

Each of the councilmen of the Town of Seaford shall be allowed for his services, the sum of Two Dollars (\$2.00) for Salaries

## CITIES AND TOWNS.

each regular monthly meeting of said Council, in full compensation therefor; provided that no councilman shall receive pay for any of said regular meetings which he does not attend.

Council shall  
elect

Duties of  
Vice-  
President

Treasurer  
shall make  
oath and  
bond

Duties of

Section 3. The Town Council shall elect, at their stated meeting in March, annually, as hereinbefore provided, by ballot, a Vice-President, a Treasurer and a Secretary, who shall hold their respective offices for the term of one year, or until their successors shall be duly elected. It shall be the duty of the Vice-President to preside at all of the meetings of said Council, in the absence of the Mayor, and to perform such other duties of the Mayor, in his absence as are prescribed by Section 14 of this Act. 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 office, which oath or affirmation may be administered to him by the Mayor, or any member of the Council. He shall also, before entering upon the duties of his office, give bond to the town of Seaford with sufficient surety to be approved by the Council of said town, in the penal sum of double the amount of what may be likely to come into his hands, conditioned for the faithful performance of the duties of his office, and for the payment to his successor in office 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 Mayor and Secretary thereof out of any moneys in his hands belonging to said town. He shall settle his accounts with the said Council annually in the month of February, and oftener and at such other times as the said Council may require. The said Treasurer shall also, in any year when no Collector of Taxes shall be elected by the Council of said town, and when required to do so by said Council, collect all of the taxes assessed in said town as hereinafter provided. It shall be

## CITIES AND TOWNS.

the duty of the Secretary of said Council to keep a true and faithful record of all the proceedings of the Council of 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 prescribed by any ordinance or ordinances enacted by said Council. The Treasurer of said town shall receive reasonable compensation for his services, to be determined by the Council of said town. Provided the compensation of the said Treasurer as such shall not exceed two per centum on all moneys received by him belonging to said town, and of the Treasurer acting as Collector shall not exceed ten per centum of the taxes collected by him. The Secretary so elected as hereinbefore provided, may or may not be a member of Council, and he shall receive an annual salary of Fifty Dollars, exclusive of his salary as councilman, should such Secretary be a councilman.

Secretary  
duties of

Section 4. The Mayor may on the first day of his term or as soon thereafter as convenient, appoint some suitable person who shall be a qualified voter of the town of Seaford, as Alderman, who may or may not be a Justice of the Peace, and who shall hold office for a term of one year or until his successor shall be appointed or chosen, subject however to removal, as hereinafter provided.

Appoint an  
Alderman

The Council shall procure a suitable record for such Alderman which shall be known as the "Alderman's Docket" upon which his official acts and proceedings shall be entered and kept.

Before entering upon the duty of his office, he shall be sworn or affirmed by the Mayor to perform the duties of his office, honestly, faithfully and diligently. It 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, of any ordinance that the said Town Council may legally make or establish. He shall have all the powers of a Justice of the Peace within the town and shall have jurisdiction and cognizance of all breaches of the Peace and other offenses

Duties of  
Alderman

## CITIES AND TOWNS.

Fees

in said Town so far as to arrest and to hold to bail or fine and imprison offenders; and also of all fines, 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 all neglects, omissions or faults of any town constable, collector, treasurer, secretary 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-five dollars, or have jurisdiction in civil matters. His fees for any services under this Section shall be the same as those of a Justice of the Peace for like services and for any services or duty for which no fee may be provided by law, the fee may be established by ordinance of the Town Council. In case of vacancy in the office of Alderman for any reason whatsoever, the Mayor may appoint a suitable person to said office for the residue of the term. If any Alderman shall be removed from his office as hereinafter provided, he shall deliver to his successor in office, within two days after the appointment of his successor, all the books and papers belonging to his office, and shall pay over to the Town Treasurer 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 Town Treasurer 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-five nor more than one hundred dollars.

Report to  
Council

The Mayor and Alderman shall at every monthly meeting, report to the Town Council all fines, penalties and fees imposed by them during the preceding month and pay over to the Town Treasurer all such fines, penalties and fees due to the town received by them during said time, and any default of making such report and payments for a period of twenty days after such report should be made, and such fines and penalties should be paid as aforesaid, they shall be deemed guilty of a misdemeanor and

## CITIES AND TOWNS.

upon conviction thereof by indictment, shall be fined not less than twenty-five nor more than one hundred dollars.

Section 5. The Mayor shall perform such other duties and have such other powers as are elsewhere by this Act, or may by ordinance of the Council, be imposed upon or granted to him.

Section 6. The Mayor shall, on the first day of his term or as soon thereafter as convenient, appoint some suitable person as Constable, who shall be at the head of the Police Department of said Town. Before assuming the duties of his office, such appointment shall be approved by the Town Council. He shall hold office at the pleasure of the Mayor and shall receive such compensation as the Council shall fix. The Mayor shall also appoint such assistants to the said Constable as the Council may by ordinance or resolution authorize. These also shall hold office at the pleasure of the Mayor and shall receive such compensation as the Council may fix, and shall pay over to the Town Treasurer all fees collected by them.

The said Constables shall be conservators of the Peace within the limits of said Town and shall annually, or as often as the Mayor shall deem desirable, submit a report to the Mayor setting forth the number of arrests made during said preceding year. The Constables shall see that ordinances are enforced, and they together with such assistants or other policemen as may be appointed, shall have power to arrest any person or persons for the violation of said ordinances wherein an arrest for violation is provided; and in addition thereto they shall perform such other duties as are now or may hereafter be prescribed by the laws relating to said Town, and by the ordinances thereof, and shall have all of the same powers and functions that Constables of Sussex County now have, or may hereafter have as Conservators of the Peace.

Section 7. The Mayor may for any reasonable cause, by and with the consent or upon the address of a majority of

## CITIES AND TOWNS.

all the members of the Council, remove from the office, any person appointed by him or by any of his predecessors. The person against whom the Mayor or the Council may be about to proceed shall receive five days' notice thereof, accompanied by a statement of the cause alleged for the removal and shall be accorded a full and fair hearing.

Non-performance of duty

Section 8. 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 Mayor of said town to present him to the Grand Jury of Sussex County, and upon conviction 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.

Duties of the Mayor

Section 9. The Mayor shall be a Conservator of the Peace, and shall have concurrent jurisdiction with the Alderman hereinbefore provided for, and if no Alderman is appointed, he shall perform all of the duties prescribed for this office, and all fines, penalties and fees collected by him shall be paid to the Town Treasurer. The Council shall procure a suitable record for such Mayor, which shall be known as the "Mayor's Docket," upon which his official acts and proceedings shall be entered and kept.

Section 10. The Mayor shall issue and sign all licenses for every exhibition within the Town of Seaford, for which by Paragraph 3436, Section 1 of the Revised Code of 1915, a license is required, and shall collect the fees for the same.

Salary of

Section 11. The Mayor shall receive an annual salary of One Hundred and Twenty Dollars (\$120.00).

Board of Health

Section 12. The Town Council shall appoint in the month of March of each and every year not less than three nor more than seven persons, of whom at least one shall be a physician duly authorized to practice medicine, who shall constitute a Board of Health for said Town, and who

## CITIES AND TOWNS.

shall serve for one year, and whose duty shall be to have cognizance of the interests of health and life among the people of said town and to report to the Town Council in writing whatever in their judgment is injurious to the health, or that shall contribute to useful sanitary information. The said Board shall have all the powers vested by the laws of this State, now or hereafter enacted, in Boards of Health generally, as also such additional powers as may be conferred by ordinances adopted by the Town Council of the Town of Seaford. Said Board shall organize by the election of a President and Secretary within ten days after notice of their appointment, and said Board shall keep a record of their proceedings and acts as a Board. For so doing the Secretary of said Board shall be allowed a reasonable compensation for his services, to be determined by the Town Council.

Section 13. The Council shall set aside or appropriate annually a sum not to exceed five hundred (\$500.00) dollars, to be used for providing equipment for, and the maintenance of the Fire Department. This fund shall be known as the Fire Department Fund, and shall remain in the custody of the Treasurer of the Town Council to be expended by him upon orders drawn by the President and Treasurer of the Fire Department, and approved by the Town Council. The President of said Fire Department shall, on or before the first day of March of each year, submit a report to the said Town Council setting forth the number of fires during the preceding year, and the condition and efficiency of said Fire Department.

Section 14. The Mayor shall preside at all meetings of the Council, but shall vote only in case of a tie. He shall appoint all committees, receive complaints of nuisances, and other complaints of citizens of violations of laws and ordinances, and present the same to the Council at their first meeting thereafter 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 Mayor, alderman or resident Justice of the Peace. He shall



## CITIES AND TOWNS.

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.

## Powers of Council

Section 15. The councilmen, 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, by the corporate name of "The Town of Seaford," and shall have a corporate seal, which they may alter, change, or renew at their pleasure; and may purchase, take, hold and enjoy, lands, tenements and hereditaments in fee simple or otherwise, within or without the corporate limits, and also goods and chattels, rights and credits, 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 objects and purposes of this Act.

## Appropriation of the Levy Court

Section 16. The councilman for the time being shall have the superintendence and oversight of all the 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 Sussex County, but the said Levy Court shall annually appropriate for the repair of said roads and streets a sum of money not less than Seven Hundred and Fifty Dollars (\$750.00), and shall make an order for the payment thereof to the Treasurer of The Town of Seaford for the use of said town; the said sum annually appropriated by the said Levy Court of Sussex County to be used exclusively for the purpose of repairing and improving the streets of said town.

## New streets

Section 17. The Town Council shall have power, upon the application of ten citizens of the town, by petition for the purpose, to locate, lay out and open any new street or streets, lane or lanes, alley or alleys, or widen any street, lane, or alley heretofore laid out or hereafter to be laid out in said town, or reopen any old street or streets, lane or

## CITIES AND TOWNS.

lanes, 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 or over whose lands such street or streets, lane or lanes, 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 18. Whenever the Town Council shall have de- Right of way  
 termined 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 loca-  
 tion 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 determina-  
 tion to open and widen the same, and to furnish a general  
 description of the location thereof; also the amount of the  
 compensation or damages allowed to each, and if such Damages  
 owner be not a 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 dis- Appeal  
 satisfied 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  
 written notice upon the Mayor of The Town of Seaford to  
 the effect that he or she is dissatisfied with the amount of  
 said compensation or damages, and that it is his or her in-  
 tention to make written application to the Associate Judge  
 of the Superior Court of this State, resident in Sussex Condemna-  
tion proceed-  
ing  
 County, for the appointment of a commission to hear and  
 determine the matter in controversy; and in order to prose-  
 cute said appeal, such owner shall within fifteen days after  
 serving said notice upon the Mayor as aforesaid, make  
 written application to said Associate Judge of the Superior  
 Court of this State resident in Sussex County for the ap-

## CITIES AND TOWNS.

pointment of such a commission; 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 Seaford, 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 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 is or are absent from the town during the said period of one month, then the same may be deposited to his or her credit in the Farmers' Bank of the State of Delaware, at Georgetown, within said time, and thereupon the said property or lands 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 cost 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 cost of appeal shall be paid by the party appealing. The said freeholders shall, severally, receive and be allowed for each days actual service the sum of two dollars. After the damages shall be fixed and ascertained by the freeholders, the Town Council shall have the option to pay the damages assessed within the time aforesaid, and to proceed with the said improvements, or, upon the pay-

Costs of  
appeal paid  
by

option of  
Council

## CITIES AND TOWNS.

ment of the costs only, may abandon the proposed improvements.

Section 19. That the said Council of The Town of Seaford for the good government and welfare of said town, shall have power to make, establish, publish and modify, amend or repeal ordinances, rules, regulations and by-laws for the following purposes:

Good gov-  
ernment

To prevent vice, drunkenness and immorality; to preserve peace and good order; to prevent and quell riots, disturbances and disorderly assemblages; to restrain and suppress disorderly and gaming houses, and houses of ill fame; all instruments and devices for gaming; and to prohibit all gaming and fraudulent devices; to prohibit, restrain and regulate all sports, exhibitions of natural and artificial curiosities, moving pictures, merry-go-rounds, caravans of animals, theatrical exhibitions, circuses or other public performances and exhibitions for money, and fix the sum to be paid for such licenses to the town; to ascertain and establish the boundaries of all streets, avenues, highways, lanes and alleys in said town, and prevent and remove all encroachments on said streets, avenues, highways, lanes or alleys; to regulate, clean and keep in repair the streets, highways, avenues, parks, lanes, and alleys, wharves and docks in said town, and to prevent and remove obstructions and incumbrances in and upon all streets, avenues, highways, lanes and alleys, parks, sidewalks, crosswalks, sewers, drains, aqueducts, water-courses, wharves or docks in any manner whatsoever; to prescribe the manner in which corporations or persons shall exercise any privilege granted to them in the use of any street, avenue, highway, lane or alley in said town, or in digging up any street, avenue, highway, lane or alley for the purpose of laying down pipes, or for any other purpose whatsoever, and to prohibit and prevent any such use or work at such times and seasons of the year as they may designate; to direct and regulate the planting, rearing, trimming and preserving of ornamental shade trees in the streets, avenues, parks and grounds of said town, and to authorize or prohibit the removal or de-

## CITIES AND TOWNS.

struction of such shade trees, and to enforce the removal of snow, ice or dirt from the sidewalks and gutters by the owner or occupants of the premises fronting thereon; to level, grade, flag or re-flag, curb or re-curb, gutter or re-gutter, pave or re-pave, macadamize, gravel or shell the streets, avenues, highways, lanes and alleys of said town, and the sidewalks and gutters thereof, or any of them, or any parts or sections of the same, and to prescribe the manner in which any such work shall be performed; to direct the digging down, draining, filling up or fencing of lots, pieces or parcels of ground in said town, which shall be by said commissioners deemed dangerous or unwholesome, or when such digging down, draining, filling up or fencing shall be deemed necessary, to carry out any improvement authorized by this Act, to prescribe the manner in which said work shall be performed and to cause the expenses thereof to be assessed on such lots, tracts, pieces or parcels of ground, whether improved or unimproved, and to determine the time and manner in which such assessment shall be collected; to prevent or regulate the erection of any porch, step, platform or bay window, cellar door, gate, aerie, descent into a cellar or basement, sign or any post or erection, or any projection or otherwise, in, over or upon any street, sidewalk, lane, alley or avenue, and to remove the same where already erected, at the expense of the owner or occupant of the premises; to prevent and punish horse racing and immoderate driving or riding in any street, highway or alley, and to authorize the stopping and detention of any person who shall be guilty of immoderate driving or riding in any street, highway or alley; to prevent the driving of any drove or droves of horses, mules, cattle, sheep or swine through any of the streets of the town, on the first day of the week, commonly called Sunday, and to regulate the same at other times; to regulate, protect and improve the public grounds of said town; to provide lamps and to light the streets and public places of every description in said town; to make and regulate wells, pumps, aqueducts and cisterns in the public streets; to establish and regulate one or more pounds, and to restrain the running at large of horses, cattle, swine, goats,

## CITIES AND TOWNS.

and other animals, geese and other poultry, and to authorize the impounding and sale of the same, for the penalty incurred, and the cost of keeping, impounding and sale; to regulate and prevent the running at large of dogs; to authorize the destruction of dogs running at large, and to impose taxes on the owners of dogs; to locate, regulate and remove slaughter houses and hog pens, privies and water closets; to prescribe and regulate the places of vending and exposing for sale wood, hay, straw and other articles from wagons or other vehicles; to regulate or prohibit any practice having a tendency to frighten animals or to annoy persons passing in the streets or on the sidewalks in said town; to restrain drunkards, vagrants, mendicants and street beggars; to prescribe the manner in which all contracts for performing work or furnishing materials for the town shall be made and executed; to abate or remove nuisances of every kind, at the expense of those maintaining the same, and to compel the owner or occupant of any lot, house, building, shed, cellar, or place wherein may be carried on any business, or calling, or in or upon which there may exist any matter or thing, which is or may be detrimental in the opinion of the Council or local Board of Health to the health of the inhabitants of the Town, to cleanse, remove or abate the same, under the directions of the Council or local Board of Health as often as the said Council or local Board of Health may deem necessary for the protection and preservation of the health, morals and good order, of the inhabitants of the town; or in a summary manner to cause the same to be done at the expense and proper cost of such owner or occupants; and such owner or occupant is hereby expressly made liable for said cost and expenses, to be collected in such manner as the Council may by ordinance direct, from such owner or occupant, in addition to any fine or penalty to which he or she may be liable for maintaining the said nuisance. To regulate and control the manner of building or materials used therein or removal of dwelling houses or other buildings, and to provide for granting permits for the same; to establish a building line for buildings hereafter to be erected, provided that such building line shall not be es-

## CITIES AND TOWNS.

tablished more than twenty feet back from the front line of the lots. To exempt from taxation for municipal purposes for a period not to exceed ten years any manufacturing industries which may hereafter be located in said town of Seaford. To prohibit within certain limits to be from time to time prescribed by ordinances, the building or erection of stables; to regulate the construction of chimneys, to compel the sweeping thereof, to prevent the setting up or construction of furnaces, stoves, boilers, ovens or other things in such manner as to be dangerous; to prohibit the deposit of ashes in unsafe places, to authorize any town officer or person whom they may designate for that purpose, to enter upon and inspect any place or places for the purpose of ascertaining whether the same is or are in a safe condition, and if not, to direct or cause the same to be made so; to compel the erection or maintenance of proper and adequate fire-escapes on all public buildings; to regulate or prohibit the carrying on of manufactories dangerous in causing or promoting fires; to regulate or prohibit the manufacture, sale or use of fireworks, and the use of fire-arms in said town; to regulate or prohibit the use of candles and light in barns, stables and other buildings. To establish, regulate and control a suitable sewer and drainage system for said town; to regulate or prohibit swimming or bathing in the river in front of or contiguous to said town, or in the water within the limits of said town; to provide sanitary measures for the health of the citizens, 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. To make and establish such other ordinances, regulations, rules and by-laws, not contrary to the laws of the State or of the United States, as they, the said Council, may deem necessary to carry into effect the powers and duties conferred and imposed upon them by this Act or any other law of this State, and such also as they may deem necessary and proper for the good government, order, protection of persons and property, and for the preservation of the public health and property of said town and its inhabitants. To contract with, or to grant franchises, concessions or rights to any

## CITIES AND TOWNS.

person, persons, firm, partnership or corporation who may apply for the privilege of erecting wharves or piers, or for the use of any street, highway, avenue, lane or alley, for the construction and operation of steam, motor or electric railways.

Section 20. Whenever the said Town Council shall have determined that any paving, graveling, curbing or any or either or all of them shall be done, they shall notify the owner or owners of the land along or 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 or owners to cause such paving, graveling and curbing to be done in conformity with said notice. In the event of any owner or owners 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 owner or owners of such lands a bill showing the expenses of such paving, graveling and curbing; if such owner or owners be not resident in the town of Seaford, such bill may be presented to the occupier or tenant of said lands, or if there be no occupier or tenant resident of said Town of Seaford, such bill may be sent by mail to such owner or owners directed to him, her or them at the post office nearest his, her or their residence. If such bill be not paid by the owner or owners of such lands within sixty 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 Seaford, under the hand of the Mayor of the town and seal of the said corporation, and attested by its Secretary, directed to the Treasurer of The Town of Seaford, 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 said bill, together with all costs. It shall be the duty of the Treasurer of The Town of Seaford, 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

Curbing and  
paving by  
property  
owners

Non-com-  
pliance

Recourse



## CITIES AND TOWNS.

least five public places in the Town of Seaford, at least ten days before the day of sale, to sell the goods and chattels of said 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 Seaford, after ten days' notice to such owner or owners as aforesaid, and after posting five or more notices of sale in at least five public places in the Town of Seaford, 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 Seaford, or if there be no newspaper printed in the said Town of Seaford, then in a newspaper printed anywhere in Sussex County, to sell the lands and tenements of such owner or owners along or in front of which such paving, graveling 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 costs, and a deed from the Treasurer of said Town of Seaford shall convey to the purchaser or 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 and curbing shall be a lien on the premises along or in front of which the said work was done, and shall have priority over any lien, incumbrance or conveyance suffered or made by the owner or owners after the presentation of the said bill as aforesaid; provided that within thirty days after the completion of said improvements a certificate under the corporate seal of The Town of Seaford, signed by the Mayor and attested by the Secretary, setting forth the amount of the bill, the date of the completion of the improvements and a description of the property affected by said lien with the name or names of the owner or owners shall be recorded in the office of the Recorder of Deeds at Georgetown, in and for Sussex County; and the record of such certificate, or a duly certified copy thereof shall be evidence in all courts of law and equity in this State. Any such lien

## CITIES AND TOWNS.

heretofore acquired shall be continued, provided that a certificate as above described shall be recorded in the said office of the Recorder of Deeds within ninety days after the approval of this Act. It shall be the duty of the Treasurer of the said town from the purchase money of the said goods and chattels or lands and tenements, sold as aforesaid, to pay all costs arising from the proceeds of said sale to the parties entitled thereto, and to retain for the use of said town the amount of the said bill as aforesaid, and the residue of the said purchase money, if any, shall be deposited in the Farmers' Bank of the State of Delaware at Georgetown, 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, 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 town, it shall be sufficient to send notice by mail to any owner or owners of said premises, directed to him, her or them at the post office nearest his, her or their place or places of residence; the provisions hereinbefore contained in this section shall apply to any order made by the Council of the said town in respect to any pavement, sidewalk 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 21. The Town Council of said town shall have power and authority to make, establish and publish such

## CITIES AND TOWNS.

**Meetings of Council** ordinances as they may deem beneficial for the good government of the said town, at any stated meeting. There shall be twelve stated meetings to be held on the second Tuesday of each month. They shall have and are hereby vested with power and authority to prescribe the fines and penalties for violations of any of the provisions of this act, or of the ordinances which they may enact in pursuance hereof, such fines and penalties which may be imposed, either by this Act or the ordinances enacted as aforesaid, may be collected before the Mayor, alderman, or any justice of the peace of said town, and in default of payment said Mayor, alderman or Justice of the Peace may commit to the town lockup or to the public jail of Sussex County for any time not exceeding thirty days, or until such fine and costs shall be paid; and all ordinances so made, established and published shall be in full force and effect immediately upon the publication of them by said Council.

**Prosecutions** Section 22. All prosecutions for the violation of ordinances shall be before the Mayor, alderman or before any Justice of the Peace of the State of Delaware, resident in the town of Seaford, and shall be in the name of the State of Delaware.

**Council to elect two auditors** Section 23. The Council of said town shall annually elect two auditors who shall be taxables of said town, not members of the Council, who shall, during the month of January of each year examine and audit the books and accounts of the council, collector, treasurer, water superintendent, mayor and alderman for the fiscal year ending the thirty-first day of the previous December. After having completed such examination and audit, the said auditors shall submit a full detailed report thereof to the Council, and the same shall be spread in full upon the minutes of the Council. The said auditors shall also cause a full detailed statement of said examination and audit to be published in at least one newspaper printed or published in said town, or posted in at least ten of the most public places in said town of Seaford at least ten days prior to the annual election; which said statement shall show the amount of

**Duties of**

## CITIES AND TOWNS.

taxes remaining unpaid; the amount of money received by the Treasurer and when and from what source; and the amounts paid out by the Treasurer upon orders; the amounts received by the water superintendent and from what source, and the amounts paid out by him and for what purpose; the amount of fines imposed by and received by said Mayor and alderman and the amount of license fees collected by said mayor; and the number and amounts of all orders drawn by the council and the nature of the bills for which said orders were drawn. The auditors shall receive as compensation for their services the sum of Ten Dollars (\$10.00) each, per annum.

Section 24. It shall and may be lawful for the Council <sup>Town jail</sup> of said town to use the jail of Sussex 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 ordinances or regulations adopted under the provisions of this Act; and it shall be the duty of the keeper of said jail to 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 25. The Council of said town shall have the <sup>Use of money  
in treasury</sup> power and authority to use the money in the treasury of said town, or of 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 determination of the whole. In case of vacancy or vacancies in the Council of said town, the remaining members, until such vacancy or vacancies shall be filled as herein-before provided, shall have the same power and authority as the whole. A majority of the council shall constitute a quorum for the transaction of business.

Section 26. It shall be the duty of the Mayor and alderman of said town and Council of said town, and of the

## CITIES AND TOWNS.

To preserve  
order

Constables of Sussex County residing in said town, and of the town constables, to suppress all riotous, turbulent, disorderly or noisy assemblages or gatherings, 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, lanes, alleys 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 him or them before the Mayor or alderman of said town, whose duty it shall be to hear and determine the case, and upon conviction before him the Mayor or alderman shall sentence any such person so convicted to pay a fine not exceeding ten dollars, and may commit the party or parties to prison for a period not exceeding thirty days, or until said fines and costs shall be paid. It shall be the duty of the Mayor or alderman of said town upon complaint made before him of any such riotous, turbulent or noisy assemblages or gatherings 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 constables aforesaid, or any of them, to arrest any drunken or disorderly person they may see on the streets of said town and take such persons so arrested before the Mayor or 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 maner 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 Mayor or alderman of said town for violation of this Section, it shall appear to the Mayor or alderman that in his judgment such person or persons is, or are, not in a condition to be heard and tried, he may use his own discretion in fixing or appointing a time for trial of all such person or persons brought before him for violating this section. The fee to

## CITIES AND TOWNS.

the Mayor or alderman of said town for the trial of any <sup>Fees</sup> cause under this section shall be fifty cents, and to the constable making the arrest fifty cents. In case of commitment the keeper of said jail or lockup shall be entitled to a fee of fifty cents for each commitment whether by a constable or by the Mayor or alderman of said town, and he shall be <sup>Prisoners</sup> entitled to the same pay for board of the persons so committed as is allowed by the Levy Court of Sussex County for board of prisoners. Provided the town shall pay for the board of all persons committed to jail for violations of the charter or by-laws of the Town of Seaford. Council may by ordinance compel persons so fined as aforesaid, to work on the streets of said town, in default of the payment of their fines.

Section 27. The Mayor, alderman, council and constables of said town, shall have power and authority to <sup>Suppression of bonfires, etc.</sup> 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 person violating the provisions of this section and may provide for the collection of such fines and penalties so imposed.

Section 28. The Council of said town are hereby <sup>Nuisances and obstructions</sup> authorized and required to cause all obstructions and nuisances that may at any time be and exist within the limits of said town, whether on the public squares or in the streets, lanes or alleys, or on the sidewalks, or 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 and upon view, or upon such information, shall determine that an obstruction or nuisance exists and ought to be removed,

## CITIES AND TOWNS.

they shall give notice in writing, signed by the Mayor of said town 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 Seaford, under the hand of the Mayor and the seal of the said corporation, and directed to any constable of the town of Seaford, 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 all power and authority to enter into and upon any lands and premises within the town of Seaford, and to take with him such assistance, 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. The costs and damages of all the proceedings shall be determined and adjudged by the Council of said town, and shall be paid 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 is provided in Section 20 of this Act for the collection of expenses of any paving, graveling, etc.; and the Treasurer of said town, upon 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 20 of this Act, on warrants directed to him under said section to collect the expense of paving, graveling, etc., except that nothing in this Section contained shall confer any power upon the

## CITIES AND TOWNS.

Treasurer 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 as 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 Seaford, before the Mayor or 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 abated or removed, 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 sum demanded, exclusive of costs, shall exceed two hundred dollars, the case shall not be cognizable before the Mayor, alderman, or a Justice of the Peace, but in such cases, suit in the name of The Town of Seaford may be brought in the Superior Court of the State of Delaware, in and for Sussex County. These shall be cumulative and additional to the provisions heretofore in this Section contained.

Section 29. It shall be the duty of the assessor of said town annually to assess every male citizen resident of the town above the age of twenty-one years two dollars per capita, and also the real and personal property of every citizen subject to county assessment and taxation; also non-residents who may own real estate in the Town of Seaford, all of which shall be assessed at its actual value;

Duties of  
Assessor



## CITIES AND TOWNS.

provided, that any real estate included within said corporate limits, not laid out in building lots nor plotted as such, but used exclusively as farm lands, in excess of five acres in any one piece or parcel, shall be exempt from taxation for town purposes, and should there be any buildings or improvements on any such real estate, said buildings or improvements shall be assessed with the five acres not exempt from such assessment. The said assessor shall make such assessments to the best of his knowledge and belief, and return the same to the Council of said town within six weeks next after the election of said assessor. The assessor may, where not inconsistent with the provisions of this section, adopt the valuations as made by the Board of Assessment of Sussex County. The Council of said town shall, within five days next after receiving said assessment list, cause a full and complete transcript of said assessment list to be hung up in a public place in said town, there to remain for the space of ten days thereafter for public inspection, and the said council shall, on the Monday next after the expiration of the said ten days, hold a court of appeals which shall continue open from two o'clock P.M., until four o'clock P.M., of said day, when they shall hear and determine appeals from said assessment, and make corrections or additions to or alterations in said assessment. 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 notice in at least five public places in said Town of Seaford. The determination of said 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, over and above the two dollars per capita on each male citizen of said town as hereinbefore provided. He shall receive reasonable

Court of  
Appeals

## CITIES AND TOWNS.

compensation for his services, to be determined by the Council of said Town.

Section 30. The Council of said town, after having as- Taxation  
certained the sum necessary to be raised for the purposes  
of this Act, which sum shall in no year exceed six thousand  
dollars, clear of dog tax and all delinquencies and expenses  
of collecting, 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, if there be  
one elected by the Council of said town in said year, or if  
there be none, to the Treasurer of said town, a list contain-  
ing 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 or per  
capita and assessable personal property, and the tax on the  
whole valuation and assessment, and the rate per hundred  
dollars, which list shall be signed by the Mayor of said town.  
The Collector of Taxes, or if there be none elected in  
said year, the Treasurer of said town, immediately after re-  
ceiving said list, and in collecting the same, shall have all  
the powers conferred by law upon the Receiver of Taxes and  
County Treasurer of Sussex County. In the collection of Collection of  
said taxes, the said Collector or Treasurer, shall make an taxes  
abatement of five per centum on all taxes paid before the  
first day of August; on all taxes paid after the first day of  
August and before the first day of January, there shall be  
no abatement; and on all taxes paid thereafter, there shall  
be added one per centum per month until the same shall be  
paid. The Collector of Taxes, before entering upon the Collector of  
duties of his office, shall give bond to The Town of Seaford, taxes to give  
bond  
with sufficient surety to be approved by the Council of said  
town in a penal sum of twice the amount likely to come into  
his hands, 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 the settlement of his accounts with the Council  
and Treasurer of said Town in the month of February  
next following his election as Collector of Taxes, and at

## CITIES AND TOWNS.

Compensa-  
tion

such other times as the Council of said Town may require, to which said bond and conditions 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 ten per centum of the taxes collected by him. The Council shall have power to make just allowances for delinquencies in the collection of taxes.

Term of  
office

Section 31. The present president, Mayor, treasurer, secretary, collector, and town constables shall continue and hold their respective offices until the second Tuesday in March next, or until their successors shall be duly elected and qualified under the provisions of this Act.

Construction  
of act

Section 32. That the Town Council shall not have authority to issue bonds without express authority of the General Assembly.

Section 33. This Act shall not be construed to repeal or modify Chapter 188 of Volume 22, or of Chapter 235, of Volume 26, Laws of Delaware, in any manner whatsoever; nor shall it be construed to repeal any other Acts in relation to the Town or Council of Seaford, unless the same are manifestly inconsistent with the provisions of this Act. And all of the ordinances of the town of Seaford 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 the 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 debts, fines or penalties and forfeitures due said town of Seaford, and all debts due from said town of Seaford to any person or persons whomsoever, or to any corporation or corporations are hereby declared to be unaffected and unimpaired by this repeal, and all the laws of this State for the collection and enforce-

## CITIES AND TOWNS.

ment thereof shall continue in full force and effect until the same shall be fully paid and discharged; that all the powers now conferred by law upon the Collector or Treasurer 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 shall be unaffected and unimpaired by this repeal, and that he and his sureties therein shall continue liable for any breaches of any of the conditions of said bond; that the official bond of the Treasurer of said town shall not be affected or impaired by this repeal, and that he and his sureties therein shall continue liable for any breaches of any of the conditions of said bond; and that all proceedings heretofore commenced for the collection of any penalty, fine, forfeiture or debt, due 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.

Approved March 1, A. D. 1917.

## CITIES AND TOWNS.

## CHAPTER 154.

## CITIES AND TOWNS.

AN ACT authorizing certain improvements in and upon the streets of the town of Seaford, creating a commission to effect said improvements, and making provision for the raising of funds to pay the cost of said improvements by assessment against property affected, by the giving of notes, and by the issuance and sale of bonds.

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

Council  
authorized to  
improve  
streets

Section 1. That the Council of the Town of Seaford by and through the agency of the Street and Sewer Commission of the Town of Seaford hereby created, be and it is hereby authorized and empowered to pave, gutter, curb, grade and regrade the streets in the Town of Seaford, or so many of said streets or such sections thereof as may be selected for that purpose, and also to build and improve the sewers and conduits in any of said streets selected to be paved, as aforesaid, and also to build, enlarge and improve any outlet of any of said sewers, and to do any other thing necessary for the proper completion of such improvements, and to provide funds for the payment of the costs of such improvements, as hereinafter set forth.

Street and  
sewer Com-  
mission, how  
appointed

Section 2. The Council of the Town of Seaford shall, at a regular meeting to be held within six months after the approval of this Act, appoint five persons, who shall constitute and be the Street and Sewer Commission of the Town of Seaford. No person shall be eligible for such appointment unless he be a citizen of the State of Delaware, and a resident of the Town of Seaford. No person shall be eligible for such appointment unless he be a citizen of the

## CITIES AND TOWNS.

State of Delaware, and a resident of the Town of Seaford over the age of twenty-one years. The persons, so appointed, shall hold office until the work, authorized by Section 1, of this Act, shall have been fully completed. Any vacancy of the Commission caused by death or otherwise shall be filled by the council of the Town of Seaford within one month from the occurring of such vacancy. Each member of said Commission shall, before entering upon the duties of his office, make an affidavit before the Mayor or Alderman of the said Town of Seaford and file the same with the Secretary of the Town Council, that he will faithfully perform his duties as a member of the Street and Sewer Commission of the Town of Seaford, and that he will not be concerned or interested pecuniarily, either directly or indirectly, in any contract entered into under the provisions of this Act for work done or materials furnished. The members of said Commission shall organize within two weeks after their appointment, aforesaid, by the election from their number of a President, and such other officers as they may deem proper. No matter shall be determined upon by said Commission unless it be sanctioned by the vote of at least three members. No member shall receive any salary or other compensation for his work, but he shall be allowed all reasonable bills for expenses actually incurred by him in connection with the work of and authorized by said Commission. All such bills for expenses shall be deemed to constitute a part of the general cost and expense of the work contemplated by this Act.

Term of  
office

Organization

Rules and  
regulationsExpenses  
paid

Section 3. The Street and Sewer Commission of the Town of Seaford is hereby vested with every power necessary or proper for the execution of the work authorized by Section 1 of this Act, and the Town of Seaford shall be bound by any contract entered into by said Commission for labor and material required in said work. All work done and improvements made under the provisions of this Act shall be done under the supervision of the Street and Sewer Commission aforesaid, which is hereby invested with the sole and exclusive power to determine whether any such work or improvement has been completed in accordance

Powers of  
Commission

## CITIES AND TOWNS.

with the terms of the contract entered into therefor, and to accept or reject such work on the part of the Town of Seaford and all parties whose properties may be effected thereby.

Consider  
plans

Section 4. The Commission aforesaid, shall, as soon as practicable after the organization thereof, consider plans for the execution of the work authorized by Section 1 of this Act. The Commission shall have full power and authority to determine which of the streets of the said Town of Seaford shall be paved and improved as aforesaid, and to select certain of said streets, or certain sections thereof, for paving, improving, grading, guttering, curbing and sewer-ing as aforesaid.

Assess abut-  
ting property

When any street, or any section thereof, is paved or re-paved after the passage of this Act, by direction of the said Commission, or is graded, curbed, guttered or sewered by direction of said Commission, the said Commission shall have the power and authority and is hereby directed to assess against the property abutting upon the street, or the section thereof, which is improved, under the provisions of this Act, two-fifths of the whole cost of making such improvement, except in the cases specified in Section 13, of this Act.

Assessment

Section 5. When any improvement, made under the provisions of this Act, is completed, the Commission aforesaid, shall cause to be prepared a list showing the names of the property owners, the linear feet of property of each abutting on the street or section thereof improved, the amount proposed to be assessed against each lot or parcel of land, and the total cost of any such improvement. Upon the completion of such list, a copy of the same shall be hung up for at least ten days in some public place in the Town of Seaford for the inspection of the public, and notice of the completion of said list and of the place where the same is hung up for inspection, as aforesaid, shall be given to all parties in interest by posting written or printed notices in ten of the most public places in the Town of Sea-

## CITIES AND TOWNS.

ford for at least ten days before the time fixed for hearing objections thereto; said notices shall also state the time and place, when and where the said Commission will hear any objections which may be made against any assessment as aforesaid.

The time of the meeting for the hearing of objections as aforesaid, shall not be earlier than ten days, nor later than fifteen days from the date of the posting of said notices. The place of said meeting shall be in the Town Hall of the Town of Seaford, or some other convenient room in said Town. The said Commission shall sit to hear any objections to the assessment aforesaid, at the place advertised from one o'clock to four o'clock in the afternoon of the day designated, and may adjourn from day to day if necessary. At said session the Commission shall make such alterations and corrections of the assessment as said Commission shall deem proper and in accord with the provisions of this Act. The determinations of the Commission at any such session shall be final and conclusive. A copy of the assessment list as corrected as aforesaid, shall be hung up for at least ten days in the same place in which the copy of the original list had been displayed. At the expiration of the ten days aforesaid, the assessment list as corrected as aforesaid, shall, by the said Commission, be certified to the Collector of Taxes of the Town of Seaford for collection, and from the date of such certification, the several amounts shown upon such list as assessed against the properties shall be a lien upon the property upon which the assessment is made and such lien shall have priority of any lien, encumbrance or conveyance, except taxes or prior liens for public improvements. No error or mistake in regard to the name of an owner shall be held to invalidate any assessment, and it shall be sufficient if the name of the last owner, as shown by the record in the office of the Recorder of Deeds for Sussex County is shown upon such assessment list.

Section 6. All assessments made in pursuance of this Act shall be based upon the linear feet of property actually abutting upon that section of the street improved, and each linear foot of such property affected within the same block



## CITIES AND TOWNS.

Payments of  
assessment

or square shall be assessed alike regardless of the depth, width or other dimensions of such property. All assessments so made shall be due upon the date of certification by the Commission to the Collector of Taxes of the Town of Seaford, as aforesaid, but shall not be collectible until the expiration of thirty days from said date. The payment of the amount of any assessment within the thirty days shall be accepted by the Collector of Taxes as full satisfaction of such assessment. On all assessments remaining unpaid after the expiration of said thirty days from the date of the certifying, as aforesaid, interest at the rate of six per centum per annum computed from the date of certifying, as aforesaid, shall be added. Any property owner may, at his election to be expressed in writing, to the Commission as aforesaid, within thirty days after the date of the certifying, as aforesaid, pay his assessments in eight equal installments, together with interest, as above stated; the first of said installments, with accrued interest shall be due, payable and collectible at the expiration of three months from the date of certifying, as aforesaid, and thereafter one of said installments, with accrued interest, shall become due, payable and collectible at the expiration of every three months until all of said installments, with accrued interest, have been fully paid. Any property owner may have the right at any installment period, to pay the balance due on his assessment in full or any part thereof, not less than one installment, with accrued interest thereon. All assessments shall be due and payable to the Collector of Taxes of the Town of Seaford at such office or place in the Town of Seaford as he shall designate; the designation of such place or office to be given notice of by said Collector of Taxes by posting written or printed notices in ten of the most public places of the Town of Seaford for at least ten days, the date of such posting, as aforesaid, shall be at least ten days before the expiration of thirty days from the date of certifying of the assessments by the Commission to the said collector of Taxes, as hereinbefore set forth.

Section 7. If any property owner, who has signified his desire to pay his assessment in installments, as hereinbefore

## CITIES AND TOWNS.

set forth, shall omit to pay any of said installments when the same shall become due and payable, as aforesaid, then and in such event the entire assessment or so much thereof as shall then be unpaid, together with accrued interest, shall immediately become and be due, payable and collectible. If any property owner, who has not elected to pay his assessment in installments, as hereinbefore set forth, shall have omitted to pay the said assessment at the expiration of the thirty days from the date of the certification of the assessment as aforesaid, and if any property owner, who shall have elected to pay his assessment in installments, shall omit to pay any of the said installments, when the same shall become due and payable, as aforesaid, then and in every such case it shall be the duty of the Mayor of the Town of Seaford to issue his warrant directed to the Collector of Taxes of the said Town, commanding him to levy the entire assessment or so much thereof as shall then remain unpaid, together with accrued interest and all costs thereon, upon the property affected by such assessment, which said property, or any part thereof, shall be sold by the said Collector of Taxes of the Town of Seaford at public auction after advertisement in two successive issues of some newspaper published in said Town, and if there be none published in the Town of Seaford, then and in that case, in a newspaper published in the Town of Georgetown, in this State, and a deed from the Mayor of the Town of Seaford shall convey to the purchaser of such property as full and complete a title to said property in fee simple, or otherwise, as if the same were executed by the owner thereof. And it shall be the duty of the said Collector of Taxes of the Town of Seaford out of the purchase money of said property so sold as aforesaid to pay all costs arising from said process and sale to the parties entitled thereto respectively, and to retain the amount of such assessment with accrued interest thereon as aforesaid. The residue of said purchase money shall be immediately deposited by the said Collector of Taxes of the Town of Seaford in one of the banks of the Town of Seaford, or any other responsible bank in Sussex County, as the said Council shall hereafter

## CITIES AND TOWNS.

determine, to the credit of the owner of the property so sold.

Limit of improvement

Section 8. The total cost and expense of the work to be done and improvements to be made under the provisions of this Act, which shall be paid by the Town of Seaford in addition to the aggregate of the amounts assessed upon property owners as hereinbefore set forth, shall not exceed in the aggregate the sum of Twenty-five Thousand Dollars, which shall be defrayed out of the funds which shall be raised by the Town Council of the Town of Seaford, by the issue and sale of bonds as hereinafter set forth.

Statement of estimated costs to be filed

Section 9. Whenever the Street and Sewer Commission of the Town of Seaford shall determine to make any improvement authorized by this Act, it shall file with the Council of said Town a statement setting forth the estimated cost of such improvement and the date when it will require funds for the payment of such costs. It shall be the duty of said Council to provide the said Commission with all funds which may properly be required of said Town Council, under the provisions of this Act.

Collectors of Taxes to render account

Section 10. The Collector of Taxes of the Town of Seaford, shall render an accurate account of all moneys received or collected by him under the provisions of this Act to the Street and Sewer Commission aforesaid, at such times as the said Commission shall require. All moneys received and collected, as aforesaid, shall be paid to the Treasurer of the Town of Seaford at such times as the Commission aforesaid shall direct. All payments made to the Treasurer of the Town of Seaford under the provisions of this Act, and all moneys raised by the Council of the Town of Seaford, by the issuance and sale of bonds under the provisions of this Act, shall be deposited in one of the banks of the Town of Seaford to be designated by the Town Council, to a special account, which shall be known as the Seaford Street and Sewer Improvement Account. All moneys being in said account shall be payable only on check or warrant signed by both the Treasurer of the Town

Depository

## CITIES AND TOWNS.

of Seaford and the President of the Street and Sewer Commission of the Town of Seaford. None of the moneys aforesaid shall be used for any other purpose than to pay for the work and improvements contemplated by this Act.

Section 11. The Council of the Town of Seaford is hereby authorized to require of both the Treasurer and the Collector of Taxes of said Town, bonds in addition to those prescribed by the Charter of said Town, which additional bonds shall be to The Town of Seaford, in penal sums to be fixed by said Council and with such sureties as such Council shall approve. The conditions of said additional bonds shall be prescribed by the said Council.

Collector and  
Treasurer to  
give addi-  
tional bond

Section 12. The Council of the Town of Seaford is hereby authorized to borrow money on the faith and credit of the Town of Seaford, executing a note or notes of said Town therefor, and pledging as security for such loan the proceeds of the assessments to be collected for making the proposed improvements authorized by this Act, provided, however that the aggregate of the sums borrowed under this Section shall not exceed the aggregate amount of assessments unpaid at the time of the execution of any note or notes aforesaid. All moneys so borrowed shall be deposited to the credit of the Seaford Street and Sewer Improvement Account provided for in Section 10.

Authorized  
to borrow  
money

Section 13. The entire cost of paving, grading, regrading, curbing and guttering the intersections of said streets shall be paid out of the moneys raised by the Council of the Town of Seaford by the issuance and sale of bonds under the provisions of this Act. Intersections here mean all that portion of the roadways between curb lines lying between the building lines extended of the two intersecting streets. The entire cost of building and improving all sewers and conduits, and of all outlets of sewers or conduits, and of all grading and regrading of streets authorized by this Act, shall be paid out of the moneys raised by the Council of the Town of Seaford, by the issuance and sale of bonds under the provisions of this Act.

Purpose of  
bond issue

## CITIES AND TOWNS.

Where one street runs into but does not extend beyond another street, then and in such case any property facing the street so running into such other street shall be assessed two-fifths of one-half of the cost and expense of the improvement made to that portion of the street lying within the space bounded by the building lines extended of said streets. The residue of the cost and expense of such improvement shall be paid for out of the moneys raised by the Council aforesaid.

Water and  
sewer con-  
nections

Section 14. Whenever the Street and Sewer Commission aforesaid shall determine to make any improvement authorized by this Act on any street, or section thereof, it shall notify the Council of the Town of Seaford of its determination, and it shall, thereupon, be the duty of said Council to see that any water mains and sewer mains, being in said street, are connected with the curb line in front of each property abutting on the street or section improved, prior to the date when the work of such improvement is begun; and the owners of all such property unconnected with such sewer and water mains shall be compelled to connect said mains with the curb line in front of their property, or the said Council shall so connect them prior to the date aforesaid, and shall recover the cost thereof from such owners as shall omit to provide such connections themselves. The mode of requiring any owner of property, as aforesaid, to make connections, as aforesaid, or to pay the cost of the making of such connections by said Council, shall be the same as is prescribed in the Charter of the Town of Seaford, with respect to paving, gravelling and curbing.

The cost or fee for a permit to tap the water main or sewer main and make the necessary connections and attachments shall be the same as has been provided or ordained, or may hereafter be provided or ordained, by the Council of the Town of Seaford, for such permit or permits.

Duties of  
Treasurer

Section 15. It shall be the duty of the Treasurer of the Town of Seaford, to sign every check or warrant drawn by the authority of the Street and Sewer Commission, afore-

## CITIES AND TOWNS.

said, upon the Street and Sewer Improvement Account hereinbefore mentioned. It shall be the further duty of the said Treasurer to render to said Commission, whenever so requested, a direct and accurate account of all moneys received by him under the provisions of this Act. It shall be unlawful for the Council of the Town of Seaford to pay any salary or compensation whatever to the Treasurer or Collector of Taxes of said Town at any time after the Street and Sewer Commission aforesaid, shall notify the said Council that said Treasurer or said Collector has failed or refused to perform any of the acts which the said Commission has legally requested him to perform; but the payment of such salary or compensation may subsequently be authorized by said Commission. The said Treasurer of the Town of Seaford shall not receive \*and additional compensation for performing any of the duties prescribed by this Act. The said Collector of Taxes of said Town shall not receive any additional compensation for performing any of the duties prescribed by this Act, except as expressly provided in Section 7 of this Act.

Section 16. The accounts of the Street and Sewer Commission of the Town of Seaford shall, at all times, be open to the inspection of the Council of said Town, and said Commission shall, at least every six months, and oftener if requested by said Council, make a report to said Council of its acts and doings, of all moneys expended by its authority, and of all obligations incurred by it. Accounts open to public

Section 17. The Street and Sewer Commission aforesaid shall, at any meeting to hear objections to assessments as hereinbefore set forth, whenever requested by any party in interest, exhibit such accounts or data as may enable said party to understand how the amount of the assessment against his property was arrived at.

Section 18. When the word "street" is used in this Act, it shall be construed to mean that portion of any street, road, avenue, lane or alley lying between the established curb lines and regularly recognized as a public highway. When the word "street" defined

\* any

## CITIES AND TOWNS.

word "improvement" is used in this Act it shall be construed to embrace all the kinds of work authorized by Section 1 hereof.

Bond issue

Section 19. For the purpose of providing the residue of the funds required for the improvement contemplated by this Act, over and above the aggregate of the assessments against the property affected thereby, the Council of the Town of Seaford is hereby authorized to borrow such sum or sums of money as may be required for said purpose not to exceed in the aggregate the sum of Twenty-five thousand dollars (\$25,000), and to this end the said Council is hereby authorized and empowered to issue and sell bonds of The Town of Seaford, said bonds to be known as "Seaford Street and Improvement Bonds," to an amount not exceeding in the aggregate the sum of Twenty-five Thousand Dollars (\$25,000.00).

Denominations

The said bonds shall be issued in such denominations as the said Council of the Town of Seaford may deem proper, and shall be numbered consecutively beginning with No. one, and shall bear interest at such rate per annum as said Council shall determine, not exceeding five per centum per annum, payable semi-annually on the first days of August and February, in each year while they remain unpaid, at one of the banks of the Town of Seaford, or any other responsible bank of Sussex County, at the option of the said Council of the Town of Seaford, on the presentation of the coupons attached to such bonds representing the said semi-annual interest.

Interest payable at

Principal payable at

The principal of the said bonds shall be payable at one of the banks of the Town of Seaford, or any other responsible bank in Sussex County, as the said Council of the Town of Seaford, shall hereafter determine, at the expiration of thirty years from the date of said bonds, but the said bonds or any of them may be redeemed at the option of the said Council of the Town of Seaford at par and accrued interest, at any interest period after the expiration of ten years

## CITIES AND TOWNS.

from the date of said bonds; provided however, that if the Council of the Town of Seaford shall, at any time after the expiration of ten years from the date of said bonds, elect to redeem any of said bonds, such redemption shall be made in pursuance of notices signed by the Mayor of the Town of Seaford and by the Treasurer thereof, published for the space of thirty days, or in one issue each week for four successive weeks, in one newspaper published in the City of Wilmington, one published in the town of Dover, and one published in the Town of Seaford, and if there be none published in the Town of Seaford, \*than in that case in one published in the town of Georgetown, in this State; such notice shall indicate the bonds called, and in making the calls in said Council of the Town of Seaford shall call the bonds according to their number, beginning with the lowest number, and interest on all bonds so called shall cease from the date named for their redemption.

Redemption  
of bonds

Section 20. That the said Council of the Town of Seaford shall direct and effect the preparation and printing and the sale of said bonds authorized by this Act, at such time or times and on such terms, as the said Council may deem expedient, but all moneys, the proceeds of such sales, shall be applied to carry into effect the provisions of this Act.

Printing and  
sale of bonds

Section 21. That the form of said bonds with the coupons thereto attached, shall be prescribed by the said Council, and the said bonds shall be signed by the Mayor of said Town and by the Treasurer thereof, and sealed with the corporate seal of said corporation, and shall be exempt from State, County and Municipal taxation.

Form of,  
how executed

As the said bonds and coupons thereto attached shall be paid the same shall be cancelled as the said Council shall direct.

Cancellation

Section 22. That the said Council of the Town of Seaford is hereby authorized and required to levy and raise by taxation, in each year a sum of money sufficient to pay all interest accruing on said bonds or any of them, while any of

Taxation for

\* then



## CITIES AND TOWNS.

said bonds shall remain unpaid; and the Council is further authorized and empowered to levy and raise by taxation from time to time such sum or sums as shall be necessary to create a sinking fund adequate for the redemption of said bonds at or before the maturity of all the bonds which may be issued under the provisions of this Act. The taxes for the said interest and for the said sinking fund shall be levied and collected as other taxes in said Town are and shall be assessed on the head and on property, and shall be in excess of, and in addition to the sum or amount which the said Council is authorized by any other law to raise by taxation.

Laws applicable to

Section 23. That all of the provisions of Chapter 188, Volume 22, of the Laws of Delaware, entitled, "An Act authorizing the "The Town of Seaford" to build and establish Water Works and Sewer System and to provide for apparatus for extinguishing fires and to borrow money and issue bonds for the payment therefor," approved February 22, A. D. 1901, and also the provisions of Chapter 235, Volume 26, of the Laws of Delaware, entitled, "An Act authorizing "The Town of Seaford" to borrow money and to issue bonds to secure the payment thereof, for the purpose of extending the Water Works and Sewer System of said Town through and over the districts added to and made a part of said Town, by Chapter 196, Volume 25, of the Laws of Delaware," approved March 7, A. D. 1911, shall be applicable to this Act and are hereby made a part thereof, except where such provisions are manifestly inconsistent with this Act.

Faith pledged

Section 24. The faith and credit of the Town of Seaford is hereby pledged for the payment of all the bonds that may be issued under the provisions of this Act.

How issued

Section 25. The bonds authorized by this Act may be issued at one time and in one series, or at different times in different series as the Council of the Town of Seaford shall determine; and the authority to issue and sell any bond

CITIES AND TOWNS.

or number of bonds under this Act shall not be deemed to be exhausted until the aggregate of the amount of the bonds issued shall be Twenty-five thousand dollars (\$25,000.00).

Approved April 2, A. D. 1917.

## CITIES AND TOWNS.

## CHAPTER 155.

## CITIES AND TOWNS.

AN ACT extending the corporate limits of the Town of Greenwood and increasing the amount which may be raised by taxation by said town.

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

Limits of  
town ex-  
tended

Section 1. That the Corporate Limits of the Town of Greenwood be and the same are hereby extended on every side to a distance of one-eighth of a mile beyond the present limits of the said Town as shown by the plot thereof, and the Town Council of the said Town shall cause to be made a new survey showing the said boundaries as hereby extended and shall cause a plot thereof to be recorded in the office of the Recorder of Deeds at Georgetown.

Sums to be  
raised by  
taxation

Section 2. That beginning with the year 1917, the Town Council of the Town of Greenwood shall have authority to raise by taxation in each and every year such sums as the said Town Council shall deem necessary not exceeding Fifteen Hundred Dollars (\$1500.00).

Approved April 2, A. D. 1917.

CITIES AND TOWNS.

CHAPTER 156.

CITIES AND TOWNS.

AN ACT to amend Chapter 438, Volume 22, of the Laws of Delaware, being entitled, "An Act to incorporate the Town of Frandford," by increasing the amount of tax which may be raised in any year.

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

Section 1. That Chapter 438, of Volume 22, of the Laws of Delaware, be and the same is hereby amended by striking out the word "two" as it appears in the third line of Section 23, of said Chapter, and inserting in lieu thereof the word "five."

Approved April 2, A. D. 1917.

## CITIES AND TOWNS.

## CHAPTER 157.

## CITIES AND TOWNS.

AN ACT to amend an Act entitled, "An Act to re-incorporate the Town of Delmar in Sussex County."

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

Chapter 237,  
Volume 26  
amended

Section 1. That Section 20, Chapter 237, Volume 26 of the Laws of Delaware, be amended by striking out all of said Section 20 of said Chapter.

Section 2. That Section 7, Chapter 237, Volume 26 of the Laws of Delaware, be amended by striking out all of said Section 7 down to and including the words "poll tax," in the fifth line of said Section, and inserting in lieu thereof the following:

Amount  
raised by tax

"The Council herein named, and their successors in office, shall, at their first stated meeting in every year, determine the amount of tax to be raised on said town for that year, provided that the tax rate shall not, in any year, be more than Forty Cents on each One Hundred Dollars of assessed valuation."

Approved March 21, A. D. 1917.

## CITIES AND TOWNS.

## CHAPTER 158.

## CITIES AND TOWNS.

AN ACT to amend Chapter 186, Volume 23, Laws of Delaware, being an Act entitled "An Act to incorporate the Town of Ellendale," by authorizing the town of Ellendale to borrow One Thousand Dollars and to issue bonds to secure payment thereof.

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

Section 1. That Chapter 186, Volume 23, Laws of Delaware, be, and the same is hereby amended by adding to said Chapter a new Section to be known as Section 22, as follows :

"Section 22. The Board of Commissioners of The Town of Ellendale, is hereby authorized and empowered to borrow upon the faith and credit of the said Town a sum of money not to exceed the sum of One Thousand Dollars and to issue Bonds to secure the payment thereof.

The money so borrowed shall be used for the purpose of purchasing suitable Fire apparatus for said Town, and for the purpose of constructing a proper Lockup for said Town.

The Bonds shall be prepared under the direction of said Board of Commissioners of the Town of Ellendale and shall have such form and bear such rate of interest not to exceed the legal rate, and may contain provisions for redemption before maturity, and have such date of maturity as the said Board of Commissioners of the Town of Ellendale may determine.

## CITIES AND TOWNS.

How and  
when sold

The said Bonds shall be sold as and when the Board of Commissioners of the Town of Ellendale may determine and upon such terms as shall be most advantageous for the Town of Ellendale.

Taxation for  
interest and  
Sinking  
Fund

The Board of Commissioners of the Town of Ellendale is hereby authorized and empowered to impose and levy a special tax upon the persons and the property of the persons subject to assessment for the purpose of defraying the annual interest on said Bonds and an adequate sinking fund for the redemption thereof at maturity, provided, that the said special tax shall not in any one year exceed the sum of Two Hundred Dollars."

Approved March 22, A. D. 1917.

## CITIES AND TOWNS.

## CHAPTER 159.

## CITIES AND TOWNS.

AN ACT to authorize Mayor and Council of Laurel to borrow Five Thousand Dollars to purchase a fire engine and equipment for the Town of Laurel, and to provide for the payment therefor.

*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 concurring therein):*

Section 1. Mayor and Council of Laurel is hereby authorized and empowered to borrow upon the credit of the Town of Laurel a sum of money not to exceed Five Thousand Dollars (\$5,000.00), and for that purpose it may issue certificates of indebtedness of such denominations or amounts, in such form and bearing such rate of interest not exceeding the legal rate, as the said Mayor and Council of Laurel may deem expedient. The interest upon the said sum so borrowed may be paid annually, or semi-annually, as the said Mayor and Council of Laurel may consider proper.

The said certificates of indebtedness shall all bear the same date, and should the whole sum of Five Thousand Dollars be necessary to be borrowed as aforesaid, it shall be due and payable in the following proportion and manner, that is to say:

One Thousand Dollars on or before the expiration of one year from the dates thereof; One Thousand Dollars on or before the expiration of two years from the dates thereof; One Thousand Dollars on or before the expiration of three years from the dates thereof; One Thousand Dollars on or before the expiration of four years from the dates thereof, and One Thousand Dollars on or before the expiration of five years from the dates thereof.



## CITIES AND TOWNS.

If a less sum than Five Thousand Dollars shall be borrowed under the provisions hereof, it shall be due and payable as follows: One-fifth of the whole sum to be due and payable each and every year as aforesaid, so that the entire sum so borrowed shall be paid in five years from the dates of the said certificates of indebtedness.

Proceeds  
paid to

Section 2. All moneys so borrowed shall be paid over to the Town Clerk, and Mayor and Council of Laurel is hereby authorized to transfer and pay over the said sum to the Water Department of the Town of Laurel, to be used by the said Water Department, or its duly authorized officer, for the purpose of purchasing a modern fire engine and other equipment for the Town of Laurel.

Taxation for  
interest and  
principal

Section 3. To provide for the payment of the principal and interest of said certificates of indebtedness at the times when the same shall become due and payable, Mayor and Council of Laurel is hereby authorized and empowered to levy additional taxes upon the persons and property of persons within the limits of the Town of Laurel, according to the provisions of the charter of said Town of Laurel, so that the additional amount to be raised by taxation as aforesaid, shall be sufficient to pay and satisfy said certificates of indebtedness and accrued interest thereon, as the same shall be due and payable.

Town Clerk  
to give  
additional  
security

Section 4. Mayor and Council of Laurel is authorized and empowered to demand and receive from the Town Clerk, or from any official of said Town to whom the expenditures of said moneys may be entrusted, additional security as it shall be deemed necessary and proper to secure the Town of Laurel against any loss which may arise or occur under the provisions hereof.

Approved March 15, A. D. 1917.

CITIES AND TOWNS.

CHAPTER 160.

CITIES AND TOWNS.

AN ACT to amend an Act entitled, "An Act to incorporate the Town of Ocean View in Sussex County, Delaware," being Chapter 649, of Volume 18, Laws of Delaware, as amended by Chapter 429, Volume 22, Laws of Delaware, by providing for an increase in the annual appropriation by the Levy Court.

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

That Section 6, of 649, Volume 18, Laws of Delaware, be and the same is hereby amended by striking out the word "two" in the twenty-first line of said Section 6 of said Chapter, and inserting in lieu thereof the word "four," the said word "two" having been inserted in said Section 6 by amendment in Chapter 429, Volume 22, Laws of Delaware.

Approved March 22, A. D. 1917.

## CITIES AND TOWNS.

## CHAPTER 161.

## CITIES AND TOWNS.

AN ACT authorizing the Town Council of Georgetown to borrow money and issue bonds to secure the payment thereof for the purpose of permanently improving the streets of the Town of Georgetown, and providing for the redemption and payment of the interest on said bonds.

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

Town Council  
authorized  
to borrow

Section 1. That Town Council of Georgetown, a municipal corporation of the State of Delaware, is hereby authorized and empowered to borrow on the faith and credit of the town of Georgetown, the sum of Fifteen Thousand Dollars (\$15,000.00), for the purpose of permanently improving the streets of the town of Georgetown.

Issue bonds

Denomi-  
nation

Section 2. For the purpose of carrying into effect the provisions of this Act, the said Town Council of Georgetown is hereby authorized and empowered to issue bonds of the said municipal corporation to the amount of Fifteen Thousand Dollars (\$15,000.00); said bonds shall be of the denomination of One Thousand Dollars each, and shall bear date when issued, and shall bear interest from date at a rate not exceeding five per centum per annum, payable annually. Said bonds shall be numbered consecutively from one to fifteen and the principal of the same shall be payable in the manner following, to-wit:

When  
payable

Bond No. 1 shall be paid on the first day of June, A. D. 1918, and thereafter one of said bonds shall be paid annually on the first day of June in each and every year until all

## CITIES AND TOWNS.

of said bonds are paid, said payments being made in consecutive order of the numbers of said bonds.

Section 3. That the said Town Council of Georgetown shall prescribe the form of the said bonds, determine the <sup>Form</sup> date of issue of the same, and the rate of interest thereon, direct and effect the publishing and printing thereof. negotiate the sale and delivery of the bonds, and receive and <sup>Printing and sale of</sup> apply the proceeds of the sale for the purposes of this Act. Said bonds shall be signed by the President and the Secretary of Town Council of Georgetown, and shall be sealed <sup>How executed</sup> with the corporate seal of Town Council of Georgetown.

Section 4. For the purpose of raising funds necessary for the redemption of said bonds, and the payment of the interest thereon, the said Town Council of Georgetown, is <sup>Special tax for principal and interest</sup> hereby authorized, empowered and directed to levy and collect annually in the same manner as other town taxes in said town of Georgetown are levied and collected, such further sum of money as shall be necessary and sufficient to meet the interest of the said bonds as the same shall accrue, and to pay the principal of said bonds when due.

Section 5. The faith and credit of Town Council of Georgetown are hereby pledged for the payment of the bonds authorized to be issued under this Act.

Approved March 22, A. D. 1917.

## CITIES AND TOWNS.

## CHAPTER 162.

## CITIES AND TOWNS.

AN ACT to amend an Act entitled, "An Act authorizing the Council of the Town of Milton to borrow money and issue bonds to secure the payment of the same for the purpose of providing a supply of water and sewerage system for the Town of Milton, being Chapter 256, Volume 27, Laws of Delaware, by increasing the powers of the Town Council of Milton, with regard to said water works and sewerage system.

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

Chapter 256,  
Volume 27  
amended

Section 1. That the words and figures "Ten Thousand Dollars (\$10,000.00)," as they appear in the 10th line of Section 1, Chapter 256, Volume 27, of the Laws of Delaware, be stricken out, and the words "Fifteen Thousand Dollars (\$15,000)" inserted in lieu thereof.

Section 2. That the word "four" as it appears in the 18th line of Section 1, Chapter 256, Volume 27, Laws of Delaware, be stricken out, and the word "five" inserted in lieu thereof.

Amount  
raised by  
taxation

Section 3. That the words "provided that the amount be raised for this purpose shall not exceed the sum of Three Hundred Dollars (\$300.00), (in any one year), as they appear in Section 3 of Chapter 256, Volume 27, Laws of Delaware, be and the same are hereby stricken out.

Section 4. That the words and figures "Ten Thousand Dollars (\$10,000)" as they appear in the 5th, line of Section 8, of Chapter 256, Volume 27, Laws of Delaware, be and the same are hereby stricken out.

Approved March 1, A. D. 1917.

CITIES AND TOWNS.

CHAPTER 163.

CITIES AND TOWNS.

AN ACT to amend Chapter 193, Volume 23, Laws of Delaware, by giving additional powers to the Council of "The Town of Milton."

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

Section 1. That Section 2, of Chapter 193, Volume 23, Laws of Delaware, be amended by placing at the end of said Section 2 an additional paragraph as follows:

"At the first meeting of the Council, after the annual election, the Town Council of "The Town of Milton" may, by a majority vote, elect an Alderman with the same judicial powers that the Mayor of said "The Town of Milton" now has.

At said first meeting of the Town Council, after the annual election, the said Town Council shall also elect a President Pro Tempore, who shall preside at all meetings of the Town Council."

Approved March 1, A. D. 1917.

## CITIES AND TOWNS.

## CHAPTER 164.

## CITIES AND TOWNS.

AN ACT to reincorporate the Town of Laurel.

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

Town limits      Section 1. TOWN AND WARD LIMITS. That the limits of the Town of Laurel be, and they are, hereby declared to be as follows:

Beginning at a stone set in the Southerly bank of Laurel River, back of the lot of land owned by Raymond Jones; thence running in an Easterly direction, with the Southerly bank of Laurel River, and following the course thereof, to the Mill Dam on the Northerly side of the Flour Mill of William T. Ricords and Son; thence in a Southerly direction to the Southerly side of Adams Lake, and following along the Southerly side thereof, to a stone set in the land of Sallie Fooks; thence in a direct line, South twelve and one-quarter degrees West, two hundred and eight rods, to a stone set in the lands of the heirs of William W. Dashiell, deceased; thence North, eighty-three and one-half degrees West, three hundred and forty-five and six-tenths rods, to a stone set in the land of Thomas H. Riggin; thence North, seventeen degrees East one hundred and seventy-two rods, to the Southerly bank of Laurel River, and place of beginning, the same having been previously surveyed and plotted and recorded in the Recorder's office, in and for Sussex County. The original and record, or a certified copy of the survey and plot, aforesaid, including therein the location of the streets, alleys, lanes and sidewalks of the Town of Laurel, shall be evidence in all Courts of Law and Equity in the State. The

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Council of the Town may at any time hereafter, cause a re-survey and plot to be made of the said Town, and the said plot, when so made and approved by the said Council, shall be recorded in the Recorder's office aforesaid, and the original and record, or a certified copy thereof, shall be evidence.

Section 2. The said Town of Laurel shall be divided into Wards and boundaries three Wards, as follows:

The First Ward shall consist of all that part of said Town lying and being within the following boundary lines, to-wit: Beginning at the intersection of the Southerly bank of Laurel River, and the centre line of Central Avenue, thence Southerly with the centre line of Central Avenue, as extended, in a straight line, to the Southerly boundary line or corporate limits of the Town, as defined in Section 1 of this Act, being also a point on the land of the heirs of William W. Dashiell, deceased; thence with the said corporate limits Easterly, Northerly and Westerly to the place of beginning.

The Second Ward shall consist of all that part of the said Town lying and being within the following boundary lines, to-wit: Beginning at the intersection of the Southerly bank of Laurel River, and the centre line of Central Avenue; thence Southerly, with the centre line of Central Avenue, to a point where the same intersects with the centre line of Sixth Street; thence Westerly with the centre line of Sixth Street, to a point in the Westerly boundary line or corporate limits of the Town, as defined in Section 1 of this Act, thence following the course of said boundary line, in a Northerly direction, to the Southerly bank of Laurel River, and thence therewith Easterly to the place of beginning.

The Third Ward shall consist of all that part of the said Town lying and being within the following boundary lines, to-wit: Beginning at the intersection of the centre line of Central Avenue, and the centre line of Sixth Street; thence Southerly with said centre line of said Central Avenue, as extended, in a straight line, to a point in the Southerly



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boundary line or corporate limits of the Town, as defined in Section 1 of this Act, being also a point in the land of the heirs of William W. Dashiell, deceased; thence in a Southwesterly direction, following the course of said boundary line, to a stone set in the land of the heirs of Thomas H. Riggin; thence North eighty-three and one-half degrees West, following the course of the Westerly boundary line of the Town to the centre line of Sixth Street aforesaid, and thence Easterly with the centre line of Sixth Street aforesaid, to the place of beginning.

## Corporate powers

Section 3. CORPORATE POWERS. The inhabitants of the said Town of Laurel are hereby constituted and continued a corporation or body politic by the name and style of "Mayor and Council of Laurel," with power to govern themselves by such ordinances, resolutions, rules and regulations for municipal purposes as they may deem proper, not to conflict with this Act, nor with the constitution and laws of this State, or of the United States.

The said corporation shall be vested with all the powers, rights, privileges, franchises and immunities heretofore belonging to "The Town of Laurel" as a municipal corporation, and generally, shall have all the privileges and franchises incident to a corporation or body politic.

All ordinances, resolutions, rules and regulations for municipal purposes now in force within said Town, not inconsistent with, or modified or repealed by, the provisions of this Act, shall continue in force until repealed, rescinded or changed by proper authority; and so far as the same may be legally applicable, such laws, ordinances, resolutions and regulations are hereby extended and applied to the territory comprised within the boundaries of said Town, as described and set forth in Section 1 of this Act.

Appropriation by  
Levy Court

Section 4. That the Levy Court of Sussex County be, and they are, hereby directed, in making the appropriation for the sum of the road tax to be paid to the overseers of roads annually, to make an order for the payment to the "Mayor

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and Council of Laurel" of the sum of Seven Hundred and Fifty Dollars, to be by them expended in repairing and maintaining in proper order, the roads, streets, lanes, alleys, bridges and squares within the limits of said Town; and the said "Mayor and Council of Laurel" shall have the sole supervision of said roads, streets, lanes, alleys, bridges and squares, provided that the said Levy Court shall not make the appropriation of said sum until the "Mayor and Council of Laurel" shall have certified that the said sum has been expended during the preceding year, for the purposes aforesaid.

Section 5. The said Corporation shall have power to annex any contiguous territory upon the petition of three-fourths of the freeholders of such contiguous territory, and extend and apply to such contiguous territory, all laws, ordinances, resolutions, rules and regulations in force within said Town, so far as the same may be legally applicable. Annex  
territory

Before any contiguous territory shall be so annexed to said Town, Council shall pass a resolution describing and defining accurately, the territory proposed to be annexed, and shall give notice that the petition for such annexation has been presented, by causing said resolution to be published in one newspaper in said Town not less than twice; and within sixty days thereafter, if sufficient cause to the contrary be not shown to the Council, it may, by ordinance, two-thirds of all the members agreeing therein, annex to said Town the territory described and defined in the resolution, and such territory shall thereupon become part of said Town, and part of the adjoining Ward or Wards thereof.

Section 6. The corporation shall also have power:

(1) To make and use a corporate seal, and to break, alter and renew the same at pleasure. Corporate  
seal

(2) To sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all courts of law or equity, or any other place whatsoever.

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(3) To have, take, purchase, receive, possess, enjoy and retain by lawful means, to it and its successors within said Town, or beyond the limits thereof, lands, tenements, hereditaments, goods, chattels and effects of what kind, nature or quality soever necessary for municipal purposes, and the same to sell, grant, demise, alien or dispose of at pleasure.

(4) To receive devises, bequests and donations of all kinds of property within said Town and beyond the limits thereof, for its own use and benefit, or in trust for charitable, benevolent, educational or other public purposes, and to do all acts necessary to carry out the purposes of such devises, bequests, gifts and donations.

(5) To acquire or erect and maintain public buildings, libraries, hospitals, asylums and reformatory institutions, and to regulate and control the management of the same.

(6) To appropriate annually under proper regulations and conditions, a sum of money to aid in the relief and care of sick, infirm and deceased persons, residents of said Town.

(7) To lay out, establish, maintain or vacate, public parks and squares; to lay out, open and reopen, grade, extend, widen, improve or vacate, curb and recurb, pave and repave, streets and alleys, sidewalks, crossings and other highways; to construct, keep in repair or vacate, bridges and viaducts; to construct, cleanse, maintain or vacate sewers, drains, gutters and other works for the disposition of drainage and sewage of said Town; to regulate and control the use of such parks, squares, streets, alleys, sidewalks, crossings and other highways, bridges and viaducts, sewers, drains, gutters and other works for the disposition of sewage and the drainage of said Town, and to provide, by ordinance, for the removal of snow from the sidewalks and pavements in said Town, at the expense of property owners or occupiers; the jurisdiction and control over the squares, streets and alleys, sidewalks, crossings and other highways to extend from building line to building line, provided that nothing con-

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tained in this Act shall be construed to relate to the bridges within said Town under the jurisdiction and control of the Levy Court of Sussex County.

(8) To acquire or construct, cleanse and maintain, sewers outside of and within one mile of said Town; to acquire and control, cleanse, keep open, clear and unobstructed, or confine, wall up and cover over, alter and change, the courses or direction of the natural water courses, runs or rivulets outside of and within one mile of said Town.

(9) To enter upon and condemn, private property required for municipal purposes within said Town, or within one mile of its limits, and assess the benefits and damages thereof, and have the same ascertained, collected and paid in the manner now or hereafter to be prescribed by law for the condemnation of land for municipal purposes in said Town.

(10) To lay out streets and fix the grade thereof on any land immediately contiguous to the boundary line of said Town and within one mile thereof; to acquire or construct, cleanse and maintain, sewers outside of and within one mile of said Town; to acquire and control, cleanse, keep open, clear and unobstructed or confine, wall up and cover over, alter and change the courses or direction of any of the natural water courses, runs or rivulets outside of and within one mile of said Town.

(11) To prescribe the height, thickness of walls, and the material of all buildings, public or private in said Town, and the mode of erecting and maintaining the same; to fix the said lines beyond which buildings shall not be erected; to prescribe the extent of steps, porches, cellar doors and other inlets to buildings; to require the owners of public halls and other buildings, where deemed necessary, to provide safe and sufficient means of exit and fire-escapes, and to regulate the manner in which party walls and partition fences shall be constructed and maintained.

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The "Mayor and Council of Laurel" shall have the power and authority, by ordinance, to issue permits for the erection and repair of buildings, and to regulate and control the issuance of such permits, and to provide for the punishment of all persons who shall erect, or attempt to erect, or to repair, or to attempt to repair, any building or structure, without first having obtained a permit therefor from the "Mayor and Council of Laurel."

(12) To provide for supplying said Town and its inhabitants with water, and for the protection of the water to be used from contamination; to provide for the erection and maintenance of such works as may be necessary or convenient for supplying water, and to fix, alter, regulate and control the prices and uses of water so supplied.

(13) To provide for lighting the streets and all public places in said Town, and for supplying the inhabitants thereof with lights; to provide for the acquisition or erection and maintenance of such works as may be necessary or convenient for supplying such lights, and to fix, alter, regulate and control the price and use of lights so supplied.

(14) To fix, alter, readjust, establish and determine the line beyond which no wharf, dock, pier or other obstruction shall be constructed, placed or maintained in the tide-way of the Laurel River, and for these purposes the officers of said corporation shall have power and authority to enter upon any lands adjacent to said river, and there fix and establish such landmarks as may be necessary.

(15) To provide for the acquisition, construction and maintenance, and to authorize, regulate and control the construction and maintenance of all such works as may be required for the accommodation of commerce including public landing places, wharves, docks and piers and to regulate and control the use thereof; to regulate and control, or prohibit, the anchorage, moorage and landing of all water crafts and cargoes within said Laurel River; to fix, alter,

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regulate and control the rates of wharfage and dockage; to regulate and control the use of ships and vessels, tugs and other boats in the said Laurel River, and to provide for the maintenance of the same.

(16) To grant to persons or corporations in such manner, and upon such terms and conditions as it may prescribe, franchises and privileges to locate, construct, extend and operate any enterprise in, upon, through or under any public park, square, street, alley, sidewalk, crossing or other highway, bridge, viaduct, sewer, drain, gutter, public landing place, wharf, or pier; provided that such grant shall be made for a definite period not longer than twenty years, and subject to the right to repeal and revoke the same for the abuse, misuse or nonuse of the franchises or privileges granted; and further provided, that no ordinance granting such franchise or privilege shall be passed unless it shall receive the affirmative four-fifths vote of all the members of Council, and approval of the Mayor.

(17) To license, tax, regulate and control, auctions and auctioneers; to license, tax, regulate and control the storage within said Town of gun powder, or any other dangerously combustible matter, and any explosive oil or compound; to license, tax, regulate and control or prohibit shows, exhibitions, public representations and amusements of every kind within said Town; to grant license or issue permits for any lawful purposes, and fix the amount to be paid therefor; to define the purpose for which licenses or permits shall be required, and to make and enforce such regulations as may be necessary with respect to the collection of the fees and charges for any license or permit granted and for the collection of any taxes imposed; to suppress, by ordinance, games of chance, gaming devices, the use of slot machines, and any or all devices or contrivances where the return to the player of the machine, or the user of the device, is dependent upon an element of chance.

(18) To make and enforce sanitary regulations; to regulate the burial of the dead; to define, abate and remove

## CITIES AND TOWNS.

nuisances injurious to the public health, or dangerous or intolerable to the inhabitants of said Town; and to prevent the introduction of infectious or contagious diseases for which purpose its jurisdiction shall extend to any distance within one mile of the limits of said Town.

The "Mayor and Council of Laurel" shall provide, by ordinance, for the punishment of all persons who shall be found guilty of maintaining a nuisance within the limits of the Town of Laurel; or said "Mayor and Council of Laurel" may proceed to summarily abate said nuisance, after notice to the person or persons responsible therefor, and after hearing and determination by said Mayor and Council of Laurel that a nuisance exists, and any expense or cost incurred shall be paid by the person found responsible.

(19) To prohibit the going at large of any horse, dog or other animal except under regulations prescribed by said corporation; to lay and collect fines on the owners or harborers of any horse, dog or other animal found going at large, in violation of such regulations, and to provide for the registration and taxation of dogs, both male and female, in said Town.

(20) To provide an efficient fire and police force and to make and enforce within said Town, such fire and police and other regulations as are deemed expedient to protect persons and property, maintain the public peace, prevent crime and promote the public morals.

(21) To require the registration of the real estate within said Town in such manner as to show who are the owners thereof, and to facilitate the assessment of said real estate.

(22) To make general assessments of property not exempt from taxation for public purposes in said Town and assess and collect taxes, licenses, poll taxes and fines for municipal uses and purposes, provided, that in no year shall the said "Mayor and Council of Laurel" raise a sum by taxation in excess of six thousand dollars.

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(23) To require every able bodied male person between the ages of twenty-one and sixty-five years, who has resided in said Town for five months, to work on the streets, alleys, squares or thoroughfares of said Town, for two days in every year as the year is herein defined, and if any person who is liable to render such services, fails to attend as directed, on notice from the Chief of Police, or who shall appear and fail or refuse to work or render proper services, as by the person or persons supervising the work he is required and instructed to do, shall be guilty of a misdemeanor, and on conviction thereof before the Alderman or Justice of the Peace of Sussex County, shall be fined two dollars, and shall be adjudged to pay fines and costs and stay committed until fines and costs are paid. The year for improving and repairing streets, alleys, squares and thoroughfares of said Town under this Section shall be reckoned from the first day of June inclusive in one year, to the first day of June inclusive in the next year. On or about the first day of May in each year, the Town Clerk, with the aid of the Council, the Chief of Police and other police, shall make out a list of all persons who on the first day of next June will be liable to render services, and as soon as may be reasonably convenient, this list shall be delivered to the Chief of Police and he shall call on each person named therein to pay the sum of one dollar. Each person who pays the same shall receive a receipt exempting him from service for the current year beginning on the first day of June following. Within five days before the first day of June of each year, the Chief of Police shall make a list of the persons who have not paid the exemption fee, and from this list the Chief of Police shall, from time to time, call out persons for service, and he shall allow no person to escape from the services. Any person who shall fail to pay when called on by the Chief of Police, may still pay said exemption fee at any time after the first day of June in each year, when called upon to perform the services aforesaid, but in case he fails as aforesaid, he shall be required to pay an additional fee of twenty-five cents in order to be exempted from said services. The Chief of Police shall make monthly returns to the Town Clerk of the moneys



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and shall pay over the same to him. The Mayor and Council shall have full power and authority to pass ordinances or resolutions for executing, carrying out and enforcing the provisions hereof, and providing systematic arrangements in respect hereto.

(24) To borrow money for municipal purposes, and to issue negotiable bonds therefor, which bonds shall be exempted from taxation under any law of this State. But said corporation shall not at any time in any manner, or for any purpose, except as hereinbefore provided, become indebted or issue bonds to an amount that will in the aggregate, including all indebtedness of every kind, and all bonds issued, exceed ten per centum of the assessed value of the real estate within said Town, such value to be ascertained and determined by the last assessment preceding the creation of such indebtedness and the issuing of such bonds; provided, that no ordinance authorizing the borrowing of money and the issuing of bonds shall be passed, unless it shall receive the affirmative four-fifths vote of all the members of the Council, and be duly approved by the Mayor; and further provided, that no ordinance passed as aforesaid shall be operative, and no money shall be borrowed or bonds issued thereunder, unless said ordinance shall be approved by a majority of all the votes of freeholders cast at the Town election, subsequent to the passing of said ordinance, or at a special election held pursuant to an ordinance of the Council providing for such election, and at which the said ordinance authorizing the borrowing of money and the issuing of bonds, shall be submitted to the qualified freehold voters of said Town; and further provided that, if through calamity or casualty, any public building or public works, or any part thereof, shall be destroyed or injured beyond the available means or ability of the corporation at the time to replace or repair, said corporation may, under authority of an ordinance passed by the affirmative vote of two-thirds of all the members of the Council and duly approved by the Mayor, borrow, as a temporary loan, a sum to be specified in such

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ordinance for replacing or repairing the properties or works destroyed or injured, or making suitable substitutes therefor, which sum shall be applied to that purpose, and to no other, and shall be payable, principal and interest, in such time, times and manner, as the ordinance shall prescribe.

Whenever two-thirds of all the persons owning property along or upon any street in the Town of Laurel, shall petition the "Mayor and Council of Laurel" for the permanent improvement of such street, if, in the judgment of such Mayor and Council, the current revenues of the Town shall not be sufficient in any one year to defray the expenses of such improvement, the said "Mayor and Council of Laurel" shall provide by ordinance the submission to the qualified freeholders of the Town, the question whether the issuance of bonds shall be made to secure the borrowing of sufficient money for the purpose aforesaid.

In all such ordinances, the amount of money desired to be borrowed, and the improvement to be made, shall be particularly specified.

(25) To provide for the payment of the legitimate expenses of the corporation, and for the annual payment through the medium of a sinking fund or otherwise, of a portion of its bonded indebtedness now existing or hereafter to be created.

(26) To provide for the submission of questions relating to the corporation to the qualified voters of said Town, at any Town election or at any special election held for said purpose, pursuant to an ordinance of the Council; to prescribe the manner and form in which said question shall be submitted; and to designate the time and places at which special elections for said purposes shall be held.

(27) To make the violation of its ordinances a misdemeanor in all proper cases, and to prescribe the punishment thereof, by fine or imprisonment, or both, provided

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that such fine shall not exceed fifty dollars, and such imprisonment a term of one month; to carry out the provisions of this article, the keeper of the jail of Sussex County shall be required to receive and keep any and all such persons committed to his custody, under the provisions of this Act.

All prosecutions for the violation of ordinances shall be before the Alderman, or before any Justice of the Peace of the State of Delaware, resident in the Town of Laurel, and shall be in the name of the State of Delaware.

(28) To exercise all municipal powers necessary to the complete and efficient management of the municipal property for the proper administration of the municipal government, and for the well being of the inhabitants of said Town, whether such powers be expressly enumerated herein or not.

(29) To alter, amend and substitute from time to time as necessity may require, any of the ordinances of the said Council as may be deemed necessary and proper, provided, that all such alterations, amendments and substitutions shall be published and made public through advertisement in one of the newspapers of said Town of Laurel.

(30) To levy and impose a tax on all telegraph, telephone and electric light poles erected within the limits of the Town, at a certain price for each and every pole, and also levy a tax or assessment on the business of saloons, restaurants, barber shops, pool rooms, peddlers, teamsters, livery stables, fire and life insurance agents, amusement halls or places of public entertainment and prescribe the time within which such tax or assessment shall be paid, and to enforce its collection.

Section 7. The legislative power of the corporation shall be vested in the Council, subject to the power of approval or veto by the Mayor, as hereinafter provided.

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The Council shall consist of five members, three of whom <sup>Council to consist of</sup> shall be residents of, and substantial freeholders of, the several wards from which they are elected respectively, and the other two of whom shall be residents of, and substantial freeholders of, the Town of Laurel.

Section 8. Members of the Council and a Mayor shall be <sup>To be elected by</sup> elected by the qualified voters of said Town. Their terms of office shall begin on the first day of April next succeeding their election, and shall be for a term of two years. At the first Town election to be held under the provisions of this Act, and biennially thereafter, there shall be elected a Mayor and five members of Council, three of which members of Council shall be from the three Wards respectively, and two of whom shall be elected from the Town at large. The said members shall be chosen by a plurality of the votes cast.

The Council may from time to time, by ordinance, subject as in other cases to the approval of the Mayor, readjust the boundary lines of the several Wards, so that each of said Wards shall contain, as nearly as possible, an equal number of inhabitants.

Section 9. The Council shall be the judges of the election, returns and qualifications of its members. If two or more candidates for membership for Council or for Mayor shall receive an equal number of votes so that there shall not be an election of a Mayor, or the required number of the members of Council, those so receiving an equal number of votes shall determine by lot, who among them shall be the Mayor or a member or members of Council, but in every such case the question shall be determined before the organization of the Council and the candidate or candidates thus chosen shall be entitled to participate in such organization as fully as if he or they had been chosen at the Town election. The Council shall have power to prescribe, by ordinance, the method of determining by lot, who shall be entitled to membership in the Council, or to be Mayor. If

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a member of Council shall fail to qualify or shall die, resign or be removed from office, the Mayor shall appoint a suitable person who shall be a resident of the Ward from which such vacancy exists, to serve until the next regular municipal election, at which time his successor shall be chosen.

Salary of  
members

Section 10. The salary of each member of Council shall be Twelve Dollars per annum.

## Meetings

Section 11. The Council shall meet at 7.30 o'clock P. M., on the first Tuesday of April succeeding the Town election in the Council chamber, and thereafter at such times as the Council may appoint, or as may be fixed by ordinance; provided, that special meetings may be called at any time by the Mayor as hereinafter provided, and shall be called in like manner at the request in writing of two members. The object and purposes of any special meeting shall be set forth as called therefor, and no other business shall be transacted at such meetings, except by unanimous consent. The Council shall have power to adopt rules for its proceedings and preserve order at its meetings. The meetings of the Council shall be public, and the Journal of its proceedings shall be kept by the Town Clerk under its direction. When a special meeting shall be held, the call for such meeting shall be set out in full on the Journal. The Council shall, at their first meeting, select one of their number, who shall be President of Council, and whose duty it shall be to preside at all meetings.

Rules for  
Council

Section 12. Every legislative act of the Council shall be by ordinance. No ordinance shall be passed unless a bill shall have been regularly introduced and have had two readings, one of said readings at a meeting previous to the meeting at which said ordinance shall be passed; nor until full and free discussion shall have been allowed thereon. On the final passage of a bill, the vote shall be taken by yeas and nays and the person voting for and against it shall be entered on the Journal. No ordinance shall be passed without the concurrence of a majority of all the

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members. Ordinances granting franchises or authorizing the borrowing of money and the issuing of bonds, shall not be passed without a four-fifths vote of all the members of Council, nor within thirty days after its introduction. Every ordinance after it shall have passed Council, and shall have been enrolled, shall be signed by the President in authentication of its passage.

Section 13. Every ordinance which shall have passed the Council and been duly authenticated by the President, shall, within two days thereafter, be presented to the Mayor by the Town Clerk. If the Mayor shall return the ordinance to the Council without his approval, the Council shall proceed to reconsider the ordinance. The objections of the Mayor to the ordinance which shall be stated in writing, shall be entered on the Journal. If, after consideration of the ordinance, the Council by unanimous vote shall agree to pass the same, said ordinance shall become an Ordinance of said Town as fully and to all intents and purposes as if the same had been approved by the Mayor, otherwise it shall be wholly inoperative and of no effect. The action of the Council in each case shall be certified to, by the President on the Ordinance. Every Ordinance that shall not be returned to the Council by the Mayor within ten days after the same shall have been presented to him, shall become an ordinance with like effect as if it had been approved by him. No ordinance shall embrace more than one subject and that shall be expressed in its title. All resolutions, rules and regulations passed by Council, except such as relate to its organization and proceedings, shall be subject to the same mode of procedure as applies to Ordinances.

Section 14. All ordinances and all resolutions, rules and regulations passed by the Council shall be preserved by the Town Clerk and recorded at length in a suitable book kept for that purpose. All ordinances of a general or permanent nature, and those imposing a fine or penalty, shall be published at least twice in a newspaper of general circulation in the Town.

## CITIES AND TOWNS.

Passing of  
ordinances

Section 15. The Council shall not pass any ordinance exempting any individual from the operation of any general ordinance or municipal regulations. Nor shall it have power to pass any ordinance providing for the expenditure of money in any fiscal year in excess of the amount of taxes, water rents and other ordinary receipts of the corporation for such year, except such sum as may be necessary for replacing or repairing the properties or works of the corporation destroyed or injured through calamity or casualty; provided, that nothing contained in this section shall be construed to apply to money borrowed on bonds for a specific purpose.

Personal or  
private in-  
terest of  
members

Section 16. A member, who has a personal or private interest in any measure, ordinance or bill proposed or pending before Council, shall publicly disclose the fact to the members and shall not vote thereon; nor, except by permission, take part in the discussion of the same; if such interested member shall vote without publicly disclosing his interest in such measure, ordinance or bill, and the same be carried by his vote, such measure or bill shall be void.

Copies of  
ordinances  
shall be  
admitted as

Section 17. The printed or typewritten copies of the ordinances and resolutions of the Council, whether of a public or private nature, published by authority of the Council, shall be admitted as evidence thereof in all Courts, and on all occasions; and in pleading it shall not be necessary to recite or draw them out at large.

Oversight  
of all roads,  
streets, etc.

Section 18. That the Mayor and Council of Laurel for the time being, or a majority of them, shall have the superintendence and oversight of all roads and streets, lanes, alleys, squares and gutters in said town to be repaired, supported, regulated, removed and amended in any manner they may deem most proper for the convenience and interest of the citizens of said Town, and to discharge the expenses of repairing the said streets, lanes, alleys, bridges, squares and gutters, or for any other purpose that will contribute to the safety, convenience and prosperity of said Town.

## CITIES AND TOWNS.

Section 19. That the Mayor and Council of Laurel for the time being, or a majority of them, shall have the power, <sup>Opening of streets</sup> upon the application of five or more citizens of said town by petition to them for that purpose, to locate, lay out and open any new street or streets, or reopen old street or streets, which five or more citizens of said town may desire to be located and laid out and opened or reopened, allowing to the persons respectively through or over whose grounds such new street or streets, or old street or streets, may run, such compensation or damages 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 on warrant drawn on him by the Mayor and Council aforesaid.

Section 20. That whenever the Mayor and Council of Laurel shall have proceeded to locate and lay out any new street, or reopen old street, and shall have fixed the compensation therefor, it shall be their duty, immediately after the survey and location of said street, or reopening old <sup>Damages for</sup> street, to notify, in writing, the owner or owners of the real estate through or over which such new or old street may run of their determination to open the same, and to furnish a general description of the location thereof, and also the amount of such damages or compensation allowed to each, and if such owner be not a resident within the said Town, to notify the holder 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 determination to lay out and open the said street, or with the amount of the compensation or damage, he may, within ten days after receiving notice from the Mayor and Council as aforesaid, appeal from the said <sup>Owner may appeal</sup> determination or assessment, or both, by serving written notice to that effect on the said Mayor and Council, or any one of them. In order to prosecute said appeal, such owner or owners shall, within ten days after the expiration of the ten days allowed for appeals, apply to any Justice of the Peace residing within said town, who shall, within three



## CITIES AND TOWNS.

Condemna-  
tion proceed-  
ings

Commission,  
how selected

days thereafter, and upon notice to the said Mayor and Council, or any one of them, select and write down on a list the names of twenty-one judicious and impartial freeholders, nine of whom shall be freeholders of Little Creek Hundred, owning no real estate in said town, and not residing within its limits, and the remaining twelve shall be freeholders of said Town, owning real estate therein and residing within its limits. The said Mayor and Council of Laurel shall, upon receiving said notice from the Justice, immediately notify all persons owning real estate on said street, and residing in the said Town, who have notified them of their intention to appeal, of the time and place when and where the said names shall be selected, and at the time and place mentioned in the notice of the Justice, the said appellants, or as many of them as choose, and the said Mayor and Council shall attend.

The appellants, their agent or attorney, shall first strike out one of said names, and the Mayor and Council of Laurel, their agent or attorney, shall strike out another, until each shall have struck out seven; such striking shall be so confined and regulated as to leave seven remaining freeholders, located as follows, to-wit: Four resident in said town and three residing out of said Town, who shall constitute the freeholders who shall determine concerning the necessity of said street, and assess the damages of all owners of real estate through or over whose ground the said street shall run, who shall have notified the Mayor and Council of their intention to appeal, and their award and assessment shall be final, and a copy thereof shall be communicated to all parties, appellants and Mayor and Council. In case either side, Mayor and Council or appellants, be not represented before the Justice, or shall refuse to strike, the Justice shall strike for the party so absent, neglecting or refusing. Any party appellant or Mayor and Council may, within ten days after the appointment of said freeholders, and upon five days' notice to the other parties resident in said Town, or in case of non-residents notice to the holders of any real estate, call out the freeholders afore-

## CITIES AND TOWNS.

said, who shall thereupon proceed upon oath or affirmation to inquire of the necessity of such street, and in case they deem such street to be necessary, to assess the damages of the several owners. Their award shall be made within <sup>Award of damages</sup> twenty days from the time of notifying them to meet. If any freeholder thus appointed and notified shall refuse to serve, he shall forfeit the sum of Twenty Dollars, to be recovered in an action of debt before the Alderman or any Justice of the Peace of Sussex County in the name of the Mayor and Council of Laurel, for the use of said Town. The said Justice of the Peace shall have the power to fill any vacancy in the commission. If in case the award of the freeholders shall be against the necessity of any such street, then no petition for any such new street so condemned shall be entertained by the Mayor and Council then acting during the term for which they were elected.

The act of a majority of said freeholders shall be as good as the act of the whole in making any such award or assessment of damages.

Section 21. That if on any such appeal the award shall <sup>Cost of appeal paid by</sup> be against the necessity of a street or the freeholders shall increase the damages of any appellant, then the costs of the appeal shall be borne by the Town.

But if the freeholders shall affirm the necessity of the street, and shall not increase the damages of any appellant, then the costs shall be paid by the appellants equally. That the damage which may be assessed upon the occasion of opening any new street shall be paid out of the funds of the town, or duly tendered before the property of any person, in whose favor the damages are assessed, shall be appropriated for the opening of any such streets, and in case of any such owner or owners in whose favor any such damages are assessed shall be a minor, non-resident, or refuse to receive or be incapable for any cause of receiving the same, such damages may be deposited in one of the banking institutions which may at the time exist in said Town, to the

## CITIES AND TOWNS.

credit of such person or persons, and subject to his or their order, and such deposit shall operate as payment. The fees of the freeholders shall be one dollar per day. After the damages shall be fixed and ascertained by the freeholders, the Mayor and Council of Laurel shall have the option to pay the damages assessed as aforesaid, and to proceed with the said improvements, or, upon payment of the cost only, may abandon the proposed improvements.

Vacating of  
streets, etc.

Should the Mayor and Council of Laurel desire to have vacated any street, avenue, highway, lane or alley, or any part thereof, in the Town of Laurel, the said Mayor and Council of Laurel shall prefer a petition to the Court of General Sessions, in and for Sussex County, praying that the same shall be vacated. The said petition shall set forth with particularity, the street, avenue, highway, lane or alley, or any part thereof, desired to be vacated, and shall be signed in the corporate name by the Mayor, attested by the Clerk, with the corporate seal thereto affixed. Upon such petition being preferred, the said Court shall make an order appointing five suitable persons to view the said street, avenue, highway, lane or alley, or any part thereof, desired to be vacated, and make return to said Court on the first day of the next succeeding term thereof. In such order the direction shall be that if they judge such street, avenue, highway, lane or alley, or any part thereof, to be unnecessary, and that it ought to be vacated, they shall so report in their return to the Court, and in making the order of confirmation of such return, the Court shall make an order vacating any such street, avenue, highway, lane or alley, or any part thereof, so reported in said return as unnecessary.

Damages

Upon the vacation of any street, avenue, highway, lane or alley, or any part thereof, any person sustaining injury thereby may apply to the said Court at the term to which said return is made, or the next succeeding term, to appoint three disinterested and impartial persons to value the damage which he has sustained, and the damages so assessed

## CITIES AND TOWNS.

shall be paid by Mayor and Council of Laurel before the said street, avenue, highway, lane or alley, or any part thereof so vacated, shall be closed up or obstructed. The costs of all proceedings to vacate shall be paid by Mayor and Council of Laurel, and in all applications for the appointment of a commission to value damages, the person or persons so making the application shall pay the costs of the proceeding, unless damages shall be awarded, in which case the costs shall be paid by Mayor and Council of Laurel.

Section 22. PAVING POWERS. The Mayor and Council of Laurel is hereby authorized and required upon the written petition of five or more substantial freeholders of said Town, to direct in writing the owner, or owners, of any house or land in Laurel, before, along, in front of, or adjoining which, they may deem proper that a pavement should be laid, to curb and lay a pavement, or either or both, of brick, smooth stones, or cement, as the said Mayor and Council may direct, and of such length and width as may be specified. In the event that any owner shall neglect or refuse to comply with said notice for the space of thirty days, the said Mayor and Council of Laurel may proceed to have the same done, and when completed, the Clerk of said Town shall, as soon as convenient thereafter, present to the owner, or owners, of said lands, a bill showing the expense of such paving or curbing, or either or both; if such owner, or owners, shall not reside in the Town of Laurel, such bill may be presented to the occupier or tenant of such land, or, if there be no occupier or tenant resident in said Town, such bill may be sent by mail to such owner, directed to him at the post-office nearest his residence, or directed to him at his last known post-office address. If such bill be not paid by the owner within thirty days after the presentation of the same, then it shall be the duty of said Mayor and Council of Laurel to issue a warrant in the name of the corporation, under the hand of the Mayor, and under the seal of the corporation, directed to the Clerk of the said Town, commanding him that of the goods and chattels,

## CITIES AND TOWNS.

lands and tenements of such owner, he shall cause to be levied and made the amount of said bill, together with all costs. It shall be the duty of said collector, as soon as convenient after the said warrant shall have been delivered to him, and after ten days' notice to the owner of such lands, to proceed to sell the goods and chattels, or the lands and tenements of such owner, or a sufficient part thereof as may be necessary to pay the amount of said bill, with all costs.

Becomes a  
lien

The claim for paving or curbing, or either or both, with interest on the same from the date of the completion of the improvements, shall be a lien on the premises before, along, in front of, or adjoining which the said work shall have been done, and shall have priority over any lien, incumbrance or conveyance made or suffered after the completion of said improvements; provided that, within thirty days after the completion of said improvements a certificate under the seal of the corporation, signed by the Mayor, and attested by the Clerk, setting forth the amount of the bill, the date of the completion of the improvements, and a description of the property affected by said lien, with the name of the owner, shall be recorded in the mortgage records in the office of the Recorder of Deeds at Georgetown, in and for Sussex County; and the record of such certificate shall be evidence in all Courts of law or equity, in this State.

Lands and tenements sold as aforesaid shall be sold subject to any lien or encumbrance suffered or made by the owner or owners thereof, before the completion of said improvements.

Any notice required by this Section to one co-owner shall be notice to all, and in case no owner shall reside in the said Town, notice served upon the occupier or tenant of such property shall be sufficient; or if there be no owner, occupier or tenant of said premises in said Town, it shall be sufficient to send said notice by registered mail to such owner, directed to him at his last known post office address;

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or if the address of such owner cannot be, after reasonable diligence, ascertained, then it shall be sufficient to affix a copy of such notice to some portion of the premises affected thereby.

The provisions of this section shall apply to any order made by the Mayor and Council of Laurel with respect to any pavement, sidewalk or curb heretofore made, which the said Mayor and Council may deem insufficient, or need repairing.

If any lands and tenements shall be held or owned by a widow as and for her dower, or by any life tenant, such expense incurred as aforesaid shall be paid by the owner of the reversion, in fee simple; and if such owner be a minor, then the same shall be paid by the guardian or agent acting for such minor, out of any money or effects of said minor, and a receipt therefor to such guardian or agent shall be sufficient evidence of such payment, and shall be allowed in the guardian's or agent's account, and if not paid by the guardian or agent on the presentation of the bill, the same shall remain at interest from the day of presentation, and shall be a lien against such lands and tenements until paid, provided that a certificate thereof shall be filed as hereinbefore provided.

The Mayor and Council of Laurel is hereby vested with the specific power to establish curb and grade lines; and shall furnish the owner of property with such curb and grade lines upon his application. Ordinances may be enacted for the punishment of any person who shall in any manner disregard the curb and grade lines established by the corporation, or who shall pave, or attempt to pave, or make any other improvement with respect to which the curb and grade lines of the town shall be considered applicable, without first having obtained the authority therefor from said Mayor and Council of Laurel.

The construction of any curb or pavement not in conformity with the curb and grade lines as established by the

## CITIES AND TOWNS.

corporation, may be, by ordinance, deemed a nuisance, and punished or abated as other nuisances.

**Petitions for  
improvement**

Section 23. The Mayor and Council of Laurel, 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 permanently improved, may direct the said street, or such portion of such street as set forth in said petition to be permanently improved, in such manner as in their judgment they shall direct.

**Expense,  
how divided**

The expense incurred by the permanent improvement as aforesaid, shall be borne in the following manner, to-wit: Twenty-five per centum of the expense shall be paid by the property owners along the street, or portion of the street so permanently improved as aforesaid, and the remaining expense shall be paid by the corporation.

**Assessment,  
how made**

The Mayor and Council of Laurel, or a committee appointed for that purpose by them, shall assess twenty-five per centum of the costs of the permanent improvement upon the property owners upon such street, or portion thereof, according to the frontage of each owner on said street, or portion of said street, and the assessment so made shall be a lien upon the property, and shall be collected as is the costs of paving of sidewalks, and curbing. Certificates of lien may also be filed as in the case of paving and curbing, and sales of personal property and real estate to defray the costs thereof, may be made by the Mayor and Council of Laurel in the manner herein provided for the sale of personal property or real estate for the payment of taxes.

**Materials  
used**

In making the permanent improvement on any of the streets of the town of Laurel, 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 in the improvement of any one street; provided, however, that the Mayor and Council of Laurel may designate

## CITIES AND TOWNS.

the kind and character of the improvement to be made, notwithstanding the petitioners may have designated in their petition the particular kind of material to be used.

In the event that it shall be necessary to borrow money, and to issue bonds to secure the payment of the same, to defray that portion of the expense of the permanent improvement of streets imposed upon the corporation, no money shall be borrowed, and no bonds shall be issued, except upon the approval by the qualified electors of said Town, as is herein provided.

Claims against owners of property under this Section may be secured by the filing of liens according to the method prescribed by Section 22 hereof, and subject to the same conditions and limitations.

The Clerk of said Town shall have the same powers and authorities for the collection of claims against owners of property in said Town for the expense of paving and of the permanent improvement of streets, and of the costs and expenses incident thereto, in cases where the property owner neglects or refuses to make the improvement, or to pay therefor, as he, the said Clerk, is hereinafter given and invested with, for and in respect to the collection of unpaid taxes. <sup>Powers of the  
Town Clerk</sup>

Section 24. The chief executive power of the corporation shall be vested in a Mayor, who shall receive an annual salary of Twenty-five Dollars, until the Council by ordinance shall provide otherwise. <sup>Salary of  
Mayor</sup>

The Mayor shall be elected at the same time that members of Council are elected, and in the same manner, and his term of office shall be for two years.

Section 25. If the Mayor shall be temporarily absent from the Town or temporarily unable to discharge his duties, the office shall be administered by the Alderman; <sup>Mayor  
absent or  
unable to  
act</sup>



## CITIES AND TOWNS.

while discharging the duties of Mayor as in this Section provided, the Alderman shall not have the right to exercise the power of appointment or removal of any officer or employee appointed under this charter, unless the continuous absence or inability of the Mayor to discharge his duties shall extend over a period of more than thirty days; while discharging the duty of Mayor by reason of his temporary absence as in this Section provided, the Alderman shall receive no extra compensation therefor.

Vacancy in  
Mayor's office

Section 26. In case of a vacancy occurring in the office of Mayor from death, resignation or otherwise, the Town Council chosen at the election at which the Mayor was chosen, shall elect a person to fill the vacancy for the remainder of the term. At such election by Town Council, the person receiving the highest number of votes shall be considered as chosen.

Mayor may  
be removed  
for

Section 27. The Mayor may be removed from office for any wilful violation of his duties, or for the commission of any crime or misdemeanor by the affirmative unanimous vote of the members of Town Council; but only after a full and fair hearing of the charges preferred, on at least six days' notice, at which the said Mayor shall be allowed to offer evidence, and shall be heard in his own behalf in person, or by Counsel.

Duties and  
powers of  
the Mayor

Section 28. The Mayor shall have power to administer the required oath or affirmation to the members of the Council and to the other officers of the said corporation before entering upon their duties.

Section 29. The Mayor shall have the custody of the seal of the corporation and the sole right of affixing the same. He shall sign all bonds, deeds, (except those which the Town Clerk is authorized to execute), contracts and agreements made and entered into by the corporation. He shall also sign all licenses issued pursuant to law or ordinance, and shall have power after due hearing had thereon, to revoke any such license.

## CITIES AND TOWNS.

Section 30. The Mayor shall have power to take and certify under his hand and the seal of the corporation, acknowledgments of deeds, mortgages, letters of attorney and other instruments of writing, and to administer oaths and affirmations.

Section 31. The Mayor shall have power to call special meetings of the Council whenever in his judgment public interest requires such meetings to be held, by giving due notice to the members, of the day and hour, and the object and purposes of such meetings.

Section 32. It shall be the duty of the Mayor to communicate to the Council at least once in each year, a statement of the finances and the general condition of the corporation, with such information in relation to the same as he may deem useful to the Council, or that the Council may require, and with recommendation for the adoption of such measures as may seem to him to be expedient and proper.

Section 33. The Mayor shall have power to approve or disapprove any ordinance, resolution, rule or regulation, passed by the Council, except such resolutions, rules and regulations as relate to its organization and proceedings, within ten days after the same shall have been presented to him.

If he approve, he shall return the ordinance, resolution, rule or regulation, duly signed, to the Town Clerk. In case he shall disapprove, he shall state his reasons therefor in writing, and return the ordinance, rule or regulation to the Town Clerk.

Section 34. The Mayor shall appoint the Town Clerk, and Assessor, the Alderman, the Water Commissioner, the Chief of Police, Board of Health, the Chief of the Fire Department and two assistants, Harbor Master and the Town Solicitor, and such other officers of the corporation as may be provided for by ordinance of the Council. Said officers

## CITIES AND TOWNS.

when not removed as hereinafter provided, shall hold their office until the expiration of the term of the Mayor by whom they were appointed, and thereafter until their successors shall be duly appointed and qualified.

Section 35. The Mayor may, for any reasonable cause, by and with the consent, or upon the address of two thirds of all the members of the Council, remove from the office any person appointed by him or of any of his predecessors. The person against whom the Mayor or the Council may be about to proceed shall receive five days' notice thereof, accompanied by a statement of the cause alleged for the removal, and shall be accorded a full and fair hearing.

Section 36. The Mayor shall, as often as he may think proper, appoint a committee of not more than three competent persons, to examine without notice, the accounts and affairs of any subordinate officer, clerk or employee and the moneys, securities and properties belonging to the corporation in the possession or charge of such subordinate clerk, officer or employee and report to him the result of such examination. The Council shall fix by resolution, the amount of compensation to be paid each member of said committee.

Section 37. The Mayor shall see that all contracts and agreements made with the corporation, or for its use or benefit, are faithfully kept and performed, and to this end he shall cause any legal or equitable proceedings to be instituted and prosecuted by the Town Solicitor against all persons or companies failing to fulfill their agreements with the corporation. It shall be the duty of every officer, clerk or employee of the corporation when it shall come to his knowledge, that any contract with the corporation has been violated, to report the fact to the Mayor forthwith.

Section 38. The Mayor is hereby constituted a conservator of the peace within said Town, and it shall be his duty to cause the laws of the State and the ordinances of

## CITIES AND TOWNS.

the Council to be faithfully executed and enforced. In case of a conflagration, riot, tumult or violent disturbance of the public order, the Mayor shall have, as the exigency in his judgment may require, the right to assume control, for the time being, of the Fire and Police force; but before assuming such control, he shall issue his proclamation to that effect. The Mayor is hereby empowered to call on every male inhabitant of the Town, between the ages of eighteen and sixty years, to aid in enforcing the laws of the State and the ordinance of the Council, in preventing and extinguishing fires, and preserving the peace and safety of the Town.

Section 39. The Mayor shall perform such other duties and have such other powers as are elsewhere by this Act or may, by ordinance of the Council, be imposed upon or granted to him.

Section 40. TOWN CLERK. On or before the first regular meeting of the Town Council in April, or as soon thereafter as convenient, the Mayor shall appoint one person, not a member of Council, whose official title shall be "Town Clerk," who, before entering upon his duties shall be required to take oath to support the Constitution of the United States and of the State of Delaware, and to perform his duties faithfully. He shall also give bond to the Mayor in an amount to be fixed by Council, which bond shall be recorded in the office for Recording Deeds of Georgetown. The Council shall pay all expenses relative to the giving of said bond. He shall receive as compensation for his services, an annual salary of Two Hundred and Fifty Dollars until Council, by ordinance, shall provide otherwise.

Appoint a  
Town Clerk

Duties of

Section 41. He shall collect all the Town taxes hereinafter levied by the Mayor and Council, the water rates and all licenses, and receive all fines and other moneys in any wise belonging to the said Town and act as Treasurer for the Town. He shall have full power to enforce payment of all taxes levied by the Council by suit or by sale or otherwise, as hereinafter provided, and to convey a good and

## CITIES AND TOWNS.

complete title to any real or personal property sold by him for the non-payment of taxes. He shall keep the assessment books with the names of tax payers arranged alphabetically, stating the value of each piece of property, real or personal, assessed, with sufficient description thereof to identify the same. He shall also keep a list of all the citizens of said Town between the ages of twenty-one and sixty-five years, who are required to work upon the streets of said Town, as provided in Section 5, paragraph twenty-three of this charter, and shall be required to deliver said list to the Chief of Police at the time and times hereinbefore provided. He shall keep a full and fair cash account showing the sums of money received by him, stating the source from which the same was received, and showing all the money paid out by him, to whom and for what purposes. He shall also keep a separate account of all moneys received and paid out on account of the Water Department. All books, documents and paper pertaining to his office shall be supplied by the Council, and be the property of the Mayor and Council, and be kept in the Council room and at all times subject to the examination of the Mayor and Council and any tax payer of said Town.

Section 42. It shall be the duty of the Town Clerk, during the month of July after the annual levy of taxes, to give notice thereof by advertisement inserted once a week for two successive weeks, in one newspaper published in Laurel, and to prepare the tax bills of each tax payer and forward the same by mail, or deliver the same to the person or corporate institution, or to the agent of such person or corporate institution to whom the property included in such bill is assessed, so far as their residence or post office address may be known to or ascertained by said Town Clerk, on or before the first day of August next succeeding such levy, and such hand-bills and tax bills shall also contain a clear statement of the discounts to be allowed, and the interest to be charged. He shall also keep a set of books containing a list of all persons using the water of said

## CITIES AND TOWNS.

Town and water rates thereof, and shall be required to prepare and forward bills of said water rates to said persons, on or before the first days of January, April, July and October of each year for the quarter beginning on those dates. He shall be required to prepare and deliver to the Water Commissioner a list of all persons who have not paid said water rates on or before the last days of such months of such year, and the said Water Commissioner may discontinue the water supply of any such person not paying as aforesaid.

Section 43. The said Town Clerk shall attend all meetings of the Council and shall be at the Council rooms on such days and hours as may be provided by ordinance. He shall keep the minutes of such meetings in a book provided by said Council for that purpose, and he shall perform such other duties as this charter may provide, and the Council may, by ordinance, or resolution direct.

Section 44. The Mayor shall, on the first day of his term, or as soon thereafter as convenient, appoint some suitable person who shall be a qualified voter of the Town of Laurel, as Alderman, who may or may not be a Justice of the Peace, and who shall hold office for a term of two years, or until his successor shall be appointed or chosen, subject however, to removal as hereinbefore provided.

Section 45. Before entering upon the duties of his office, he shall be sworn or affirmed by the Mayor to perform the duties of his office honestly, faithfully and diligently. It 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 or establish. He shall have all the powers of a Justice of the Peace within the Town, and shall have jurisdiction and cognizance of all breaches of the Peace and other offenses in said Town so far as to arrest and to hold to bail or fine and imprison

## CITIES AND TOWNS.

persons, and also of all fines, 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. His fees for any services under this section shall be the same as those of a Justice of the Peace for like services and for any services or duty for which no fee may be provided by law, the fee may be established by ordinance of the Town Council. In case of vacancy in the office of Alderman for any reason whatsoever, the Mayor shall appoint a suitable person to said office for the residue of the term. If any Alderman shall be removed from his office as hereinbefore provided, he shall deliver to his successor in office, within two days after the appointment of his successor, all the books and papers belonging to his office, and shall pay over to the Town Clerk 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 Town 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-five nor more than one hundred dollars.

The Alderman shall, at every monthly meeting, report to the Town Council all fines imposed by him during the preceding month and pay over to the Town Clerk all such fines and penalties received by him during said time, and any default of making such report and payments 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-five nor more than one hundred dollars.

Mayor to  
appoint  
Water  
Commissioner

Section 46. WATER COMMISSIONER. All matters relative to the management and operation of the water works of said Town, and the supplying of the inhabitants thereof with water, shall be under the direction and control of the Water Commissioner, who shall be appointed by the Mayor, and whose term of office shall be coincident with that of the

## CITIES AND TOWNS.

Mayor by whom he is appointed. Said Water Commissioner shall receive as compensation, an annual salary of Fifty Dollars until Council, by ordinance, shall provide otherwise. He shall also give bond to the Mayor in the sum of Five Hundred Dollars.

Section 47. The Water Commissioner shall cause to be made out in proper form before the first days of January, April, July and October in each year, bills for water rents and at such time or times as may be required, bills for other charges of said department and shall place said bills in the hands of the Town Clerk for collection as hereinbefore provided. He shall also countersign all checks drawn by the Town Clerk for moneys paid out on account of the Water Department.

Section 48. CHIEF OF THE POLICE. The Mayor shall, on the first day of his term, or as soon thereafter as convenient, appoint some suitable person as Chief of Police, who shall be at the head of the Police Department of said Town. He shall hold office at the pleasure of the Mayor, and shall receive such compensation as the Council shall fix. The Mayor shall also appoint such assistants to the said Chief of Police as the Council may, by ordinance or resolution authorize. These also shall hold office at the pleasure of the Mayor, and shall receive such compensation as the Council May fix.

Section 49. The Chief of Police shall be a Conservator of the Peace within the limits of said Town, and shall annually on or before the first day of April of each year, submit a report to the Mayor, setting forth the number of arrests made during said preceding year. The Chief of Police shall see that all ordinances are enforced and he, together with such assistants or other policemen as may be appointed, shall have power to arrest any person or persons for the violation of said ordinances wherein an arrest for violation is provided; and in addition thereto, they shall perform such other duties as are now, or may hereafter be,



## CITIES AND TOWNS.

prescribed by the laws relating to said Town, and by the ordinances thereof, and shall have all of the same powers and functions that Constables of Sussex County now have, or may hereafter have, as conservators of the peace.

Mayor shall  
appoint a  
Chief of the  
Fire Depart-  
ment

Powers and  
duties of

Section 50. CHIEF OF THE FIRE DEPARTMENT. The Mayor shall, on the first day of his term, or as soon as convenient thereafter, appoint a suitable person, resident of the Town of Laurel, to be Chief of the Fire Department, and two other persons, resident as aforesaid, to be assistants to the said Chief. The Chief of the Fire Department shall have charge and control of all fire apparatus belonging to the said Town, and shall formulate and put into effect, a system of fire alarms, and shall have full charge and control over the Fire Department. He shall also, on or before the first day of April of each year, submit a report to the Mayor, setting forth the number of fires during the preceding year, and the condition and the efficiency of said Fire Department. They shall hold office for the term of two years, or until their successors shall be duly appointed and qualified.

Assessment  
and taxes

Payments  
and rebates

Section 51. ASSESSMENT AND TAXES. The Mayor and Council of Laurel shall make their annual levy on or before the regular meeting in May of each and every year. The same shall be due and payable on the first day of July of the year of the levy; and on all taxes paid on or before the first day of July, a discount of three per centum shall be allowed. From the first day of July to the first day of October following, there shall be no discount. On said first day of October next succeeding the levy thereof, taxes shall be admitted to be in arrears and interest shall be charged and collected on all taxes not then paid from July first previous to the date when they are received, and the Town Clerk shall take the discount from, or add the interest to, the tax bills regularly, in the manner aforesaid, and shall note the same upon his books, and upon receipt given for taxes so paid, but the discount allowed by this Section shall not be made to any person, persons or corporate insti-

## CITIES AND TOWNS.

tution, unless the whole amount of taxes due by such person, persons or corporate institution for the current year shall be paid at the time of making such discount.

Section 52. Within ten days after the first day of October succeeding such levy, the Town Clerk shall deliver or mail to the last known postoffice address of each delinquent tax payer, the account of his assessment, and all taxes and interest due thereon, with a notice to said delinquent thereto attached, that unless payment be made in full on or before the first day of January next after the delivery of said notice, that the same will be collected by process of law, and it shall be the duty of the Town Clerk to enforce the payment of all taxes remaining unpaid on the first day of January, after the delivery of said notice, in the manner hereinafter prescribed by the sale of either real or personal property.

Section 53. Within thirty days after the annual tax levy shall have been made, the said Town Clerk shall make a true copy of the assessment list of Laurel in books supplied by the Council for that purpose, showing the aggregate assessment of every person, persons or corporate institution as the sums appear on the assessment books of said Town, with the names of said owners arranged alphabetically, and the said Town Clerk shall place thereon all credits, and it shall be the further duty of said Town Clerk to enter alphabetically on a ledger, the entire account of each tax payer in one place, so that the whole may be seen and easily examined.

Section 54. If taxes be due and owing upon real and personal property by any tax payer, the whole of said taxes shall be a lien on said real property and said real property may be sold to pay the same.

If any taxable of the Town of Laurel shall fail to pay the taxes duly assessed to him by the first day of January next following the assessment and levy thereof, after notice

## CITIES AND TOWNS.

given by the Town Clerk, as prescribed herein, the said Town Clerk shall, at any time after said first day of January, proceed to collect from all taxables who shall have failed to pay the taxes assessed, the amount of such unpaid taxes, in the manner following: The said Town Clerk may pursue any of the remedies for the collection of taxes given and afforded the Receiver of Taxes and County Treasurer of Sussex County, in paragraphs lettered "A," "B" and "C," of Section 18, Chapter 82, Volume 28, Laws of Delaware.

Any action brought for the recovery of taxes shall be in the name of "....., Clerk of the Town of Laurel."

May be  
imprisoned

A delinquent taxable also may be imprisoned for the failure to pay any tax, according to the provisions of, and subject to, the limitations of paragraph lettered "D" of Section 18, Chapter 82, Volume 28, Laws of Delaware.

Property  
sold if

If the said Town Clerk shall, upon due inquiry, fail to find personal property of the taxable sufficient to pay such tax, or if such personal property, although found, is claimed or held by any other person adversely to the owner thereof, or if by any reason proper distraint cannot be made, and if any other remedy herein given is not available, except the imprisonment of the taxable, the said Town Clerk shall, at the next ensuing term of the Superior Court, succeeding the said first day of January, or at any subsequent term thereof, file in said Superior Court a petition, stating the facts, and praying for an order for the sale of the real property of any such delinquent taxable within said Town of Laurel, or so much thereof as shall be necessary to pay and discharge such tax and all proper costs and charges, as shall be allowed by said Superior Court; and upon the granting of such order by said Superior Court, the Town Clerk shall proceed to sell so soon as may be convenient thereafter, the said real property of such taxable, or so much thereof as shall be necessary as aforesaid, first giving notice to the said taxable, addressed to such taxable at

## CITIES AND TOWNS.

his last known postoffice address, of the time and place of such sale, and by advertisements posted in at least five public places in said Town of Laurel. At the next term of said Superior Court, succeeding such sale, the said Clerk shall make return of his proceedings to said Court, and the Court shall inquire into the circumstances and either approve said sale, or set it aside. If it be approved, the said Clerk shall make a deed to the purchaser, which shall convey the title of the taxable; if it be set aside, the Court may order another sale, and so on, until the tax due be collected.

The petition, return and deed shall be presumptive evidence of the regularity of the proceeding, in all cases, whether the sale be for the recovery of taxes, or for the recovery of costs of improvement of streets, or for paving costs.

The prothonotary shall be allowed the sum of one dollar <sup>Fees allowed</sup> for filing and recording the petition, and the sum of one dollar and a half for filing and recording the return.

The Clerk shall be allowed the sum of three dollars for each sale of personal property, and the sum of five dollars for each sale of real estate, in addition to the necessary expenses of such sale, as may be approved by the Court. The expense of the deed shall be paid by the purchaser.

Whenever it may be necessary to enforce the collection of taxes, or to recover the expense of any improvement, either for paving, curbing, guttering, or the permanent improvement of streets, by the sale of personal or real property, the Mayor and Council of Laurel may employ a person to bid <sup>Property may be bid in</sup> for the corporation at such sale, and is hereby authorized to become the purchaser at such sale of any real or personal property.

The residue of the proceeds of all sales, after the payment <sup>Residue</sup> of the taxes due, or the costs of the improvements, and the necessary expenses and costs, shall be deposited in one of

## CITIES AND TOWNS.

the banks of the Town of Laurel, to the credit of the taxable, or owner of such property.

All taxes and  
money re-  
ceived to be  
deposited

SECTION 55. The said Town Clerk shall each week deposit in any bank of Laurel, all taxes and moneys received or collected by him, (the collection from water rents and privileges in one bank, and the money received from town taxes and other resources of the town in another bank) to be deposited to the credit of the Mayor and Council of Laurel, and he shall receive from the institution in which the particular deposit may be made, a certificate, which certificate he shall deliver to the Council at their next regular meeting, and for which said Council shall give to said Town Clerk a proper receipt or voucher and said money so deposited shall only be drawn from the said institution upon the check of the Town Clerk and countersigned by the Mayor or by the Water Commissioner in payment of debts and accounts due by the Mayor and Council of Laurel, duly approved and passed by said Council, and by them ordered to be paid.

Court of  
Appeals

SECTION 56. The Mayor and Council shall, within ten days after the regular meeting in May, cause a complete and full transcript of said duplicate to be hung up in a public place in said town, there to remain for the space of twenty days thereafter for public inspection; and the said Mayor and Council shall, on the Wednesday next after the expiration of the said twenty days, hold a court of appeals, which shall continue open from nine o'clock, A.M., until twelve M. and from two o'clock P.M., until five o'clock P.M., of the said day, when they shall hear and determine appeals from said assessment. Notice of the hanging up of the list and also, at the same time, notice of the time and place of hearing appeals, shall be given by notices posted in at least six public places in said Town. The decision of the Mayor and Council upon any appeals shall be final and conclusive. No member of Council shall sit upon his own appeal, but the same be heard and determined by others.

## CITIES AND TOWNS.

Section 57. QUALIFICATION AND ELIGIBILITY. The Mayor and Councilman shall be residents of, and substantial freeholders in said Town. The Alderman, Town Clerk and Water Commissioner shall also be qualified voters of said Town. No person shall be eligible to any office created by this Act, of, under and by virtue of the provisions thereof, who shall be an ordained Clergyman or ordained Minister of the Gospel of any denomination, so long as such person shall continue in the exercise of the pastoral or clerical functions. No person shall be eligible to the office of Mayor or any other office created by this Act or by virtue of the provisions thereof, who shall be in arrears to the corporation for any taxes or other indebtedness, or who shall be interested adversely to the corporation in any suit in which the corporation may be interested, or who shall be interested in any contract with the corporation either for work to be performed or material to be furnished. No person who shall have been convicted of embezzlement of public money or bribery, perjury or any other infamous crime, shall be eligible or capable of holding any office under the corporation. No person shall hold more than one office under the corporation at the same time, except as herein otherwise provided.

Section 58. Every elected and every appointed officer shall, before entering upon the discharge of his duties of his office, subscribe upon oath or affirmation that he possesses the qualifications required by law for his office; that he will support the Constitution of the United States and the Constitution of the State of Delaware; that as an officer of the Town, he will perform the duties of his office with fidelity and according to the best of his ability, and will act in accordance with what he shall believe to be the best for the interests of the Town and its inhabitants.

SECTION 59. ELECTIONS. The Town Election for all municipal officers to be elected under this Act shall be held biennially on the second Tuesday in March, and shall be by ballot. Said election shall be held by such officers and in such manner as Council may provide by ordinance or

## CITIES AND TOWNS.

resolution. The polls shall be open between the hours of twelve o'clock noon and four o'clock in the afternoon, when the same shall be closed.

Nominating  
candidates

SECTION 60. The manner of nominating candidates shall be as follows: Every aspirant for the office of Mayor or some one on his behalf, shall, at least ten days before the election, file with the Town Clerk, nomination papers for said office in writing, signed by at least thirty of the qualified voters of said Town, and no signature shall be counted if it shall be upon the nomination papers of more than one candidate for said office, and if it appear more than once on the same paper it shall be counted but once; and in like manner every aspirant for office of Council or some one on his behalf, shall at least ten days before the election, file with the Town Clerk nomination papers for said office, signed by at least fifteen of the qualified voters of the ward from which he is nominated, or if the nomination be for councilman at large, by twenty of the said qualified voters of the said Town.

Ballots and  
boxes

SECTION 61. The Town Clerk shall provide all ballots and ballot boxes, all registry books, poll books, tally sheets, blanks and stationery of every description, and provide all booths and arrangements in the public places, necessary and proper for the conducting of elections and the expense thereof shall be paid by the Mayor and Council of Laurel.

Present  
members re-  
tain office  
until expira-  
tion of

SECTION 62. The Mayor, members of Council and other officers of the Town, duly elected or appointed before the passage of this Act, shall hold their offices respectively, and shall be entitled to all the emoluments and perquisites appertaining thereto, for and during the term for which they were respectively elected or appointed, and this Act shall not be construed so as to limit, abridge, or modify in any manner, the term of office of any person heretofore duly elected or appointed.

SECTION 63. The "Mayor and Council of Laurel" shall have the power and authority, by ordinance, to enforce the

CITIES AND TOWNS.

requirements of this charter with respect to compulsory paving and curbing, and with respect to the permanent improvement of streets and the collection of the proportionable part of the cost thereof from the owners of property, by imposing fines and penalties for non-payment of cost bills presented therefor, in addition to the power to enter liens and to collect the cost thereof by sale of the property, real and personal, of the delinquent property owners.

Mayor and Council empowered to enforce

The filing of a certificate of lien against any person to secure the cost of paving, curbing, or the permanent improvement of streets, shall not prevent the sale of property, real or personal, of any delinquent, but upon the sale of such property, and the collection of the costs and expenses by means of such sale, or by any other means, it shall be the duty of the Town Clerk to mark the record of said lien "satisfied."

Filing a certificate of lien, shall not

SECTION 64. That all Acts or parts of Acts inconsistent with this Act, and in particular, Chapter 236, Volume 26, Laws of Delaware, Chapter 251, Volume 27, Laws of Delaware, and Chapter 214, Volume 24, Laws of Delaware, be and the same are hereby repealed.

Approved April 2, A. D. 1917.



## CITIES AND TOWNS.

## CHAPTER 165.

## CITIES AND TOWNS.

AN ACT providing for the protection of property along the shore of the Atlantic Ocean at the town of Rehoboth, Sussex County, and the appropriation by the State of Ten Thousand Dollars for that purpose.

WHEREAS by reason of a severe storm in the month of December, A. D. 1914, very great damage was done along the shore of the Atlantic Ocean opposite the town of Rehoboth, in Sussex County, the entire ocean front of the said town of Rehoboth being thereby practically destroyed; and

WHEREAS by the ravages of said storm all protection from encroachment by the ocean along the shore in front of said town of Rehoboth was entirely destroyed, leaving all the lands and property contiguous thereto,—as well lands owned by the State of Delaware as lands and property owned by private individuals and the corporation of said town of Rehoboth,—at the mercy of the tides and storms by which it might be attacked; and

WHEREAS The Commissioners of Rehoboth, pursuant to the authority vested in it by an Act of the General Assembly of the State of Delaware at the session thereof held in the year one thousand, nine hundred and fifteen (the same being Chapter 154 of Volume 28, Laws of Delaware) has borrowed the sum of Twenty Thousand Dollars and expended the same for the purpose of re-building and protecting the ocean front along said town of Rehoboth, which sum of Twenty Thousand Dollars so borrowed and expended was insufficient properly to complete the protection of said ocean front; and

## CITIES AND TOWNS.

WHEREAS the said General Assembly of the State of Delaware at its said session in the year one thousand, nine hundred and fifteen, with but one dissenting vote in either House thereof, duly passed an Act appropriating the sum of Ten Thousand Dollars out of the treasury of the State of Delaware for the purpose of assisting in the re-building of said ocean front so that the property owned by State contiguous to said town of Rehoboth might more adequately be protected from future storms and tides, which said Act of the said General Assembly was not permitted to become a law of the State because of the then weakened condition of the treasury of the State; and

WHEREAS the burden of debt already assumed by said town of Rehoboth in order to protect said ocean front is as great as it is possible for said town to assume and yet said work is not fully completed; and

WHEREAS the said town of Rehoboth is the only seaside resort within the State of Delaware and therefore is of special interest and importance to all the citizens of the State;

THEREFORE, *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (three-fourths of all the members of each branch concurring therein):*

Section 1. That the sum of Ten Thousand Dollars <sup>Appropriation</sup> (\$10,000.00) be and the same hereby is appropriated out of the treasury of the State of Delaware to The Commissioners of Rehoboth, the same to be expended under the supervision of the said The Commissioners of Rehoboth for the purpose of furnishing as adequate protection as possible to the property of the State and of the said town of Rehoboth along the Atlantic Ocean contiguous to said town of Rehoboth.

Approved April 9, A. D. 1917.

## CITIES AND TOWNS.

## CHAPTER 166.

## CITIES AND TOWNS.

AN ACT to amend Chapter 240, Volume 26, of the Laws of Delaware, entitled, "An Act to re-incorporate the Commissioners of Rehoboth."

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

Chapter 240,  
Volume 26  
amended

Section 1. That Section 1 of Chapter 240, volume 26, of the laws of Delaware, be and the same is hereby repealed, and the following Section to be known as Section 1, inserted in lieu thereof,

Town of  
Rehoboth

"That all the lands lying and situated within the limits of what was formerly "The Rehoboth Beach Association" situated in Lewes and Rehoboth Hundred, Sussex County and the State of Delaware, except that portion of said lands which lie on the west side of the Government Canal connecting the Delaware Bay with Rehoboth Bay shall be known as the town of Rehoboth and that name shall hereafter be called and designated. The Government Canal, aforesaid, being herein designated as the west line of said, the town of Rehoboth."

Approved April 19, A. D. 1917.

## TITLE TEN

### Religious, Reformatory and Charitable Institutions

#### CHAPTER 167.

##### RELIGIOUS SOCIETIES.

AN ACT to amend Chapter 68 of the Revised Code of the State of Delaware in relation to property of religious corporations or societies.

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

Section 1. That 2174, Section 11, of Chapter 68, of the Revised Code of the State of Delaware be and the same is hereby amended by striking out all of said section and by inserting in lieu thereof the following, to be known as 2174, Sec. 11:

2174, Sec. 11. GIFTS OR GRANTS TO; HOW MADE:—  
Every such corporation may take and hold by gift, devise, will, deed or lease, real-estate or monies, securities or other things of value, to be laid out in real-estate, and personal property of all kinds, and may alien, mortgage or otherwise encumber and dispose of the same at pleasure, unless restricted by the provisions of such gift, devise, will, deed or lease.

Approved April 19, A. D. 1917.

## FERRIS INDUSTRIAL SCHOOL.

## CHAPTER 168.

## REFORMATORY AND CHARITABLE INSTITUTIONS.

## FERRIS INDUSTRIAL SCHOOL.

AN ACT to appropriate money for the Ferris Industrial School to pay for repairs and extensions, and for teaching.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (three-fourths of all the members elected to each House concurring therein):*

Appropriation

Section 1. That the sum of Six Thousand Five Hundred Dollars be and the same is hereby appropriated to The Ferris Industrial School, to be used for repairs and extensions.

Amount appropriated for teaching

Section 2. That the sum of Twelve Hundred Dollars annually be and the same is hereby appropriated to The Ferris Industrial School, to be used for teaching, to be paid by the State Treasurer to the said School monthly.

Approved April 2, A. D. 1917.

THE DELAWARE INDUSTRIAL SCHOOL FOR GIRLS.

CHAPTER 169.

THE DELAWARE INDUSTRIAL SCHOOL FOR GIRLS.

AN ACT to appropriate money to 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 (three-fourths of all the members elected thereto concurring therein):*

Section 1. There is hereby appropriated to The Delaware Industrial School for Girls, and the State Treasurer is hereby authorized to pay to said School for Girls upon its warrant in accordance with the provisions of Section 20 of Chapter 15 of the Revised Code, out of any funds in the Treasury belonging to the State otherwise unappropriated Seven Thousand Five Hundred Dollars (\$7,500) during the year 1917 for the erection of additional buildings on and in improvement of the farm owned by said School for Girls; Five Thousand Seven Hundred and Fifty Dollars (\$5,750) during the year 1917 and Five Thousand Seven Hundred and Fifty Dollars (\$5,750) during the year 1918 on account of the present indebtedness of said School for Girls; One Thousand Seven Hundred and Eighty Seven Dollars and fifty cents, or so much thereof as shall be needed, in the year 1917 and One Thousand Five Hundred Dollars (\$1,500) or so much thereof as shall be needed, in the year 1918 to pay the interest upon the indebtedness of the said School for Girls for said years 1917 and 1918 respectively.

Approved April 9, A. D. 1917.

## THE DELAWARE INDUSTRIAL SCHOOL FOR GIRLS.

## CHAPTER 170.

## THE DELAWARE INDUSTRIAL SCHOOL FOR GIRLS.

AN ACT to amend Chapter 70 of the Revised Code of Delaware by providing the annual appropriation to 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 (three-fourths of all the members elected thereto concurring herein):*

Chapter 70,  
Revised Code  
amended

Section 1. That Chapter 70 of the Revised Code of Delaware be and the same is hereby amended by the repeal of 2210, Section 19, and the insertion in lieu thereof, of the following, which shall be styled 2210 Section 19:

Annual ap-  
propriation

2210, Sec. 19. The State Treasurer shall annually pay to said The Delaware Industrial School for Girls upon its warrants, in accordance with the provisions of Section 20 of Chapter Fifteen, out of any funds in his hands belonging to the State otherwise unappropriated, the sum of Four Thousand Dollars, and the receipt of the treasurer of said corporation shall be a sufficient voucher in the hands of the State Treasurer for any such disbursement.

Approved April 9, A. D. 1917.

THE DELAWARE INDUSTRIAL SCHOOL FOR GIRLS.

CHAPTER 171.

THE DELAWARE INDUSTRIAL SCHOOL FOR GIRLS.

AN ACT to amend Chapter 70 of the Revised Code of Delaware by regulating the amounts of money that shall or may be paid by the Levy Courts of the several counties to 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 all the members elected thereto concurring herein):*

Section 1. That Chapter 70 of the Revised Code of Delaware, be and the same is hereby amended by the repeal of 2211, Section 20, and the insertion in lieu thereof of the following, which shall be styled 2211. Section 20:

2211. Section 20. ANNUAL APPROPRIATIONS BY LEVY COURTS OF THE SEVERAL COUNTIES:—The Levy Court of New Castle County shall pay monthly to the Delaware Industrial School for Girls for the maintenance and instruction of each girl committed to its custody from New Castle County, the moneys as provided in Section 19, of Chapter 43.

In the same manner and to the same amount as the Levy Court of New Castle County pays said School for Girls for the maintenance and instruction of girls committed to its custody as aforesaid, the Levy Court of Kent County and the Levy Court of Sussex County may appropriate and pay moneys for the maintenance and instruction of girls committed to its custody from those counties respectively.



## THE DELAWARE INDUSTRIAL SCHOOL FOR GIRLS.

Section 2. This law shall go into effect and become operative on and after the first day of July, one thousand nine hundred and seventeen.

Approved April 19, A. D. 1917.

DELAWARE COMMISSION FOR THE FEEBLE MINDED.

CHAPTER 172.

DELAWARE COMMISSION FOR THE FEEBLE MINDED.

AN ACT to establish a Home for the care and training of the feeble minded of Delaware, and providing for the legal commitment of feeble minded persons 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 there shall be established in this State a home for the care and training of feeble-minded persons.

Section 2. The Governor shall appoint a commission, to be known as "DELAWARE COMMISSION FOR THE FEEBLE MINDED," consisting of nine persons, three of whom may be women. Two of the members of said commission shall be selected from each county of the State, and the remaining three shall be selected at large from the State, and, in appointing said commission, the Governor shall divide the members thereof as nearly as practicable between the two chief political parties. The members of said commission shall be appointed for a term of four years, and all vacancies occurring shall be filled by the Governor for the unexpired term. The members of the commission, so appointed, shall receive no salary, but shall be allowed their actual expenses in attending the meetings of the commission.

Section 3. The commission shall organize by the selection from its members of a Chairman, a Secretary, a Treasurer, and such other officers, as may be deemed desirable and necessary.

Section 4. The said commission is hereby authorized and directed to select and purchase, or otherwise acquire,

## DELAWARE COMMISSION FOR THE FEEBLE MINDED.

a suitable location for the establishment of the home, hereinbefore provided for, and to provide for, and supervise, the erection of necessary buildings thereon, and to employ and appoint a Superintendent, who shall be experienced in the care and training of feeble-minded persons. The Superintendent shall have authority, subject to the general supervision of the commission, to make all necessary rules and regulations for the government and management of said home.

**Title to**           Section 5. The title to any property, acquired by said commission, either real or personal, shall be taken and held in the name of "THE STATE OF DELAWARE."

**Appropriation**   Section 6. That there is hereby appropriated the sum of Ten Thousand Dollars, out of the State Treasury, for the purchase of the necessary land for said home, for the erection and equipment of suitable and necessary buildings thereon, and for expenses, incident to the operation and maintenance thereof.

The said sum of Ten Thousand Dollars, or so much thereof, as may be required, shall be paid by the State Treasurer, upon warrants drawn upon him, signed by the Chairman of said commission, and countersigned by the Treasurer thereof. Any warrant, drawn on the State Treasurer, shall be accompanied by the accounts to which the money is to be applied, and it shall be the duty of the State Auditor to examine and audit any such amounts.

**Powers of**       Section 7. The said commission shall have power to make rules, regulating the admission to said home for the feeble-minded, not inconsistent with the provisions of this Act.

**Application to**   Section 8. Whenever any person, arrested in this State, shall be supposed to be feeble-minded, any relative of such person, or any reputable citizen of the State, at any time before the final disposition of the case, may present to the Court of General Sessions of the County, wherein said per-

## DELAWARE COMMISSION FOR THE FEEBLE MINDED.

son was arrested, or to the resident Judge thereof in vacation, or to the Juvenile Court of the City of Wilmington, a petition setting forth that such person is feeble-minded, and praying for the issuance of a rule to show cause why such person should not be committed to the custody of DELAWARE COMMISSION FOR THE FEEBLE MINDED. The petition shall be verified, by affidavit, which shall be sufficient if it states that it is based upon information and belief. Upon the filing of the petition, a rule shall be issued against the person, so arrested, and against the parent or parents, guardian or other custodian of such person, returnable at such time, not exceeding fifteen days thereafter, as shall be fixed by the Court, or Judge. Upon the return of the rule, the Court or Judge shall hear the witnesses in support of the rule, one of whom shall be a psychologist, or an expert on the subject of feeble-mindedness, and shall, also, hear any witnesses in opposition to said rule, and if it shall appear to the satisfaction of the Court or Judge that the person so arrested is feeble-minded, and that it would be for the best interests of such feeble-minded person, or of the community at large, the Court or Judge may direct that such feeble-minded person be committed to the custody of DELAWARE COMMISSION FOR THE FEEBLE MINDED until the further order of the Court, or Judge.

Petitions  
and require-  
ments

Section 9. Whenever any person shall be supposed to be feeble-minded, and, when by reason of such mental condition, or of existing social conditions, it would be detrimental to any community of this State to allow such person to remain at large, any relative of such person, or any reputable citizen of the State may present to the resident Judge of the County, wherein such person resides, a petition, setting forth that such person is feeble-minded, and setting forth the reasons why it would be detrimental to the community for such person to remain at large, and praying for the issuance of a rule to show cause why such person should not be committed to the custody of DELAWARE COMMISSION FOR THE FEEBLE MINDED. The petition shall be verified, by affidavit, which shall be sufficient if it states that it is based upon information and belief. Upon the

## DELAWARE COMMISSION FOR THE FEEBLE MINDED.

filing of the petition, a rule shall be issued against the person, so arrested, and against the parent or parents, guardian or other custodian of such person, returnable at such time, not exceeding fifteen days thereafter, as shall be fixed by the Judge. Upon the return of the rule, the Judge shall hear the witnesses in support of the rule, one of whom shall be a psychologist, or an expert on the subject of feeble-mindedness, and shall, also, hear any witnesses in opposition to said rule, and if it shall appear to the satisfaction of the Judge that such person is feeble-minded, and that it would be detrimental to the community for such person to remain at large, the judge may direct that such feeble-minded person be committed to the custody of DELAWARE COMMISSION FOR THE FEEBLE MINDED until the further order of the said Judge.

Power to  
make agree-  
ments with

Section 10. The said commission shall have power and authority to enter into agreement with the parent or parents, guardian or custodian of any feeble-minded person for the committing of such person to the custody of said DELAWARE COMMISSION FOR THE FEEBLE MINDED, and in such case, the commission may require such parent or parents, guardian or custodian, being financially able so to do, to pay for the custody, care and training of such feeble-minded person, not exceeding the actual costs thereof.

Section 11. All acts, or parts of acts, inconsistent with the provisions of this Act, are hereby repealed.

Approved March 21, A. D. 1917.

OLD FOLKS' HOME.

CHAPTER 173.

OLD FOLKS' HOME.

AN ACT appropriating Three Thousand Dollars to the Ever Ready Circle Kings Daughters, a corporation of this State, for the maintenance and support of the Old Folks' Home at Dover.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (three-fourths of all the members elected to each house concurring therein):*

Section 1. That the sum of Three Thousand Dollars be and the same is hereby appropriated out of the Treasury of this State, to be paid to the Ever Ready Circle Kings Daughters, a corporation of this State, for the maintenance and support of the Old Folks' Home at Dover.

Section 2. That the sum of Three Thousand Dollars shall be paid to the President of said Corporation by warrant drawn by the Governor upon the State Treasury, and the receipt of the President of said Corporation, attested by its Secretary, shall be sufficient voucher therefor.

Section 3. That the said sum of Three Thousand Dollars shall be paid in two instalments, the first during the year A. D. one thousand nine hundred and seventeen, and the second during the year A. D. one thousand nine hundred and eighteen.

Approved March 15, A. D. 1917.

# TITLE ELEVEN

## Education

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### CHAPTER 174.

#### FREE SCHOOLS.

AN ACT to amend Chapter 71 of the Revised Code of the State of Delaware relative to the salary of the Commissioner of Education.

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

Chapter 71,  
Revised Code  
amended

That Chapter 71 of the Revised Code of the State of Delaware, as amended by Chapter 159 of Volume 28 of the Laws of Delaware be, and the same is hereby amended, by striking out 2274 A Section 2 A of Chapter 159 Volume 28 Laws of Delaware.

Approved March 20, A. D. 1917.

FREE SCHOOLS.

CHAPTER 175.

FREE SCHOOLS.

AN ACT to amend Chapter 71 of the Revised Code with reference to teaching of nursing and first aid to the injured in certain public schools 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. That Chapter 71, of the Revised Code, be <sup>Chapter 71, Revised Code amended</sup> and the same is hereby amended by adding thereto another Section, to be known as 2275 A. Section 3 A. as follows:

2275 A. Section 3 A. From and after the passage of <sup>First aid to injured to be taught</sup> this Act, the State Board of Education shall require that first aid to the injured be taught in the Public Schools of Delaware, in all schools where twelve or more grades are now taught. At least one teacher shall be capable of teaching this subject, and shall regularly instruct the children of said schools, of the age of twelve years and upwards, in the art of rendering first aid to the injured.

Approved April 19, A. D. 1917.



## FREE SCHOOLS.

## CHAPTER 176.

## FREE SCHOOLS.

AN ACT to amend Chapter 71 of the Revised Code of Delaware, providing for the bonding of clerks of school districts.

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

Chapter 71,  
Revised Code  
amended

Section 1. That Chapter 71 of the Revised Code of Delaware be and the same is hereby amended by adding thereto, immediately after 2287 Section 15 to be known as 2287 A Section 15 A, the following:

Clerk of dis-  
trict to give  
bond

2287 A Section 15 A. The School Committee of any District is hereby authorized to require of the Clerk of such District bond in such amount as may be fixed by said Committee, with surety to be approved by said Committee, in a good and reliable bonding company, or by satisfactory individual surety. The cost and expenses of giving this bond by the Clerk shall be paid by the School Committee of the District.

Approved April 2, A. D. 1917.

## FREE SCHOOLS.

## CHAPTER 177.

## FREE SCHOOLS.

AN ACT to amend Chapter 71 of the Revised Statutes of the State of Delaware, making the property assessable for Free School purposes the same as the property assessable for County purposes, and providing for the performance of certain official duties connected with the assessment of property for school purposes.

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

Section 1. That Chapter 71 of the Revised Statutes of the State of Delaware be and the same is hereby amended <sup>Chapter 71, Revised Code amended</sup> by striking out all of section 20 of said Chapter, being Code Section 2292, except the Section numbers thereof, and by inserting in lieu of the part thus stricken out the following:

"It shall be the duty of the school committees of the several school districts for white children in the State, annually, in the month of July, to make assessment lists for their respective districts. Such lists shall consist of the rates of persons of all the white male inhabitants of the district over twenty-one years old and of the rates of property, personal and real, owned by white persons, associations or corporations, within the district, which is now liable, or which shall hereafter become liable, to assessment and taxation for County purposes. All white male inhabitants of the age of twenty-one years or upwards residing within any school district shall be subject to and each shall be assessed with the capitation tax which the school committee of such district shall have fixed and determined as being the proper sum for said capitation tax, which shall not be less than two dollars per capita. The

## FREE SCHOOLS.

property, personal and real, of all white persons, associations or corporations, subject to tax for County purposes as aforesaid, shall also be liable to assessment and taxation for free school purposes in the school district in which it is actually located; and it shall be the duty of the school committee of the several districts for white children as aforesaid within the limits of this State, making the assessment lists for their respective districts, to place thereon the rates of both the personal and real property, subject to tax as aforesaid, in the school district in which it has an actual location, irrespective of the residence of the owner thereof; provided, that any property hereafter made assessable for County purposes shall also become assessable and be assessed for free school purposes, and any intangible personal property thus becoming liable to assessment and taxation for free school purposes shall be deemed to be located in and be assessed in the school district in which its owner resides. The school committees of the several school districts within this State shall take the valuation of all property, personal and real, from the assessment lists last made and completed for County purposes; and it shall be the duty of every person within this State lawfully possessed of an assessment list for County purposes to permit the same to be inspected by any school Committee, or representative thereof, whenever so requested, for the purpose of giving such committee a copy of the names, appearing on such list, of all male inhabitants, of the age of twenty-one years or upwards, who reside within any school district, and a copy of the valuations, appearing upon said list, of all property, personal and real, which is actually located within the same school district. The assessment list of each school district as aforesaid shall contain the names of all white male inhabitants of the age of twenty-one years or upwards, residing within such school district, the sum fixed by the school committee as the capitation tax for such school district, the names of the white owners of all property, personal and real, actually located in such school district, with the valuations of the same assessed as for County purposes, and the rate of the tax levied, said rate to be the same on all property, personal and real.

## FREE SCHOOLS.

"When the line between two school districts crosses the lands of a person, occupied in one body, the whole of such lands shall be assessed in the school district where the dwelling house is, and no part in the other; provided, that any tenant residing on such lands in an adjoining school district shall, at his election, communicated in writing to the school committee of such adjoining school district, at any time prior to the completing of the assessment list, be only assessed, and have school privileges, in the district in which such tenant resides.

"It shall be the duty of the school committee in each of the school districts aforesaid to assess and levy without regard to any vote thereon, in each of their respective districts, at least the sum of one hundred dollars for each teacher employed in the district during the previous school year, to be applied to the support of their school districts respectively.

"A copy of the assessment list shall be posted in some public and suitable place of the school district for inspection; and the committee shall, by advertisement in at least five public places in the school district, give notice that said list is posted, and where, and of the day, hour and place (not less than five days thereafter) of their sittings to hear objections to it. Upon such hearing, the said committee shall make just corrections and add anything omitted; provided, that the valuation of all property, personal and real, assessed for school purposes shall be and remain the same as assessed last for County purposes. The committee may adjourn if necessary. The list when settled shall be conclusive, and the proceedings of the committee shall not be questioned except for fraud or corruption."

Section 2. That said Chapter 71 of the Revised Statutes of the State of Delaware be and the same is hereby further amended by striking out all of Section 21 of said Chapter, being Code Section 2293, except the Section numbers thereof, and by inserting in lieu of the part thus stricken out the following:

## FREE SCHOOLS.

Assessments  
for Colored  
districts

"All the provisions of Section 20 of this Chapter, as amended, concerning the making of assessment lists, shall apply to the several school committees to be elected in the several districts for colored schools, laid out and created under the provisions of this Chapter, except that the word "colored" shall, in regard to said committees for said colored schools, be deemed and taken to be inserted in the place and stead of the word "white," where the latter word appears in Section 20; and except further, that the sum to be raised by said committee for said districts for colored schools by levy and assessment in each of said districts, without regard to any vote thereon, shall be at least the sum of fifty dollars, instead of the sum of one hundred dollars, for each teacher employed in the district during the previous school year."

Approved April 3, A. D. 1917.

FREE SCHOOLS.

CHAPTER 178.

FREE SCHOOLS.

AN ACT to amend Chapter 71, of the Revised Code of the State of Delaware, by providing for the raising of more tax in the School Districts of Sussex County.

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

Section 1. That 2292 Section 20, of Chapter 71, of the Revised Code of the State of Delaware, be and the same is hereby amended by striking out all of paragraph three (3) of said 2292, Section 20, Chapter 71, of the Revised Code, and inserting in lieu thereof the following:

"It shall be the duty of the school commissioners in each of the districts aforesaid, annually in the month of July to assess and levy without regard to any vote thereon, in each of their respective districts, that is to say, in each of the school districts in New Castle County the sum of One Hundred Dollars (\$100.00); the sum of One Hundred Dollars (\$100.00) in each of the school districts in Kent County, and the sum of One Hundred Dollars (\$100.00) in each of the school districts in Sussex County, the sum of One Hundred Dollars (\$100.00) to be applied to the support of the schools of their districts respectively."

Approved April 19, A. D. 1917.

## FREE SCHOOLS.

## CHAPTER 179.

## FREE SCHOOLS.

AN ACT to amend Chapter 71, 2298, Sec. 26, of the Revised Statutes of the State of Delaware, relative to salary paid to County Superintendents of Free Schools.

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

Chapter 71,  
Revised Code  
amended

Section 1. That Chapter 71, of the Revised Statutes of the State of Delaware be and the same is hereby amended by repealing Section 26 of said Chapter, being Code Section 2298, and inserting in lieu thereof the following, to be styled 2298, Sec. 26:

Superin-  
tendent

2298, Sec. 26. County Superintendents; How and when appointed; Term of Office; Salary; Qualifications; Duties; Powers; Examinations by; Certificates; Contingent Fund:— The General superintendence of all the free public schools in each of the Counties of this State shall be vested in a superintendent of schools for each County. Beginning on the second Tuesday of February, A. D. 1899, and biennially thereafter, the Governor shall appoint a suitable person to be Superintendent of Schools for each of the Counties of the State, who may be either male or female, whose term of office, shall be for two years, or until his successor is duly qualified, and whose duties shall begin on the second Tuesday of July following his appointment. He shall be entitled

How and  
when ap-  
pointed

Salary of

to a salary of twelve hundred dollars, payable quarterly, for each year that he continues to hold said office, until the second Tuesday in July, A. D. 1917, and thereafter he shall be entitled to a salary of Sixteen Hundred Dollars, payable monthly, for each year that he continues to hold said office.

## FREE SCHOOLS.

He shall be a person of good moral character and well <sup>Qualifications</sup> qualified mentally and morally to perform the duties of his office. He must have had at least twenty months' experience as a teacher; must at the time of his appointment hold a certificate of graduation from some reputable college, or normal school, or an unexpired certificate of the highest grade granted to teachers in this State; and must become a resident of the County for which he is appointed, after such appointment, and must continue a resident therein during his term of office. He shall not, during his term of office, engage in any other profession or vocation; nor shall he have the right to constitute deputy or deputies to perform any of the duties herein assigned to him.

It shall be the duty of each of the superintendents to ad- <sup>Duties of</sup> vise with the teachers in all the free schools under his supervision, and to strive to assist them in their tasks; to see that improved methods of instruction and discipline are introduced in the schools, and to create a general interest in and give a clearer knowledge to the people of his County, of schools and school systems. To this end, he shall visit each school in his County at least once in every year, each visit to be of at least two hours' duration; to attend at each stated meeting of the County School Commission of his County, and at each stated meeting of the State Board of Education, and make such report concerning his work and the condition of the schools as the said commission or State Board shall require. He shall execute all such reasonable orders as the State Board of Education shall give him; shall make the collection of and report concerning school statistics in his County a special part of his work; and generally shall do all matters and things proper and necessary for the interest and advancement of education in the free public schools of his County.

Each of said superintendents shall have power to suspend and withdraw any teacher's certificate upon his refusal to comply with the reasonable direction made to such teacher by the said superintendent, subject to the right of appeals as hereinbefore provided. He shall note in a book, to be



## FREE SCHOOLS.

kept for that purpose, the number of scholars, the condition of the school buildings, grounds and appurtenances, the qualifications of the teachers, the conduct and the standing of the scholars, the methods of instructions, and the discipline and government of each school; such book must be delivered by him at least once in every year to the County School Commission of his County, at one of its stated meetings, and to the State Board of Education at one of its stated meetings, for inspection and reference, and may be called for by either of said bodies at any time.

Each of said superintendents shall frame a set or sets of examination papers when and as often as he shall be directed so to do by the State Board of Education; and shall compile a list of text books when so directed by said State Board. He shall conduct the examinations of all teachers in his County; the time and place for such examination or examinations to be fixed by him in conformity with the directions of the State Board of Education, or, if no such directions be given, to be determined by said Superintendent, having due regard to the convenience of the teachers and the schools; such examination to be free to all, provided, that separate examinations for applicants to teach in schools for colored children shall be maintained. He shall deliver a certificate, signed by himself, to every teacher or applicant to teach, whom he shall find to be entitled to such certificate, under the rules and regulations of the State Board of Education in relation to the same, such certificate to be subject to the conditions and restrictions imposed by said State Board. He may countersign the certificate of a teacher made and signed by a County Superintendent in one of the Counties of the State other than his own, which certificate so countersigned, shall entitle the holder to teach in his County; and shall hold and attend the Teachers' Institute once in every year as hereinafter provided.

Annual appropriations

The sum of Five Hundred Dollars for the County School Superintendent for New Castle County; the sum of Four Hundred Dollars for the County School Superintendent for Kent County; and the sum of Six Hundred Dollars for the

## FREE SCHOOLS.

County School Superintendent of Sussex County are annually appropriated, out of any monies in the Treasury not otherwise appropriated, as a contingent fund for the use of the County Superintendents of Schools, the said sum or so much thereof as may be necessary, to be used by them for the purpose of paying the necessary expenses incident to visiting schools; on the submission of proper receipts duly approved by the State Board of Education, the State Treasurer is authorized in accordance with the provisions of Section 20 of Chapter Fifteen, from time to time, to pay to the said County Superintendents of Schools the aforesaid amount or so much thereof as shall be necessary.

Approved April 2, A. D. 1917.

## FREE SCHOOLS.

## CHAPTER 180.

## FREE SCHOOLS.

AN ACT to amend Chapter 71, of the Revised Statutes of the State of Delaware relative, to the attendance of teachers at Teachers' Institutes, and fixing a minimum salary for teachers in the free public schools, payable monthly.

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

Chapter 71,  
Revised Code  
amended

Section 1. That Chapter 71, of the Revised Statutes of the State of Delaware be and the same is hereby amended by repealing Section 28 of said Chapter, being Code Section 2300, and inserting in lieu thereof the following which shall be styled 2300, Sec. 28:

Qualifications  
for teaching

2300. Sec. 28. Teachers; Must hold Certificate; Attendance of at Teachers Institute; Minimum Salary; Salaries Payable Monthly; Annual Report of to State Board of Education; Copy to County School Commission; Failure to Report; Penalty; Appeal of Unsuccessful Applicant for Teacher's Certificate:—Every person of good moral character who holds an unexpired certificate of a County School Superintendent issued to him or her under and in conformity with the rules and regulations of the State Board of Education, shall be qualified to teach in the schools of the County of such Superintendent so long as said Certificate shall continue in force.

Attendance at  
Teacher's  
Institutes

Every teacher in the free public schools of the State, including those employed in incorporated districts, shall attend each day's session of the Teachers' Institute held by the County Superintendent of the County in which he or she is employed, unless excused from so doing by said County Superintendent, which excuse shall not be given except for

## FREE SCHOOLS.

sufficient cause, and no Board of Education or School Committee shall make any reduction in the salary of a teacher on account of absence from school while attending such Institute.

The salary to be paid a white teacher in the free public <sup>Salaries</sup> schools of the State shall not be less than Forty-five Dollars per month; the salary to be paid a white teacher who has taken a two years teachers training course at the Women's Affiliated College, or a two years course in any reputable Normal School, shall not be less than Fifty Dollars per month; the salary to be paid a white teacher who has taken a four years course in either the above mentioned College or School, shall receive not less than Fifty-five Dollars per month.

Every teacher in the free public schools in the State shall, annually make and send to the State Board of Education, through any of its members, during the month of May in each year, a statement of the number of pupils in attendance in his school, and the number of full days in attendance by each pupil, and the number of children, according to his best estimate, residing in the district, over the age of four years, not attending any school whatever, how many full days the school in which he teaches has been open and ready for the instruction of pupils during the year, and how often, and for what length of time, the school was visited during the year by each member of the Committee or Board of Education of the District, and by the County Superintendent. Such statement shall be verified by the affidavit of the teacher making it, before any Justice of the Peace of the County; the fees of the Justice in such matter shall be a debt of the district, and shall be paid accordingly. In the case of graded schools, the principal alone may make the statement. <sup>Statement sent to State Board</sup>

A copy of said statement shall also be transmitted by every school teacher as aforesaid and at the time aforesaid, to the County School Commission of the proper County, through any of its members.

## FREE SCHOOLS.

Neglect to be reported to It shall be the duty of the County School Commission, and also the State Board of Education, to report the neglect, omission or failure on the part of any teacher in any district, including incorporated districts, to make the statement at the time and in the manner aforesaid, to the proper Superintendent, and thereupon the said Superintendent shall have the power, and it shall be his duty, to suspend the certificate of such teacher until a complete and correct statement as aforesaid shall have been made by such teacher.

Applicant may appeal if In case any applicant for a certificate shall be refused one by the County Superintendent on the ground that the said applicant has failed to answer the required per cent of the questions asked in the examination, such applicant shall, if he desires to appeal to either the State Board of Education or the proper County School Commission, have the right to require that said Superintendent shall exhibit a copy of the questions submitted at such examination, together with the answers given by said applicant, when such answers were written; provided, that the appeal be made at the stated meeting next following said examination.

Approved April 2, A. D. 1917.

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## FREE SCHOOLS.

## CHAPTER 181.

## FREE SCHOOLS.

AN ACT to amend Chapter 71 of the Revised Statutes of the State of Delaware relative to the holding of Teachers' Institutes.

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

Section 1. That Chapter 71 of the Revised Statutes of the State of Delaware be and the same is hereby amended <sup>Chap. 71, Revised Code</sup> by repealing Section 30 of said Chapter, being Code Section 2302, and inserting in lieu thereof the following which shall be styled 2302. Sec. 30:

2302. Sec. 30. Teachers' Institutes; Appropriations For; Duties of Superintendents; Settlements with Auditor of Accounts:—It shall be the duty of the County School Superintendent for each County in the State to hold, either in his County or jointly with any other County School Superintendent or Superintendents in any other county of the State, a Teachers' Institute for the teachers in the free public schools for white children under his supervision, at least once in every year, and of at least five days' session. <sup>Teachers' Institute</sup>

To defray the expenses of said Institute the State Treasurer shall, upon the draft of the County Superintendent, pay to the said Superintendent, out of the general fund of the State, two hundred dollars to be expended by the said Superintendent for such Institute, whether held in his County or in another County of the State, and for no other purpose. <sup>Appropriation for</sup>

It shall be the duty of the County School Superintendent of each County, by counsel of and co-operation with the State Commissioner of Education, to arrange for suitable <sup>Duties of Superintendent</sup>

## FREE SCHOOLS.

exercises and proceedings for such Institute, and said County Superintendent shall be present at each day's session of such Institute, and do all in his power to inform the teachers under his superintendence by his own advice and suggestions, and by the advice and suggestions of professional educators whose services he can procure, of the best established and the most approved systems of instruction and discipline.

Make settle-  
ment with

Each of said County Superintendents shall, during the year, appear before the Auditor of Accounts and make settlement of all the moneys expended by him for such Institutes and pay over to the State Treasurer all unexpended balances remaining in his hands.

Auditor of  
accounts is-  
sue warrants  
for

The Auditor of Accounts shall issue to the State Commissioner of Education, in the month of October in every year a warrant for the payment of the sum of two hundred dollars for the support and maintenance of the Delaware Colored Teachers' State Institute.

The State Treasurer shall pay, out of the general fund of the State, to the said State Commissioner of Education the said sum of two hundred dollars upon the presentation of the warrant of the Auditor of Accounts aforesaid.

Duties of  
Commis-  
sioner of  
Education

It shall be the duty of said Commissioner of Education to make all arrangements for said Institute and to be present at each day's session, and to do all in his power to inform the said colored teachers by his own advice and suggestion and by the advice and suggestion of professional educators whose services he can procure, of the best established and the most approved systems of instruction and discipline.

As soon as possible after the close of the said Institute, the said Commissioner of Education shall present his accounts and vouchers to the Auditor of Accounts for settlement and pay over any unexpended balance of said appropriation to the State Treasurer.

Approved April 2, A. D. 1917.

## FREE SCHOOLS.

## CHAPTER 182.

## FREE SCHOOLS.

AN ACT to amend Chapter 71, of the Revised Code of the State of Delaware, requiring the Board of Police Commissioners of the City of Wilmington to assist in arresting truants and others who fail to attend school.

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

Section 1. That Chapter 71, of the Revised Code of the State of Delaware, be and the same is hereby amended by striking out all of 2321. Section 49, of said Chapter, and inserting in lieu thereof the following, to be known as 2321. Sec. 49:

Chap. 71,  
Revised Code  
amended

2321. Sec. 49. TRUANCY LAW; POWERS OF PUBLIC EDUCATION IN WILMINGTON:—In enforcing the provisions of Sections 41 to 49 inclusive, of this Chapter, within the limits of the school districts of the City of Wilmington, the powers and duties herein conferred upon the County Superintendents of schools, Board of School Commissioners by whatever title known, and assessors, are hereby conferred upon the Board of Public Education in Wilmington.

Powers of  
Board of  
Education in  
Wilmington

Approved April 12, A. D. 1917.



## FREE SCHOOLS.

## CHAPTER 183.

## FREE SCHOOLS.

AN ACT to accept the benefits of an act passed by the Senate and House of Representatives of the United States of America in Congress assembled to provide for the promotion of vocational education.

WHEREAS, by the Smith-Hughes Vocational Educational Bill, passed by the Congress of the United States of America, providing Federal aid for vocational education, the State of Delaware will be entitled to receive for each of the years ending June 30, 1918, and June 30, 1919, the sum of five thousand dollars for the payment of salaries of teachers, supervisors, or directors of agricultural subjects, to the further sum of five thousand dollars for the salaries of teachers of trade, home economics, and industrial subjects, and the further sum of five thousand dollars for preparing teachers, supervisors, and directors of agricultural subjects, and teachers of trade and industrial and home economic subjects;

AND WHEREAS, In order to secure these funds, it is necessary for the State of Delaware, to provide from other sources, either by State aid or the contribution of local communities in the State, for the same purposes, sums equal in amount of those to be received from the Federal Government;

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

To accept the  
benefits

Section 1. That the State of Delaware does hereby accept the benefits of an act passed by the Senate and House of Representatives of the United States of America in Con-

## FREE SCHOOLS.

gress assembled entitled: "An Act to provide for the promotion of vocational education; to provide for cooperation with the States in the promotion of such education in agriculture and the trades and industries; to provide for cooperation with the States in the preparation of teachers of vocational subjects; and to appropriate money and regulate its expenditure," and will observe and comply with all the requirements of said act.

Section 2. That the State Board of Education is hereby designated as the State Board for the purposes of the said act and is hereby given all necessary power and authority to cooperate with the Federal Board of Vocational Education in the administration of the provisions of the act. Powers of the State Board

Section 3. That the State Treasurer is hereby appointed custodian for the moneys hereinafter appropriated by this State and all moneys paid over to the State of Delaware by the Federal Government under the provisions of said act, and he shall receive and provide for the proper custody and disbursement of all money paid to the State of Delaware from the Federal Government under the provisions of said act. State Treasurer, custodian of fund

Section 4. That the sum of fifteen thousand dollars, or so much thereof as shall be necessary to carry out the purposes and provisions of this Act is hereby appropriated annually for the years ending June 30, 1918, and June 30, 1919, out of the general fund of the State, to be paid out on the requisition of the State Board of Education to such schools as are entitled to receive it. Appropriation

Approved April 2, A. D. 1917.

## FREE SCHOOLS.

## CHAPTER 184.

## FREE SCHOOLS.

AN ACT to provide for the giving of Meritorious Recognition and Awards to all Free Schools, not having Special Powers by Incorporation or Consolidation, that attain a certain Standard of Excellence and Efficiency.

*Be it enacted by the Senate and House of Representatives in General Assembly met, three-fourths of all the members of each branch concurring therein:*

List of  
standard re-  
quirements  
for

Standard  
school

Section 1. That upon the passage and approval of this Act, it shall be the duty of the State Board of Education to prepare and adopt a list of such standard requirements as must be acquired and maintained by a free school, not having special powers by incorporation or consolidation, to entitle such school to be styled a Standard School of the State of Delaware. Such list shall include a compliance with the laws of the State of Delaware and the rules and regulations prescribed by the governing bodies and officials entrusted with the supervision and control of free schools, and the attainment of certain practical requirements concerning grounds, buildings, equipment, school term, attendance, curriculum, teachers, student and community activities, and such other requirements as said Board shall deem most expedient for the purpose of encouraging a general improvement in free school matters. The State Board of Education shall have the power to alter and amend said list of standard requirements from time to time, as circumstances shall warrant; provided, that when a certain standard for a particular requirement has been fixed it shall not be changed oftener than once within a period of three years.

Section 2. That the school committee of any school district, not having special powers by incorporation or con-

## FREE SCHOOLS.

solidation, either upon the initiative of such committee or of any teacher in the district, may once in each year make application to the State Board of Education to have its free school recognized and classed as a Standard School of the State of Delaware. Said application shall be made according to such form as shall be prescribed by the State Board of Education, and, when received, it shall be referred to the Commissioner of Education and to the President of the County School Commission and the County Superintendent of the County from which the application is received, whose duty it shall be to make investigation of the truth and correctness of all statements of facts contained in the application and to make report of their findings to the State Board of Education in writing, whereupon the State Board of Education shall determine whether or not such free school shall be recognized and styled a Standard School of the State of Delaware. Any free school which may hereafter acquire such recognition and fails to maintain the requirements of a Standard School of the State of Delaware shall have such recognition withdrawn by the State Board of Education and shall lose all benefits accruing to a Standard School of the State of Delaware, but it may thereafter re-apply for recognition in the usual manner.

Section 3. That each Standard School of the State of Delaware shall be entitled to receive from the State Board of Education a Certificate of Recognition and such plate, banner, or other insignia, as said Board shall prescribe, and to retain the same in its possession only for such period as it shall continue to be recognized as a Standard School of the State of Delaware, and the school district in which it is located shall be entitled to receive as an award such sum of money, not exceeding Fifty Dollars, as shall be distributed annually pro rata among the school districts entitled thereto by warrants drawn on the State Treasurer by the State Board of Education.

Section 4. That it shall be the duty of the County School Commissioners and of the County Superintendents in their respective Counties to ascertain and to report to the State

## FREE SCHOOLS.

Board of Education at least annually whether or not such free schools as have gained recognition as Standard Schools of the State of Delaware in their respective Counties are maintaining the requirements fixed for such Standard Schools.

Annual ap-  
propriation

Warrants  
drawn by

Section 5. That for the purpose of carrying out the provisions of this Act, the sum of Two Thousand Dollars is hereby annually appropriated out of any funds in the State Treasury, not otherwise appropriated, and the same shall be treated as a separate fund to be known as The Standard School Fund and payments therefrom shall be made by the State Treasurer only upon warrants drawn thereon by the State Board of Education. The State Board of Education shall draw warrants on said fund in making payment of its necessary expenses in carrying out the provisions of this Act and in making a pro rata distribution of the residue of the fund annually among the school districts supporting Standard Schools of the State of Delaware; provided, that the sum awarded annually to any school district shall not exceed Fifty Dollars. Any part of the Standard School Fund not so used in the year for which it was appropriated shall revert to the unappropriated funds in the State Treasury.

Approved April 18, A. D. 1917.

## FREE SCHOOLS.

## CHAPTER 185.

## FREE SCHOOLS.

AN ACT to regulate the importation of dependent children.

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

Section 1. That it shall be unlawful for any person, association, or corporation to bring or send, or cause to be brought or sent, into the State of Delaware, any dependent child, for the purpose of placing such child in any home in this State, or for the purpose of procuring the placing of such child in any home by indenture, adoption or otherwise, without first obtaining the written consent of the State Board of Education, and giving bond, as hereinafter provided.

Importation  
of

Without  
consent of

Section 2. Before any child shall be brought into this State for any of the purposes provided in Section 1 hereof, the person, association or corporation desiring to bring or send any such child into this State, shall execute a bond to the State of Delaware in the penal sum of Three Thousand Dollars to be approved by the said State Board of Education, and to be with surety, if the said State Board of Education shall so require. The condition of said bond shall be substantially that such person, association or corporation shall not bring or send, or cause to be brought or sent, into this State any child that is incorrigible, that is of unsound mind or body, or that is feeble-minded; that such person, association or corporation shall at once, upon the placing of any child, report to the State Board of Education the name and age of such child, and the name and residence of the person with whom placed; that if any such child shall become a public charge before reaching the age of twenty-one years, such person, association or corporation shall,

Conditions  
required

## FREE SCHOOLS.

within thirty days after written notice given by the State Board of Education, remove such child from the State; that if, within three years from the time of its arrival in the State, any such child shall be convicted of crime, or misdemeanor, and be imprisoned, that such person, association, or corporation, shall remove any such child from the State immediately upon its being released from imprisonment, and, upon failure to remove any such child, after thirty days' notice and demand so to do, or to remove any child that has been convicted as aforesaid, such person, association, or corporation, shall, at once, pay to the County, or municipality, wherein the expense was incurred in behalf of such child, such sum as the said county, or municipality, shall have expended in the care, maintenance, or prosecution of such child; that, in placing any child, such person, association, or corporation shall and will enter into contract with the person, with whom placed, requiring that such child shall receive a proper home, and suitable care, training and education; that such person, association, or corporation shall properly supervise the care and training of every such child, and that every such child shall be visited, at least once a year, by a responsible agent, or representative of the person, association, or corporation placing the child; and that such reports shall be made to the said State Board of Education, as the said State Board of Education may from time to time require.

General  
supervision  
of

Section 3. The State Board of Education shall have general supervision in relation to the importation, placing, removal and supervision of all children placed under the provisions of this Act, and may make such rules and regulations in relation thereto, and in relation to the rejection of incorrigible, unsound or feeble-minded children, and to the removal of children, who have been convicted of crime, or who have become a public charge, as the State Board of Education shall deem necessary and proper, not inconsistent with the provisions of this Act.

Violation

Section 4. Any person, association, or corporation, or any officer, agent or employee thereof, who shall violate any

FREE SCHOOLS.

of the provisions of this Act, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined in the sum not exceeding One Hundred Dollars.

Approved April 19, A. D. 1917.



## FREE SCHOOLS.

## CHAPTER 186.

## FREE SCHOOLS.

AN ACT to create a Commission to study educational conditions and requirements, to harmonize, unify and revise the school laws, and to evolve an improved and efficient system of public instruction for the State of Delaware; to endow said Commission with necessary powers to carry out the purposes of this Act; and to appropriate a sum of money for the expenses of said Commission.

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

Special  
Commission  
to study  
educational  
conditions

Duties of

Section 1. That the Governor of the State of Delaware be and he is hereby authorized and empowered to appoint a Commission of five members, one from each County of the State and two at large, to make a survey of the public schools for both white and colored children in the State, to study the administration of the said schools, to consider the appropriations made therefor, to investigate the use of the funds so appropriated, to harmonize, unify and revise the school laws, to develop an educational system suited to the conditions existing in the State, providing for an improved and efficient administration of all free school matters and the training of a competent teaching force, and said Commission is hereby directed to report its findings and recommendations to the Governor, which report shall be transmitted by the Governor to the General Assembly at its session of 1919.

Without  
compensation

Section 2. That the members of said Commission shall serve without compensation for their services, but shall be allowed traveling and other expenses incidental to the work of the Commission.

## FREE SCHOOLS.

Section 3. That the said Commission shall have power <sup>Powers of Commission</sup> to arrange the organization and equipment of the survey as it may deem best, to employ and fix the compensation of clerical, professional, expert and other help, to purchase such books and supplies as it may require, and in general to make any provisions for the work as may be deemed necessary and expedient.

Section 4. That the said Commission shall have free ac- <sup>Access to all records</sup> cess to all public records and the power to call to its assistance the Commissioner of Education, County Superintendents, Committeemen, teachers and all other public school officials, for the purposes of obtaining information and suggestive help.

Section 5. That the sum of five thousand dollars is hereby <sup>Appropriation</sup> appropriated out of the general fund of the State to be paid by the State Treasurer on the warrant of the Auditor of Accounts to such person as the said Commission may designate as its treasurer, in quarterly installments, the first installment to be paid as aforesaid immediately upon the formal organization of said Commission, and as soon as possible after the work of said Commission has been completed its treasurer shall present his accounts and vouchers to the Auditor of Accounts for settlement and pay over any unexpended balance of said appropriation to the State Treasurer.

Section 6. That this Act shall take effect from the date of its approval by the Governor.

Approved April 18, A. D. 1917.

## FREE SCHOOLS.

## CHAPTER 187.

## FREE SCHOOLS.

AN ACT to authorize the School Committee of School District No. 73, in New Castle County, to borrow money and issue a Bond or Bonds to secure the repayment thereof.

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

Authorize to  
borrow a  
sum not to  
exceed

Section 1. That the School Committee of School District No. 73, in New Castle County, called Shellpot District, be and it is hereby authorized and empowered to borrow a sum of money, not to exceed Eleven Hundred Dollars, to be used and applied in payment of the amount due for certain alterations made to the school building in said School District and the purchase of furnishings therefor.

To issue  
bond

Section 2. That for the purpose of carrying into effect the purposes of this Act, said School Committee is hereby vested with full power and authority to issue the bond or bonds of said School District No. 73, in New Castle County, to an amount not exceeding Eleven Hundred Dollars, bearing interest at a rate not exceeding six per cent per annum, payable semi-annually. The principal of said bond or bonds shall be made payable at such time and at such Bank or Trust Company in the City of Wilmington, as the said School Committee shall determine.

Form and  
how executed

Section 3. The said School Committee shall also have the right and authority to prescribe the form of said bond or bonds, which shall be signed by the senior member of said School Committee, or such other member of said School

## FREE SCHOOLS.

Committee as the said Committee shall determine and prescribe, and shall be attested by the Clerk of said Committee.

Section 4. The said School Committee shall have the right to fix the amount to be applied annually as a sinking fund for the redemption of said bond or bonds, and shall have the right, for the purpose of raising the funds necessary for the redemption of said bond or bonds, and the payment of the interest thereon, to assess, raise and collect annually, in the same manner as is now provided by law for assessing, raising and collecting school taxes in said District, such further sum or sums of money as shall in their judgment be necessary and sufficient to meet the interest on said bond or bonds, as the same shall accrue, and to establish a sinking fund for the redemption and payment of said bond or bonds at the time fixed by said Committee.

Section 5. The said School Committee of School District No. 73, in New Castle County, and all of the members and officers thereof, shall be deemed and taken to have, and are hereby expressly given full power and authority to do and perform any and all acts, matters or things not herein specifically granted, and which it may be necessary to do and perform in relation to the issuing and executing said bond or bonds, and the payment of the interest thereon, and the principal thereof, as the same shall become due, so that said bond or bonds shall be the good and valid obligation of said School District No. 73, in New Castle County.

Approved March 22, A. D. 1917.

## FREE SCHOOLS.

## CHAPTER 188.

## FREE SCHOOLS.

AN ACT to amend Chapter 54, Volume 15 of the Laws of Delaware, as amended and renewed by increasing the amount that may be raised annually for the public schools 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 of the Legislature concurring):*

Chap. 54,  
Vol. 15,  
amended by  
increasing  
amount to  
be raised for  
school pur-  
poses

Section 1. That Chapter 54 of Volume 15 of the Laws of Delaware, as the same has since been amended and renewed, be and the same is hereby amended by striking out of the Eighth line of Section 6 of said Chapter, as amended by Chapter 50, Volume 17, Laws of Delaware, the word "six" and in lieu thereof, after the word "exceed" and before the word "thousand," inserting the word "eight."

Approved March 21, A. D. 1917.

FREE SCHOOLS.

CHAPTER 189.

FREE SCHOOLS.

AN ACT appropriating three thousand dollars to United School Districts Nos. 80, 81 and 81½, in New Castle County.

WHEREAS the school building and personal property of United School Districts Nos. 80, 81 and 81½ were recently completely destroyed by fire, and

WHEREAS the insurance covering said property was not commensurate to the loss, and

WHEREAS the expense incurred for the erection and furnishing of a new building for said school districts has been considerable, and

WHEREAS by reason thereof the taxables in said districts are now being subjected to a heavy and burdensome taxation which is causing great hardship and distress among many of them

*Now therefore be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (three-fourths of all the members of each branch concurring therein):*

Section 1. That the sum of Three Thousand Dollars <sup>Appropriation of</sup> (\$3,000.00) is hereby appropriated and directed to be paid out of the treasury of this State to the said United School Districts Nos. 80, 81 and 81½ in New Castle County, for the purpose of assisting them in paying for said Building, furnishings and other expenses incurred.

Approved April 9, A. D. 1917.

## FREE SCHOOLS.

## CHAPTER 190.

## FREE SCHOOLS.

AN ACT to amend Chapter 350, Volume 22, of the Laws of Delaware, by providing for the allowance of School Funds for two teachers in School District Number 115, in Kent County.

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

Chap. 350,  
Vol. 22,  
amended  
providing for  
two teachers

Section 1. That Section 2 of Chapter 350, Volume 22, of the Laws of Delaware be and the same is hereby amended by striking out the words "one teacher" where they appear in the 16th and 19th lines of said Section 2, of Chapter 350, Volume 22, Laws of Delaware, and inserting in lieu thereof in both lines the words "two teachers."

Approved April 2, A. D. 1917.

FREE SCHOOLS.

CHAPTER 191.

FREE SCHOOLS.

AN ACT to appropriate money for the tuition of non-resident pupils to the Felton Board of Education.

*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 is hereby authorized <sup>Appropriated to</sup> and directed to pay to the Felton Board of Education the sum of Two Hundred and Sixty-one dollars and seventy cents (\$261.70), being the balance due for tuition for non-resident pupils for the school year 1914 and 1915.

Approved April 2, A. D. 1917.



## FREE SCHOOLS.

## CHAPTER 192.

## FREE SCHOOLS.

AN ACT to authorize the Clayton Public Schools to borrow money and issue bonds therefor.

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

Authorized to  
issue bonds

SECTION 1. That it shall and may be lawful for The Clayton Public Schools to issue bonds not exceeding in the aggregate Fifteen Hundred Dollars (\$1500.00), which said bonds may be in such denominations, at such rate of interest and payable at such time or times as the Board of Commissioners of The Clayton Public Schools shall determine. The said bonds shall be signed by the President of the said Board, attested by its Secretary and sealed with its corporate seal.

Approved March 22, A. D. 1917.

FREE SCHOOLS.

CHAPTER 193.

FREE SCHOOLS.

AN ACT to appropriate the sum of One Hundred Dollars to Marydel School District Number 115 Kent County, to cover an insufficiency in the amount allowed to said District in the distribution of the State School Funds.

WHEREAS, Marydel School District number 115 Kent County, is now employing an additional teacher and should be entitled to One Hundred Dollars for such teacher as employed, and

WHEREAS, by an oversight on the part of the Commissioners of said School District, the said district is not receiving any dividend from the State for additional teacher so employed;

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

Section 1. That the sum of One Hundred Dollars be and the same is hereby appropriated to be paid to the said Marydel School District number 115, and the State Treasurer is hereby authorized and directed to pay the said amount out of any funds in the State Treasury not otherwise appropriated. <sup>Appropriated to</sup>

Approved April 2, A. D. 1917.

## FREE SCHOOLS.

## CHAPTER 194.

## FREE SCHOOLS.

AN ACT appropriating the sum of one hundred and eighty-five dollars to "The Board of Education of the Frederica Public Schools," being United Districts numbers 32, 75, 76 and 78 in Kent County, Delaware, to cover an insufficiency in the amount allowed to said Districts in the distribution of the State School funds.

WHEREAS, "The Board of Education of the Frederica Public Schools," being United Districts Numbers 32, 75, 76 and 78, in Kent County, Delaware, was obliged by order of the State Board of Education, to employ an additional teacher, not provided for in the dividend from the State for the current school year, and the dividend per teacher for the said schools was One Hundred and Eighty-five Dollars; therefore,

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

Appropriation

SECTION 1. That the sum of One Hundred and Eighty-five Dollars be and the same is hereby appropriated to the said "The Board of Education of the Frederica Public Schools," being United Districts Numbers 32, 75, 76 and 78 in Kent County, Delaware, and the State Treasurer is hereby authorized and directed to pay the said amount out of any funds in the State Treasury not otherwise appropriated.

Approved March 22, A. D. 1917.

## FREE SCHOOLS.

## CHAPTER 195.

## FREE SCHOOLS.

AN ACT to authorize and empower Laurel Public Schools to procure a site and erect thereon a new Public School Building; to borrow money to pay for the same; to issue bonds to secure said loan, and to levy a tax to pay said bonds.

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

SECTION 1. That Laurel Public School is hereby authorized and empowered to borrow at its discretion a sum of money not to exceed thirty-five thousand dollars (\$35,000) for the purpose of procuring a site, and erecting and constructing thereon a Public School Building, fully to complete and furnish the same in the Incorporated School Districts Nos. 46, 133 and 182, in Sussex County, for Primary and Grammar School purposes; and to establish an adequate and modern heating and ventilating system therein.

Authorized to  
borrow

Section 2. That the said Laurel Public Schools be and it is hereby vested with full power and authority to issue and sell for the purpose of carrying into effect the provisions of this Act, its bonds to an amount not exceeding the sum of thirty-five thousand (\$35,000.00) of such denominations as may be determined by the said Laurel Public Schools, and in such proportions of such denominations as may be determined by said Laurel Public Schools; which bonds shall be dated on the first day of July, A. D. 1917, and numbered consecutively, commencing with Number One, and shall bear interest from and after said date at such rate as the said Laurel Public Schools may determine, not to exceed five per centum per annum, payable semi-annually on the first days of January and July in each and every year

Power to  
issue bonds  
not to exceed

## FREE SCHOOLS.

while they remain unpaid, and at such Bank or Trust Company as the said Laurel Public Schools shall determine, on presentation of the coupons representing said semi-annual installments of interest, each semi-annual installment of interest being represented by coupons attached to said bonds.

When payable  
Redemption  
Proviso

The said bonds shall be payable on the first day of July, A. D. 1957, but may be redeemed at the option of the said Laurel Public Schools at any time after the first day of July, A. D. 1922; provided however, that no more of said bonds than shall amount in the aggregate at par value to the sum of Two Thousand Dollars (\$2,000.00) shall be redeemed in any one year; and provided further that if the said Laurel Public Schools elects to redeem any of said bonds such redemption shall be effected on the first day of July of the year in which any of said bond or bonds is or are to be redeemed and in pursuance of notice signed by the President and Treasurer of the said Laurel Public Schools in four consecutive issues of at least one newspaper published in the Town of Laurel, Sussex County, Delaware, if there shall be a newspaper published in said Town of Laurel, but in the event that there shall be no newspaper published in the Town of Laurel, then said notice shall be published in four consecutive issues of any newspaper selected for that purpose published within the County of Sussex, and State of Delaware; such notice shall indicate the bond or bonds to be redeemed, and in making the call for redemption of such bond or bonds, the said Laurel Public Schools shall call and redeem said bonds according to their numbers, beginning first with Number One.

Printing and  
sale of

SECTION 3. That the said Laurel Public Schools shall direct and effect the preparation, printing and sale of the bonds authorized by this ACT, at such time or times and upon such terms, and for such sums, not less than their par value, as they may deem expedient, but that all the money derived from sale of said bonds shall be applied unto carrying into effect the provisions of this ACT, and each of said bonds shall be signed by the President and Treasurer of the said Laurel Public Schools, and shall have affixed

How  
executed

## FREE SCHOOLS.

thereto the Corporate Seal of said Laurel Public Schools. Said bonds shall be exempted from State, County and Municipal Taxation, and shall be designated as "Laurel School Bonds," and shall be in the following form: Exempt from  
taxation

## "UNITED STATES OF AMERICA

## STATE OF DELAWARE.

Incorporated School Districts Nos. 46, 133 and 182, of <sup>form</sup> Laurel, in the County of Sussex.

No.....

Series.....

THESE PRESENTS CERTIFY AND MAKE KNOWN That "Laurel Public Schools" is held and firmly bound unto the bearer in the sum of.....Dollars (\$ ), lawful money of the United States of America, which the said "Laurel Public Schools" binds itself to pay to the bearer on the first day of July, A. D., one thousand nine hundred and fifty-seven (1957), with interest at the rate of .....Per centum per annum, payable semi-annually on the first days of January and July in each and every year until the principal be paid, upon the presentation of the coupons hereto annexed, representing such semi-annual installment of interest; PROVIDED HOWEVER, and it is expressly stipulated that the said "Laurel Public Schools" reserves to itself the power, at its option, to call in and redeem this bond, on or at any time after the first day of July, A. D., one thousand nine hundred and twenty-two (1922), pursuant to the notice provided for by the ACT OF THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE, in accordance with the provisions of which this Bond is issued; AND PROVIDED FURTHER that when this Bond shall be called in by notice as aforesaid, interest thereon shall cease to accrue from and after the first day of July next succeeding the date of such notice.

DATED at Laurel, Delaware, this first day of July, A. D. 1917.

## FREE SCHOOLS.

WITNESSETH the Seal of the said "Laurel Public Schools" and the Hands of the President and Treasurer thereof.

.....  
President

(SEAL)

.....  
Treasurer."

Cancellation  
of

After the said interest coupons and the said Bonds are paid the same shall be cancelled in such manner as the said "Laurel Public Schools" shall direct. The Bonds issued and sold by the said "Laurel Public Schools" in accordance with the provisions of this Act, shall be a lien upon all the real estate situate and lying in said Incorporated School Districts Nos. 46, 133 and 182 in the County of Sussex, and State of Delaware.

Application  
of proceeds  
of

SECTION 4. That if after the payment for a site for said Public School Building and all the cost of erecting and equipping said Public School Building, there shall remain any balance or surplus from said sum of Thirty Five thousand dollars (\$35,000.00), the said "Laurel Public Schools" is hereby authorized and empowered to expend such surplus in any alterations and repairs that may be necessary to put the present school building of the said Incorporated School Districts Nos. 46, 133 and 182, in good condition for school purposes.

Taxation to  
provide for  
interest and  
redemption

SECTION 5. That for the purpose of raising the funds necessary for the redemption of said bonds, and for the payment of interest thereon as the same shall become due, the said "Laurel Public Schools" is hereby further authorized, empowered and directed to assess, raise and collect annually, in the same manner as now provided by law, or as may hereafter be provided by law for the assessing, raising and collecting the school taxes in said Incorporated

## FREE SCHOOLS.

School Districts, such further sums of money as shall in its judgment be necessary and sufficient to meet the interest on said bonds as the same shall accrue and to redeem the said bonds as the same shall be called in by the said "Laurel Public Schools" according to the provisions of this Act; the sums assessed, raised and collected under and by virtue of the provisions of this Section to be in addition to any sums assessed, raised and collected by the said "Laurel Public Schools" for general school purposes; provided, that the sums levied, assessed and collected under and by virtue of this Section shall not exceed the amount of interest due on the bonds then outstanding and the par value of the bond or bonds called in for the year of such assessment, by more than twenty per centum of the aggregate amount of said interest and par value of said bond or bonds.

SECTION 6. The Public School Building to be erected under the provisions of this Act, may be erected on land now owned by the said "Laurel Public Schools" if it shall be found feasible and advisable to do so. But if it shall not be found feasible and advisable to erect said building on land already owned by said "Laurel Public Schools," then it, the said "Laurel Public Schools," is hereby authorized and empowered to purchase a suitable site within the limits of said Incorporated School Districts Nos. 46, 133 and 182, at such price as may be agreed upon by and between the owner of such site and the said "Laurel Public Schools," said purchase price to be paid out of the proceeds arising from the sale of the bonds to be issued under the provisions of this Act. But in case the said "Laurel Public Schools" shall not be able to secure the site which it shall deem most desirable for the purpose of locating and erecting said Public School Building, either because the owner thereof will not accept what shall be considered to be a reasonable price therefor, or if it shall be because of any question of the ability of such owner to convey a good, fee simple title to said land, the said "Laurel Public Schools" is hereby expressly authorized and empowered to have condemned a lot of land suitable for the purpose of a Public School Building, in the manner provided by Section 17, of Chapter



## FREE SCHOOLS.

Proviso

67, Volume 21 of the Laws of Delaware; provided however, that the said "Laurel Public Schools" shall have the right, and it is hereby authorized and empowered to select the site to be acquired under the condemnation proceedings herein provided for, the said site not to exceed five (5) acres in area.

Must submit  
to the voters

When and  
how held

Qualification  
of voters

SECTION 7. That before the provisions of this Act shall go into effect, or the said "Laurel Public Schools" shall have authority to issue any bonds, acquire any lands or make any contracts under the provisions of this Act, the question of borrowing the sum of money, as herein provided for, shall be submitted to the voters of said Incorporated School Districts Nos. 46, 133 and 182 at an election to be held within sixty days after the approval of this Act by the Governor, said election to be called by the said "Laurel Public Schools," and at least ten days notice of said election to be given to the taxables of said Incorporated School Districts Nos. 46, 133 and 182 by written or printed advertisements posted in at least ten public and conspicuous places within the limits of said Incorporated School Districts. Said election shall be held at the place where annual school elections in said Incorporated School Districts are usually held, and in the same manner in which said annual school elections are held. At such election every taxable who resides within the limits of said Incorporated School Districts and every Corporation within the limits of said Incorporated School Districts, which is taxed for school purposes therein, shall have the right to cast one vote for every dollar or majority fraction thereof of school tax paid by him, her or it. And if at the said election a majority of the votes cast shall be in favor of bonding said Incorporated School Districts as herein provided, then this Act and all the provisions thereof shall be deemed and taken to be immediately effective, and the said "Laurel Public Schools" shall immediately be vested with all the rights, powers and duties herein provided. But if at said election a majority of the votes cast shall be against bonding said Incorporated School Districts, it shall and may be lawful for the said "Laurel Public Schools" to call another

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election in the same manner as herein provided at any time after the expiration of six months from the date of the first election to be held under the provisions of this Act; and if at such subsequent election a majority of the votes cast shall be in favor of bonding said Incorporated School Districts for the purposes herein provided, the said "Laurel Public Schools" shall have all the rights and powers and shall be clothed with all the duties provided in this Act as they would if a majority of the voters had so voted at the first election held under the provisions of this Act.

Approved March 23, A. D. 1917.

## FREE SCHOOLS.

## CHAPTER 196.

## FREE SCHOOLS.

AN ACT to re-incorporate the School Districts of the Town of Laurel and vicinity in the County of Sussex.

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

United School  
District

Section 1. That School Districts Nos. 46, 133 and 182 in the County of Sussex as now bounded or hereafter may be bounded, shall form one united school district, and shall be governed and managed by a Board of Education, consisting of nine members to be elected as hereinafter provided.

Board of  
Education

Section 2. That Charles L. Horsey, Thomas L. Mason, Joseph A. Prettyman, Harvey W. Hastings, Sirman D. Marvil, Elijah E. Wootten, James O. Adams, J. Roscoe Elliott, and Harvey F. Wolfe shall constitute and form the Board of Education of said united school districts, and they and their successors shall be and they are hereby created a body politic and corporate under the name and style of Laurel Public Schools. The said Charles L. Horsey, Thomas L. Mason and Joseph A. Prettyman shall hold office as such commissioners until the last Saturday in May, A. D. 1917, when their successors shall be elected for a term of three years; the said Harvey W. Hastings, Sirman D. Marvil and Elijah E. Wootten shall hold office as such commissioners until the last Saturday in May A. D. 1918 when their successors shall be elected for a term of three years; and the said James O. Adams, J. Roscoe Elliott and Harvey F. Wolfe shall hold office as such commissioners

Terms of  
office

## FREE SCHOOLS.

until the last Saturday in May, A. D., 1919, when their successors shall be elected for a term of three years. And thereafter on the last Saturday of May of each and every year three commissioners shall be elected for the full term of three years to succeed such commissioners whose terms shall have expired. The Board of Commissioners of said Laurel Public Schools shall have the direction and superintendence of the public education of all white children in said united school districts between the ages of six years and twenty-one years, and for that purpose shall have full power and authority to establish, and from time to time to alter and modify a plan and system of education for children between the ages aforesaid, in the said united school districts, and to superintend the same and to appoint, suspend and remove teachers; and to provide adequate and sufficient building or buildings in which the education of said white children shall be conducted; to make by-laws, rules and regulations for their own government, and for the government of teachers and schools under their superintendence; to designate and elect officers of the said Board, and to fill vacancies in the said Board in whatever manner caused, until the next regular annual school election, at which time successor or successors of any who for any cause has or have ceased to be a member or members of said Board to fill out the unexpired term or terms of any such member or members; to take and acquire, receive, hold and enjoy for the purpose aforesaid monies and real or personal property by purchase, gift, grant, contract, devise or bequest; and by the name aforesaid may sue and be sued, plead and be impleaded in any Court of the State of Delaware or elsewhere; may have a common seal with power to alter the same, and otherwise generally shall be clothed with all the rights, powers and privileges incident to corporations, and necessary for carrying out the purposes of its creation. No compensation for their services shall be received by any of said commissioners or by their successors. And within three months after the approval of this Act the said Laurel Public Schools shall cause to be made an accurate survey and plot of said united school districts Nos. 46, 133 and 182, and shall cause the same to be recorded in the

Powers of Board.

No compensation

## FREE SCHOOLS.

office of the Recorder of Deeds at Georgetown, in and for the County of Sussex and State of Delaware. The members of said Board of Commissioners herein named or hereafter to be elected, as herein provided, shall hold office until their successors are duly elected and qualified.

Elections

When and  
whereEligibility of  
CandidatesBoard to ap-  
point election  
officers

Section 3. The school voters of the said united school districts shall meet on the last Saturday in May, A. D. 1917, and on the last Saturday in May in each and every year thereafter, at the school house in said united school districts, and shall elect three commissioners to serve the term of three years, and until their successors be duly chosen and qualified, and shall likewise elect commissioners to fill any vacancy in said board for the unexpired term. The election shall be held in the afternoon, and the polls shall be open at two o'clock or within thirty minutes thereafter, and closed at four o'clock. The Board of Education shall give ten days' notice of said election and of the day, hour and place of holding same, and the names of the inspectors appointed by it to hold the same, and the number of commissioners to be elected thereat, by written or printed handbills posted in at least ten public places in said united school districts, but no person shall be eligible for election as commissioner for said united school districts unless a notice that his name will be presented at such election for the consideration of the voters of said district as a candidate for the position of commissioner shall have been filed with the secretary of the Board of Commissioners of said districts at least ten days prior to the date of the election, and it shall be the duty of the secretary of the said Laurel Public Schools to have the names of all such candidates published in at least one issue of some newspaper published in said united school districts, if there be a newspaper published in said districts, and the secretary shall have tickets printed containing the names of all candidates filed in accordance with the provisions of this section, and all necessary election expenses shall be paid by the said Laurel Public Schools. The said board shall appoint, at least ten days before holding said election, an inspector and an assistant inspector who shall conduct said election. The

## FREE SCHOOLS.

inspector and assistant inspector appointed for holding said election shall not be members of the board of commissioners, and before opening the polls, each of them shall take an oath or affirmation as follows: "I . . . . ., do <sup>Form of oath</sup> solemnly swear or affirm, that in holding the election this day for members of the board of commissioners for Laurel Public Schools, I will faithfully and impartially discharge my duty, and make true certificates of the result thereof, and deliver the same according to law, so help me God," or "so I solemnly affirm." This oath may be administered by the inspector, assistant inspector, a Justice of the Peace, or a Notary Public. The inspector shall appoint two clerks, one to be named by the inspector, and the other by the assistant inspector, who shall keep true and correct lists of all persons voting at said election. The inspector shall, as soon as the polls have closed, proceed to count the votes and ascertain the result of said election, and immediately upon ascertaining the result thereof, shall make out and sign certificates of election, and without delay shall deliver one of said certificates to the secretary of the Board of Commissioners one to each of the persons elected, and one other to the Clerk of the Peace of Sussex County to be kept as a public record. Every person residing within the said united <sup>Duties of inspector</sup> school districts, of the age of twenty-one years and upwards, either male or female, who is a taxable in said United School Districts (and having paid the school tax last assessed against him or her), shall be a school voter, and shall be allowed to vote at all school elections held in said united school districts. And if any person not being so qualified shall vote at any meeting of school voters in said united school districts he shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in the sum of Fifteen Dollars (\$15.00). If a vote is objected to, the inspectors must unite in rejecting it, or the vote shall be accepted. If any one who shall be appointed by the Board of Commissioners either inspector or assistant inspector, shall neglect or refuse to serve as such inspector or assistant <sup>Rights to vote</sup> inspector, without rendering an excuse to be accepted by the Board, he shall forfeit and pay to the said Board, the sum of Five Dollars, to be recovered by the Board, in an <sup>Election inspectors must serve, unless</sup>

## FREE SCHOOLS.

Rules for  
election

action before a Justice of the Peace. If the Board shall fail to appoint an inspector or assistant inspector, or both, ten days before said election, or if the inspector or assistant inspector, or both, shall be absent from the place of election at the time of opening of same, the school voters there present shall proceed forthwith without ballot to choose from the voters present either an inspector or assistant inspector, or both, as the case may be. If the Board of Commissioners in any year fails to give written or printed notice of said election, as required herein, the school voters of said united school districts shall, notwithstanding said failure, meet on the day and at the time and place herein appointed, and proceed to elect inspectors and commissioners as herein provided in case of notice duly given. If any inspector or assistant inspector or both of them shall knowingly take the vote of a person not having the right to vote, or shall neglect or refuse to make and deliver certificates of the result of an election as required herein, he or they shall be guilty of a misdemeanor, and shall forfeit and pay the sum of Fifty Dollars (\$50.00), to be adjudged on an indictment and conviction in the Court of General Sessions, and to be paid to the Laurel Public Schools aforesaid, for the benefit of the schools under its charge.

Organization  
of Commis-  
sioners

Section 4. The Commissioners shall meet annually in the place where the election is held, on the Monday following the election, at ten o'clock in the forenoon, and organize the board by the election of a President, a Vice President and a Secretary, who shall be members of the Board, and may elect or appoint an assistant secretary who need not be a member of said board, and in case an assistant secretary shall be appointed or elected, the said Board of Commissioners may pay such Assistant Secretary such reasonable compensation for his services as said board may determine; and they shall hold stated meetings once every month, and special meetings when required by the President, or majority of the commissioners; and by a committee or otherwise shall visit all the schools in said united school districts, at least once every month while said schools are in session. A majority of the board shall form a quorum

## Meetings

## Quorum

## FREE SCHOOLS.

and any vacancy occasioned by death, resignation or otherwise shall be filled by the board by choosing a commissioner or commissioners to serve until the next annual election and until the successor or successors of such member or members shall be duly elected and qualified; provided however, that no one shall be a commissioner who is not a qualified voter of said united school districts as defined in Section 3 of this Act; and if any one having been elected commissioner shall then be and shall afterward cease to be a qualified voter of said united school district as defined in said Section 3, he thereupon shall cease to be one of the commissioners aforesaid, and his office shall thereupon become vacant. And provided further, that if any duly elected commissioner shall remove from the said united school districts, he thereupon shall cease to be a commissioner, and his office as such shall be vacant. And provided further, that all vacancies must be ascertained and declared by a two-thirds vote of the other members of said board. The newly elected commissioners shall be sworn by one or more of the holding over commissioners faithfully and impartially to perform their duties as members of said board.

Section 5. The Board of Commissioners of said Laurel Public School shall annually elect a Treasurer who shall be a member of said Board, and who shall give bond with good and sufficient surety, to be approved by the Board, for the faithful performance of his duties, and said bond shall be for an amount sufficient to cover twice the amount of money that is likely to go into his hands as Treasurer of said Board, and all monies or funds belonging to, raised or contributed for the use and benefit of said United School Districts shall be paid into the hands of and be held by said Treasurer for the use and benefit of said United School Districts, and paid out only upon the order of the Board of Commissioners, signed by the President and attested by the Secretary. The said Board shall have the right, upon an order signed by the President and attested by the Secretary, to draw the amount of dividends from time to time which the several school districts named in Section 1 of this Act, to wit, Nos. 46, 133 and 182 in Sussex County, shall



## FREE SCHOOLS.

Assess and  
collect taxes

be entitled to as their part of the State School Fund, and shall annually assess, levy and collect from the taxables of said United School Districts a sum not to exceed seven and one-half ( $7\frac{1}{2}$ ) mills on each Dollar of the assessed value of the real and personal property held within said United School Districts, which is not by law exempt from taxation; and in addition to the sum of money so to be levied and raised upon the real and personal property within the said United School Districts, the said Board of Education shall also levy and collect a poll or head tax on each male school voter in said United School Districts, the said poll or head tax so levied on each of said male school voters not to exceed the sum of Three Dollars and Fifty Cents (\$3.50).

Elect a Col-  
lector of  
taxes and  
duties of

The Board of Commissioners also shall elect annually a Collector of School Taxes, either from among their own number or from outside the Board, whose duty it shall be to collect all the taxes levied and assessed by said Board. The said Collector so chosen shall give bond with good and sufficient surety in such sum as shall be fixed by said Board for the faithful performance of his duties as such Collector, and that he will turn over to the Treasurer of the Board promptly all monies collected by him, and in the collection of said School Taxes the said Collector shall be clothed with all the power that is now vested in the Receiver of Taxes of Sussex County for the collection of County Taxes. The said Collector of School Taxes shall be

Compensa-  
tion for

paid for his services such sum or sums as the said Board of Commissioners shall fix. The said Board of Commissioners shall publish in one newspaper published in Sussex County, in the last issue of said paper in the month of July of every year, a statement of the receipts and expenditures during the preceding year, showing the sources from which the receipts have been obtained, and the objects for which they have been expended. Said Board of Commissioners shall also settle with the Auditor of Accounts as other School Commissioners are required to do. The said Laurel

Board to  
publish  
statement

Rebate on  
taxes if paid

Public Schools may in its discretion allow a discount or rebate not to exceed eight per cent. on all school taxes that shall be paid before the tenth day of August in each year; and it may also affix a penalty of one per cent each month

## FREE SCHOOLS.

on all taxes remaining unpaid after the first day of October <sup>Unpaid taxes</sup> of each year, and the Collector shall have the same power to enforce the collection of said penalty as is herein given him for the collection of said taxes. The said Board of Education shall cause the school assessment in said United <sup>School assessment how made</sup> School Districts to be made in the same manner as is now provided or as hereafter may be provided by the General School Law of the State of Delaware; provided, however, that all assessable real estate within said United School Districts, as well as all assessable personal property, shall be assessed for school purposes at its actual value.

Section 6. That this shall be deemed and taken to be a <sup>Corporation perpetual</sup> public act, and the corporation hereby created shall have perpetual existence, and all laws of this State applicable to Free Schools, and not inconsistent or in conflict with this Act shall be applicable to the said Laurel Public Schools.

Section 7. That all acts done by the Commissioners of <sup>Acts of the Commis- sioners ratified</sup> the Public School of the Town of Laurel and Vicinity, of the County of Sussex and State of Delaware, as incorporated under the provisions of Chapter 511, Volume 18, Laws of Delaware, and under the provisions of any Act amendatory thereto, are hereby ratified, and confirmed, and the said Laurel Public Schools, as successor to said Corporation, shall have and hold all the property, real and personal, which heretofore has been held by said "The Commissioners of the Public School of the Town of Laurel and Vicinity, of the County of Sussex, and State of Delaware."

Approved March 22, A. D. 1917.

## FREE SCHOOLS.

## CHAPTER 197.

## FREE SCHOOLS.

AN ACT to entitle United School Districts numbers 8, 12, 93, 153, 160 of Milton, in Sussex County, to borrow a sum of money not exceeding Four Thousand Dollars to be applied to outstanding bonds and mortgages.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of all the members elected to each House agreeing thereto):*

Authorized  
to borrow  
money

Section 1. That the Board of Commissioners of United School districts, numbers 8, 12, 93, 153, and 160, of Milton, in Sussex County, Delaware, is hereby vested with full power and authority to borrow a sum of money not exceeding Four Thousand Dollars for the use of, and to be expended and applied under the direction of the Board of Public Education, of said United School Districts, in said Town of Milton, for the purpose of redeeming certain bonds and mortgages now outstanding against said school districts numbers 8, 12, 93, 153, and 160, in the County of Sussex. For the purpose of securing the said sum of money authorized by this section to be borrowed, the said Board of Commissioners, is hereby authorized and directed to execute bonds and mortgages on all the school property belonging to said consolidated districts numbers 8, 12, 93, 153, and 160, signed by the President and Secretary of said Board of Commissioners, payable in ten equal annual installments, with the interest on the whole amount unpaid, annually, provided, that the amount payable annually may be all paid on any one particular bond in any year.

Board of  
Commissioners to  
issue bonds

Taxation for  
interest and  
installments  
due

Section 2. That for the purpose of raising the funds necessary for the payment of said bonds and mortgages,

## FREE SCHOOLS.

and for the payment of the interest thereon, the said Board of Commissioners is hereby authorized, empowered and directed to assess, raise and collect annually, in the same manner as now provided by law, for assessing, raising and collecting the said school taxes in the said United School Districts, such further sum of money as shall in their judgment, be necessary and sufficient to meet the interest and installments of said bonds and mortgages, as the same shall accrue and fall due. The sums assessed, raised and collected under and by virtue of the provisions of this Section shall be in addition to the sums assessed, raised and collected by the said Board for ordinary school purposes; provided that the sums levied and assessed under and by virtue of this Section shall not exceed, in each and every year the interest and installments due for that year, by more than twenty per cent (20%) of the aggregate amount of said interest and installments.

Approved March 22, A. D. 1917.

## FREE SCHOOLS.

## CHAPTER 198.

## FREE SCHOOLS.

AN ACT to establish a Board of Education for the Town of Lewes.

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

Incorporated      Section 1. That School Districts Nos. 14, 15, 110 and 112, which now receive the benefits of the schools kept in said districts, be and they are hereby declared incorporated into one consolidated district, to be governed and managed by a Board of public education, consisting of seven members to be elected as hereinafter provided.

Establish a Board of Education      Section 2. That from and after the passage of this Act, there shall be established, in and for the town of Lewes, a Board of Education to be styled "The Board of Public Education for the Town of Lewes," whose design and purpose shall be the direction, management and superintendence of the public education of children in said consolidated districts, between the ages of six and twenty-one years.

Members of the Board      Section 3. That the following named citizens of the town of Lewes, viz: Ulysses W. Hocker, John R. Bayliss, Edgar W. Ingram, Charles V. Jones, William H. Bookhammer, Wm. Teal and Edward W. Wiltbank, and their successors, as hereinafter provided, shall constitute the said Board, and under the name and style aforesaid, shall be and they are hereby created a body politic and corporate for the purpose aforesaid, and as such shall have full power and authority to devise, establish and modify, from time to time, a plan and system of education for children between the ages aforesaid, in the said consolidated district, and

Powers of

## FREE SCHOOLS.

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 and schools under their superintendence; to designate and elect officers of the said Board, and to fill vacancies in any manner whatever caused, until the next election for members of the Board and to take and acquire, receive, hold and enjoy for the purposes aforesaid, moneys and real and personal estate by bargain and sale, gift, grant, contract, devise or bequest; and that they, as such body corporate, and by the name and style aforesaid, may sue and be sued, plead and be impleaded in any court of Law or Equity in the State of Delaware or elsewhere, and have a common seal, with power to alter the same, and otherwise generally shall be clothed with all the rights, powers and privileges incident to corporations, and necessary or convenient for carrying out the purposes of their creation.

Section 4. That the persons named as corporators in this Act, shall constitute the Board of Public Education until their successors are duly elected and qualified; the first election for members of the Board of Public Education shall take place on the first Saturday of April, A. D. 1917, at which election three members shall be elected to serve for the term of three years and two members the next annual election for three years and two members the next annual election for three years and on the first Saturday of April, annually thereafter, to fill vacancies caused by the limitation to terms of office prescribed, or in any manner whatever. The election shall be held in the afternoon, the polls opened at one o'clock, or within fifteen minutes thereafter, and closed at three o'clock; the members shall not receive either pay or emolument, or be allowed any compensation for their services. The Board shall appoint a Secretary and Treasurer, who shall be members thereof; the Board shall appoint the place of election, and give notice thereof for 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

Election for  
members

Board shall  
appoint a  
Secretary and  
Treasurer

## FREE SCHOOLS.

places in the consolidated district. They shall appoint an inspector and an assistant inspector of said election (not members of the Board), who shall preside thereat. The officers holding the election shall, before opening the polls, each take an oath or affirmation as follows:

Form of oath    I ..... do solemnly swear (or affirm) that in holding the election this day for members of the Board of Public Education, I will faithfully and impartially discharge my duty, and make true certificates of the result thereof, and deliver the same according to law, so help me God, (or so I solemnly affirm).

Certificates of the result, sent to    The inspector is authorized to administer this oath or affirmation to the assistant, and he to the inspector. Within two days after any election, the certificates of the result shall be delivered, under the hands of the officers holding the election, as follows:

Board to be the judges of election    One to the Secretary of the Board and one to each of the persons elected, which certificates shall be made out and signed as aforesaid, immediately after counting the vote. The Board shall be the judges of the election of its members, who must, in addition to being qualified voters of the town of Lewes, have paid a school tax for the support of the schools established under this Act, within the year preceding the election, and must be elected by the voters of said consolidated districts having the same qualifications; plurality of votes to elect.

Violations of election laws    Section 5. That if any person not having a right to vote at any election held under this Act shall vote at such election, or if any inspector or assistant shall knowingly take the vote of a person not having a right to vote, or shall neglect or refuse to make and deliver certificates of the result of any election, as required by the next foregoing section, every such person, inspector or assistant, shall forfeit and pay fifty dollars, to be adjudged on indictment and conviction in the Court of General Sessions, in and for the County of Sussex, and to be paid to the Board of Public

Fine

## FREE SCHOOLS.

Education aforesaid, for the benefit of the schools under their charge.

Section 6. That the Board of Education shall, on or before the Monday next preceding the first Saturday in April, in every year, caused to be published a full report of their accounts and proceedings during the past year, setting forth aggregates under their appropriate heads. They shall also depute one of their members to settle with the auditor of the State.

Publish re-  
port of ac-  
counts

Section 7. That the Board of Education shall, every year, determine the amount to be raised on the real estate, improvements on public ground, and persons of white citizens, in said consolidated districts, for educational purposes; such sum not to exceed Five Thousand Dollars, and that the taxes levied and collected for educational purposes in said consolidated districts shall be levied upon real and personal estate, houses, or public land, and persons in said consolidated district, now or hereafter assessable and taxable for County purposes; and the Board of Public Education, in assessing the poll or person, shall have the same power granted to county assessors by Section 10, Chapter 10, of the Revised Code.

Taxes levied

Section 8. That the Board of Public Education shall have the same power and authority in collecting taxes given to commissioners of public schools in this State, and shall have the right to draw dividends, from time to time, made and entered to the credit of School Districts Nos. 14, 15, 110 and 112.

Collection of

Section 9. That the Board of Public Education shall have full power and authority to levy and collect a supplemental tax outside and beyond the regular tax to be annually assessed, which shall be laid upon such persons as are receiving the greatest amount of benefit from the said schools in such proportion as said Board of Education shall deem equitable and just in the premises, which tax shall be collected in the same manner as the regular taxes are

Supplemental  
tax



## FREE SCHOOLS.

collected, and subject to all the laws for the collection of said regular taxes.

Oath of office      Section 10. That each member of the Board of Public Education, before entering upon the discharge of the duties of his office, shall take an oath or affirmation, to perform the same diligently and faithfully, according to the best of his knowledge and judgment. Such oath or affirmation may be administered by the President of the Board, or by any member thereof, as well as by any officer authorized by law to administer oaths or affirmations.

Section 11. That the districts consolidated by authority of this Act, and having money in hand prior to its passage, shall be allowed credit for the same, if paid over to the Board of Public Education in a pro rata distribution among the taxables of the district having paid the same.

Term of  
Corporation

Section 12. That this Act shall be and continue in force for the term of twenty years from and after its passage; and that all laws or parts of laws which conflict with the same, or any of its provisions, be and the same are hereby repealed so far as it conflicts with Districts Nos. 14, 15, 110 and 112.

Approved April 9, A. D. 1917.

## FREE SCHOOLS.

## CHAPTER 199.

## FREE SCHOOLS.

AN ACT appropriating the sum of Eleven Hundred and Twenty-one Dollars and twenty cents to District No. 181, in Sussex County, to cover an insufficiency in the amount applicable out of the sum appropriated to carry out the provisions of "An Act providing graded school facilities for the children of this State."

WHEREAS, School District No. 181, in Sussex County, and being classed as a Graded School, has not received its pay for out-of-district pupils for the year 1914 and 1915; and

WHEREAS, the payment of this money has been recommended by the State Board of Education as being due to said District; Now, THEREFORE,

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

Section 1. That the sum of Eleven Hundred and Twenty-one Dollars and twenty cents (\$1,121.20), be and the same is hereby appropriated to be paid to the Graded School in the town of Millville, being District No. 181 of Sussex County, to cover an insufficiency in the amount of the moneys appropriated to carry out the provisions of "An Act providing Graded School Facilities for the Children of this State," and the sum shall be paid to the said School District No. 181 of Sussex County by the Treasurer of the State of Delaware.

Appropriation to the Graded School

Approved March 15, A. D. 1917.

## FREE SCHOOLS.

## CHAPTER 200.

## FREE SCHOOLS.

AN ACT to amend an Act entitled, "An Act to Incorporate United School Districts 32 and 108, in Selbyville, in Sussex County, and for other purposes, being Chapter 120, Volume 26, Laws of Delaware, by providing a different method of assessments for School purposes.

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

Chap. 120,  
Vol. 26,  
amended

Section 1. That Chapter 120, Volume 26, Laws of Delaware, be and the same is hereby amended by striking out all of Section 6 thereof and inserting in lieu thereof, the following, to be known as Section 6:

To raise by  
taxation such  
sums

Section 6. That commencing with the school year 1917, and annually thereafter, there shall be raised by taxation by said Board of the Selbyville Public Schools, such sum or sums for the payment of all outstanding bonds, together with all accrued interest, of the United School Districts 32 and 108. That for the year beginning on the first Monday after any stated school election, A. D. 1917, and annually thereafter, the Commissioners of said Selbyville Public Schools may raise, by taxation, for general school purposes, within the said districts, any sum that, in their judgment, they may deem necessary, the same not to be less than six Hundred Dollars nor more than Fifteen Hundred Dollars; provided, that all assessments which are made on real and personal property shall be made on the actual value of the same, and the assessments for school purposes may, if desired by the Commissioners, be taken from the County assessment, both as to personal property and as to real

Proviso

FREE SCHOOLS.

property. All dividends from the State School fund, which shall be allotted to said incorporated school districts, shall be deposited to the credit of the Selbyville Public Schools, to be used as by law directed.

Approved April 19, A. D. 1917.

## FREE SCHOOLS.

## CHAPTER 201.

## FREE SCHOOLS.

AN ACT to amend Chapter 533 of Volume 18, Laws of Delaware, entitled: "An Act dividing School Districts Nos. 97 and 135 in Sussex County into four school districts, and establishing a Board of Education for Frankford, incorporating 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):*

Chap. 533,  
Vol. 18,  
amended

SECTION 1. That Chapter 533, of Volume 18, Laws of Delaware, entitled "An Act Dividing School Districts Nos. 97 and 135 in Sussex County into Four School Districts, and Establishing a Board of Education for Frankford, Incorporating the same, and for other Purposes," be and the same is hereby amended by striking out Section 8 of said Act, and by inserting in lieu thereof a new Section to be known as "Section 8," as follows:

Capitation  
tax of

Assessment  
made

SECTION 8. That the Board of Public Education shall, on or before the last Saturday in July in each and every year, determine the amount of money that shall be necessary to carry on the schools and for incidental expenses for the ensuing year, and shall levy a capitation tax of not less than Two Dollars and Fifty Cents upon each and every male resident of the said District of the age of twenty-one years and upwards, and shall cause an assessment to be made of all the real and personal property subject to taxation in said District, to be assessed at its actual value, and shall levy a tax therefrom which, together with the capitation tax levied as aforesaid, shall be sufficient for school

## FREE SCHOOLS.

purposes for the ensuing year, which said taxes shall be collected as now provided by law, and the Board of Public Education in assessing the same shall have all the powers granted to County Assessors by law, provided that all school taxes not paid by the first of January shall have one per centum (1%) per month added till they are paid.

Approved March 20, A. D. 1917.

## DELAWARE COLLEGE.

## CHAPTER 202.

## DELAWARE COLLEGE.

AN ACT providing for the expenses of certain public school teachers of this State in attendance upon the summer session at Delaware College, under the provisions of Chapter 186, Volume 28, Laws of Delaware, to be paid out of the School Fund.

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

Teachers  
eligible to  
attend

Entitled to  
receive ex-  
penses

SECTION 1. That every public school teacher of this State, who shall have taught in the public schools of this State for at least one year, and who shall declare the intention of continuing to teach in the public schools of this State, and who shall attend the summer session for public school teachers at Delaware College under the provisions of Chapter 186, Volume 28, Laws of Delaware, shall be entitled to receive the amount of his or her expenses for board and transportation in attendance upon the said summer session, which expenses shall be paid upon a warrant signed by the President of Delaware College, or by the Director of the Summer School and the Secretary of the Board of Trustees of Delaware College, drawn on the State Treasurer, as Trustee of the School Fund. Said warrant shall be paid out of the money appropriated for the public schools annually, and all such warrants shall be presented and paid out of the school fund before the apportionment and distribution of the school fund shall be made by the State Treasurer, as Trustee of the School Fund, to the various districts of the State.

Providso

Provided, that no teacher, who shall not have attended the full session, shall be entitled to the benefit of this Act unless excused by the President of Delaware College, or by

DELAWARE COLLEGE.

the Director of the Summer School, from completing the session, or any part thtreof.

And provided that the said warrant may be withheld at <sup>Proviso</sup> the discretion of the President of Delaware College or the Director of the Summer School, when it shall appear that the teacher has not been faithful in pursuing the course, or has not adhered to his declared intention to continue teaching in this State.

Approved April 2, A. D. 1917.



## DELAWARE COLLEGE.

## CHAPTER 203.

## DELAWARE COLLEGE.

AN ACT to appropriate money for the maintenance of the Agricultural Department at Delaware College.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (three-fourths of all members elected to each House concurring therein):*

Appropriation for

Payable

Section 1. That for the maintenance of the Agricultural Department at Delaware College, and the State Experiment Farm at Delaware College, the sum of Five Thousand Dollars is hereby appropriated, annually, out of any moneys in the Treasury of the State of Delaware, not otherwise appropriated; the first payment of Five Thousand Dollars to be made by the State Treasurer to The Trustees of Delaware College, on the first day of May, A. D. 1917, and annually thereafter on the first day of January in each year.

Approved April 2, A. D. 1917.

## DELAWARE COLLEGE.

## CHAPTER 204.

## DELAWARE COLLEGE.

AN ACT appropriating money for Agricultural Extension.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (three-fourths of all members elected to each House concurring therein):*

Section 1. That in order to secure to the State of Delaware the full benefit of the appropriation provided in the Act of Congress of the United States, approved by the President on the Eighth day of May, A. D. 1914, entitled "An Act to Provide for Co-operative Agricultural Extension work between the Agricultural Colleges in the Several States receiving the benefits of the Acts of Congress approved July 2, 1862, and of Acts supplementary thereto and the United States Department of Agriculture," the sum of Seven Thousand, Eight Hundred and Ninety Dollars and seventy-seven cents is hereby appropriated out of any moneys in the Treasury of the State of Delaware not otherwise appropriated, to be paid by the State Treasurer to the Trustees of Delaware College, at the times and in the manner as follows:

Three Thousand, Four Hundred and Twelve Dollars and one cent to be paid on the First day of July, A. D. 1917, and Four Thousand, Four Hundred and Seventy-eight Dollars and seventy-six cents to be paid on the first day of July, A. D. 1918.

Section 2. The money hereby appropriated shall be used and applied by the Trustees of Delaware College, for co-

## DELAWARE COLLEGE.

operative agricultural extension work in the State of Delaware, in connection with the United States Department of Agriculture.

Approved April 2, A. D. 1917.

## DELAWARE COLLEGE.

## CHAPTER 205.

## DELAWARE COLLEGE.

AN ACT to appropriate money to pay for the Heating Plant erected at Delaware College.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (three-fourths of all members elected to each House concurring therein):*

Section 1. For the purpose of enabling The Trustees of Delaware College to pay the amount borrowed and used for the erection of a Heating Plant at Delaware College, and the interest thereon, the sum of Thirty-five Thousand, Six Hundred and Sixty-three Dollars and thirty-four cents is hereby appropriated out of any moneys in the Treasury of the State of Delaware, not otherwise appropriated, to be paid by the Treasurer of the State of Delaware to the Trustees of Delaware College, at the times and in the amounts as follows, to-wit:

Appropriation for heating plant

Eleven Thousand, Six Hundred and Ten Dollars and ninety-seven cents on the first day of July, A. D. 1917; Eleven Thousand, One Hundred and Ten Dollars and ninety-seven cents on the first day of July, A. D. 1918; Ten Thousand, Six Hundred and Ten Dollars and ninety-seven cents on the first day of July, A. D. 1919, and Two Thousand, Three Hundred and Thirty Dollars and forty-three cents on the first day of July, A. D. 1920.

When payable

Approved April 2, A. D. 1917.

## DELAWARE COLLEGE.

## CHAPTER 206.

## DELAWARE COLLEGE.

AN ACT appropriating money for the maintenance of the Women's College, Affiliated with Delaware College, at Newark.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (three-fourths of all members elected to each House concurring therein):*

Appropriation

SECTION 1: That for the maintenance of the Women's College, affiliated with Delaware College, the sum of Sixty-four Thousand, Four Hundred and Ninety-two Dollars is hereby appropriated out of any moneys in the Treasury of the State of Delaware, not otherwise appropriated, to be paid by the Treasurer of the State of Delaware to The Trustees of Delaware College, at the times and in the amounts following, to-wit:—

When payable

Eight Thousand, Six Hundred and Fifty-two Dollars on the first day of April, A. D. 1917; Thirteen Thousand, Nine Hundred and Sixty Dollars on the first day of July, A. D. 1917; Thirteen Thousand, Nine Hundred and Sixty Dollars on the first day of January, A. D. 1918; Thirteen Thousand, Nine Hundred and Sixty Dollars on the first day of July, A. D. 1918; and Thirteen Thousand, Nine Hundred and Sixty Dollars on the first day of January, A. D. 1919.

Approved April 2, A. D. 1917.

## DELAWARE COLLEGE.

## CHAPTER 207.

## DELAWARE COLLEGE.

AN ACT to provide for erecting and equipping an additional Dormitory for the Women's College, affiliated with Delaware College, at Newark, Delaware, and to authorize the issuance of the bonds of the State of Delaware to obtain funds therefor.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (three-fourths of all members elected to each House concurring therein):*

Section 1. That the State Treasurer of the State of Delaware be, and he is hereby authorized and directed to issue bonds of the State of Delaware, to the amount of One Hundred and Twenty-five Thousand Dollars, each bond to be of the value and for the amount of One Thousand Dollars, with coupons or interest warrants thereto attached, for each one half year's interest thereon. The said bonds shall be numbered from one to one hundred and twenty-five, inclusive, shall be dated the first day of April, A. D. 1917, and shall bear interest from and after that date, at a rate not exceeding four per centum per annum, payable semi-annually, on the first days of October and April, in each and every year while they remain unpaid, payable at the Farmers' Bank of the State of Delaware, at Wilmington, Delaware, on presentation of the coupon or interest warrant representing such semi-annual instalment of interest. Said bonds shall be divided into twenty-five classes, of five bonds each, and the principal of said bonds shall be payable at the Farmers' Bank of the State of Delaware, at Wilmington, Delaware, on presentation and sur-

State to issue bonds

Rate of interest

Payable at

Denominations

## DELAWARE COLLEGE.

Classification of

render of said bonds of the class, in the amount, at the dates following:

CLASS	AMOUNT.	DATES OF MATURITY.
A	\$5,000.00	First day of April, 1918
B	\$5,000.00	First day of April, 1919
C	\$5,000.00	First day of April, 1920
D	\$5,000.00	First day of April, 1921
E.	\$5,000.00	First day of April, 1922
F	\$5,000.00	First day of April, 1923
G	\$5,000.00	First day of April, 1924
H	\$5,000.00	First day of April, 1925
I	\$5,000.00	First day of April, 1926
J	\$5,000.00	First day of April, 1927
K	\$5,000.00	First day of April, 1928
L	\$5,000.00	First day of April, 1929
M	\$5,000.00	First day of April, 1930
N	\$5,000.00	First day of April, 1931
O	\$5,000.00	First day of April, 1932
P	\$5,000.00	First day of April, 1933
Q	\$5,000.00	First day of April, 1934
R	\$5,000.00	First day of April, 1935
S	\$5,000.00	First day of April, 1936
T	\$5,000.00	First day of April, 1937
U	\$5,000.00	First day of April, 1938
V	\$5,000.00	First day of April, 1939
W	\$5,000.00	First day of April, 1940
X	\$5,000.00	First day of April, 1941
Y	\$5,000.00	First day of April, 1942

How executed

The said bonds shall each be signed by the Governor, Secretary of State and State Treasurer of the State of Delaware, on behalf of the State of Delaware, and shall have the Great Seal of said State impressed thereon or affixed thereto. The signature of the State Treasurer shall be engraved or printed on each coupon or interest warrant, and the coupons or interest warrants attached to each bond shall be numbered consecutively.

Section 2. The said bonds authorized to be issued by

## DELAWARE COLLEGE.

this Act shall be in substantially the following form,  
to-wit:—

UNITED STATES OF AMERICA.  
STATE OF DELAWARE.

Form of  
bond

No.	Class.	Loan of 1917.
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THESE PRESENTS certify and make known that the State of Delaware is held and firmly bound unto the bearer hereof in the sum of One Thousand Dollars, lawful money of the United States of America, which sum the State of Delaware promises and binds itself to pay to the bearer, at the Farmers' Bank of the State of Delaware, at Wilmington, Delaware, on the First day of April, in the year of our Lord one thousand nine hundred and                      , (19    ), with interest thereon at the rate of                      per centum per annum, payable on the first days of October and April in each year, as the same becomes due, at the Farmers' Bank of the State of Delaware, at Wilmington, Delaware, upon the delivery of the annexed coupons therefor, as they severally mature, while the said principal sum remains unpaid.

WITNESS the Great Seal of the State of Delaware, and  
the hands of the Governor, Secretary of  
State and State Treasurer of the State of  
(GREAT SEAL) Delaware, this First Day of April, in the  
year of our Lord one thousand nine hun-  
dred and seventeen.

Governor.

Secretary of State.

**State Treasurer.**



## DELAWARE COLLEGE.

Form of  
Coupons

The coupons or interest warrants attached to said bonds shall be in substantially the following form, to-wit:—

No.	Class	\$
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The State of Delaware will pay to the bearer, at the Farmers' Bank of the State of Delaware, at Wilmington, Delaware, on the First day of                      A. D.                      , the sum of                      Dollars, being six month's interest on bond No.                      Class                      , Loan of the State of Delaware, dated April 1, 1917.

.....  
State Treasurer.

How dis-  
posed of

Section 3. That when the State Treasurer of the State of Delaware shall have caused to be prepared the bonds authorized and directed by this Act, when the blanks in the form of the said bonds and the coupons or interest warrants thereto attached shall have been properly filled, and when said bonds shall have been duly signed and sealed as hereinbefore provided in that behalf, it shall be the duty of the State Treasurer forthwith to negotiate, sell and dispose of, either at public or private sale, all of the said bonds, for the 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.

Free from  
taxes

Section 4. The faith and credit of the State of Delaware is hereby expressly pledged for the full and complete payment of the loan, both principal and interest, authorized under this Act, and the bonds hereby authorized to be issued to secure the same, which said bonds shall be exempt from taxation by this State for any purpose whatever. The

## DELAWARE COLLEGE.

State Treasurer is hereby authorized and directed to cause all blanks in the form of said bonds and coupons or interest warrants herein prescribed, to be appropriately filled, and the Governor, Secretary of State and State Treasurer of the State of Delaware shall be deemed and taken to have, and are hereby expressly given full power and authority to do and perform any and all acts, matters or things not herein specifically granted, but which it may be necessary or proper to do and perform in relation to the issuing of said bonds, coupons and interest warrants, as aforesaid, to make said bonds, coupons and interest warrants the good and valid obligation of the State of Delaware.

Section 5. It shall be the duty of the State Treasurer to <sup>Record books</sup> provide a record book, of proper size and proportions, to be kept 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 and class as the bond a record whereof is intended to be thereon preserved. As the said coupons are paid, it shall be the duty of the State Treasurer to mark across the face <sup>Cancellation of</sup> thereof the word "Paid," in red ink, cut each coupon in two pieces lengthwise, and paste the pieces in the appropriate spaces for such coupons 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 this                  day of                  A. D.  
    , by payment of the sum of One Thousand Dollars,  
principal, and                  Dollars, interest, represented by  
coupon No.

State Treasurer."

and all coupons un-matured and surrendered with the bond shall each likewise be endorsed in red ink "Cancelled by payment of bond No. \_\_\_\_\_." When paid, the said

## DELAWARE COLLEGE.

bonds shall severally be pasted in the appropriate spaces in the record aforesaid, and all coupons attached to said bond so paid shall likewise be pasted in their appropriate spaces in said record.

Interest,  
how paid

Section 6. The State Treasurer is hereby directed to pay the interest on the bonds authorized and issued hereunder, in each year, semi-annually, as the same becomes due, upon the delivery of the coupons or interest warrants attached to said bonds as they severally mature.

Principal,  
how paid

Section 7. The State Treasurer is hereby directed to pay the principal secured to be paid by the bonds authorized and issued hereunder, in each year, as the same becomes due, of the class and at the times herein set forth, upon the delivery of said bonds at the Farmers' Bank of the State of Delaware, at Wilmington, Delaware.

Expenses

Section 8. That all expenses of preparing, issuing, selling and delivering the bonds authorized by this Act shall be allowed to the State Treasurer, and paid out of any moneys in the State Treasury, on producing and exhibiting the necessary vouchers therefor, as by law required with reference to other disbursements.

Proceeds  
paid to

Section 9. That the proceeds of the sale of the bonds authorized by this Act to be issued and sold, shall be paid by the State Treasurer of the State of Delaware to The Trustees of Delaware College, in the State of Delaware, to be used by the said Trustees of Delaware College in and for the erection and equipment of a dormitory in connection with and for the use of the Women's College, affiliated with Delaware College, located near Newark, Delaware. The receipt of the President and the Treasurer of The Trustees of Delaware College shall be a full and complete voucher for such payment by the State Treasurer, and The Trustees of Delaware College shall render an account of the expenditure of the same in the same manner and at the same time as required of the other accounts of The Trustees of Delaware College.

Approved April 2, A. D. 1917.

## STATE COLLEGE FOR COLORED STUDENTS.

## CHAPTER 208.

## STATE COLLEGE FOR COLORED STUDENTS.

AN ACT to amend Chapter 73 of the Revised Code of the State of Delaware, by providing an increased annual appropriation for State College for Colored Students.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (three-fourths of all the members elected to each House concurring therein):*

That Chapter 73 of the Revised Code of the State of Delaware be and the same is hereby amended by striking out Section 9 of said Chapter, and inserting in lieu thereof the following, which shall be Section 9 thereof.

2357. Section 9. ANNUAL APPROPRIATION; PURPOSES OF; HOW AND WHEN PAID:—In order to enable the Trustees of the State College for Colored Students to more effectually carry out the purposes contemplated in the various Acts of Congress, relating to the establishment and maintenance of colleges for instruction in agriculture and the mechanic arts, the sum of Eight Thousand Dollars is appropriated annually to The Trustees of State College for Colored Students, to be used in the erection, alteration, extension, repair and general improvement of the buildings, grounds and equipment of said State College for Colored Students, and in providing instruction in necessary branches of learning not included in, and provided for by the aforesaid Acts of Congress.

The said sum of Eight Thousand Dollars shall be paid annually to the Treasurer of the Board of Trustees of the said

## STATE COLLEGE FOR COLORED STUDENTS.

The Trustees of State College for Colored Students, on the first day of July of each year, out of any money not otherwise appropriated.

Approved April 2, A. D. 1917.

# TITLE TWELVE

## Fish, Oysters and Game

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### CHAPTER 209.

#### FISH, OYSTERS AND GAME. GAME.

AN ACT to encourage fish culture in the waters 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 74 of the Revised Code of the State of Delaware, be and the same is hereby amended by adding a section thereto to be known as 2573 A, Section 216 A, as follows:

The United States Commissioner of Fisheries and his duly authorized agents are hereby accorded the right to conduct fish-cultural operations and investigations connected therewith in the waters of Delaware, in such manner and at such times as may be considered necessary and proper by the said Commissioners or his agents.

Approved March 22, A. D. 1917.

## GAME.

## CHAPTER 210.

FISH, OYSTERS AND GAME.  
GAME.

AN ACT to amend Chapter 74, of the Revised Code of the State of Delaware, by changing the date for the killing of muskrat in New Castle County.

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

Chapter 74,  
Revised Code  
amended

Section 1. That 2375. Sec. 18, of Chapter 74, of the Revised Code of the State of Delaware, be and the same is hereby amended by striking out all of said 2375. Sec. 18, of Chapter 74, and inserting in lieu the following, to be known as 2375. Sec. 18, as follows:

Open season

"2375. Sec. 18. Quail (bob-white partridges) from November 15th to December 31st, next following; partridges from November 15th to December 31st next following; reed bird from September 1st to November 1st, next following; rail bird from September 1st to November 1st, next following; wild goose from October 1st to March 15th, next following; brant from October 1st to March 15th, next following; summer duck from September 1st to October 31st, next following; other wild duck from October 1st to March 15th, next following; woodcock from November 15th to December 31st, next following; dove in Kent and Sussex Counties from August 1st to December 31st, next following; hare and rabbit from November 15th to December 31st, next following; muskrat in New Castle County, skunk, mink, and otter from December 1st to March 25th, next following; muskrat in Kent and Sussex Counties from November 20th to March 15th, next following; fox from October 1st to April 30th, next following; raccoon from

## GAME.

October 1st to February 15th, next following; opossum from October 1st to February 15th, next following; fox squirrel, black squirrel and gray squirrel from November 15th to December 31st, next following; frog from July 1st to December 31st, next following. The above open seasons shall include the days defining them. Provided, however, <sup>Proviso</sup> that any person may protect his property and premises from the ravages and deprecations of any wild birds or animals protected by law, at any time and in any way; and provided further that landlords and tenants and their respective children may trap rabbits in the open season on their freeholds and leaseholds, respectively.

Approved March 7, A. D. 1917.



## GAME.

## CHAPTER 211.

## FISH, OYSTERS AND GAME.

## GAME.

AN ACT to amend Chapter 74 of the Revised Code of the State of Delaware, by changing the date for the killing of muskrat, and for further protecting the Dove as a Game Bird, and changing the open season for squirrel and the season when lawful to sell muskrat, and providing a closed season for otter.

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

Chapter 74,  
Revised Code  
amended

SECTION 1. That 2375, Section 18, Chapter 74, of the Revised Code of the State of Delaware, be and the same is hereby amended by striking out all of said Section, and inserting in lieu thereof the following, to be known as "2375, Section 18":

Open season

"2375, Section 18. GAME; OPEN SEASONS:—The open seasons on the following birds and animals shall respectively be as follows: Quail (Bob white partridges) from November 15th to December 31st, next following; partridges from November 15th to December 31st, next following; reed bird from September 1st, to November 1st, next following; rail bird from September 1st, to November 1st, next following; wild goose from October 1st, to March 15th, next following; brant from October 1st, to March 15th, next following; summer duck from September 1st to October 31st, next following; other wild duck from October 1st, to March 15th, next following; wood cock from November 15th, to December 31st, next following; dove in Kent and Sussex Counties from November 15th, to December 31st, next following; hare and rabbit from November 15th, to December 31st next following; muskrat in New Castle County, Skunk and Mink from December 1st, to March 25th, next follow-

## GAME.

ing; provided, that on all other marshes in New Castle <sup>Proviso</sup> County, other than inland and embanked meadows, the date for muskrat shall be from December 1st, to March 10th, next following; muskrat in Kent and Sussex Counties from November 20th, to March 25th, next following, provided that it shall be lawful to sell muskrat meats anywhere in the State of Delaware from November 20th, to April 1st, inclusive in any year; fox from October 1st, to April 30th, <sup>Selling season</sup> next following; raccoon from October 1st, to February 15th, next following; opossum from October 1st to February 15th, next following; fox squirrel, black squirrel and gray squirrel from September 1st, to October 15th, next following, and frog from July 1st, to December 31st, next following; the above open seasons shall include the days defining them provided, however, that any person may protect his property and premises from the ravages and depredations of any wild birds or animals protected by law, at any time and in any way. And provided, further, that landlords and tenants, and their respective children may trap rabbits in the open season on their freeholds and leaseholds respectively.

Approved April 10, A. D. 1917.

## GAME.

## CHAPTER 212.

## FISH, OYSTERS AND GAME.

## GAME.

AN ACT to amend Chapter 74 of the Revised Code of the State of Delaware with reference to hunting wild fowls in the Assawaman Bay and tributaries.

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

2406. Sec-  
tion 40  
Chapter 74.  
repealed

Section 1. That 2406 Section 49 of Chapter 74 of the Revised Code of the State of Delaware, be and the same is hereby repealed.

Approved April 19, A. D. 1917.

DISCRIMINATION IN TRADE.

CHAPTER 213.

FISH, OYSTERS AND GAME.  
DISCRIMINATION IN TRADE.

AN ACT to amend Chapter 74 of the Revised Code, with relation to unfair discrimination in trade.

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

Section 1. That chapter 74 of the Revised Code of the State of Delaware be and the same is hereby amended by placing after 2498 Section 141, to be known as 2498 A, Section 141 A.

"2498 A, Sec. 141 A,—Any person, firm, or corporation, foreign or domestic, doing business in this State and engaged in the production, manufacture or distribution of any commodity in general use, that shall intentionally, for the purpose of destroying the competition of any regular, established dealer in such commodity or to prevent competition of any person who, in good faith, intends or attempts to become such dealer, discriminate between different sections, communities, or cities of this State, by selling such commodity at a lower rate in one section, community, or city, or any portion thereof, than such person, firm, or corporation, foreign or domestic, charges for such commodity in another section, community, or city after making due allowance for the difference, if any, in the grade or quality and in the cost of transportation from the point of production, if a raw product, or from the point of manufacture, if a manufactured product, shall be deemed guilty of unfair discrimination which is hereby prohibited and declared unlawful.

## DISCRIMINATION IN TRADE.

Any person, firm, company, association or corporation, and any officer, agent or receiver of any firm, company, association or corporation, or any member of the same, or any individual violating any of the provisions of this Section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than two hundred dollars, nor more than five thousand dollars for each offense, or by imprisonment in the county jail not to exceed one year, or by both such fine and imprisonment.

Approved April 2, A. D. 1917.

## TITLE THIRTEEN

### Deaf, Dumb, Blind and Insane

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#### CHAPTER 214.

##### INSANE.

##### THE STATE BOARD OF TRUSTEES OF THE DELAWARE STATE HOSPITAL AT FARNHURST.

AN ACT to amend Chapter 76 of the Revised Statutes of the State of Delaware as amended by Chapter 211, Volume 28, Laws of Delaware, providing for the admission of Insane persons to the Delaware State Hospital at Farnhurst.

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

That 2598 Sec. 6, Chapter 76 of the Revised Statutes of the State of Delaware as amended by Chapter 211, Volume 28, Laws of Delaware, be and the same is hereby amended by striking out all of said Section and inserting in lieu thereof the following:

2598 Sec. 6. INSANE PERSONS; HOW ADMITTED: No person shall be received as a patient in the Delaware State Hospital, at Farnhurst, unless a certificate shall have been previously filed with the superintendent of said Hospital; which certificate shall be made and signed by at least two physicians, residents of this State, who have been actively engaged in the practice of medicine for at least five years theretofore, and who shall be residents of the same State

Chapter 211,  
Volume 28

Insane persons how  
admitted

THE STATE BOARD OF TRUSTEES OF THE DELAWARE STATE  
HOSPITAL AT FARNHURST.

Certificate  
to State

and County as the alleged insane persons, and one of whom shall be chosen by a member of the State Board of Trustees of the Delaware State Hospital at Farnhurst. Said certificate must state that the physicians have separately examined the person alleged to be insane, and that they have arrived at the conclusion of the insanity of such person from such personal examination and the history of the case; that the disease of the person is of such a character as requires, in their judgment, hospital care and treatment, and that said physicians, or either of them, are in no way related by blood to or connected by marriage with such person, nor in any way connected with said hospital nor with any County almshouse in this State.

The certificate provided for in this Section must be made within one week after the examination of the person, as therein provided, and within two weeks of the time of the application for admission of such person to said Hospital.

Said certificates shall be signed by said physicians, who shall also make affidavit to the truth of the facts and statements therein contained; which affidavit may be made before any officer who by the laws of this State is authorized to administer an oath or affirmation.

The officer before whom said affidavit is made shall certify to the genuineness of the signatures of said physicians, and also that said physicians have the qualifications as set forth in this Section.

Order of  
admission

In all cases under this Section, the certificate and other papers must be accompanied by an order of admission, signed by one or more of the trustees of said Hospital.

This Section shall not apply to or be construed to embrace commitments to said Hospital made by any Court of this State, as provided by law.

Approved April 2, A. D. 1917.

THE STATE BOARD OF TRUSTEES OF THE DELAWARE STATE  
HOSPITAL AT FARNHURST.

CHAPTER 215.

INSANE.

THE STATE BOARD OF TRUSTEES OF THE DELAWARE STATE  
HOSPITAL AT FARNHURST.

AN ACT appropriating twenty thousand dollars to the State Board of  
Trustees of the Delaware State Hospital at Farnhurst, for com-  
pleting new buildings.

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

Section 1. That the sum of Twenty Thousand Dollars is hereby appropriated and authorized to be paid out of the Treasury of this State to The State Board of Trustees of The Delaware State Hospital at Farnhurst, for the purpose of completing new buildings at The Delaware State Hos-  
pital at Farnhurst.

Appropriation for  
completing  
new building

Approved April 2, A. D. 1917.



THE STATE BOARD OF TRUSTEES OF THE DELAWARE STATE  
HOSPITAL AT FARNHURST.

CHAPTER 216.

INSANE.

THE STATE BOARD OF TRUSTEES OF THE DELAWARE STATE  
HOSPITAL AT FARNHURST.

AN ACT to appropriate ten thousand dollars to the State Board of  
Trustees of the Delaware State Hospital at Farnhurst, for repairs.

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

Appropriation

Section 1. That the sum of Ten Thousand Dollars is hereby appropriated and authorized to be paid out of the Treasury of this State to The State Board of Trustees of The Delaware State Hospital at Farnhurst, for the purpose of paying for necessary repairs at The Delaware State Hospital at Farnhurst.

Approved April 2, A. D. 1917.

THE STATE BOARD OF TRUSTEES OF THE DELAWARE STATE  
HOSPITAL AT FARNHURST.

CHAPTER 217.

INSANE.

THE STATE BOARD OF TRUSTEES OF THE DELAWARE STATE  
HOSPITAL AT FARNHURST.

AN ACT appropriating Twenty-three Hundred Dollars to the State  
Board of Trustees of the Delaware State Hospital at Farnhurst.

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

Section 1. That the sum of Twenty-three Hundred Dol-<sup>Appropriation</sup>lars is hereby appropriated and authorized to be paid out of the Treasury of this State to The State Board of Trustees of The Delaware State Hospital at Farnhurst, in addition to the amount heretofore appropriated, for the purpose of improving the buildings and grounds at The Delaware State Hospital at Farnhurst.

Approved April 2, A. D. 1917.

THE STATE BOARD OF TRUSTEES OF THE DELAWARE STATE  
HOSPITAL AT FARNHURST.

CHAPTER 218.

INSANE.

THE STATE BOARD OF TRUSTEES OF THE DELAWARE STATE  
HOSPITAL AT FARNHURST.

AN ACT appropriating Twelve Thousand Nine Hundred and Sixty-eight Dollars and Eighty-two cents to the State Board of Trustees of the Delaware State Hospital at Farnhurst, for the purpose of meeting the deficiency in the appropriation for the expenses of the State Board of Trustees of the Delaware State Hospital at Farnhurst for the past fiscal year.

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

Appropriation

Section 1. That the sum of Twelve Thousand Nine Hundred and Sixty-eight Dollars and Eighty-two Cents is hereby appropriated and authorized to be paid out of the Treasury of this State to The State Board of Trustees of The Delaware State Hospital at Farnhurst, for the purpose of paying for expenditures already made, being the amount of the deficit during the past fiscal year of The State Board of Trustees of The Delaware State Hospital at Farnhurst.

Approved April 2, A. D. 1917.

THE STATE BOARD OF TRUSTEES OF THE DELAWARE STATE  
HOSPITAL AT FARNHURST.

CHAPTER 219.

INSANE.

THE STATE BOARD OF TRUSTEES OF THE DELAWARE STATE  
HOSPITAL AT FARNHURST.

AN ACT appropriating one hundred and eighty-one thousand, seven hundred and seventy-two dollars and fifty cents as a General Appropriation to the State Board of Trustees of the Delaware State Hospital at Farnhurst.

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

Section 1. That the sum of One Hundred and Eighty-one Thousand, Seven Hundred and Seventy-two Dollars and Fifty Cents is hereby appropriated and authorized to be paid out of the Treasury of this State to The State Board of Trustees of The Delaware State Hospital at Farnhurst, for the purpose of paying the general expenses of the said The State Board of Trustees of The Delaware State Hospital at Farnhurst for the fiscal years 1917 and 1918.

General ap-  
propriation

Approved April 2, A. D. 1917.

THE STATE BOARD OF TRUSTEES OF THE DELAWARE STATE  
HOSPITAL AT FARNHURST.

CHAPTER 220.

INSANE.

THE STATE BOARD OF TRUSTEES OF THE DELAWARE STATE  
HOSPITAL AT FARNHURST.

AN ACT appropriating six hundred dollars to the State Board of Trustees of the Delaware State Hospital at Farnhurst, as an amusement fund.

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

Appropriation for an amusement fund

Section 1. That the sum of Six Hundred Dollars is hereby appropriated and authorized to be paid out of the Treasury of this State to The State Board of Trustees of The Delaware State Hospital at Farnhurst, as an amusement fund for the benefit of the inmates at The Delaware State Hospital at Farnhurst.

Approved April 2, A. D. 1917.

# TITLE FOURTEEN

## Regulations Concerning Trade

### CHAPTER 221.

#### GENERAL PROVISIONS RESPECTING TRADE. WAREHOUSE RECEIPTS.

AN ACT to amend Chapter 77 of the Revised Code of the State of Delaware by providing for a uniform law of warehouse receipts.

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

That Chapter 77 of the Revised Code of the State of Delaware be and the same is hereby amended by repealing 2633, Section 13, 2634, Section 14, 2635, Section 15, 2636, Section 16, 2637, Section 17, and inserting in lieu thereof the following sections to be styled 2633, Section 13, 2634, Section 14, 2635, Section 15, 2636, Section 16, 2637, Section 17, and 2637 A, Section 17 A, 2637 B, Section 17 B, 2637 C, Section 17 C, 2637 D, Section 17 D, 2637 E, Section 17 E, 2637 F, Section 17 F, 2637 G, Section 17 G, 2637 H, Section 17 H, 2637 I, Section 17 I, 2637 J, Section 17 J, 2637 K, Section 17 K, 2637 L, Section 17 L, 2637 M, Section 17 M, 2637 N, Section 17 N, 2637 O, Section 17 O, 2637 P, Section 17 P, 2637 Q, Section 17 Q, 2637 R, Section 17 R, 2637 S, Section 17 S, 2637 T, Section 17 T, 2637 U, Section 17 U, 2637 V, Section 17 V, 2637 W, Section 17 W, 2637 X, Section 17 X, 2637 Y, Section 17 Y, 2637 Z, Section 17 Z,

Chapter 77,  
Revised Code  
amended

## WAREHOUSE RECEIPTS.

2637 AA, Section 17 AA, 2637 BB, Section 17 BB, 2637 CC, Section 17 CC, 2637 DD, Section 17 DD, 2637 EE, Section 17 EE, 2637 FF, Section 17 FF, 2637 GG, Section 17 GG, 2637 HH, Section 17 HH, 2637 II, Section 17 II, 2637 JJ, Section 17 JJ, 2637 KK, Section 17 KK, 2637 LL, Section 17 LL, 2637 MM, Section 17 MM, 2637 NN, Section 17 NN, 2637 OO, Section 17 OO, 2637 PP, Section 17 PP, 2637 QQ, Section 17 QQ, 2637 RR, Section 17 RR, 2637 SS, Section 17 SS, 2637 TT, Section 17 TT, 2637 UU, Section 17 UU, 2637 VV, Section 17 VV, 2637 WW, Section 17 WW, 2637 XX, Section 17 XX, 2637 YY, Section 17 YY, 2637 ZZ, Section 17 ZZ, 2637 AAA, Section 17 AAA, 2637 BBB, Section 17 BBB, 2637 CCC, Section 17 CCC, 2637 DDD, Section 17 DDD.

Warehouse  
receipts

2633 Section 13. Warehouse receipts may be issued by any warehouseman.

Shall embody

2634 Section 14. Warehouse receipts need not be in any particular form, but every such receipt shall embody within its written or printed terms:

(a) The location of the warehouse where the goods are stored.

(b) The date of issue of the receipt.

(c) The consecutive number of the receipt.

(d) A statement whether the goods received will be delivered to the bearer, to a specified person, or to a specified person or his order.

(e) The rate of storage charged.

(f) A description of the goods or of the packages containing them.

(g) The signature of the warehouseman, which may be made by his authorized agent.

## WAREHOUSE RECEIPTS.

(h) If the receipt is issued for goods of which the warehouseman is owner, either solely or jointly or in common with others, the fact of such ownership, and

(i) A statement of the amount of advances made and of liabilities incurred for which the warehouseman claims a lien. If the precise amount of such advances made or of such liabilities incurred is, at the time of the issue of the receipt, unknown to the warehouseman or to his agent who issues it, a statement of the fact that advances have been made or liabilities incurred and the purpose thereof is sufficient.

A warehouseman shall be liable to any person injured thereby, for all damage caused by the omission from a negotiable receipt of any of the terms herein required. <sup>General rules and regulations</sup>

2635 Section 15. A warehouseman may insert in a receipt, issued by him, any other terms and conditions, provided that such terms and conditions shall not—

(a) Be contrary to the provisions of this Act.

(b) In any wise impair his obligation to exercise that degree of care in the safe-keeping of the goods entrusted to him which a reasonably careful man would exercise in regard to similar goods of his own.

2636 Section 16. A receipt in which it stated that the goods received will be delivered to the depositor, or to any other specified person, is a non-negotiable receipt.

2637 Section 17. A receipt in which it is stated that the goods received will be delivered to the bearer, or to the order of any person named in such receipt is a negotiable receipt.

No provision shall be inserted in a negotiable receipt that it is non-negotiable. Such provision, if inserted, shall be void.



## WAREHOUSE RECEIPTS.

2637 A Section 17A. When more than one negotiable receipt is issued for the same goods, the word "duplicate" shall be plainly placed upon the face of every such receipt, except the one first issued. A warehouseman shall be liable for all damage caused by his failure so to do to any one who purchased the subsequent receipt for value supposing it to be an original, even though the purchase be after the delivery of the goods by the warehouseman to the holder of the original receipt.

2637 B Section 17 B. A non-negotiable receipt shall have plainly placed upon its face by the warehouseman issuing it "non-negotiable," or "not negotiable." In case of the warehouseman's failure so to do, a holder of the receipt who purchased it for value supposing it to be negotiable, may, at his option, treat such receipt as imposing upon the warehouseman the same liabilities he would have incurred had the receipt been negotiable.

This Section shall not apply, however, to letters, memoranda or written acknowledgements of an informal character.

Must deliver  
goods if ac-  
companied  
with

2637 C Section 17 C. A warehouseman, in the absence of some lawful excuse provided by this Act, is bound to deliver the goods upon a demand made either by the holder of a receipt for the goods or by the depositor, if such demand is accompanied with—

- (a) An offer to satisfy the warehouseman's lien.
- (b) An offer to surrender the receipt if negotiable, with such indorsements as would be necessary for the negotiation of the receipt, and
- (c) A readiness and willingness to sign, when the goods are delivered, an acknowledgement that they have been delivered, if such signature is requested by the warehouseman.

## WAREHOUSE RECEIPTS.

In case the warehouseman refuses or fails to deliver the goods in compliance with a demand by the holder or depositor so accompanied, the burden shall be upon the warehouseman to establish the existence of a lawful excuse for such refusal.

2637 D Section 17 D. A warehouseman is justified in <sup>Delivery of</sup> delivering the goods, subject to the provisions of the three <sup>goods</sup> following sections, to one who is—

(a) The person lawfully entitled to the possession of the goods, or his agent.

(b) A person who is either himself entitled to delivery by the terms of a non-negotiable receipt issued for the goods, or who has written authority from the person so entitled either indorsed upon the receipt or written upon another paper or

(c) A person in possession of a negotiable receipt by the terms of which the goods are deliverable to him or order or to bearer, or which has been endorsed to him or in blank by the person to whom delivery was promised by the terms of the receipt or by his mediate or immediate endorsee.

2637 E Section 17 E. Where a warehouseman delivers <sup>Goods de-</sup> the goods to one who is not in fact lawfully entitled to the <sup>livered to one</sup> possession of them, the warehouseman shall be liable as for <sup>not entitled</sup> conversion to all having a right of property or possession in <sup>to posses-</sup> the goods if he delivered the goods otherwise than as auth- <sup>sion of</sup> orized by subdivisions (b) and (c) of the preceding section and though he delivered the goods as authorized by said subdivisions he shall be so liable, if prior to such delivery he had either

(a) Been requested, by or on behalf of the person lawfully entitled to a right or property or possession in the goods not to make such delivery, or

## WAREHOUSE RECEIPTS.

(b) Had information that the delivery about to be made was to one not lawfully entitled to the possession of the goods.

## Exceptions

2637 F Section 17 F. Except as provided in 2637 EE Section 17 EE, where a warehouseman delivers goods for which he has issued a negotiable receipt, the negotiation of which would transfer the right to the possession of the goods, and fails to take up and cancel the receipt, he shall be liable to any one who purchases for value in good faith such receipt, for failure to deliver the goods to him, whether such purchaser acquired title to the receipt before or after the delivery of the goods by the warehouseman.

2637 G Section 17 G. Except as provided in 2637 EE Section 17 EE, where a warehouseman delivers part of the goods for which he had issued a negotiable receipt and fails either to take up and cancel such receipt, or to place plainly upon it a statement of what goods or packages have been delivered he shall be liable, to any one who purchases for value in good faith such receipt, for failure to deliver all the goods specified in the receipt, whether such purchaser acquired title to the receipt before or after the delivery of any portion of the goods by the warehouseman.

Alteration of  
a receipt

2637 H Section 17 H. The alteration of a receipt shall not excuse the warehouseman who issued it from any liability if such alteration was

- (a) Immaterial,
- (b) Authorized, or
- (c) Made without fraudulent intent.

If the alteration was authorized, the warehouseman shall be liable according to the terms of the receipt as altered.

If the alteration was authorized, but made without fraudulent intent, the warehouseman shall be liable according to the terms of the receipt, as they were before alteration.

## WAREHOUSE RECEIPTS.

Material and fraudulent alteration of a receipt shall not excuse the warehouseman who issued it from liability to deliver, according to the terms of the receipt as originally issued, the goods for which it was issued, but shall excuse him from any other liability to the person who made the alteration and to any person who took with notice of the alteration. Any purchaser of the receipt for value without notice of the alteration shall acquire the same rights against the warehouseman which such purchaser would have acquired if the receipt had not been altered at the time of the purchase.

2637 I Section 17 I. Where a negotiable receipt has <sup>Receipt lost  
or destroyed</sup> been lost or destroyed, a court of competent jurisdiction may order the delivery of the goods upon satisfactory proof of such loss or destruction and upon the giving of a bond with sufficient sureties to be approved by the court to protect the warehouseman from any liability or expense which he or any person injured by such delivery may incur by reason of the original receipt remaining outstanding. The Court may also in its discretion order the payment of the warehouseman's reasonable costs and counsel fees.

The deliver of the goods under an order of the Court as provided in this Section, shall not relieve the warehouseman from liability to a person to whom the negotiable receipt has been or shall be negotiated for value without notice of the proceedings or of the delivery of the goods.

2637 J Section 17 J. A receipt upon the face of which "Dupllente" the word "duplicate" is plainly placed is a representation and warranty by the warehouseman that such receipt is an accurate copy of an original receipt \*property issued and uncanceled at the date of the issue of the duplicate, but shall impose upon him no other liability.

2637 K Section 17 K. No title or right to the possession of the goods, on the part of the warehouseman, unless such title or right is derived directly or indirectly from a transfer made by the depositor at the time of or subsequent to

\* Properly

## WAREHOUSE RECEIPTS.

the deposit for storage, or from the warehouseman's lien, shall excuse the warehouseman from liability for refusing to deliver the goods according to the terms of the receipt.

More than  
one person  
claiming  
goods

2637 L Section 17 L. If more than one person claims the title or possession of the goods, the warehouseman may, either as a defense to an action brought against him for non-delivery of the goods, or as an original suit, whichever is appropriate require all known claimants to interplead.

2637 M Section 17 M. If some one other than the depositor or person claiming under him as a claim to the title or possession of the goods, and the warehouseman has information of such claim, the warehouseman shall be excused from liability for refusing to deliver the goods, either to the depositor or person claiming under him or to the adverse claimant, until the warehouseman has had a reasonable time to ascertain the validity of the adverse claim or to bring legal proceedings to compel all claimants to interplead.

2637 N Section 17 N. Except as provided in the two preceding sections, and in 2637 D Section 17 D, and 2637 EE Section 17 EE, no right or title of a third person shall be a defense to an action brought by the depositor or person claiming under him against the warehouseman for failure to deliver the goods according to the terms of the receipt.

Liability of  
warehouse-  
man

2637 O Section 17 O. A warehouseman shall be liable to the holder of a receipt for damages caused by the non-existence of the goods or by the failure of the goods to correspond with the description thereof in the receipt at the time of its issue. If, however, the goods are described in a receipt merely by a statement of marks or labels upon them, or upon packages containing them, or by a statement that the goods are said to be goods of a certain kind, or that the packages containing the goods are said to contain goods of a certain kind, or by words of like purpose, such statements, if true, shall not make liable the warehouseman issuing the receipt, although the goods are not of the kind

## WAREHOUSE RECEIPTS.

which the marks or labels upon them indicate, or of the kind they were said to be by the depositor.

2637 P Section 17 P. A warehouseman shall be liable for any loss or injury to the goods caused by his failure to exercise such care in regard to them as a reasonably careful owner of similar goods would exercise, but he shall not be liable, in the absence of an agreement to the contrary, for any loss or injury to the goods which could not have been avoided by the exercise of such care.

2637 Q Section 17 Q. Except as provided in the following section, a warehouseman shall keep the goods so far separate from goods of other depositors, and from other goods of the same depositor for which a separate receipt has been issued, as to permit at all times the identification and re-delivery of the goods deposited.

2637 R Section 17 R. If authorized by agreement or by custom, a warehouseman may mingle fungible goods with other goods of the same kind and grade. In such case the various depositors of the mingled goods shall own the entire mass in common and each depositor shall be entitled to such portion thereof as the amount deposited by him bears to the whole.

2637 S Section 17 S. The warehouseman shall be severally liable to each depositor for the care and re-delivery of his share of such mass to the same extent and under the said circumstances as if the goods had been kept separate.

2637 T. Section 17 T. If goods are delivered to a warehouseman by the owner or by a person whose act in conveying the title to them to a purchaser in good faith for value would bind the owner, and a negotiable receipt is issued for them they can not thereafter, while in the possession of the warehouseman, be attached by garnishment or otherwise, or be levied upon under an execution, unless the receipt be first surrendered to the warehouseman, or its

Can not be  
attached

## WAREHOUSE RECEIPTS.

negotiation enjoined. The warehouseman shall in no case be compelled to deliver up the actual possession of the goods until the receipt is surrendered to him or impounded by the court.

A creditor is  
entitled to

2637 U Section 17 U. A creditor whose debtor is the owner of a negotiable receipt shall be entitled to such aid from courts of appropriate jurisdiction, by injunction and otherwise, in attaching such receipt or in satisfying the claim by means thereof as is allowed at law or in equity, in regard to property which can not readily be attached or levied upon by ordinary legal process.

2637 V Section 17 V. Subject to the provisions of 2637 Y Section 17 Y, a warehouseman shall have a lien on goods deposited or on the proceeds thereof in his hands, for all lawful charges for storage and preservation of the goods; also for all lawful claims for money advanced, interest, insurance, transportation, labor, weighing, cooperating and other charges and expenses in relation to such goods; also for all reasonable charges and expenses for notice, and advertisements of sale, and for sale of the goods where default has been made in satisfying the warehouseman's lien.

2637 W Section 17 W. Subject to the provisions of 2637 Y Section 17 Y, a warehouseman's lien may be enforced—

(a) Against all goods, whenever deposited, belonging to the person who is liable as debtor for the claims in regard to which the lien is asserted, and

(b) Against all goods belonging to others which have been deposited at any time by the person who is liable as debtor for the claims in regard to which the lien is asserted if such person has been so entrusted with the possession of the goods that a pledge of the same by him at the time of the deposit to one who took the goods in good faith for value would have been valid.

## WAREHOUSE RECEIPTS.

2637 X Section 17 X. A warehouseman loses his lien upon goods—

(a) By surrendering possession thereof, or

(b) By refusing to deliver the goods when a demand is made with which he is bound to comply under the provisions of this Act.

2637 Y Section 17 Y. If a negotiable receipt is issued for goods, the warehouseman shall have no lien thereon, except for charges for storage of those goods subsequent to the date of the receipt, unless the receipt expressly enumerates other charges for which a lien is claimed. In such case there shall be a lien for the charges enumerated so far as they are within the terms of Section 2637 V Section 17 V, although the amount of the charges so enumerated is not stated in the receipt. If a negotiable receipt is issued

2637 Z Section 17 Z. A warehouseman having a lien valid against the person demanding the goods may refuse to deliver the goods to him until the lien is satisfied.

2637 AA Section 17 AA. Whether a warehouseman has or has not a lien upon the goods, he is entitled to all remedies allowed by law to a creditor against his debtor, for the collection from the depositor of all charges and advances which the depositor has expressly or impliedly contracted with the warehouseman to pay.

2637 BB Section 17 BB. A warehouseman's lien for a claim which has become due may be satisfied as follows:

The warehouseman shall give a written notice to the person on whose account the goods are held, and to any other person known by the warehouseman to claim an interest in the goods. Such notice shall be given by delivery in person or by registered letter addressed to the last known place of business or abode of the person to be notified, the notice shall contain— Notice of lien must be given to



## WAREHOUSE RECEIPTS.

(a) An itemized statement of the warehouseman's claim, showing the sum due at the time of the notice and the date or dates when it became due.

(b) A brief description of the goods against which the lien exists.

(c) A demand that the amount of the claim as stated in the notice, and of such further claim as shall accrue, shall be paid on or before a day mentioned, not less than ten days from the delivery of the notice if it is personally delivered, or from the time when the notice should reach its destination, according to the due course of post, if the notice is sent by mail, and

(d) A statement that unless the claim is paid within the time specified the goods will be advertised for sale and sold by auction at a specified time and place.

Goods may  
be sold

In accordance with the terms of a notice so given, a sale of the goods by auction may be had to satisfy any valid claim of the warehouseman for which he has a lien on the goods. The sale shall be had in the place where the lien was acquired, or, if such place is manifestly unsuitable for the purpose, at the nearest suitable place. After the time for the payment of the claim specified in the notice to the depositor has elapsed, an advertisement of the sale, describing the goods to be sold, and stating the name of the owner or person on whose account the goods are held, and the time and place of the sale, shall be published once a week for two consecutive weeks in a newspaper published in the place where such sale is to be held. The sale shall not be held less than fifteen days from the time of the first publication. If there is no newspaper published in such place, the advertisement shall be posted at least ten days before such sale in not less than six conspicuous places therein.

From the proceeds of such sale the warehouseman shall satisfy his lien, including the reasonable charges of notice,

## WAREHOUSE RECEIPTS.

advertisement, and sale. The balance, if any, of such proceeds shall be held by the warehouseman, and delivered on demand to the person to whom he would have been bound to deliver or justified in delivering the goods.

At any time before the goods are so sold any person claiming a right of property or possession therein may pay the warehouseman the amount necessary to satisfy his lien and to pay the reasonable expenses and liabilities incurred in serving notices and advertising and preparing for the sale up to the time of such payment. The warehouseman shall deliver the goods to the person making such payment if he is a person entitled, under the provisions of this Act, to the possession of the goods on payment of charges thereon. Otherwise the warehouseman shall retain possession of the goods according to the terms of the original contract of deposit.

2637 CC Section 17 CC. If goods are of a perishable <sup>Goods of a perishable nature</sup> nature, or by keeping will deteriorate greatly in value, or by their odor, leakage, inflammability, or explosive nature, will be liable to injure other property, the warehouseman may give such notice to the owner, or to the person in whose name the goods are stored, as is reasonable and possible under the circumstances, to satisfy the lien upon such goods, and to remove them from the warehouse, and in the event of the failure of such person to satisfy the lien and to remove the goods within the time so specified, the warehouseman may sell the goods at public or private sale without advertising. If the warehouseman after a reasonable effort is unable to sell such goods, he may dispose of them in any lawful manner, and shall incur no liability by reason thereof. The proceeds of any sale made under the terms of this Section shall be disposed of in the same way as the proceeds of sales made under the terms of the preceding section.

2637 DD Section 17 DD. The remedy for enforcing a lien herein provided does not preclude any other remedies allowed by law for the enforcement of a lien against per-

## WAREHOUSE RECEIPTS.

sonal property nor bar the right to recover so much of the warehouseman's claim as shall not be paid by the proceeds of the sale of the property.

Goods law-  
fully sold,  
warehouse-  
man not  
liable

2637 EE Section 17 EE. After goods have been lawfully sold to satisfy a warehouseman's lien, or have been lawfully sold or disposed of because of their perishable or hazardous nature, the warehouseman shall not thereafter be liable for failure to deliver the goods to the depositor, or owner of the goods, or to a holder of the receipt given for the goods when they were deposited, even if such receipt be negotiable.

Receipts and  
their benefits

2637 FF Section 17 FF. A negotiable receipt may be negotiated by delivery—

(a) Where, by the terms of the receipt, the warehouseman undertakes to deliver the goods to the bearer, or

(b) Where, by the terms of the receipt, the warehouseman undertakes to deliver the goods to the order of a specified person, and such person or a subsequent indorsee of the receipt has indorsed it in blank or to bearer.

Where, by the terms of a negotiable receipt, the goods are deliverable to bearer or where a negotiable receipt has been indorsed in blank or to bearer, any holder may indorse the same to himself or to any other specified person, and in such case the receipt shall thereafter be negotiated only by the indorsement of such indorsee.

2637 GG Section 17 GG. A negotiable receipt may be negotiated by the indorsement of the person to whose order the goods are, by the terms of the receipt, deliverable. Such indorsement may be in blank, to bearer or to a specified person. If indorsed to a specified person, it may be again negotiated by the indorsement of such person in blank, to bearer or to another specified person. Subsequent negotiation may be made in like manner.

## WAREHOUSE RECEIPTS.

2637 HH Section 17 HH. A receipt which is not in such form that it can be negotiated by delivery may be transferred by the holder by delivery to a purchaser or donee.

A non-negotiable receipt cannot be negotiated, and the indorsement of such a receipt gives the transferee no additional right.

2637 II Section 17 II. A negotiable receipt may be negotiated—

(a) By the owner thereof, or

(b) By any person to whom the possession or custody of the receipt has been entrusted by the owner, if, by the terms of receipt, the warehouseman undertakes to deliver the goods to the order of the person to whom the possession or custody of the receipt has been entrusted, or if at the time of such entrusting the receipt is in such form that it may be negotiated by delivery.

2637 JJ Section 17 JJ. A person to whom a negotiable receipt has been duly negotiated acquires thereby—

(a) Such title to the goods as the person negotiating the receipt to him had or had ability to convey to a purchaser in good faith for value, and also such title to the goods as the depositor or person to whose order the goods were to be delivered by the terms of the receipt had or had ability to convey to a purchaser in good faith for value, and

(b) The direct obligation of the warehouseman to hold possession of the goods for him according to the terms of the receipt as fully as if the warehouseman had contracted directly with him.

2637 KK Section 17 KK. A person to whom a receipt has been transferred but not negotiated, acquires thereby, as against the transferor, the title of the goods, subject to the terms of any agreement with the transferor.

## WAREHOUSE RECEIPTS.

If the receipt is non-negotiable, such person also acquires the right to notify the warehouseman of the transfer to him of such receipt, and thereby to acquire the direct obligation of the warehouseman to hold possession of the goods for him according to the terms of the receipt.

Prior to the notification of the warehouseman by the transferor or transferee of a non-negotiable receipt, the title of the transferee to the goods and the right to acquire the obligation of the warehouseman may be defeated by the levy of an attachment or execution upon the goods by a creditor of the transferor, or by a notification to the warehouseman by the transferor or a subsequent purchaser from the transferor of a subsequent sale of the goods by the transferor.

2637 LL Section 17 LL. Where a negotiable receipt is transferred for value by delivery, and the indorsement of the transferor is essential for negotiation, the transferee acquires a right against the transferor to compel him to indorse the receipt, unless a contrary intention appears. The negotiation shall take effect as of the time when the indorsement is actually made.

2637 MM Section 17 MM. A person who for value negotiates or transfers a receipt by indorsement or delivery, including one who assigns for value a claim secured by a receipt, unless a contrary intention appears, warrants—

- (a) That the receipt is genuine.
- (b) That he has a legal right to negotiate or transfer it.
- (c) That he has knowledge of no fact which would impair the validity or worth of the receipt, and
- (d) That he has a right to transfer the title to the goods and that the goods are merchantable or fit for a particular purpose whenever such warranties would have been implied, if the contract of the parties had been to transfer without a receipt the goods represented thereby.

## WAREHOUSE RECEIPTS.

2637 NN Section 17 NN. The indorsement of a receipt shall not make the indorser liable for any failure on the part of the warehouseman or previous indorsers of the receipt to fulfill their respective obligations.

2637 OO Section 17 OO. A mortgagee, pledgee or holder for security of a receipt who in good faith demands or receives payment of the debt for which such receipt is security, whether from a party to a draft drawn for such debt or from any other person, shall not by so doing be deemed to represent or to warrant the genuineness of such receipt or the quantity or quality of the goods therein described.

2637 PP Section 17 PP. The validity of the negotiation of the receipt is not impaired by the fact that such negotiation was a breach of duty on the part of the person making the negotiation, or by the fact that the owner of the receipt was induced by fraud, mistake, or duress to entrust the possession or custody of the receipt to such person, if the person to whom the receipt was negotiated, or a person to whom the receipt was subsequently negotiated, paid value therefor, without notice of the breach of duty, or fraud, mistake or duress.

2637 QQ Section 17 QQ. Where a person having sold, mortgaged, or pledged goods which are in a warehouse and for which a negotiable receipt has been issued, or having sold, mortgaged, or pledged the negotiable receipt representing such goods, continues in possession of the negotiable receipt, the subsequent negotiation thereof by that person under any sale, or other disposition thereof to any person receiving the same in good faith, for value and without notice of the previous sale, mortgage or pledge, shall have the same effect as if the first purchaser of the goods or receipt had expressly authorized the subsequent negotiation.

2637 RR Section 17 RR. Where a negotiable receipt has been issued for goods, no seller's lien or right of stoppage in transitu shall defeat the rights of any purchaser for

## WAREHOUSE RECEIPTS.

value in good faith to whom such receipt has been negotiated, whether such negotiation be prior or subsequent to the notification to the warehouseman who issued such receipt of the seller's claim to a lien or right of stoppage in transitu. Nor shall the warehouseman be obliged to deliver or justified in delivering the goods to an unpaid seller unless the receipt is first surrendered for cancellation.

Penalty for  
false receipts

2637 SS Section 17 SS. A warehouseman, or any officer, agent or servant of a warehouseman, who fraudulently aids in issuing a receipt knowing that the goods for which such receipt is issued have not been actually received by such warehouseman, or are not under his actual control at the time of issuing such receipt, shall be guilty of a crime, and upon conviction shall be punished for each offense by imprisonment not exceeding five years, or by a fine not exceeding Five Thousand Dollars, or by both.

2637 TT Section 17 TT. A warehouseman, or any officer, agent, or servant of a warehouseman, who issues or issued or aids in fraudulently issuing a receipt for goods knowing that it contains any false statement, shall be guilty of a crime, and upon conviction shall be punished for each offense by imprisonment not exceeding one year, or by a fine not exceeding One Thousand Dollars, or by both.

2637 UU Section 17 UU. A warehouseman, or any officer, agent, or servant of a warehouseman, who issues or aids in issuing a duplicate or additional negotiable receipt for goods, knowing that a former negotiable receipt for the same goods, or any part of them is outstanding and uncanceled, without plainly placing upon the face thereof the word "Duplicate," except in the case of a lost or destroyed receipt after proceedings as provided for in Section 2637 I. Section 17 I. shall be guilty of a crime, and upon conviction shall be punished for each offense by imprisonment not exceeding five years, or by a fine not exceeding Five Thousand Dollars, or by both.

2637 VV Section 17 VV. Where there are deposited

## WAREHOUSE RECEIPTS.

with or held by a warehouseman, goods of which he is owner, either solely or jointly or in common with others, such warehouseman, or any of his officers, agents, or servants, who, knowing this ownership, issues or aids in issuing a negotiable receipt for such goods which does not state such ownership, shall be guilty of a crime, and upon conviction shall be punished, for each offense by imprisonment not exceeding one year, or by a fine not exceeding One Thousand Dollars, or by both. <sup>Stating false ownership</sup> <sup>Penalty</sup>

2637 WW Section 17 WW. A warehouseman, or any officer, agent, or servant of a warehouseman who delivers goods out of the possession of such warehouseman, knowing that a negotiable receipt, the negotiation of which would transfer the right to the possession of such goods, is outstanding and uncanceled, without obtaining the possession of such receipt at or before the time of such delivery, shall, except in the cases provided for in 2637 I Section 17 I, and 2637 EE Section 17 EE, be guilty of a crime, and upon conviction shall be punished for each offense by imprisonment not exceeding one year, or by a fine not exceeding One Thousand Dollars, or by both.

2637 XX Section 17 XX. Any person who deposits goods to which he has not title, or upon which there is a lien or mortgage, and who takes for such goods a negotiable receipt which he afterwards negotiates for value, with intent to deceive and without disclosing his want of title or the existence of the lien or mortgage shall be guilty of a crime, and upon conviction shall be punished for each offense by imprisonment not exceeding one year, or by a fine not exceeding One Thousand Dollars, or by both. <sup>Deposit of mortgaged goods, and negotiable receipt</sup> <sup>Penalty</sup>

2637 YY Section 17 YY. In any case not provided for in this Act, the rules of law and equity, including the law merchant, and in particular, the rules relating to the law of principal and agent, and to the effect of fraud, misrepresentation, duress or coercion, mistake, bankruptcy, or other invalidating cause, shall govern.



## WAREHOUSE RECEIPTS.

2637 ZZ Section 17 ZZ. This Act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those States which enact it.

Words  
defined

2637 AAA Section 17 AAA. (1) In this Act, unless the context or subject-matter otherwise requires—

“Action” includes counter claim, set-off, and suit in equity.

“Delivery” means voluntary transfer of possession from one person to another.

“Fungible goods” means goods of which any unit is, from its nature or by mercantile custom, treated as the equivalent of any other unit.

“Goods” means chattels or merchandise in storage, or which has been or is about to be stored.

“Holder” of a receipt means a person who has both actual possession of such receipt and a right of property therein.

“Order” means an order by indorsement on the receipt.

“Owner” does not include mortgagee or pledgee.

“Person” includes a corporation or partnership of two or more persons having a joint or common interest.

To “purchase” includes to take as mortgagee or as pledgee.

“Purchaser” includes mortgagee and pledgee.

“Receipt” means a warehouse receipt.

“Value” is any consideration sufficient to support a simple contract. An antecedent or pre-existing obligation, whether for money or not, constitutes value where a re-

WAREHOUSE RECEIPTS.

ceipt is taken either in satisfaction thereof or as security therefor.

"Warehouseman" means a person lawfully engaged in the business of storing goods for profit.

(2) A thing is done "in good faith" within the meaning of this Act, when it is in fact done honestly, whether it be done negligently or not.

2637 BBB Section 17 BBB. The provisions of this Act do not apply to receipts made and delivered prior to the taking effect of this Amendment.

2637 CCC Section 17 CCC. This Act shall take effect on the first day of June, one thousand nine hundred and seventeen.

2637 DDD Section 17 DDD. This Act may be cited as the Uniform Warehouse Receipts Act.

Approved April 2, A. D. 1917.

## SALE OF GOODS IN BULK.

## CHAPTER 222.

GENERAL PROVISIONS RESPECTING TRADE.  
SALE OF GOODS IN BULK.

AN ACT to amend Chapter 77, Article 7 of the Revised Code of the State of Delaware, being an Act for the regulation of the sales of stocks of goods in bulk.

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

Chapter 77.  
Article 7  
Revised Code  
amended

That Chapter 77, Article 7 of the Revised Code of the State of Delaware be and the same is hereby amended by striking out 2638. Sec. 18, and by inserting in lieu thereof the following:

Sale of goods  
in bulk,  
fraudulent,  
unless

2638. Sec. 18. REGULATIONS; REQUIREMENTS TO MAKE VALID; DUTY OF SELLER TO ANSWER INQUIRIES; FALSE ANSWER A MISDEMEANOR; PENALTY; SAVING OF SALES BY EXECUTORS, ADMINISTRATORS, RECEIVERS, AND OFFICIAL SALES:—A sale of any portion of a stock of merchandise otherwise than in the ordinary course of trade in the regular and usual prosecution of the seller's business, or a sale of an entire stock of merchandise in bulk, will be presumed to be fraudulent and void as against the creditors of the seller, unless the seller and purchaser together shall, at least five days before the sale, make a full detailed inventory showing the quantity, and so far as possible, with the exercise of reasonable diligence, the cost price to the seller of each article to be included in the sale; and unless such purchaser shall, at least five days before the sale, in good faith, make full, explicit inquiry of the seller as to the names and places or residence, or places of business, of each and all of the creditors of the seller, and the amount owing each creditor, and obtain from the seller a written

## SALE OF GOODS IN BULK.

answer to such inquiries; and unless such purchaser shall retain such inventory and written answer to his inquiries for at least six months after such sale; and unless the purchaser shall at least five days before the sale, in good faith, notify or cause to be notified, personally or by registered mail, each of the seller's creditors of whom the purchaser has knowledge, or can with the exercise of reasonable diligence acquire knowledge of said proposed sale, and of the said cost price of the merchandise to be sold, and of the price proposed to be paid therefor by the purchaser.

The seller shall at least five days before such sale fully and truthfully answer in writing each and all of said inquiries, and if such seller shall knowingly and wilfully make, or deliver, or cause to be made or delivered, to such purchaser any false or incomplete answer to such inquiries, said seller shall be guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding One Thousand Dollars, or imprisoned, not exceeding five years, or both, in the discretion of the Court.

If the purchaser shall knowingly and wilfully fail or neglect to make a full and explicit inquiry of the seller at least five days before the sale as to the names and places of residence, or places of business, of each and all of the creditors of the seller and the amount owing each creditor, and obtain from the seller a written answer to such inquiries; or if the purchaser shall knowingly and wilfully fail or neglect to notify or cause to be notified, personally or by registered mail, at least five days before the sale, each of the seller's creditors of whom the purchaser has knowledge or can with the exercise of reasonable diligence acquire knowledge, of said proposed sale and of the said cost price of the merchandise to be sold, and of the price proposed to be paid therefor by the purchaser, said purchaser shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding One Thousand Dollars, or imprisoned not exceeding five years, or both, in the discretion of the Court.

Liability of  
purchaser

## SALE OF GOODS IN BULK.

Nothing contained in this Section shall apply to sales by executors, administrators, receivers or any public officer conducting a sale in his official capacity.

Approved April 17, A. D. 1917.

## GENERAL PROVISIONS RESPECTING TRADE.

## CHAPTER 223.

## GENERAL PROVISIONS RESPECTING TRADE.

AN ACT to amend Chapter 77 of the Revised Code of Delaware, to prevent frauds upon travelers, by prohibiting the unauthorized transfer of the evidence of the right to transportation, and providing for the redemption thereof, or parts thereof, if unused.

WHEREAS, numerous frauds have been practised upon unsuspecting travelers, by means of the sale, by unauthorized persons, of railroad and other tickets, and also upon railroads, and other corporations, by the fraudulent use of tickets, in violation of the contract of their purchase; now, therefore, with the view of preventing, and punishing, such frauds.

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

Section 1. That Chapter 77 of the Revised Code of Delaware be and the same is hereby amended by inserting at the end of Article 8 of said Chapter the following to be known as 2644 A. Section 25 and 2644 B. Section 26, respectively, as follows:

"2644 A. Section 25. Each agent who may be authorized to sell tickets or other evidence entitling the holder to travel on any railroad, steamboat or public conveyance, shall be provided with a certificate setting forth his authority to make such sales, duly attested by the seal of the owner or persons operating such railroad, steamboat or public conveyance, and also by the signature of the officer whose name is signed upon the tickets or coupons which such agent may sell; and such agent shall exhibit to any person desiring to purchase the ticket, or to any officer

Chapter 77.  
Revised Code  
amended

Authorized  
agents to sell  
tickets  
shall be

## GENERAL PROVISIONS RESPECTING TRADE.

of the law who may request him, the certificate of his authority thus to sell, and shall keep said certificate conspicuously posted in his office for the information of travelers; and no person not possessed of such authority shall sell or transfer any coupon or part of any ticket, or other evidence of the holder's title to travel on any railroad, steamboat or other public conveyance, whether the same be situated, operated or owned within or without this State; any person selling bartering or transferring any such coupon or part of any ticket, or evidence, in violation of this act, shall be deemed guilty of a misdemeanor, and be punished by fine not exceeding five hundred dollars or by imprisonment not exceeding one year, or both, in the discretion of the court where such person shall be convicted."

Redemption  
of unused  
ticket

"2644 P. Section 26. The owner or person operating any railroad, steamboat or other public conveyance shall provide for the redemption at his or its general office of the whole or such parts of coupons of any ticket sold as the purchaser has not used, and shall redeem the same at a rate which shall be equal to the difference between the price paid for the whole ticket and the cost of a ticket between the points for which the portion of said ticket was actually used."

Approved March 28, A. D. 1917.

## BONDS IN CONTRACT FOR PUBLIC IMPROVEMENT.

## CHAPTER 224.

## GENERAL PROVISIONS RESPECTING TRADE.

## BONDS IN CONTRACT FOR PUBLIC IMPROVEMENT.

AN ACT to amend Chapter 77 of the Revised Code of the State of Delaware relating to general provisions respecting trade by providing for the protection of persons furnishing labor or materials in the performance of contracts for public improvements.

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

That Chapter 77 of the Revised Code of the State of Delaware, be and the same is hereby amended by the addition of a new article, to be styled Article 9, as follows: Chapter 77.  
Revised Code  
amended

## BONDS IN CONTRACTS FOR PUBLIC IMPROVEMENTS.

## ARTICLE 9.

2644 A. Sec. 25 A. From and after the approval of this Act, every person, firm or corporation before being awarded any contract for the construction, alteration or repair of any building, street, road, or other public improvement by the State or any County, municipality, school district, or other political sub-division of the State, the price of which equals or exceeds the sum of Five Hundred Dollars (\$500.00), shall furnish a bond with a corporate surety or sureties authorized and empowered to do business in this State under the General Laws of this State relating to Surety Companies, in a sum equal to seventy-five per centum of the contract price of the work; conditioned that the contractor shall well and truly pay to all and every person furnishing material or performing labor in and about such public improvement, all and every sum and sums of money due him for all such labor and materials for which the contractor is liable; and every person furnishing material contractor to  
furnish  
a bond

Conditioned



## BONDS IN CONTRACT FOR PUBLIC IMPROVEMENT.

or performing labor as aforesaid, is hereby authorized to maintain an action on said bond for his own use in the name of the State or the political sub-division thereof, authorizing the contract, in any Court of competent jurisdiction for the recovery of such sum or sums of money as may be due to said person from the contractor. The word "person" within the meaning of this Act shall embrace individuals, firms and corporations.

Approved April 19, A. D. 1917.

## MECHANIC LIENS.

## CHAPTER 225.

## LIENS.

## MECHANIC LIENS.

AN ACT to amend Sections 2843 and 2844 of the Revised Code of the State of Delaware in relation to Mechanics' Liens.

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

That Section 2843 of the Revised Code be repealed and the following be substituted in lieu thereof: Section 2843  
Revised Code  
repealed

2843. It shall and may be lawful for any person or persons having performed or furnished work and labor or material, or both, to an amount exceeding twenty-five dollars in or for the erection, alteration, or repair of any house, building, or structure, in pursuance of any contract, express or implied, with the owners of such house, building, or structure, or with the agent of such owner, or with any contractor who shall have contracted for the erection, alteration, or repair of the same, and for the furnishing of the whole or any part of the materials therefor, including any person who shall have performed or furnished work and labor or material, or both, for or at such house, building, or structure, under a contract with or order from any subcontractor, to obtain a lien upon such building, house, or structure, and upon the ground upon which the same may be situated, or erected, subject, however, to the following restrictions, limitations and qualifications, that is to say: That no contractor who shall have contracted for the erection of any building, house, or structure, in whole or in part, or for the repair or alteration of the same, and for the furnishing of the whole or any part of the materials therefor, shall be allowed to file any statement of his claim, as is hereinafter provided, until after the expiration of Right to  
make claim

No Contractor can file claim until

## MECHANIC LIENS.

Other claims  
must be filed  
before

Statement  
shall set  
forth

ninety days from the completion of such building, house, or structure so contracted for by him; but such contractor, in order to avail himself of the benefits of Sections 1 to 7, inclusive, of this Chapter, shall file his statement in the manner hereinafter provided within thirty days after the expiration of the ninety days aforesaid, and all other persons embraced within the provisions of said sections, and entitled to avail themselves of the liens herein provided for, shall file a statement of their respective claims, in the manner hereinafter designated, within ninety days from the completion of the work and labor performed or from the last delivery of materials furnished by them respectively; and every person or persons entitled to the benefits conferred by said sections, and desiring to avail himself, herself, or themselves of the lien herein provided for, shall, within the time hereinbefore specified, file a statement of his, her, or their claims in the office of the Prothonotary of the Superior Court in and for the County wherein such building or structure is situated. The said statement shall contain and set forth:

First. The names of the party, claimant and owner, or reputed owner of the building, house or structure, and also of the contractor, and whether the contract of the claimant was made with such owner or his agent or with such contractor.

Second. The amount or sum claimed to be due, the nature and kind of the work and labor done, or a bill of particulars of the kind and amount of materials furnished.

Third. The time when the said work and labor or the furnishing of said materials was commenced and finished.

Fourth. The locality of the building, house or structure, with such description as may be sufficient to identify the same.

Fifth. That the said work and labor were performed, or said materials were furnished, on the credit of the said building, house or structure.

## MECHANIC LIENS.

Sixth. That the amount of the said claim exceeds twenty-five dollars, and that the same has not been paid to the claimant. The claimant shall make affidavit to the truth and correctness of the said claim and of the facts stated therein. Any judgment obtained upon such claim, as hereinafter provided, shall become a lien upon such building, house or structure, and upon the ground upon which the same is situated, erected or constructed, and shall relate back to the day upon which said work and labor was begun, or the furnishing of said material was commenced. In every case in which one claim for work and labor or materials shall be filed by the same person or persons against two or more buildings, houses, or structures owned by the same person or persons, for building, altering or repairing two or more buildings or structures owned by the same person or persons, the claimant shall, at the time of filing such joint claim, designate the amount which he claims to be due to him on each of such buildings, houses or structures.

Nothing herein contained shall be construed to impair or otherwise affect the right of any person to whom any debt may be due for work and labor done, or materials furnished, to maintain any personal action against the owner or contractor of such building, house or structure, to recover the amount of such debt, nor shall anything herein contained be so construed as to render property liable to liens under said sections for repairs, alterations or additions, when the same has been altered, added to or repaired by or at the instance of any lessee or tenant, without the written consent of the owner or owners, or his, her or their duly authorized agent first had and obtained: Provided, that the owner or owners of any building, house or structure built, repaired or altered by any contractor who shall have contracted to build, erect, alter or repair the same, and furnish the materials therefor, shall be, and he is authorized and empowered, in case any liens shall be entered under said sections upon the said building, house or structure, upon any claim or claims for materials which, by the terms of his contract, the said contractor was bound to furnish,

Will not impair right of

## MECHANIC LIENS.

by any person or persons other than such contractor, to retain and withhold from such contractor so much of the monies to be paid to him in pursuance of the contract made with such contractor, as may be necessary to liquidate and discharge such liens; and in case judgment be recovered by such lien creditors, then, in that event, to apply the said monies, or such part thereof as may be necessary to satisfy the said judgment, to the payment and satisfaction thereof; and such payment shall be considered and treated as a payment pro tanto to the said contractor towards the monies provided to be paid by the said contractors. The owner or owners of any building, house or structure built, repaired or altered by any contractor or subcontractor may require such contractor or subcontractor from time to time to furnish and submit to him or them a complete and accurate list in writing of all persons who shall have furnished work and labor or material, or both, in connection therewith, and who may be entitled to avail themselves of the provisions of this Act; should any such contractor or subcontractor fail to furnish such list for ten days after demand made therefor by such owner or owners, he shall be entitled to receive no further payments from the owner or owners until such list be furnished as aforesaid, and further shall not be entitled to avail himself of any of the provisions of this Act. And provided further, that no person or persons embraced within the provisions of said sections, and entitled to avail themselves of the lien herein provided for, shall be considered as waiving the same by granting a credit, or receiving notes or other securities, unless the same be received as payment, or the lien expressly waived, but the sole effect thereof shall be to prevent such person or persons from availing themselves of the liens herein provided for until the expiration of the time agreed upon. Proof by the claimant that such work and labor or material, or both, was performed or furnished upon or to such house, building or structure, or immediately adjacent thereto, shall be prima facie evidence that the same was performed or furnished for and on the credit of such house, building or structure.

MECHANIC LIENS.

That Section 2844 of the Revised Code be repealed and the following be substituted in lieu thereof:

2844. The proceedings to recover the amount of any claim as aforesaid shall be by a writ of scire facias, in the following form, to wit:

Form of writ

"..... County, ss. The State of Delaware.  
To the Sheriff of said County, greeting:

Whereas.....hath filed a claim in our Superior Court for the County of....., against.....for the sum of....., (for work and labor done or materials furnished as the case may be) to or for a certain building, to wit: (describing it as in the claim). And whereas it is alleged that the said sum still remains due and unpaid to the said.....; now we command you that you make known to said..... and to all such persons as may hold or occupy the said building, that they be and appear before the judges of our said court at....., on the..... day of.....next, to show if any thing they know, or have to say, why the said sum of..... should not be levied of the said building to the use of the said ..... according to the form and effect of the Act of Assembly in such case made and provided. And have you then there this writ.

Witness (as in similar writs)"

No such Scire Facias shall be issued in any case within ten days previous to the return day thereof. The said writ shall be served in the same manner as other writs of Scire Serving writ Facias, upon the defendant therein named, if he can be found within the county; and a copy thereof shall be left with some person residing in the building, if occupied as a place of residence; but if not so occupied, it shall be the

## MECHANIC LIENS.

duty of the sheriff to affix a copy of such writ upon the door or other front part of such building. Judgment by default may be entered upon motion by the plaintiff on the last day of the term to which said process is returnable, notwithstanding appearance by the defendant, unless said defendant shall have previously filed in the cause an affidavit that he verily believes there is a legal defense to the whole or part of such cause of action, and setting forth the nature and character of the same; and if the defense be to a part only, then specifying the sum really due; and judgment may be entered for the plaintiff at his election for the sum acknowledged to be due. If such claim be not filed ten days before the return day of said writ, or if judgment be not so entered by default, then like proceedings shall be had as in other cases of Scire Facias.

The execution of every judgment under the foregoing provisions shall be by writ of Levari Facias, in the following form, to wit:

Form of writ

".....County, ss. The State of Delaware.  
To the Sheriff of said County, greeting:

We command you that without any other writ from us of the following described building and lot of ground, to wit, (describing the same according to the record), in your bailiwick, you cause to be levied as well a certain debt of.....which ..... lately in our Superior Court for the County aforesaid, before the judges thereof, recovered against..... to be levied of the said building and lot of ground, as also the interest thereon from the..... day of....., A. D. ...., and also the sum of.....for the cost which accrued thereon, according to the form and effect of an Act of the General Assembly in such cases made and provided, and have you there monies before our Judges at .....at our Superior Court in and for the County of.....there to be held on the.....day of.....next,

MECHANIC LIENS.

to render unto the said.....for his  
debt, interest and costs aforesaid, and have you then there  
this writ."

Witness (as in similar writs.)

If the proceeds received from any sale under such writ  
of Levari Facias shall not be sufficient to pay in full all  
liens, such proceeds shall be ratably divided among the  
persons who shall have availed themselves of the provisions  
of this Act without priority or preference of one over the  
other.

Approved April 25, A. D. 1917.



## MECHANIC LIENS.

## CHAPTER 226.

## LIENS.

## MECHANIC LIENS.

AN ACT to amend Chapter 79 of the Revised Code so as to further extend the operation of the Mechanics Lien Law.

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

Chapter 79.  
Revised Code  
amended

Section 1. That Chapter 79 of the Revised Code be and the same is hereby amended by repealing 2846, Sec. 4, and by substituting in lieu thereof a new Section to be known as, 2846, Sec. 4, as follows:

To what  
subjects law  
is extended

2846, Sec. 4. TO WHAT SUBJECTS MECHANICS LIEN LAW EXTENDED: The provisions of Sections 1 to 7 inclusive of this Chapter are declared to extend to work and labor performed and furnished, and to materials furnished in plumbing, gas fitting, paper hanging, paving, placing iron works and machinery of every kind in mills and factories, and to bridge building, and to the erection, construction and filling in of wharves, piers, and docks, and to all improvements to land by drainage, dredging, filling in, irrigating, and erecting banks; and to the services rendered and work and labor performed and materials furnished by architects, and shall be as well by and against corporations as individuals; and in the case of the erection, construction and filling in of wharves, piers and docks and improvements to land as aforesaid, the liens shall extend to the lots or lands in front of which said improvements are made; provided, however, that no lien shall attach in case the improvements be to the land alone, unless a contract in writing, signed by the owner or owners thereof, setting forth the names of all parties to the contract and containing a description by the metes and

MECHANIC LIENS.

bounds of the land to be affected and by a statement of the general character of the work to be done, and of the total amount to be paid thereunder, and the amounts of the partial payments, together with the time when such payments shall be due and payable.

Approved April 25, A. D. 1917.

# TITLE FIFTEEN

## Domestic Relations

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### CHAPTER 227.

#### PARENTS AND CHILDREN. MOTHERS' PENSION COMMISSION.

AN ACT to amend Chapter 88, of the Revised Statutes of the State of Delaware, by making provision for aid in the maintenance, support and education of children in certain cases.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (three-fourths of all the members elected to each House of the General Assembly concurring therein):*

Chapter 88,  
Revised Code  
amended

That Chapter 88, of the Revised Statutes of the State of Delaware, be, and the same is, hereby amended by inserting after Section 11 of said Chapter, being Code Section 3071, the following new Section, namely:

Administra-  
tion to be in  
charge of

3071 A. Section 11 A. The administration of this Section shall lie in the hands of a Mothers' Pension Commission. Said Commission shall consist of nine women, three from each County, who shall serve without pay, except for traveling and administrative expenses. During the month of June, nineteen hundred and seventeen, the Governor shall appoint said Commission as follows:

Governor  
to appoint

## PARENTS AND CHILDREN.

One from each County for a term of one year, one from each County for a term of two years, and one from each County for a term of three years. The term of office, after the first appointments made hereunder, shall be for three years, and annually, during the month of June, the Governor shall appoint successors to fill the vacancies caused by the expirations of the terms of office. In case of vacancy caused by death, resignation, refusal to serve, or otherwise, the Governor shall make appointments to fill such vacancy or vacancies for the balance of the unexpired term; provided, however, that not more than three Commissioners shall reside in any one County.

On petition by any Trustee of the Poor, by a member of the Municipal Council of any incorporated city or town in this State, or by a friend or relative of the mother falling within the class hereinafter specified, the Mothers' Pension Commission of Delaware may make an Order for aid in the maintenance, support and education of the child or children of said mother as hereinafter provided.

Any widowed or abandoned mother of a child or children under fourteen years of age, who is unable, without aid, to support, maintain and educate her child or children, or any mother whose husband is permanently, either physically or mentally, unable, without aid, to support, maintain and educate such child or children, shall be deemed to be within the class described by this Section.

Upon the filing of any petition as aforesaid, stating the facts and circumstances relative to the financial condition of any such mother, and praying the said Mothers' Pension Commission to make an Order as aforesaid, the said Mothers' Pension Commission shall report the case to the members of the Commission of the County wherein the mother resides; and, within thirty days of the receipt of such notice, the members of the Commission of the County shall make or cause to be made, by a trained woman investigator, an investigation as to the following points:

# TITLE FIFTEEN

## Domestic Relations

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### CHAPTER 227.

#### PARENTS AND CHILDREN. MOTHERS' PENSION COMMISSION.

AN ACT to amend Chapter 88, of the Revised Statutes of the State of Delaware, by making provision for aid in the maintenance, support and education of children in certain cases.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (three-fourths of all the members elected to each House of the General Assembly concurring therein):*

Chapter 88,  
Revised Code  
amended

That Chapter 88, of the Revised Statutes of the State of Delaware, be, and the same is, hereby amended by inserting after Section 11 of said Chapter, being Code Section 3071, the following new Section, namely:

Administra-  
tion to be in  
charge of

3071 A. Section 11 A. The administration of this Section shall lie in the hands of a Mothers' Pension Commission. Said Commission shall consist of nine women, three from each County, who shall serve without pay, except for traveling and administrative expenses. During the month of June, nineteen hundred and seventeen, the Governor shall appoint said Commission as follows:

Governor  
to appoint

## PARENTS AND CHILDREN.

One from each County for a term of one year, one from each County for a term of two years, and one from each County for a term of three years. The term of office, after the first appointments made hereunder, shall be for three years, and annually, during the month of June, the Governor shall appoint successors to fill the vacancies caused by the expirations of the terms of office. In case of vacancy caused by death, resignation, refusal to serve, or otherwise, the Governor shall make appointments to fill such vacancy or vacancies for the balance of the unexpired term; provided, however, that nor more than three Commissioners shall reside in any one County.

On petition by any Trustee of the Poor, by a member of the Municipal Council of any incorporated city or town in this State, or by a friend or relative of the mother falling within the class hereinafter specified, the Mothers' Pension Commission of Delaware may make an Order for aid in the maintenance, support and education of the child or children of said mother as hereinafter provided.

Any widowed or abandoned mother of a child or children under fourteen years of age, who is unable, without aid, to support, maintain and educate her child or children, or any mother whose husband is permanently, either physically or mentally, unable, without aid, to support, maintain and educate such child or children, shall be deemed to be within the class described by this Section.

Upon the filing of any petition as aforesaid, stating the facts and circumstances relative to the financial condition of any such mother, and praying the said Mothers' Pension Commission to make an Order as aforesaid, the said Mothers' Pension Commission shall report the case to the members of the Commission of the County wherein the mother resides; and, within thirty days of the receipt of such notice, the members of the Commission of the County shall make or cause to be made, by a trained woman investigator, an investigation as to the following points:

## PARENTS AND CHILDREN.

(a) That the applicant for aid is a widowed or abandoned mother of a child or children under fourteen years of age, who is unable without aid to support, maintain and educate such child or children, or a mother whose husband is physically or mentally unable without aid to maintain, support and educate such child or children.

(b) That the mother is fit to bring up her child or children.

(c) That aid is necessary to enable her to bring up her child or children and to maintain a suitable home for them.

(d) That the child, or children, if physically and mentally able, attend school and have a satisfactory record from the teacher.

(e) That the mother has been a continuous resident, for a period of three years, of the State.

Commission  
shall pay  
such sum as

If the Mothers' Pension Commission, upon receipt of the written report of the investigation, shall deem it for the best interests of the family that the mother receive aid, the said Mothers' Pension Commission shall pay to the mother or to such person as the Mothers' Pension Commission may designate, such sum as the said Mothers' Pension Commission shall deem proper to be used in aid of the maintenance, support and education of such child or children, such payments to continue during such time as the said Mothers' Pension Commission shall specify; provided that no payment shall be made for the support of any child beyond the time when the law will permit such child to secure a general employment certificate. Such payments shall, in no case, exceed eight dollars (\$8.00) a month for a single child and four dollars (\$4.00) for each additional child in the same family, except for a limited period in case of sickness, or of some unusual condition requiring an increase thereof. The said Mothers' Pension Commission may, at the recommendation of the members of the Commission of the County,

Payments  
not to exceed

## PARENTS AND CHILDREN.

vary the terms of such payments by directing the furnishing of food, clothing, or supplies, instead of the payment of money to the person aforesaid for the use and benefit of such child or children.

After the award of aid, the members of the Commission of the County shall cause the family to be visited at least once a month to see that the mother is properly caring for the child or children; that they are sufficiently clothed and fed, that they attend school regularly, and that they are receiving religious instruction.

On the first day of October, nineteen hundred seventeen, and quarterly thereafter, the members of the Commission of the County shall make a report to the Mothers' Pension Commission which shall show:

(a) The number of families receiving aid.

(b) The number of visits made to each family, together with the number of children in each family, the number receiving aid, the amount paid for each child, and, in each case, a recommendation with regard to the continuance of aid, and any other information the said Commission may desire.

On the fifteenth day of October, nineteen hundred seventeen, and quarterly thereafter, it shall be the duty of the Mothers' Pension Commission to make report to the Levy Court of each County of all warrants drawn under this Section on said County Treasurer during the preceding three months.

The amount paid to a beneficiary under this Section shall be on a warrant drawn by the Mothers' Pension Commission, or authorized agent thereof, on the County Treasurer of the County in which such beneficiary resides. And the said County Treasurer is hereby authorized and directed to pay the said warrants on the approval of the Comptroller



## PARENTS AND CHILDREN.

of said County out of any moneys he may have belonging to said County not otherwise appropriated.

Commissions  
expenses  
paid by

The traveling and administrative expenses of the Mothers' Pension Commission shall be paid on warrants drawn by the Mothers' Pension Commission, or authorized agent thereof, on the State Treasurer, and the said State Treasurer is hereby authorized and directed to pay said warrants on the approval of the State Auditor, from any moneys he may have belonging to the State and not otherwise appropriated; provided, however, that the total amount of the traveling and administrative expenses of the said Mothers' Pension Commission shall not exceed fifteen hundred dollars (\$1500.00) in any one year.

County  
Treasurer  
shall  
certify to

State  
Treasurer  
shall pay to  
Proviso

On the first day of January of each year, the County Treasurer shall certify, under oath, in duplicate, to the Secretary of the State and to the State Treasurer the amount paid out by such County during the preceding year under this Section, and the State Treasurer thereupon shall pay to the County Treasurer of the said County, a sum equal to one-half of the amount paid out by such County; provided, however, that the amount paid by the State to any County in any one year shall not exceed the sum of twenty-five hundred dollars (\$2500.00).

Appropriation

That the sum of seventy-five hundred dollars (\$7500.00) shall be deemed and taken to be appropriated annually, beginning with the year nineteen hundred and seventeen, out of any moneys in the State Treasury, not otherwise appropriated for the purpose of this Section.

Approved April 2, A. D. 1917.

PARENTS AND CHILDREN.

CHAPTER 228.

PARENTS AND CHILDREN.  
ILLEGITIMATE CHILDREN.

AN ACT to amend Chapter 88, of the Revised Code of the State of Delaware in relation to the maintenance of illegitimate children.

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

Section 1,—That 3077, Section 17 of Chapter 88 of the Revised Code of the State of Delaware be and the same is hereby amended by striking out all of said Section and by inserting in lieu thereof the following, to be known as 3077, Sec. 17.

"3077, Sec. 17. ORDER ON PUTATIVE FATHER; PAYMENTS; RECOGNIZANCE:—If it be determined that the person charged is the father of the child, the Justice shall order him to pay the mother of the child ten dollars for lying-in expenses, and also ten dollars to the physician who attended the mother during her delivery, and also to pay the mother, or other person keeping it, for the maintenance of the child, not less than five nor more than twenty-five dollars every month from its birth until it is fifteen years old. The Justice shall also require the father of the child to enter into recognizance to the State, with sufficient surety, in the sum of one thousand dollars, with condition to be void, if the said father shall obey and fulfill the said order of the Justice, and shall further indemnify the trustees of the poor of every county from all charges for maintenance or otherwise, on occasion of the said child while under the age of fifteen years."

Approved April 19, A. D. 1917.

## PARENTS AND CHILDREN.

## CHAPTER 229.

PARENTS AND CHILDREN.  
ILLEGITIMATE CHILDREN.

AN ACT to amend Chapter 88 of the Revised Code of Delaware in relation to parents and children, providing for the descent of real and personal property of the mother of illegitimate children.

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

Chapter 88.  
Revised Code  
amended

That Chapter 88 of the Revised Code of Delaware be, and the same is hereby amended, by inserting at the end of 3087 Sec. 27 the following, which shall be styled 3087 A. Sec. 27A.

Descent from  
mother of

3087A. Sec. 27A. Descent from the mother of illegitimate persons; When the mother of an illegitimate-born child dies intestate, her property, real and personal, if any there be, shall pass and belong in equal shares to such illegitimate-born child or children, and to the lawful issue of such who may have died, by right of representation.

If there be no such issue, then said property shall go to the heirs at law of such deceased mother, subject always to the payment of her just debts and all lawful demands against her estate.

Approved April 18, A. D. 1917.

## FEMALE EMPLOYEES.

## CHAPTER 230.

MASTERS, APPRENTICES AND EMPLOYEES.  
FEMALE EMPLOYEES.

AN ACT to amend Chapter 90, of the Revised Code of the State of Delaware, relative to the regulation of the Hours of Employment of Females.

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

SECTION 1: That Chapter 90 of the Revised Code of the State of Delaware, be and the same is hereby amended, by <sup>Chapter 90,  
Revised Code  
amended</sup> repealing 3135. Sec. 35 and 3137. Sec. 37, and inserting in lieu thereof the following, to be styled 3135. Sec. 35 and 3137. Sec. 37:

3135. Sec. 35. No female shall be employed or permitted to work in any mercantile, mechanical or manufacturing establishment, laundry, baking or printing establishment, telephone and telegraph office or exchange, restaurant, hotel, place of amusement, dress-making establishment, or office, more than six days in any one calendar week, nor more than ten hours in any one day, or more than fifty-five hours in any one week; provided, however, that any said female may be permitted to work twelve hours in one day only of each week, on the condition that her total hours of employment for any week shall not exceed fifty-five hours; and provided further, if any part of the daily employment of any said female is performed between the hours of eleven o'clock P. M. and seven o'clock A. M. of the following day, no such female shall be employed or permitted to work thereat, more than eight hours in any twenty-four hours. No female shall be employed or permitted to work in any mechanical or manufacturing establishment, laundry,

<sup>Hours of  
employment</sup>  
<sup>Proviso</sup>

## FEMALE EMPLOYEES.

Exceptions

baking or printing establishment, office, or dress-making establishment between the hours of ten o'clock P. M. and six o'clock A. M. of the following day. The provisions of Sections 35 to 43, inclusive, of this Chapter shall not apply to females employed in the canning or preserving or preparation for canning or preserving of perishable fruits and vegetables.

Intervals  
allowed

3137. Sec. 37. No female shall be employed or permitted to work for more than six hours continuously at one time in any establishment or occupation named in Section 35 of this Chapter, without an interval of at least three-quarters of an hour; except that such female may be so employed for not more than six hours and one-half continuously at one time if such employment ends not later than half past one o'clock in the afternoon and if the said female is then dismissed for the remainder of the day. Not less than thirty minutes shall be allowed to every female employed or permitted to work in, or in connection with, any establishment or occupation named in said Section 35 of this Chapter for the midday or evening meal, which period shall not be considered a part of the hours of labor. Employees shall not be required to remain in the work rooms during the time allowed for meals.

Approved March 22, A. D. 1917.

## FEMALE EMPLOYEES.

## CHAPTER 231.

## MASTERS, APPRENTICES AND EMPLOYEES.

## FEMALE EMPLOYEES.

AN ACT to protect the public health and welfare by establishing certain sanitary regulations for the protection of females employed in the State of Delaware in any mercantile, mechanical or manufacturing establishment, laundry, baking or printing establishment, dressmaking establishment, place of amusement, telephone or telegraph office or exchange, hotel, restaurant or office.

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

Section 1. *Toilets.* In every Mercantile, mechanical or <sup>Toilets</sup> manufacturing establishment, laundry, baking or printing establishment, dressmaking establishment, place of amusement, telephone or telegraph office or exchange, hotel, restaurant, or office in which females are employed or permitted to work there shall be provided suitable and easily accessible water closets or privies for their use.

When both males and females are employed or permitted to work, and four or more persons are employed, separate water-closets or privies shall be provided for each sex and shall be plainly marked at the entrance "Men" and "Women," and these closets shall be easily accessible.

Where 15 or less such females are employed or permitted to work at any time, at least one water closet or privy shall be provided; where 15 or more such persons are employed, they shall be provided in the ratio of one for every 25 persons. <sup>Ratio provided</sup>

All water closets or privies shall be properly lighted and <sup>Water closets</sup> shall at all times be kept in repair, clean, sanitary and free

## FEMALE EMPLOYEES.

from all obscene writing or marking. The compartments containing such water closets or privies shall open to the outer air or be ventilated by means of a shaft or air duct to the outer air.

Entrance  
shall be  
screened

The entrance to every water closet or privy used by females shall be effectively screened by a partition or vestibule. Where water closets or privies for males and females are in adjoining compartments, they shall be separated by solid partitions extending from the floor to the ceiling; and where the entrances adjoin, they shall be separated by a screen or partition at least 7 feet high.

Number of  
seats pro-  
vided

Section 2. *Seats.* In every establishment named in Section 1 of this Act in which females are employed or permitted to work, there shall be provided suitable seats for their use in the room where they work and the use of such seats shall be permitted. At least one seat shall be provided for every 3 females employed or permitted to work at any one time. During working hours all seats shall be conveniently accessible to those for whose use they are provided.

Dressing  
rooms

Section 3. *Dressing Rooms.* In every establishment named in Section 1 of this Act in which females are employed or permitted to work, there shall be provided washing facilities for their use; not less than one spigot, basin or receptacle for each 25 such persons employed at any one time. In establishments where the labor performed by such employees makes necessary or customary a change of clothing, there shall be provided one or more separate dressing rooms of adequate size for the exclusive use of such employees. Every dressing room shall be separated from any toilet compartment by adequate solid partitions; every dressing room shall be adequately heated, ventilated and illuminated. It shall be provided with a locker or separate hook for each worker and with a suitable number of seats.

Lunch rooms

Section 4. *Lunch Rooms in Certain Establishments.* In every establishment in which white lead, arsenic, nicotine

## FEMALE EMPLOYEES.

or other poisonous or injurious substances, fumes or gases are present, or in which dust, lint or particles of material are created by the machinery or by the material in the process of manufacture, and in which females are employed or permitted to work, there shall be provided a suitable room, free from the aforesaid substances, fumes, gases, dust, line\* or particles of material, for the use of such employees, during the time allowed for meals they shall not be permitted to remain in any room where the aforesaid substances, fumes, gases, dust, lint or particles of material shall be present. In such establishments, washing facilities shall be provided, including hot water, soap and individual towels or paper tissue towels.

Section 5. *Ventilation and Heat.* In every establishment named in Section 1 of this Act in which females are employed or permitted to work, there shall be provided not less than 250 cubic feet of air space for each and every person in every workroom in said establishment, where persons are employed. In aforesaid establishments all workrooms shall be adequately heated and ventilated, and all workrooms, halls and stairways shall be kept in a clean and sanitary condition and properly lighted. Ventilation  
and heat

Section 6. *Exhaust Fans in Certain Establishments.* In every establishment in which poisonous fumes or gases are present, or in which poisonous or injurious dust, \*line, or particles of material are created by the machinery or by the material in the process of manufacture and in which females are employed or permitted to work, there shall be provided proper hoods and pipes connected with exhaust fans of sufficient capacity to remove such fumes, gases, dust, lint or particles of material at the point of origin and prevent them from mingling with the air of the room, and such fans shall be kept running constantly while such fumes, gases, dust, lint or particles of material shall be generated or present. Exhaust fans

Section 7. *Drinking Water.* A sufficient supply of clean and pure water and individual drinking cups or a sanitary Drinking  
water

\* lint



## FEMALE EMPLOYEES.

fountain shall be provided in every establishment named in Section 1 of this Act in which females are employed or permitted to work. If drinking water is placed in receptacles, such receptacles shall be properly covered to prevent contamination and shall at all times be kept thoroughly clean. No employer in any such establishment shall collect from any employee money for ice or water furnished for drinking purposes.

Duties of the  
Inspectors

Section 8. *Enforcement.* It shall be the duty of the Inspectors appointed by the Labor Commission of Delaware to enforce the provisions of this Act. The Inspector shall visit and inspect establishments, and shall have the power whenever they have reason to suppose that work is being performed to visit and inspect any establishment in or in connection with which any female shall be employed or permitted to work. The Inspectors shall investigate all complaints of violation of this Act received by said Inspectors, and institute prosecutions for the violations of the provisions thereof.

Definitions  
decided by

The State Board of Health of Delaware shall determine what are poisonous fumes and gases and what are poisonous or injurious dust, lint or particles of material, as set out in Section Six of this Act, and the Labor Commission of Delaware shall determine the definition of all other terms used in this Act; but the decision of either the State Board of Health of Delaware or the Labor Commission of Delaware shall not be final, but subject to appeal to the Court of General Sessions of the State of Delaware in and for the County of the person appealing, or in case the appeal be prosecuted by the Labor Commission of Delaware, from the decision of the State Board of Health, then in and for the County wherein said poisonous fumes or gases or poisonous or injurious dust, lint or particles of material are created.

Rules for the  
Inspectors

The Inspectors shall keep records of all visits or inspections made and of all written orders given by the aforesaid Inspectors. The Inspectors shall keep records of all com-

## FEMALE EMPLOYEES.

plaints of violation of this Act received by them and of all prosecutions instituted, with the result of each prosecution.

In the enforcement of the provisions of this Act, the Inspectors shall give proper notice in regard to violation of this Act to the person or corporation owning, operating or managing any such establishment. Such notice shall be written or printed and signed officially by the Inspector, and said notice may be served by delivering the same to the person on whom service is to be had, or by leaving at his usual place of abode or business an exact copy thereof, or by sending a copy thereof to such person by mail.

Compliance with the written order of the Inspector must be within the number of days specified by him in his order. Compliance  
with written  
orders Appeal from the decision of the Inspector may be made to the Labor Commission of Delaware. Such appeal must be made in writing within ten days of receipt of the Inspector's order.

Section 9. *Violations.* Any person who shall violate any Violations of the provisions of this Act; or who omits or fails to comply with any of the foregoing requirements; or who disregards any notice of the Inspectors when said notice is given in accordance with the provisions of this Act; or who obstructs of\* interferes with any examination or investigation being made by the Inspectors, shall be deemed guilty of a misdemeanor and on conviction thereof shall be fined Penalties for the first offense by a fine of not less than \$10.00 nor more than \$50.00 and upon conviction of the second and subsequent offense shall be fined not less than \$25.00 or more than \$200.00. All fines shall be paid to the Treasurer of the State of Delaware.

Section 10. *Prosecutions.* Any Justice of the Peace of Prosecutions the State of Delaware shall have jurisdiction of any offense arising under this Act, but any person convicted of such offense before any such Justice of the Peace shall have the right of appeal to the Court of General Sessions of the State of Delaware in and for the County in which said con-

\* or

## FEMALE EMPLOYEES.

viction was had, upon giving bond for the sum of \$100.00 to the State of Delaware with surety satisfactory to the said Justice of the Peace by whom said person was convicted, provided such appeal shall be taken and such bond given within three days from the time of said conviction.

Section 11. All Acts or parts of Acts inconsistent herewith are hereby repealed.

When effective

Section 12. This Act shall not go into effect until the first day of January in the year of our Lord one thousand nine hundred and eighteen.

Approved March 16, A. D. 1917.

## CHILD LABOR.

## CHAPTER 232.

## MASTERS, APPRENTICES AND EMPLOYEES.

## CHILD LABOR.

AN ACT to amend Chapter 90 of the Revised Code of Delaware in relation to Child Labor.

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

Section 1. That Article 3 of Chapter 90 of the Revised Code of Delaware be and the same is hereby amended by repealing 3144, Section 44 to 3192, Section 92 thereof, inclusive and by inserting in lieu thereof the following sections to be styled 3144, Section 44; 3145, Section 45; 3146, Section 46; 3147, Section 47; 3148, Section 48; 3149, Section 49; 3150, Section 50; 3151, Section 51; 3152, Section 52; 3153, Section 53; 3154, Section 54; 3155, Section 55; 3156, Section 56; 3157, Section 57; 3158, Section 58; 3159, Section 59; 3160, Section 60; 3161, Section 61; 3162, Section 62; 3163, Section 63; 3164, Section 64; 3165, Section 65; 3166, Section 66; 3167, Section 67; 3168, Section 68; 3169, Section 69; 3170, Section 70; 3171, Section 71; 3172, Section 72; 3173, Section 73.

3144. Sec. 44. No child under fourteen years of age shall be employed, permitted or suffered to work in, or in connection with any establishment or in any occupation except as hereinafter provided. Wherever the term "establishment" is used in this act, it shall mean any place within the State of Delaware where work is done for compensation of any kind to whomever payable; provided however, that this act shall not apply to children employed on the farm or in domestic service in private homes.

Chapter 90,  
Revised Code  
amended

No child  
under 14  
years

Definition of  
"establish-  
ment"

## CHILD LABOR.

No child  
under 15  
years

3145. Sec. 45. No child under fifteen years of age shall be employed, permitted or suffered to work in operating or assisting in operating steam-boilers or blast furnaces or any of the following machines, which, for the purposes of this act, are considered dangerous; circular saws; wood shapers; wood jointers; paper-lace machines; job or cylinder printing presses operated by power other than foot power; stamping machines used in sheet-metal and tin-ware or in paper and leather manufacturing, or in washer and nut factories; metal or paper cutting machines; corrugating rolls, such as are used in making corrugated paper, or in roofing or washboard factories; dough-brakes or cracker machinery of any description; wire or iron straightening or drawing machinery; rolling-mill machinery; power punches or sheares; washing or grinding or mixing machinery; calendar-rolls in paper and rubber manufacturing, or other heavy rolls driven by power; passenger elevators or lifts; or upon or in connection with any dangerous electrical machinery or appliances. Nor shall any child under fifteen years of age be employed, permitted or suffered to work, in any capacity, in adjusting or assisting in adjusting any belt to any machinery, or in proximity to any hazardous or unguarded belts, machinery or gearing, or in oiling, wiping or cleaning machinery, while any of the same is in motion; nor on scaffolding; nor in heavy work in the building trades; nor about docks or wharves; nor in stripping or assorting tobacco; nor in, about or in connection with any processes in which dangerous or poisonous acids are used; nor in the manufacture or packing of paints, colors, white or red lead; nor in the manufacture or preparation of compositions with dangerous or poisonous gases; nor in the manufacture or use of dangerous or poisonous dyes; nor upon any railroad, steam, electric or otherwise; nor upon any vessel or boat engaged in the transportation of passengers or merchandise; nor in operating motor vehicles of any description; nor in any tunnel or excavation; nor in, about or in connection with any mine, quarry, coal breaker or coke oven; nor in or about any distillery, brewery, or any establishment where alcoholic liquors are manufactured or bottled.

## CHILD LABOR.

In addition to the foregoing, it shall be unlawful for any child under fifteen years of age to be employed, permitted or suffered to work in any other occupation dangerous to the life or limb or injurious to the health or morals of such child, as such occupations shall, from time to time, after public hearing thereon, be so determined and declared by the Labor Commission of Delaware; provided however, <sup>Proviso</sup> if it should hereafter held by the courts of this State that the power herein sought to be granted to the said Commission is for any reason invalid, such holding shall not be taken in any case to affect or impair the remaining provisions of this Section.

3146. Section 46. No child under sixteen years of age <sup>No child under 16 years</sup> shall be employed, permitted or suffered to work in, about or in connection with any establishment or in any occupation, except as hereinafter provided, unless the person, firm or corporation employing such child procures and keeps on file, and accessible to the State Child Labor Inspector, the employment certificate or permit issued to said child.

3147. Section 47. No child under sixteen years of age shall be employed, permitted or suffered to work for compensation of any kind upon the stage of any theatre or concert hall or in connection with any theatrical performance or other exhibition or show; provided however, that the State Child Labor Inspector may issue a permit allowing a child under said age to be employed upon the stage of the theatre or in connection with the theatrical performance or exhibition or show therein designated, for a limited period, when, in his opinion, such permit is justified by the evidence presented to him.

3148. Section 48. No person under eighteen years of age <sup>No person under 18 years</sup> shall be employed, permitted or suffered to work in the outside erection or repair of electric wires; in the running or management of hoisting machines or of dynamos; in the operation or use of any polishing or buffing wheel; at switch-tending; at gate-tending; at track-repairing; as a brakeman, fireman, engineer, motorman or conductor upon any

## CHILD LABOR.

railroad or railway; as a railroad telegraph operator; as a pilot, fireman or engineer of any boat or vessel engaged in the transportation of passengers; nor in or about any establishment wherein gunpowder, nitro-glycerine, dynamite or other high or dangerous explosives are manufactured or compounded.

No person  
under 21  
years

3149. Section 49. No person under twenty-one years of age shall be employed, permitted or suffered to work in any room or rooms, wherein intoxicating liquors are sold or dispensed, of any establishment excepting establishments wherein intoxicating liquors are sold for medicinal or scientific purposes.

3150. Section 50. No person under twenty-one years of age shall be employed, permitted or suffered to work as a messenger for telegraph, telephone or messenger companies in the distribution, collection, transmission or delivery of goods or messages before six o'clock in the morning or after ten o'clock in the evening of any day in any town or city having a population of over 20,000 persons.

Employment  
certificates  
classified

3151. Section 51. The employment certificates to be issued to children under sixteen years of age before they shall be entitled to work in any establishment or in any occupation, except as hereinafter provided, shall be of two classes—general employment certificates and provisional employment certificates. General employment certificates shall entitle the child, fourteen to sixteen years of age, to work at the occupations not herein forbidden during the entire year, under such regulations as may hereinafter be provided. Provisional employment certificates shall entitle the boy, twelve years of age or upwards, and the girl, fourteen years of age or upwards, to work at the occupations, which the Labor Commission of Delaware from time to time may determine and declare to be such as are not dangerous to the life or limb or injurious to the health or morals of such child, during the entire year, excepting such time as such child is required to attend public, private or parochial school under the provisions of the laws now in force or

## CHILD LABOR.

hereafter to be enacted, under such regulations as may hereinafter be provided.

3152. Section 52. Every employment certificate—general <sup>Employment certificates shall state</sup> or provisional—shall be issued in duplicate and shall state the name, sex, date and place of birth, place of residence, color of hair and eyes, height and weight, any distinguishing physical characteristics and proof of age accepted, of the child for whom it shall be issued. It shall certify that the child named has personally appeared before the issuing officer and has been examined as hereinafter provided. It shall be dated the date of its issue and shall be signed by the child in whose name it is issued in the presence of the issuing officer. In addition to the foregoing every employment certificate shall state the character of the occupation in which the child to whom it is issued is permitted to be engaged and the conditions under which it can be legally used. The provisional certificate shall be of a color different from that of a general employment certificate.

3153. Section 53. All employment certificates shall be <sup>Certificates issued by</sup> issued in the City of Wilmington by the Superintendent of Public Schools of said City or some person duly authorized by said Superintendent and in the other school districts of the State, where said certificates are applied for, they shall be issued by the principal of the public school or some person designated in writing by said principal. In the event that any aforesaid principal refuses to serve or fails to so designate some person to act in his stead, the Chairman of the Labor Commission shall designate some person to so act. Any designation may be revoked by the said Chairman at any time at his pleasure. Notification of the designation or revocation of persons to issue employment certificates shall be given to the State Child Labor Inspector, who shall keep on file a list of the persons, who from time to time, are duly qualified to issue said certificates in the several school districts of the State.

3154. Section 54. Any employment certificate—general <sup>Rules for certificates</sup> or provisional—shall be issued only upon the application in



## CHILD LABOR.

person of the parent, guardian or legal custodian of the child for whom such employment certificate is requested; or, if the application in person by parent, guardian or legal custodian is impossible, then by the next friend, who must be over 21 years of age and who in the judgment of the issuing officer will best conserve the interests of the said child. Such application shall not be required in any subsequent issuance of a certificate.

3155. Section 55. The person authorized to issue a general employment certificate shall not issue such certificate until the child for whom such certificate is requested has personally appeared before and been examined by the said person or until the said person has received, examined, approved and filed, together with the duplicate of said certificate, the following papers, duly executed:

1. A statement signed by the prospective employer or by some one duly authorized on his behalf, stating that the said employer expects to give such child present employment and setting forth the character of the same.

2. A certificate signed by a physician designated by the Labor Commission stating that such child has been thoroughly examined by the said physician at the time of application for the employment certificate and is physically qualified for the employment specified in the statement of the prospective employer. In any case where the said physician shall deem it advisable, he may issue a certificate of physical fitness for a limited time; at the expiration of which time the holder shall again appear and submit to a new examination before being permitted to continue at work.

3. A school record filled out and signed by the principal or chief executive officer of the school where the child last attended and shall be furnished to any child who may be entitled thereto. It shall certify that the said child has completed a course of study equivalent to five yearly grades of the public school in spelling, reading, writing, arithmetic,

## CHILD LABOR.

geography, history of the United States and in the English language. Such record shall also give the name, date of birth and residence of the child, and the name of the parent, guardian or legal custodian, as shown on the records of the school.

4. A statement signed by the person issuing such employment certificate stating that the said child has been examined and can read intelligently and write legibly simple sentences in the English language.

5. Evidence of age showing that the child is fourteen years of age or upwards and shall consist of one of the following proofs of age, which shall be required in the order herein designated:—

a. A duly attested transcript of the birth certificate filed according to law with a registrar of vital statistics or other officer charged with the duty of recording births.

b. A baptismal certificate or transcript of the record of baptism, duly certified, showing the date of birth of such child.

c. A passport showing the age of such child as an immigrant.

d. Other documentary evidence of age (other than the affidavit of parent, guardian, legal custodian or next friend) of transcript thereof, duly certified, which shall appear to the satisfaction of the issuing officer to be good and sufficient proof of age.

e. In case none of the aforesaid proofs of age shall be obtainable, and only in such cases, the issuing officer may accept, in lieu thereof, the signed statement of the physician, designated by the Labor Commission, stating that, after examination, it is the opinion of such physician that such child has attained the age required by law for the occupation in which the said child expects to engage. Such

## CHILD LABOR.

Affidavit  
made to  
statements

statement shall be accompanied by an affidavit, signed by the parent, guardian, legal custodian or next friend, certifying to the name, date and place of birth of such child and that the parent, guardian, legal custodian or next friend, signing such statement, is unable to produce any of the proofs of age specified in the preceding sub-divisions of this section.

General em-  
ployment  
certificate

3156. Section 56. A general employment certificate shall, upon the termination of the employment of the child to whom it is issued, be returned by mail by the employer to the person issuing the same within twenty-four hours, if said return is demanded by said child, or, otherwise within three days after termination of said employment is known to the employer or his agents. The person to whom said certificate is so returned shall file said certificate and preserve the same until such time as the child to whom said certificate was issued shall make application for the same and present a statement from the prospective employer, as herein provided, when the certificate shall be re-issued after physical re-examination and subject to all the conditions as to filing and reporting that governed its first issuance.

3157. Section 57. The person authorized to issue a provisional employment certificate shall not issue such certificate until the following papers have been received, examined, approved and, together with the duplicate of said certificate, filed by said person:—

Provisional  
certificate

1. The written statement of the principal or chief executive officer of the school which the child is attending, stating that such child is an attendant at such school with the grade such child shall have attained and that, in the opinion of the said principal or chief executive officer, such child is mentally fit to be engaged in the occupations determined and declared by the Labor Commission as suitable for a child of its age in addition to the regular school work required by law.

2. A certificate signed by the physician designated by

## CHILD LABOR.

the Labor Commission stating such child has been examined and, in the opinion of the said physician, the said child has reached the normal development of a child of its age and is physically able to be engaged in the occupations determined and declared by the Labor Commission as suitable for a child of its age in addition to the regular school work required by law.

3. Evidence of age showing that such child is twelve years of age or upwards, if the applicant be a male, or fourteen years of age or upwards, if the applicant be a female, and such evidence shall be of a character similar to the proofs of age required in the issuance of a general employment certificate.

3158. Section 58. A provisional employment certificate shall at all times be in the possession of the child to whom issued and shall be exhibited upon demand at any time to the State Child Labor Inspector. Such certificate shall be effective so long as the child, to whom it has been issued, is engaged in the occupation and during the hours set forth in said certificate. Such certificate may be revoked by the issuing officer for violation of the provisions under which the certificate was issued, or upon the recommendation of the principal or chief executive officer of the school such child is attending, or upon complaint of the State Child Labor Inspector or Chief Probation Officer of the Juvenile Court.

3159. Section 59. No child to whom an employment certificate—general or provisional—has been issued shall be employed, permitted or suffered to work in, about or in connection with any establishment or in any occupation for more than six days or more than fifty-four hours in any one week; nor more than ten hours in any one day; nor without at least thirty minutes continuous rest between 11.30 A. M. and 2 P. M. except that such rest period shall come not later than after five hours of work; nor before the hour of six o'clock in the morning or after the hour of seven o'clock in the evening of any day. The presence of

## CHILD LABOR.

such child in any establishment during working hours shall be prima facie evidence of its employment therein.

Certificates  
issued to be  
reported to

3160. Section 60. The Superintendent of Public Schools in the City of Wilmington shall transmit monthly, and other issuing officers quarterly, to the State Child Labor Inspector, a list of the names of children to whom general employment certificates have been issued with the name and address of the prospective employer, the character of the occupation the child intends to engage in and the time when said certificate will lapse and a list of the names of children whose certificates have been returned and the names of the employers returning same. At the same time they shall furnish a list of the names of children to whom provisional employment certificates have been issued and the character of the occupations they are permitted to be engaged in.

Powers of  
the Chairman  
of the Labor  
Commission  
to allow

3161. Section 61. In any case where application has been made for an employment certificate—general or provisional—for a child, who fails to meet any of the requirements for securing such certificates and it shall be found, after careful inquiry and thorough investigation by the State Child Labor Inspector, that the labor of such child is necessary for the support of itself or to assist in the support of its family, the Chairman of the Labor Commission, upon recommendation of the said Inspector, may issue a permit allowing the said child to be employed under the conditions set forth in the said permit.

Appointment  
of State  
Child Labor  
Inspector

3162. Section 62. At the expiration of the term of the present State Child Labor Inspector on the first day of May A. D. 1919, and every four years thereafter, the Labor Commission of Delaware shall appoint some suitable person, who shall be known as and be the State Child Labor Inspector, who shall serve for a term of four years from the time of said appointment, and whose duties shall be as herein prescribed. Any vacancies arising in the office of the State Child Labor Inspector by death, resignation or removal from office, or expiration of term, or otherwise,

## CHILD LABOR.

shall be filled by the said Labor Commission as herein provided. The State Child Labor Inspector shall have no other gainful occupation than the performance of his duties as herein set forth, and shall receive a salary of One Thousand and Eight Hundred Dollars per year, payable in equal monthly installments, by the State Treasurer out of any State funds in his hands not otherwise appropriated.

3163. Section 63. The State Child Labor Inspector may visit and inspect at any time any establishment in this State to ascertain whether any children are employed therein contrary to the provisions of this act and it shall be the duty of the said Inspector to make complaint against any person, firm or corporation violating any of its provisions and to prosecute the same.

Duties of  
State Child  
Labor In-  
spector

3164. Section 64. The failure of a person, firm or corporation to produce to the State Child Labor Inspector the general employment certificate of a child, who is being employed, permitted or suffered to work under conditions requiring such a certificate or the refusal of such a child to give to the said Inspector his or her name, age and place of residence, shall be prima facie evidence of the illegal employment of such child.

Failure to  
produce  
certificate

3165. Section 65. The State Child Labor Inspector may make demand on any employer in or about whose establishment a child apparently under the age of sixteen years is employed, permitted or suffered to work, and whose employment certificate is not filed as required by this act, that such employer shall either furnish him, within ten days, satisfactory evidence that such child is in fact over sixteen years of age, or shall cease to employ or permit or suffer such child to work in such establishment. The said Inspector shall require from such employer the same evidence of age of such child as is required upon the issuance of an employment certificate and the employer furnishing such evidence shall not be required to furnish any further evidence of the age of the child.

Inspector  
may demand  
proof of age

## CHILD LABOR.

Failure to  
produce  
evidence

3166. Section 66. In case any employer shall fail to produce and deliver to the State Child Labor Inspector within ten days after demand is made for satisfactory evidence that a child is over sixteen years of age, the evidence of age required and shall thereafter continue to employ such child or permit or suffer such child to work in such establishment, proof of the making of such demand and of the failure to produce and deliver such evidence shall be prima facie evidence of the illegal employment of such child in any prosecution brought therefor.

Printed  
copies of the  
Act

3167. Section 67. The State Child Labor Inspector shall furnish upon the application of any person, firm or corporation employing a child under sixteen years of age, a printed copy of the sections of this act relating to the hours of labor and blank lists upon which shall be kept the names of all children employed under sixteen years of age, which copy and lists shall be posted in a conspicuous place in the establishment where such children are employed. Such printed copies, blank lists and certificates, and all other papers that may be required for compliance with the provisions of this act shall be formulated and printed by the Labor Commission of Delaware and furnished upon application by the State Child Labor Inspector.

Violations  
of the Act

3168. Section 68. Any person, firm or corporation, agent or manager of any firm or corporation, who, whether for himself or for such firm or corporation, or by himself, or through agents, servants, or foreman, shall violate any of the provisions of this act; or, who shall furnish or sell to any child, any articles of any description with the knowledge that such child intends to sell said articles in violation of the provisions of this act; or, who shall continue to furnish or sell articles of any description to a child after having received written notice from the State Child Labor Inspector; or, who, having under their control as a parent, guardian, legal custodian or otherwise, any child permits or suffers such child to be employed or to work in violation of the provisions of this act; or, who hinders or delays the State Child Labor Inspector in the performance of his

## CHILD LABOR.

duties, or refuses to admit or locks out the said Inspector from any establishment, which he is authorized under the provisions of this act to inspect, shall, for a first offense, be punished by a fine of not less than five dollars nor more than fifty dollars; for a second offense, by a fine of not less than fifty dollars nor more than two hundred dollars, or by imprisonment for not more than thirty days or by both such fine and imprisonment; for a third offense, by a fine of not less than two hundred dollars, or by imprisonment for not more than sixty days, or by both such fine and imprisonment. All fines collected under this section shall be paid into the treasury of the county where proceedings are brought, for the use of said county, and the costs in such cases as are dismissed shall be paid from the treasury of the aforesaid county.

3169. Section 69. Any Justice of the Peace of the State of Delaware shall have jurisdiction of any offense arising under this act, but any person, firm or corporation convicted of such offense before any such Justice of the Peace, shall have the right to appeal to the Court of General Sessions of the State of Delaware in and for the county in which said conviction was had, upon giving bond in the sum of One Hundred Dollars to the State of Delaware with surety satisfactory to the said Justice of the Peace by whom said person, firm or corporation was convicted, provided such appeal shall be taken and bond given within three days from time of said conviction.

3170. Section 70. Nothing in this act shall prevent children of any age from receiving industrial education furnished by the United States, the State of Delaware, or any city or town in the State, and duly approved by a school board or committee or other duly constituted public authority.

3171. Section 71. The provisions of this Act shall not apply to any child over the age of twelve years who may be employed, permitted or suffered to work in any establishment used for the purpose of canning or preserving or



## CHILD LABOR.

preparation for canning or preserving perishable fruits and vegetables.

3172. Section 72. Sections 44 to 73, inclusive, of this Chapter, may be cited as the Child Labor Law. It shall be so interpreted and construed as to effectuate its general purposes and objects.

3173. Section 73. All acts or parts of acts inconsistent herewith are hereby repealed.

Approved April 2, A. D. 1917.

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## THE DELAWARE WORKMEN'S COMPENSATION LAW OF 1917.

## CHAPTER 233.

## MASTERS, APPRENTICES AND EMPLOYEES.

## THE DELAWARE WORKMEN'S COMPENSATION LAW OF 1917.

AN ACT relating to the liability of employers for injuries to or death of their employees in certain cases; to promote the prevention of work accidents; to cause provision to be made for medical and surgical care for injured employees in order to reduce resultant disability for work; to establish rates of compensation for personal injuries and death of employees arising out of and in the course of their employment; to designate the persons entitled to receive such compensation; to provide methods for insuring the payment and for the payment of such compensation; and to establish an industrial accident board, define its powers, regulate its proceedings and provide for a review of its awards, being an amendment to Chapter 90, of the Revised Code of Delaware, entitled, "Masters, Apprentices and Employees," by the addition of a new article thereto, entitled, "Masters, Apprentices and Employees—Article 5—The Delaware Workmen's Compensation Law of 1917."

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

That Chapter 90 of the Revised Code of the State of Delaware, be and the same is hereby amended by adding a new Article thereto, entitled, "Masters, Apprentices and Employees.—Article 5.—The Delaware Workmen's Compensation Law of 1917" and the following new Sections to be styled as 3193a Section 94 to 3193xx. Section 143, inclusive.

3193 a. Section 94. This Article shall go into effect on the first day of September, A. D. 1917, and shall be briefly known as and cited as "The Delaware Workmen's Compensation Law of 1917."

Chapter 90.  
Revised Code  
amended

Known as  
The Dela-  
ware Work-  
men's Com-  
pensation  
Law of 1917

## THE DELAWARE WORKMEN'S COMPENSATION LAW OF 1917.

Action in-  
stituted if  
shall not be  
a defense

3193 b. Section 95. In any action instituted by any person whatsoever on or after the first day of September, A. D. 1917, to recover damages for personal injury sustained by an employee by accident arising out of and in the course of his employment within this State on or after said date, or for death resulting from injury so sustained, it shall not be a defense:

(a) That the injury or death was caused in whole or in part by the want of ordinary or reasonable care of, or by the negligence of, a fellow employee; or

(b) That the employee had either expressly or impliedly assumed the risk of the injury; or

(c) That injury was caused in any degree by the negligence of such employee; but the foregoing provisions of this Section shall not apply to an action instituted by any person whatsoever to recover damages for injuries to or death of an employee who shall have elected not to operate under the compensatory provisions of the subsequent sections of this Article, nor to an action instituted against any employer to recover damages for injuries to or death of an employee, when such employer shall have elected to operate under the compensatory provisions of the subsequent sections of this Article; provided, however, that when both the employer and the employee shall have elected not to operate under the compensatory provisions of the subsequent sections of this Article, then and in such case the employer shall be deprived of the right of interposing the defenses mentioned in this section the same as though he alone had rejected the terms of the subsequent sections of this Article.

Plaintiff  
shall file

3193 c. Section 96. In any action at law contemplated by the last preceding section, the plaintiff shall be required to file with his declaration or other first pleading, a certificate of the Industrial Accident Board showing the status of the injured employee and his employer at the time of the injury, with respect to election or refusal of the em-

## THE DELAWARE WORKMEN'S COMPENSATION LAW OF 1917.

ployee and employer to be bound by the compensatory provisions of this Article.

3193 d. Section 97. Every employer and employee shall be conclusively presumed to have elected to be bound by the compensatory provisions of this Article and to have accepted the provisions of this Article, respectively, to pay and to accept compensation for personal injury or death by accident arising out of and in the course of the employment, regardless of the question of negligence, and to the exclusion of all other rights and remedies, unless prior to such injury or death, either party shall have given notice to the other party in the time and manner hereinafter specified. A like presumption shall exist in the case of all minors employed unless the notice above referred to be given by or to the parent or guardian of such minor. Every election to be bound by the compensatory provisions of this Article shall be conclusively presumed to be co-extensive with the contract of hire between the employer and employee.

3193 e. Section 98. Either an employer or an employee who has excepted himself by proper notice, from the operation of the compensatory provisions of this Article, may at any time, waive such exemption and thereby accept the compensatory provisions of this Article by giving the notice provided in 3193 f. Section 99 hereof.

3193 f. Section 99. Notice of election not to be bound as set forth in 3193 d. Section 97 hereof, and notice of acceptance as set forth in 3193 e. Section 98 hereof, shall be made in the following manner:

(a) By the employer by causing a printed notice thereof, in large type, to be posted in a conspicuous place in the plant, shop, office, room or place where the employee is employed, and where it may readily be seen by his employees, or by serving such notice personally upon the employee. The employer shall also immediately following the posting or serving of such notice, file with the Industrial

## THE DELAWARE WORKMEN'S COMPENSATION LAW OF 1917.

Accident Board, an affidavit showing compliance with the above provisions of this Section with respect to the posting or serving of such notice.

(b) By the employee by mailing to his employer at the place where said employee is employed, or to the employer's office or place of business, a written declaration in ordinary language of such election or acceptance; or by serving such written declaration personally upon the employer or any of his agents upon whom a summons in a civil action may be served under the laws of the State. The employee shall also immediately following the mailing or serving of such notice, file with the Industrial Accident Board, an Affidavit showing compliance with the above provisions of this Section with respect to mailing or serving of such notice. Any such notice mentioned in this Section shall be given thirty days prior to any accident resulting in injury or death; provided, that if any such injury occurred less than thirty days after the date of employment, notice of such exemption or acceptance given at the time of employment shall be sufficient notice thereof. Election by both the employer and employee to be bound as set forth in this Section shall operate as a surrender by said parties of their rights to any other form or amount of compensation or damages for any injury or death arising out of and in the course of the employment or to any method of determination thereof other than as provided in the compensatory provisions of this Article, and when at the time of any injury, both the employer and employee are bound as aforesaid, all other persons whatsoever having any rights of any character, with respect to, or growing out of such injury, or death resulting therefrom, shall also be bound.

No agreement shall relieve except 3193 g. Section 100. No agreement, rule, regulation or other device shall in any manner operate to relieve any employer or employee in whole or in part from any liability created by this Article, except as herein specified.

No compensation if less than 3193 h. Section 101. No compensation shall be paid under this Article for any injury which does not inca-

## THE DELAWARE WORKMEN'S COMPENSATION LAW OF 1917.

pacitate the employee for a period of fourteen calendar days from earning full wages, but if incapacity extends beyond the period of fourteen calendar days, compensation shall begin on the fifteenth day after the injury; provided, <sup>Proviso</sup> however, that during said fourteen days, the employer shall, if so requested by the employee, or if so ordered by the Industrial Accident Board, furnish free of charge to the injured employee, all medical and surgical aid and assistance that may be reasonably required, including hospital service, not to exceed Twenty-five Dollars in value.

3193 i. Section 102. If death results from the injury <sup>in case of death within</sup> within one year, the employer shall pay the reasonable expenses of the last sickness and burial of an injured employee, not exceeding One Hundred Dollars, but without deduction of any amount theretofore paid for compensation or for medical expenses.

3193 j. Section 103. The following schedule of compensation is hereby established for injuries resulting in disability: <sup>Schedule of Compensation</sup>

(a) For the first two hundred and seventy weeks after the fourteenth day of total disability for work, fifty per centum of the wages received at the time of injury, but the compensation shall not be more than ten dollars per week, nor less than four dollars per week; provided that, if at the time of injury, the employee receives wages of less than four dollars per week, then he shall receive the full amount of such wages per week as compensation. And after the first two hundred and seventy weeks of total disability for work, for the remainder of the life of the employee, twenty per centum of the wages received at the time of the injury, but the compensation shall not be more than six dollars per week, nor less than two dollars per week; provided, that, if at the time of the injury, the employee received wages of less than two dollars per week, then he shall receive the full amount of such wages as compensation. Nothing in this sub-section (a) shall require the payment of compensation after disability shall cease. Should total disability be

## THE DELAWARE WORKMEN'S COMPENSATION LAW OF 1917.

followed by partial disability, the period of two hundred and seventy weeks mentioned in this sub-section (a) shall be reduced by the number of weeks during which compensation was paid for such total disability. The foregoing provisions of this sub-section (a) are subject to the proviso that in no case shall the total compensation exceed the sum of Four Thousand Dollars.

(b) For disability for work partial in character, (except the particular cases mentioned in the next succeeding sub-section (c) of this Section), fifty per centum of the difference between the wages received before the injury and the wages at which the employee is actually employed after the injury, but such compensation shall not be more than ten dollars per week. This compensation shall be paid during the period of such partial disability for work, not, however, beyond two hundred and seventy weeks after the fourteenth day of such disability. Should partial disability for work be followed by total disability for work, the period of two hundred and seventy weeks mentioned in this sub-section (b) shall be reduced by the number of weeks during which compensation was paid for such partial disability.

(c) For all disability for work resulting from permanent injuries of the following classes, the compensation shall be exclusively as follows:

For the loss of a hand, fifty per centum of wages during one hundred and fifty-eight weeks.

For the loss of an arm, fifty per centum of wages during one hundred and ninety-four weeks.

For the loss of a foot, fifty per centum of wages during one hundred and thirty-five weeks.

For the loss of a leg, fifty per centum of wages during one hundred and ninety-four weeks.

For the loss of any eye, fifty per centum of wages during one hundred and thirteen weeks.

## THE DELAWARE WORKMEN'S COMPENSATION LAW OF 1917.

For the loss of any two or more of such members, not constituting total disability for work, fifty per centum of wages during the aggregate of the period specified for each.

The loss of both hands or both arms, or both feet, or both legs, or both eyes, or an injury to the spine resulting in permanent and complete paralysis of both legs, or both arms, or of one leg, or of one arm, or an injury to the skull resulting in incurable imbecility or insanity, shall constitute total disability for work, to be compensated according to the provisions of sub-section (a). Amputation between the elbow and the wrist, shall be considered as the equivalent of the loss of a hand, and amputation between the knee and ankle shall be considered as the equivalent of the loss of a foot. Amputation at or above the elbow shall be considered as the loss of an arm, and amputation at or above the knee shall be considered as the loss of a leg. Permanent loss of the use of a hand, arm, foot, leg or eye, shall be considered as the equivalent of the loss of such hand, arm, foot, leg or eye.

This compensation shall not be more than ten dollars per week, nor less than four dollars per week; provided that, if at the time of injury, the employee receives wages of less than four dollars per week, then he shall receive the full amount of such wages per week as compensation.

(d) Should the employee die as a result of the injury, the period during which compensation shall be payable to his dependents under the next succeeding section shall be reduced by the period during which compensation was paid to him in his lifetime under this Section of this Article. No reduction shall be made for the amount which may have been paid for medical, surgical and hospital services and medicines nor for the expenses of last sickness and burial as hereinbefore provided. Should the employee die from some other cause than the injury as herein defined, the liability for compensation, expenses of last sickness and burial of such employee, shall cease.



## THE DELAWARE WORKMEN'S COMPENSATION LAW OF 1917.

followed by partial disability, the period of two hundred and seventy weeks mentioned in this sub-section (a) shall be reduced by the number of weeks during which compensation was paid for such total disability. The foregoing provisions of this sub-section (a) are subject to the proviso that in no case shall the total compensation exceed the sum of Four Thousand Dollars.

(b) For disability for work partial in character, (except the particular cases mentioned in the next succeeding sub-section (c) of this Section), fifty per centum of the difference between the wages received before the injury and the wages at which the employee is actually employed after the injury, but such compensation shall not be more than ten dollars per week. This compensation shall be paid during the period of such partial disability for work, not, however, beyond two hundred and seventy weeks after the fourteenth day of such disability. Should partial disability for work be followed by total disability for work, the period of two hundred and seventy weeks mentioned in this sub-section (b) shall be reduced by the number of weeks during which compensation was paid for such partial disability.

(c) For all disability for work resulting from permanent injuries of the following classes, the compensation shall be exclusively as follows:

For the loss of a hand, fifty per centum of wages during one hundred and fifty-eight weeks.

For the loss of an arm, fifty per centum of wages during one hundred and ninety-four weeks.

For the loss of a foot, fifty per centum of wages during one hundred and thirty-five weeks.

For the loss of a leg, fifty per centum of wages during one hundred and ninety-four weeks.

For the loss of any eye, fifty per centum of wages during one hundred and thirteen weeks.

## THE DELAWARE WORKMEN'S COMPENSATION LAW OF 1917.

For the loss of any two or more of such members, not constituting total disability for work, fifty per centum of wages during the aggregate of the period specified for each.

The loss of both hands or both arms, or both feet, or both legs, or both eyes, or an injury to the spine resulting in permanent and complete paralysis of both legs, or both arms, or of one leg, or of one arm, or an injury to the skull resulting in incurable imbecility or insanity, shall constitute total disability for work, to be compensated according to the provisions of sub-section (a). Amputation between the elbow and the wrist, shall be considered as the equivalent of the loss of a hand, and amputation between the knee and ankle shall be considered as the equivalent of the loss of a foot. Amputation at or above the elbow shall be considered as the loss of an arm, and amputation at or above the knee shall be considered as the loss of a leg. Permanent loss of the use of a hand, arm, foot, leg or eye, shall be considered as the equivalent of the loss of such hand, arm, foot, leg or eye.

This compensation shall not be more than ten dollars per week, nor less than four dollars per week; provided that, if at the time of injury, the employee receives wages of less than four dollars per week, then he shall receive the full amount of such wages per week as compensation.

(d) Should the employee die as a result of the injury, the period during which compensation shall be payable to his dependents under the next succeeding section shall be reduced by the period during which compensation was paid to him in his lifetime under this Section of this Article. No reduction shall be made for the amount which may have been paid for medical, surgical and hospital services and medicines nor for the expenses of last sickness and burial as hereinbefore provided. Should the employee die from some other cause than the injury as herein defined, the liability for compensation, expenses of last sickness and burial of such employee, shall cease.

## THE DELAWARE WORKMEN'S COMPENSATION LAW OF 1917.

Compensation in case of death

3193 k. Section 104. In case of death, compensation shall be computed on the following basis and distributed to the following persons:—

1. To the child or children, if there be no widow, nor widower entitled to compensation, twenty-five per centum of wages of deceased, with ten per centum additional for each child in excess of two, with a maximum of sixty per centum, to be paid to their guardian.

2. To the widow or widower, if there be no children, twenty-five per centum of wages.

3. To the widow or widower, if there be one child, forty per centum of wages.

4. To the widow or widower, if there be two children, forty-five per centum of wages.

5. To the widow or widower, if there be three children, fifty per centum of wages.

6. To the widow or widower, if there be four children, fifty-five per centum of wages.

7. To the widow or widower, if there be five children or more, sixty per centum of wages.

Method of paying compensation

Such compensation to the widow or widower shall be for the use and benefit of such widow or widower and of the dependent children, and the Industrial Accident Board may from time to time, apportion such compensation between them in such way as it deems best. The Industrial Accident Board, in its discretion may require payments to be made direct to a minor who has been injured, and may also require payments to be made to the person caring for any dependent minor, when, in the opinion of the Industrial Accident Board, the expense of securing the appointment of a Guardian would be disproportionate to the amount of compensation payable to such minor.

## THE DELAWARE WORKMEN'S COMPENSATION LAW OF 1917.

8. If there be neither widow, widower nor children, then to the father and mother, or the survivor of them, if dependent to any extent upon the employee for support at the time of his death, twenty per centum of wages.

9. If there be neither widow, widower, children nor dependent parent, then to the brothers and sisters, if actually dependent to any extent upon the decedent for support at the time of his death, fifteen per centum of wages for one brother or sister, and five per centum additional for each additional brother or sister, with a maximum of twenty-five per centum; such compensation to be paid to their guardian.

Compensation shall be payable under this section to or on account of any child, brother or sister, only if and while such child, brother and sister, is under the age of sixteen years. No compensation shall be payable under this Section to a widow, unless she was living with her deceased husband at the time of his death or was then actually dependent upon him for support, but in such case, compensation shall be distributed to the persons who would be dependents in case there were no widow. No compensation shall be payable under this Section to a widower, unless he be incapable of self-support at the time of his wife's death and be at such time dependent upon her for support.

The terms "child" and "children" shall include step-children and adopted children if members of the decedent's household at the time of his death, and shall include posthumous children, but shall not include married children. <sup>Defining terms</sup>

Should any dependent of a deceased employee die, or should the widow or widower re-marry, or should the widower become capable of self-support, the right of such dependent or such widow or widower to compensation under this Section shall cease. <sup>Condition for payment of compensation</sup>

If the compensation payable under this Section to or on account of any person shall for any cause cease, the compensation of the remaining persons entitled thereunder

## THE DELAWARE WORKMEN'S COMPENSATION LAW OF 1917.

shall thereafter be the same as would have been payable to them had they been the only persons entitled to compensation at the time of the death of the deceased, provided, however, that the period shall be reduced by the number of weeks during which payments were made to the deceased.

The wages upon which death compensation shall be based shall not in any case be taken to exceed twenty dollars per week nor to be less than eight dollars per week. Subject to the provisions of sub-section (d) of the last preceding section, this compensation shall be paid during two hundred and seventy weeks and in the case of children entitled to compensation under clause 1 of this section, the compensation of each child shall (if the other parent be dead or have abandoned such child) continue until such child reach the age of sixteen, at the rate of fifteen per centum of wages if there be but one child, with ten per centum additional for each additional child, with a maximum of sixty per centum.

Notices must  
be given of

3193 l. Section 105. Unless the employer shall have actual knowledge of the occurrence of the injury, or unless the employee or some one on his behalf, or some of the dependents, or some one on their behalf, shall give written or printed notice thereof to the employer within fourteen days after the accident, no compensation shall be due until such notice be given or knowledge obtained. If such notice be given or the knowledge obtained after fourteen days, but within thirty days after the accident, the delay shall not bar compensation unless the employer shall show that he was prejudiced thereby, and then only to the extent of such prejudice. If such notice be given or the knowledge obtained after thirty days but within ninety days after the accident, and if the employee or other beneficiary shall show that his delay in giving notice was due to his mistake or ignorance of fact or of law, or to his physical or mental inability, or to fraud, misrepresentation or deceit, of the employer or some one authorized to represent such employer, or to any other reasonable cause or excuse, then compensation shall be allowed, except to the extent that the employer shall show that he was prejudiced by such delay.

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## THE DELAWARE WORKMEN'S COMPENSATION LAW OF 1917.

Unless knowledge be obtained or such notice given within ninety days after the accident, no compensation shall be allowed.

The notice referred to in this Section shall be in writing and shall be sufficient to inform the employer that a certain employee, by name and residence, received an injury by accident (the character of which is described in ordinary language), arising out of and in the course of his employment on or about a time specified and at or near a place specified. <sup>Form of notice</sup>

3193 m. Section 106. After an injury, and during the period of resulting disability, the employee, if so requested by his employer, or ordered by the Industrial Accident Board, must submit himself for examination at reasonable times and places and as often as may be reasonably requested, to a physician or physicians legally authorized to practice his or their profession under the laws of such place, who shall be selected and paid by the employer. If the employee requests, he shall be entitled to have a physician or physicians, qualified as aforesaid, of his own selection, to be paid by him, present to participate in such examination. For all examinations after the first, the employer shall pay the reasonable travelling expenses and loss of wages incurred by the employee in order to submit to such examination. The refusal of the employee to submit to such examination or his obstruction of such examination shall deprive him of the right to compensation under this Act during the continuance of such refusal or obstruction, and the period of such refusal or obstruction shall be deducted from the period during which compensation would otherwise be payable. No fact communicated to or otherwise learned by any physician or surgeon who may have attended or examined the employee, or who may have been present at any examination, shall be privileged either in the hearings provided for in this article, or in any action at law. <sup>Must submit to examination</sup>

3193 n. Section 107. If the employer and the injured

## THE DELAWARE WORKMEN'S COMPENSATION LAW OF 1917.

Agreement  
as to Com-  
pensation  
filed with

employee, or his dependents in case of his death reach an agreement in regard to compensation in accordance with the provisions of this Article, a memorandum of such agreement, signed by the parties in interest, shall be filed with the Industrial Accident Board, and if approved by it, shall be deemed final and binding unless modified as provided in 3193 p. Section 109. Such agreement shall be approved by said Board only when the terms thereof conform to the provisions of this Article.

Disagree-  
ments to be  
heard by

3193 o. Section 108. If the employer and the employee, or his dependents in case of his death, fail to reach an agreement in regard to compensation under this Article, or if, after they reach such an agreement, the Industrial Accident Board shall refuse to approve the same, either party may notify the Industrial Accident Board of the facts, and the said Board shall thereupon, after notice of the time and place of hearing served on all parties in interest, hear and determine the matter in accordance with the facts and the law, and state its conclusion of fact and rulings of law.

Incapacity of  
the injured,  
may be re-  
viewed by

3193 p. Section 109. On the application of any party in interest on the ground that the incapacity of the injured employee has subsequently terminated, increased, diminished or recurred, or that the status of the dependent has changed, the Board may at any time, but not oftener than once in six months, review any agreement or award, and on such review may make an award ending, diminishing, increasing or renewing the compensation previously agreed upon or awarded, and designating the persons entitled thereto, subject to the provisions of this Article, and shall state its conclusions of fact and rulings of law, and immediately send to the parties, a copy of the award, but this section shall not apply to a commutation of payments under 3193 t. Section 113.

Hearing  
before the  
Board

3193 q. Section 110. In all hearings before the Board, it shall make such inquiries and investigations as it shall deem necessary. The hearings of the Board shall be held at some reasonable location in the City or County where the injury

## THE DELAWARE WORKMEN'S COMPENSATION LAW OF 1917.

occurred, and each award of the Board shall be in writing and shall be filed among its records, and a copy thereof shall be served on each of the parties in interest within one week after the making of such award.

3193 r. Section 111. An award of said Board in the absence of fraud shall be final and conclusive between the parties except as provided in 3193 p. Section 109, unless, within ten days after a copy thereof has been sent to the parties, either party appeals to the Superior Court for the County in which the injury occurred. In case of every such appeal, the cause shall be determined by the Court without the aid of a jury. The Prothonotary shall not require any deposit or security to cover the costs incident to the taking of any such appeal.

The Superior Courts for the several counties of the State of Delaware are hereby vested with jurisdiction to hear and determine all appeals taken pursuant to this Article. Said Courts may, by proper rules, prescribe the procedure to be followed in the case of such appeals, provided however, that the Court shall fix a time for such hearings at the pending or next term of said Court after the date of such appeal, but the Court may extend the time for adequate cause shown.

The decision of the Court shall be in writing and shall show conformity to the provisions of this Article, and shall be filed with the Prothonotary of said Court, and such Prothonotary shall file a certified copy thereof with the Industrial Accident Board. When any such certified copy of the decision of said court shall be filed as aforesaid, it shall be subject to the provisions of 3193 p. Section 109, and if the Board shall, in accordance with the provisions of 3193 p. Section 109, end, diminish, increase or renew the compensation, then and in such case there shall be the same right of appeal as is above provided in this Section.

Costs may be awarded by said Court in its discretion, and when so awarded, the same costs shall be allowed, taxed and



## THE DELAWARE WORKMEN'S COMPENSATION LAW OF 1917.

Court may  
appoint

collected as are allowed, taxed and collected for like services in the same Court. Upon the hearing of any appeal, the Court may, in its discretion, appoint one or more impartial physicians or surgeons to examine the injuries of the claimant and to report thereon to the Court. Said Court shall have power to fix the compensation of such physicians or surgeons, and to tax the same as a part of the costs of the proceedings. Such report shall not be conclusive of the facts therein stated, but shall be advisory only.

Compensation to aliens

3193 s. Section 112. Compensation under this Article to alien dependent widows and children not residents of the United States, shall be the same in amount as is provided in each case for residents, except, that at any time within one year after the death of the injured employee, the employer may, at his option, commute all future instalments of compensation to be paid to alien dependents not residents of the United States, by paying to such alien dependents two-thirds of the total amount of such future instalments of compensation. Alien widowers, parents, brothers, and sisters not residents of the United States shall not be entitled to any compensation.

Compensation may be commuted by

3193 t. Section 113. The compensation contemplated by this Article may be commuted by said Industrial Accident Board at its present value when discounted at five per cent interest, with annual rests, disregarding (except in commuting payments due under sub-section (a) 3193 j. Section 103, of this Article) the probability of the beneficiary's death, upon application of either party, with due notice to the other, if it appear that such commutation will be for the best interest of the employee or the dependents of the deceased employee, or that it will avoid undue expense or undue hardship to either party, or that such employee or dependent has removed or is about to remove from the United States, or that the employer has sold or otherwise disposed of the whole or the greater part of his business or assets.

Upon paying such amount, the employer shall be dis-

## THE DELAWARE WORKMEN'S COMPENSATION LAW OF 1917.

charged from all further liability on account of the injury or death. Commutation shall not be allowed for the purpose of enabling the injured employee or the dependents of a deceased employee to satisfy a debt, (other than a mortgage upon his or their home or household furniture, created before the accident).

3193 u. Section 114. At any time after the entry of the award, or after the filing of the agreement for compensation, a sum equal to all future installments of compensation may (where death or the nature of the injury renders the amount of future payments certain) by leave of the Industrial Accident Board, be paid by the employer to any Trust Company approved by said Board and chartered and doing business in this State and having an office in the County in which the award was entered, and such sum, together with all interest arising from the investment thereof, shall thereafter be held in trust for the employee, or his dependents, who shall have no further recourse against the employer.

Compensation may be paid to Trust Company

Such payment of such sum by the employer shall operate as a satisfaction of such award or agreement as to the employer.

Payments from said fund shall be made by the said Trustee on orders from the Industrial Accident Board in the same amounts and at the same periods as are herein required of the employer. If, after liability shall have ceased, any balance of said fund shall remain, the same shall be returned to the employer who deposited the same, on an order signed as aforesaid.

Trustee to make payments on order of

3193 v. Section 115. In case of personal injury, all claims for compensation shall be forever barred unless, within one year after the accident, the parties shall have agreed upon the compensation as before provided, or unless, within one year after the accident, one or more of the interested parties shall have appealed to the Industrial Accident Board as in this Article provided. In cases of death, all claims for compensation shall be forever barred, unless,

Limitation of claims

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within one year after the death, the parties shall have agreed upon the compensation as before provided, or unless, within one year after the death, one or more of the interested parties shall have appealed to the Industrial Accident Board as in this Article provided. Where, however, payments of compensation have been made in any case, said limitation shall not take effect until the expiration of one year from the time of the making of the last payment.

Governor to  
appoint In-  
dustrial  
Accident  
Board

3193 w. Section 116. The Governor shall, within thirty days after the approval of this Article by the Governor, appoint three competent persons to be known as the "Industrial Accident Board," which Board shall have jurisdiction of all cases arising under the compensation schedule of this Article. Such appointments shall originally be as follows: One member shall be appointed for the term of two years, another for the term of four years, and another for the term of six years. Thereafter, as the terms of office of members expire, either by death, resignation, removal from the State, or otherwise, appointments shall be made for terms of six years each.

Terms of  
office

Removal  
with or with-  
out cause

Each person appointed under the provisions of this Section shall hold office until his successor is appointed and qualified. The Governor may remove any member of said Board with or without cause. Each member, before entering upon the duties of his office, shall take the Constitutional oath required of State officers. Said Board shall provide itself with a seal for authentication of its orders, awards and proceedings, upon which shall be inscribed the words—"Industrial Accident Board—Delaware—Seal."

Duties and  
powers of

The Board shall organize by choosing one of its members as President and may appoint a Secretary to be selected by the Board at a salary not exceeding Twenty-five Hundred Dollars per year, and may remove said Secretary with or without cause, and appoint a successor. The Board may also employ such clerical and other assistants as it may deem necessary, and subject to like approval, fix the compensation of all persons so employed.

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The members of said Board and its assistants shall be entitled to receive from the State, their actual and necessary expenses while traveling on the business of the Board, but such expense shall be sworn to by the person who incurred the same, and any such person falsely making any such report shall be guilty of perjury and punishable accordingly. The salary of the members of the Board and its assistants shall be paid monthly in the same manner as the salaries of State officers are paid, and the expenses of said Board, after approval by two members and the State Auditor, shall be paid by the State Treasurer out of the general funds of the State.

It shall be the duty of said Board to maintain and keep open during reasonable hours, an office adequate for the transaction of its business. It shall keep a record of all its proceedings and such other books and records as shall be required by the proper and efficient administration of this Article.

It shall hear disputes as to compensation to be paid under the provisions of this Article, make its own rules of procedure for carrying out the provisions of this Article, furnish blanks for information, record all awards, and shall have power to compel the attendance of witnesses.

It shall have power to issue subpoenas and administer oaths in any proceeding and in all other cases where it may be necessary in the exercise of its powers and duties, and to examine persons as witnesses, take evidence, require the production of documents, and do all other things conformable to law which may be necessary to enable it effectively to discharge the duties of office. Such oaths may be administered and such subpoenas issued by any member of said Board. Any subpoena, process, or order of said Board, or any notice or paper requiring service, may be served by any Sheriff, Deputy Sheriff, Constable, or any employee of the Board, and return thereof made to said Board. Such officer shall receive the same fees as are now provided by law for like service in civil actions; provided, however, that

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Disorder  
before the  
Board

the employee of the Board serving such notice shall not receive any fee, but shall be paid his actual expenses. If any person shall, in proceedings before said Board, disobey or resist any lawful order or process, or misbehave during a hearing or so near the place thereof as to obstruct the same, neglect to produce after having been ordered to do so, any pertinent document, or refuse to appear after having been subpoenaed, or upon appearing, refuse to take the oath as a witness, or after having taken the oath, refuse to be examined according to law, said Board shall certify the facts under the hand of its Secretary or President to any Judge of the Supreme Court of the State of Delaware, who shall thereupon hear the evidence as to the acts complained of, and if the evidence so warrant, punish such person in the same manner and to the same extent as for a contempt committed before the Superior Court of the State of Delaware, or commit such person upon the same conditions as if the doing of the forbidden act had occurred with reference to the process of, or in the presence of said Court.

The Court may, with or without notice to either party, cause testimony to be taken or inspection of the premises where the injury occurred to be had, or the time-books or the pay-roll of the employer to be examined.

Quorum

Salary of  
members

A majority of the Board shall constitute a quorum for the exercise of any of the powers or authority conferred by this Article, and a decision or an award by a majority shall be valid. Each member of the Board shall receive an annual salary of Twenty-five Hundred Dollars. Said Board, may in any case, upon the application of either party, or on its own motion, appoint a disinterested and duly qualified physician to make any necessary medical examination of the employee, and testify in respect thereto. Said physician shall be allowed a reasonable fee to be fixed by said Board, not exceeding five dollars for each examination, which shall be included by said Board in its expense account; provided, however, that said Board shall in every case receive the testimony of any physician called by either the employer, or the employee, or the dependents of such employee.

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Witness fees and mileage shall be computed at the rate <sup>Witness fees</sup> allowed to witnesses in the Superior Court of the State of Delaware. Costs legally incurred may be taxed against either party, or apportioned between the parties in the sound discretion of said Board, as the justice of the case may require.

Said Board shall inquire into the causes and results of industrial accidents of every character, study the most advanced methods of safe-guarding against such accidents, <sup>Investigate cause of injury. study safe-guarding</sup> inquire into the subject of fair compensation for those who are injured in such accidents and for the families of those who shall be killed as a result thereof, study the operation and effect of this Article, and make a full report in writing of its findings, together with such recommendations as it may deem proper, at each session of the General Assembly of the State of Delaware. The Board shall prepare and cause to be printed and upon request, furnish free of charge to any employer or employee, such blank forms and literature as it shall deem requisite to facilitate and promote the efficient administration of this Article.

3193 x. Section 117. Every employer bound by the compensatory provisions of this Article, shall hereafter keep a record of all injuries, fatal or otherwise, received by his employees in the course of their employment, within ten days after knowledge of the occurrence of an accident resulting in personal injury, a report thereof shall be made in writing by the employer to the Industrial Accident Board on blanks to be procured from said Board for that purpose. Upon the termination of the disability of the injured employee, the employer shall make a supplemental report to the Board. The said reports shall contain the name and nature of the business of the employer, the location of his establishment or place of work, the name, age, sex, and occupation of the injured employee, and state the time, the nature and cause of the injury, and such other information as may be required for properly carrying out the provisions of this Article. Any employer who refuses or neglects to make a report required by this Section shall, upon conviction,

## THE DELAWARE WORKMEN'S COMPENSATION LAW OF 1917.

tion before any Justice of the Peace of this State, be punished by a fine of not less than ten dollars nor more than fifty dollars for each offense, and in default of the payment of such fine may be imprisoned for any period not exceeding twenty days.

Reports not  
to be  
evidence

Reports made in accordance with this Section shall not be evidence against the employer in any proceedings under this Article or otherwise, but shall be exclusively for the information of said Board in securing data to be used in connection with the performance of their duties in making recommendations to the General Assembly as hereinbefore provided.

Employer to  
insure com-  
pensation

3193 y. Section 118. Every employer who accepts the compensation provisions of this Article shall insure the payment of compensation to his employees, or their dependents, in the manner hereinafter provided, and while such insurance remains in force, he shall be liable to any employee, or his dependents for personal injury or death by accident only to the extent and in the manner herein specified.

Insurance to  
be approved  
by

3193 z. Section 119. Every employer under this Article shall either insure or keep insured his liability hereunder in some corporation, association or organization approved by the Industrial Accident Board and authorized to transact the business of Workmen's Compensation Insurance in this State, or shall furnish to the Industrial Accident Board satisfactory proof of his financial ability to pay direct the compensation in the amount and manner and when due as provided for in this Article. In the latter case, the Board may, in its discretion, require the deposit of an acceptable security, indemnity or bond to secure the payment of compensation liabilities as they are incurred.

Evidence of  
compliance  
to be filed

3193 aa. Section 120. Every employer accepting the compensation provisions of this Article shall within sixty days after this Article takes effect, file with said Board in form prescribed by it, and thereafter annually, or as often as may

## THE DELAWARE WORKMEN'S COMPENSATION LAW OF 1917.

be required by said Board, evidence of his compliance with the provisions of 3193 z. Section 119 of this Article and all other sections relating thereto.

If an employer refuses or neglects to comply with these provisions, he shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of ten cents per day for each employee in his service at the time when the insurance became due, but not less than one dollar nor more than fifty dollars for each day of such refusal or neglect and until the same ceases, and shall be liable, during continuance of such neglect or refusal, to his injured employees, either for compensation under this Article, or in an action at law for damages, in which last case, upon proof that he has not complied with this Section, it shall not be a defense in such action: <sup>Refusal or neglect to comply</sup> <sup>Shall not be a defense that</sup>

- (a) That the employee was negligent; or
- (b) That the employee had assumed the risk of the injury; or
- (c) That the injury was caused by the negligence of a fellow employee.

Furthermore, if after the first day of January, 1918, any employer shall be in default under 3193 z. Section 119 for a period of thirty days, he may be enjoined by the Court of Chancery of this State from carrying on his business while such default continues.

3193 bb. Section 121. Whenever an employer had complied with the provisions of 3193 z. Section 119 of this Article relating to self insurance, the Industrial Accident Board shall issue to such employer, a certificate which shall remain in force for a period fixed by the Board, but the Board may, upon at least sixty days notice and a hearing to the employer, revoke the certificate upon satisfactory evidence for such revocation having been presented. After the expiration <sup>Certificate from Board for</sup>



## THE DELAWARE WORKMEN'S COMPENSATION LAW OF 1917.

tion of one year from such revocation, the Board may grant a new Certificate to the employer upon his petition.

Employers  
may form  
mutual in-  
surance as-  
sociation

3193 cc. Section 122. For the purpose of complying with the provisions of 3193 z. Section 119 of this Article, groups of employers may form mutual insurance associations under the laws of this State, subject to such reasonable conditions and restrictions as may be fixed by the Industrial Accident Board. Membership in such mutual insurance associations, so approved, together with evidence of the payment of premium dues, shall be evidence of compliance with the provisions of 3193 z. Section 119, of this Article.

Substitute  
systems  
may be

3193 dd. Section 123. Subject to the approval of the Industrial Accident Board, any employer may enter into or continue any agreement with his employees to provide a system of compensation, benefit or insurance, in lieu of the compensation and insurance provided by this Article.

No such substitute system shall be approved unless it confers benefits upon injured employees at least equivalent to the benefits provided by this Article, nor if it requires contributions from the employees, unless it confers benefits in addition to those provided under this Article at least commensurate with such contributions. Such substitute system may be terminated by the Industrial Accident Board on reasonable notice and hearing to the interested parties, if it shall be shown that the same is not fairly administered or if its operation shall disclose latent defects threatening its solvency, or if for any substantial reason, it fails to accomplish the purposes of this Article; and in this case the Board shall determine upon the proper distribution of all remaining assets if any, subject to the right of any party in interest to take an appeal to the Superior Court of this State.

policies of  
insurance  
must contain

3193 ee. Section 124. All policies insuring the payment of compensation under this Article, must contain a clause to the effect that as between the employee and the insurer, the notice to or knowledge of the occurrence of the injury

## THE DELAWARE WORKMEN'S COMPENSATION LAW OF 1917.

or death on the part of the insured shall be deemed notice or knowledge as the case may be, on the part of the insurer; that jurisdiction of the insured for the purposes of this Article shall be jurisdiction of the insurer; and that the insurer shall in all things be bound by and subject to the awards, judgments or decisions rendered against such insured.

3193 ff. Section 125. No policy of insurance against liability arising under this Article shall be issued, unless it contains the agreement of the insurer that it will promptly pay to the person entitled to same, all benefits conferred by this Article and all installments of the compensation that may be awarded or agreed upon, and that the obligation shall not be affected by any default of the insured after the injury, or by any default in the giving of any notice required by such policy or otherwise. Such agreement shall be construed to be a direct promise by the insurer to the person entitled to compensation enforceable in his name. Policy of insurance must contain

3193 gg. Section 126. Every policy for insurance of the liability herein specified shall be deemed to be subject to the provisions of this Article. No corporation, association, or organization shall issue any such policies of insurance unless the form of policy and the stability of the company shall have been approved by the Industrial Accident Board, provided, however, that the Industrial Accident Board may permit the issuance of Policies insuring against the loss from segregated risks of employment if in the judgment of the Board all the risks of the same employment are sufficiently covered by other policies of insurance or otherwise insured by the employer. Such policies for segregated risks shall be deemed to be limited in their scope to the particular risks mentioned therein. All questions as to the liability under such policies for segregated risks and other policies or forms of insurance shall be determined by the Industrial Accident Board. Policy subject to provisions of

3193 hh. Section 127. Except as herein otherwise provided, all compensation payable under the compensatory Compensation payment to be made in

## THE DELAWARE WORKMEN'S COMPENSATION LAW OF 1917.

provisions of this Article, shall be payable in periodical installments, as the wages of the employee were payable before the accident; provided, however, that the Industrial Accident Board, may in its discretion, having regard to the welfare employee and the convenience of the employer, authorize compensation to be paid monthly or quarterly instead of weekly.

Contractors  
and sub-  
contractors

3193 ii. Section 128. No contractor or sub-contractor shall receive compensation under this Article, but shall be deemed to be an employer, and all rights of compensation of the employees of any such contractor or sub-contractor, shall be against their said employer and not against any other employer.

Liability of  
employee

3193 jj. Section 129. If any employee be injured as a result of his intoxication, or because of his deliberate and reckless indifference to danger, or because of his wilful intention to bring \*being about the injury or death of himself, or of another, or because of his wilful failure or refusal to use a reasonable safety appliance provided for him, or to perform a duty required by statute, he shall not be entitled to recover damages in an action at law, or compensation, or medical or hospital service under the compensatory provisions of this Article. The burden of proof under the provisions of this section shall be on the defendant employer.

Employee in  
joint service

3193 kk. Section 130. Whenever any employee for whose injury or death, compensation is payable under this Article, at the time of the injury, be in the joint service of two or more employers subject to this Article, such employers shall contribute to the payment of such compensation in proportion to their wage liability to such employee, regardless of the question for whom such employee was actually working at the time of the injury.

Injuries sus-  
tained by

3193 ll. Section 131. Whenever an injury for which compensation is payable under this Article shall have been sustained under circumstances creating in some other person than the employer, a legal liability to pay damages in re-

## THE DELAWARE WORKMEN'S COMPENSATION LAW OF 1917.

spect thereto, the injured employee may, at his option, either claim compensation under this Article, or obtain damages from, or proceed at law against such other person to recover damages, but he shall not proceed against both; and if compensation is awarded under this Article, the employer having paid the compensation or having become liable therefor, shall be subrogated to the rights of the injured employee, or of his dependents to recover damages against such third person, and may recover in his own name or that of the injured employee from the other person in whom legal liability for damages exists, the indemnity paid or payable to the injured employee. Any recovery against such third person in excess of the compensation theretofore paid and thereafter payable by the employer (less the cost of securing and collecting same) shall be paid forthwith, when collected, to the employee or the dependents.

3193 mm. Section 132. The right of compensation granted by this Article shall have the same preference or priority <sup>Claims to have same priority as</sup> for the whole amount thereof against the assets of the employer as is now or hereafter may be allowed by law for unpaid wages for labor.

Claims or payment for compensation due or to become due under this Article shall not be assignable, and all compensation and claims therefor shall be exempt from all claims of creditors. If default shall be made by the employer for thirty days after demand, in the payment of any amount due under this Article, the same may be recovered in the same manner as claims for wages are now collectible. <sup>Claims exempt from creditors</sup>

Fees of attorneys and physicians for services under the provisions of this Article shall be subject to the approval of the Industrial Accident Board.

3193 nn. Section 133. If an injured employee refuses employment suitable to his capacity, procured for him, he shall not be entitled to any compensation at any time during the continuance of such refusal, unless in the opinion of the Industrial Accident Board, such refusal was justifiable, and <sup>Employment suitable to capacity</sup>

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if an employee receives an injury for which compensation is payable, after having received an injury in another employment, he shall be entitled to compensation by the subsequent employer (not being the employer for whom he worked at the time of the former injury) for the subsequent injury in the same amount as if the previous injury had not occurred.

3193 oo. Section 134. Wherever in this Article the singular is used, the plural shall be included; where the masculine gender is used, the feminine and neuter shall be included.

Defining  
"employers"

3193 pp. Section 135. The following shall constitute employers subject to the provisions of this Article:—

Every person, firm, association and corporation, (excepting the employers mentioned in 3193 vv. Section 141 and 3193 ww. Section 142 hereof), having in his or its service any employee as defined in 3193 qq. Section 136 of this Article. If the employer is insured, it shall include his insurer as far as practicable.

Defining  
employee

3193 qq. Section 136. The term "employee" as used in this Article shall be construed to mean:

Every person in the service of every natural person, firm, association and corporation (excepting the employees mentioned in 3193 vv. Section 141 and 3193 ww. Section 142 hereof) under any contract of hire for a valuable consideration, but not including any person whose employment is casual and not in the regular course of the trade, business, profession, or occupation of his employer, and not including persons to whom articles or materials are given out to be made up, cleaned, washed, altered, ornamented, finished, or repaired, or adapted for sale in the worker's own home, or on other premises not under the control or management of the employer.

## THE DELAWARE WORKMEN'S COMPENSATION LAW OF 1917.

3193 rr. Section 137. The terms "injury" and "personal injury" as used in this Article, shall be construed to mean only violence to the physical structure of the body and such disease or infection as naturally results directly therefrom when reasonably treated; and whenever death is mentioned as a cause for compensation under this Article, it shall mean only death resulting from such violence and its resultant effects when reasonably treated as aforesaid, and occurring within two hundred and seventy weeks after the accident.

3193 ss. Section 138. The term "personal injury sustained by accident arising out of and in the course of the employment:"

(a) Shall not cover an employee except while he is engaged in, on, or about the premises where his services are being performed, which are occupied by, or under the control of the employer, (his presence being required by the nature of his employment), or while he is engaged elsewhere in or about his employer's business where his services require his presence as a part of such service at the time of the injury.

(b) It shall not include any injury caused by the wilful act of another directed against him by reasons personal to such employee and not directed against him as an employee or because of his employment.

(c) It shall not include a disease or infection, except as it shall result from the injury when reasonably treated.

3193 tt. Section 139. The term "dependent" shall include all persons other than the injured employee who are entitled to compensation under the provisions of the elective schedule set forth in this Article, and wherever the context requires it shall be held to include the personal representatives, and the widow or widower of the deceased, and guardians of infants or trustees for incompetent persons.

## THE DELAWARE WORKMEN'S COMPENSATION LAW OF 1917.

3193 uu. Section 140. Wherever in this Article the term "wages" is used, it shall be construed to mean the money rate at which the services rendered is recompensed under the contract of hiring in force at the time of the accident, and shall not include gratuities received from the employer or others, nor shall it include board, lodging or similar advantages received from the employer, unless the money value of such advantages shall have been fixed by the parties at the time of hiring. In occupations involving seasonal employment or employments dependent upon the weather, the employee's weekly wages shall be taken to be one-fiftieth of the total wages which he has earned from all occupations during the year immediately preceding the accident, unless it be shown that during such year, by reason of exceptional causes, such method of computation does not fairly ascertain the earnings of the employee, in which case the period for calculation shall be extended so far as to give a basis for the fair ascertainment of his average weekly earnings. In continuous employments, if immediately prior to the accident the rate of wages was fixed by the day or hour, or by the output of the employee, his weekly wages shall be found by dividing the total amount earned, excluding earnings from overtime, during so much of the preceding six months as he worked for the same employer, by the number of weeks, or fraction thereof, in such period. If the employee had been permanently advanced or demoted in position or his rate of wages permanently increased or decreased within such period, only the earnings and number of weeks in such position or at such rate should be considered in computing his average weekly wage.

Article does  
not apply to

3193 vv. Section 141. This Article shall not apply to farm laborers, domestic servants, officers and servants of the State, or any governmental agency created by it, nor to their respective employers; nor to the employers or employees in any employment in which less than five persons are employed.

3193 ww. Section 142. This Article shall not apply to employees injured or killed while engaged in Interstate or

THE DELAWARE WORKMEN'S COMPENSATION LAW OF 1917.

foreign commerce, nor to their employers, in case, and whenever, the laws of the United States provide for compensation or for liability for such injury or death.

3193 xx. Section 143. If any portion of this Article shall be held unconstitutional, the whole Article shall become ineffective and void.

This Act shall begin and take effect from the first day of January, A. D. 1918.

Approved April 2, A. D. 1917.



## MASTERS, APPRENTICES AND EMPLOYEES.

## CHAPTER 234.

## MASTERS, APPRENTICES AND EMPLOYEES.

AN ACT in relation to the protection of employees performing labor in the erection, repair, alteration or painting of houses, buildings and structures.

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

Employing  
or directing  
another to

Section 1. A person employing or directing another to perform labor of any kind in the erection, repairing, altering or painting of a house, building or structure shall not furnish or erect, or cause to be furnished or erected for the performance of such labor, scaffolding, hoists, stays, ladders or other mechanical contrivances which are unsafe, unsuitable or improper, and which are not so constructed, placed and operated as to give proper protection to the life and limb of a person so employed or engaged.

Safety rail

Scaffolding or staging swung or suspended from an overhead support, or erected with stationary supports, more than twenty feet from the ground or floor, except scaffolding wholly within the interior of a building and which covers the entire floor space of any room therein, shall have a safety rail of suitable material, properly bolted, secured and braced, rising at least thirty-four inches above the floor or main portions of such scaffolding or staging and extending along the entire length of the outside and the ends thereof, with such openings as may be necessary for the delivery of materials, and properly attached thereto, and such scaffolding or staging shall be so fastened as to prevent the same from swaying from the building or structure.

Floors  
arched be-  
tween beams

Section 2. All contractors and owners, when constructing buildings where the plans and specifications require the floors to be arched between the beams thereof, or where the

## MASTERS, APPRENTICES AND EMPLOYEES.

floors or filling in between the floors are of fire-proof material or brick-work, shall complete the flooring or filling in as the building progresses to not less than within three tiers of beams below that on which the iron work is being erected. If the plans and specifications of such buildings do not require filling in between the beams of floors with brick or fire-proof material all contractors for carpenter work, in the course of construction, shall lay the under-flooring thereon on each story as the building progresses to not less than within two stories below the one to which such building has been erected. Where double floors are not to be used, such contractor shall keep planked over the floor two stories below the story where the work is being performed. If the floor beams are of iron or steel, the contractors for the iron and steel work of buildings in course of construction or the owners of such buildings shall thoroughly plank over the entire tier of iron or steel beams on which the structural iron or steel work is being erected, except such spaces as may be reasonably required for the proper construction of such iron or steel work, and for the raising or lowering of materials to be used in the construction of such building, or such spaces as may be designated by the plans and specifications for stairways and elevator shafts. If elevators or elevating machines are used within a building in the course of construction, for the purpose of lifting materials to be used in such construction, the contractors or owner shall cause the shafts or openings in each floor to be inclosed or fenced in on all sides by a barrier at least eight feet in height, except on two sides which may be used for taking off and putting on materials, and those sides shall be guarded by an adjustable barrier not less than three nor more than four feet from the floor and not less than two feet from the edge of such shaft or opening.

Floors, how  
protectedShafts to be  
enclosed

Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than Fifty Dollars nor more than One Hundred Dollars for each offense.

Violation

Approved April 25, A. D. 1917.

# TITLE SIXTEEN

## Titles to Real Property

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### CHAPTER 235.

#### CONVEYANCES.

#### ACKNOWLEDGMENT AND PROOF OF DEEDS.

AN ACT to amend Chapter 92, of the Revised Code of the State of Delaware, with relation to Deeds dated prior to January 1st, 1915.

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

Chapter 92,  
Revised Code  
amended

Section 1. That 3214. Sec. 18, of Chapter 92 of the Revised Code of the State of Delaware, be and the same is hereby repealed and the following, to be known as 3214. Sec. 18, inserted in lieu thereof:

Acknowledg-  
ment of deeds

3214. Sec. 18. The record of any deed dated prior to the first day of January, A. D. 1915, and which was duly signed and sealed by the parties therein named as grantors, notwithstanding that said deed had not been properly acknowledged, or the acknowledgment or the private examination of any married woman, a party thereto, had not been taken and certified in conformity with the requirements of the laws of this state in force at the time of its execution, shall be and the same is made valid and effective in law as if said deed had been correctly acknowledged and certified, and the

ACKNOWLEDGMENT AND PROOF OF DEEDS.

said record, the original deed, or any office copy thereof shall be admitted as evidence in all courts of this state and shall be valid and conclusive evidence as if said deed had been, in all respects, acknowledged and acknowledgment certified in accordance with the then existing law.

Approved April 25, A. D. 1917.

## CONVEYANCES.

## CHAPTER 236.

## CONVEYANCES.

## ACKNOWLEDGMENT AND PROOF OF DEEDS.

A BILL to authorize First Presbyterian Church of Wilmington, Delaware, Incorporated, to convey certain real estate.

WHEREAS, Timothy Stidham, by Indenture bearing date the 30th day of December, A. D. 1737, and recorded in the office for the Recording of Deeds, &c., in and for New Castle County and State of Delaware, at Wilmington, in Deed Record M, Vol. 1, Page 111, &c., did convey to James Chalmers, James Hutchinson, William Kirkpatrick and Archibald Biard and their successors, Trustees, Overseers and Elders of the First Presbyterian Church, certain real estate now in the City of Wilmington, New Castle County and State of Delaware, and bounded on three sides by Market, Tenth and King Streets and more particularly described in said Indenture under and subject to the uses and trusts as set forth in said Indenture, viz: "for the use of a meeting house, budying ground and such other pious uses forever" as said Trustees, Overseers and Elders of the Said Presbyterian Church or a majority of them should "at any time hereafter see most fitting and convenient and to no other use, intent or purpose whatsoever."

AND WHEREAS, a certain piece, part and parcel of said real estate, under and subject to said uses and trusts, so conveyed by said Indenture of Timothy Stidham dated the 30th day of December, A. D. 1737, and recorded as aforesaid, is more particularly bounded and described as follows:—Beginning at a corner formed by the intersection of the easterly side of Market Street with the southerly side of Tenth Street; thence southerly along said easterly side of Market Street one hundred and five feet to a point; thence

## CONVEYANCES.

easterly parallel to Tenth Street two hundred and ten feet nine and one-quarter inches more or less to a point on the westerly side of King Street; thence northerly along said westerly side of King Street one hundred and five feet to a point on the southerly side of Tenth Street and thence westerly along said southerly side of Tenth Street two hundred and ten feet nine and one-quarter inches more or less to the place of beginning.

AND WHEREAS, by sundry subsequent conveyances, First Presbyterian Church of Wilmington, Delaware, Incorporated, a religious corporation of the State of Delaware, became and is now seized and possessed of said real estate under and subject to the said uses and trusts as set forth in said Indenture of Timothy Stidham, dated the 30th day of December, A. D. 1737, as hereinbefore recited.

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

Section 1. That First Presbyterian Church of Wilming-<sup>Authority to sell</sup>ton, Delaware, Incorporated, a religious corporation of the State of Delaware, be and is hereby authorized and empowered to sell, either at public or private sale, on such terms as it may deem expedient, free from said uses and trusts as set forth in said Indenture of Timothy Stidham, and from any and all other uses and trusts, all that certain piece, part and parcel of said real estate, more particularly bounded and described as follows:

Beginning at a corner formed by the intersection of the <sup>Description</sup> easterly side of Market Street with the southerly side of Tenth Street; thence southerly along said easterly side of Market Street one hundred and five feet to a point; thence easterly parallel to Tenth Street two hundred and ten feet nine and one-quarter inches more or less to a point on the westerly side of King Street; thence northerly along said westerly side of King Street one hundred and five feet to a point on the southerly side of Tenth Street and thence

## CONVEYANCES.

Proceeds  
of sale

westerly along said southerly side of Tenth Street two hundred and ten feet nine and one-quarter inches more or less to the place of Beginning; and to convey the same, in fee simple to the purchaser or purchasers, by good and sufficient deed or deeds free from any and all uses and trusts, and without any liability on the part of the purchaser or purchasers for the application, non-application or mis-application of the purchase money. The net proceeds of said sale or sales, after paying any liens of record against said real estate, particularly bounded and described as above, shall be held by the said First Presbyterian Church of Wilmington, Delaware, Incorporated, under and subject to the same uses and trusts as are set forth and provided in the said Indenture executed by Timothy Stidham, bearing date the 30th day of December, A. D. 1737, and recorded as aforesaid.

Section 2. This Act shall be deemed and taken to be a public Act.

Approved March 20, A. D. 1917.

## MORTGAGES.

## CHAPTER 237.

## CONVEYANCES.

## MORTGAGES.

AN ACT to amend Chapter 92, Article 4, of the Revised Code of the State of Delaware, being an act relating to the satisfaction of record of Mortgages or Judgments.

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

That Chapter 92, Article 4 of the Revised Code of the State of Delaware be and the same is hereby amended by striking out 3231, Sec. 35 and by inserting in lieu thereof, the following:

3231. Sec. 35. SATISFACTION OF RECORD OF MORTGAGE OR JUDGMENT; PROCESS TO COMPEL ENTRY OF; PETITION TO SUPERIOR COURT; RULE; SERVICE OF; SUBSTITUTED SERVICE BY PUBLICATION; WHEN; HOW; ORDER OF COURT; ENTRY BY RECORDER OR PROTHONOTARY:—In all cases where mortgages or judgments are liens on real estate in this State and the same have been paid and the mortgagee or obligee or their executors, administrators or assigns shall refuse or neglect to enter satisfaction of such mortgage or judgment on the record thereof in the office where the same is recorded or entered, within sixty days after the payment thereof, the mortgagor or obligor or their heirs or assigns may, upon sworn petition to the Superior Court of the County in which such mortgage or judgment is recorded or entered, setting forth the facts, obtain from such court a rule on the said mortgagee or obligee or their executors, administrators or assigns, returnable at such time as said Court may direct, requiring such mortgagee or obligee or their executors, administrators or assigns to appear on the

Chapter 92.  
Article 4,  
Revised Code  
amended

Satisfaction  
of record

Petition to  
the Superior  
Court



## \* MORTGAGES.

Non-resident  
mortgagee

day fixed by said Court and show cause, if any they have, why such mortgage or judgment shall not be marked satisfied on the record thereof. Such rule shall be served as provided by law for service of writs of Scire Facias. In case the mortgagee or obligee or their executors, administrators or assigns reside out of the State and cannot be served, or in case the mortgagee or obligee shall be a corporation which has been dissolved for more than three years prior to the filing of said petition, and for whom no Trustee or Receiver has been appointed, the rule shall be continued and a copy thereof shall be published by the Sheriff in a newspaper of the County, once each week for four successive weeks, and upon proof of such advertisement by affidavit of the Sheriff made at the time to which such rule was continued, shall be deemed and considered sufficient service of such rule.

Upon the return of said rule, if the court shall be satisfied from the evidence produced that such mortgage or judgment, together with all interest and costs due thereon, has been satisfied and paid, said rule shall be made absolute, and said Court shall order and decree that said mortgage or judgment is paid and satisfied, and shall order and direct the Recorder, or the Prothonotary, in whose office such mortgage or judgment is entered, to enter on the record thereof full and complete satisfaction thereof.

Approved April 17, A. D. 1917.

# TITLE EIGHTEEN

## The General Police

### CHAPTER 238.

#### GENERAL PROVISIONS RESPECTING THE POLICE. FIRES.

AN ACT to amend Chapter 100 of the Revised Code of the State of Delaware in relation to the time of burning over marsh lands.

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

Section 1. That Chapter 100 of the Revised Code of the State of Delaware be and the same is hereby amended by Chapter 100, Revised Code amended repealing 3446, Section 11 thereof, and by substituting in lieu thereof the following section, to be styled "3446, Sec. 11":

"3446, Sec. 11. SETTING FIRE TO WOODLAND; UNSEASON-Set fire to  
ABLE MARSH BURNING; MISDEMEANORS; PENALTY: Who-woodland or  
ever shall set any woodland on fire, or shall, after the first marsh  
day of April, set on fire any marsh, shall be deemed guilty  
of a misdemeanor, and shall be fined not less than fifteen,  
nor more than two hundred dollars, and shall also be liable  
in damages to property owners for injury done by such  
fire; provided that the burning of wood cut down, or of Provide  
brush in clearing land, shall not, unless there be negligence,  
be within this section.

Approved April 18, A. D. 1917.

## REGULATION OF SMALL LOANS.

## CHAPTER 239.

GENERAL PROVISIONS RESPECTING THE POLICE.  
REGULATION OF SMALL LOANS.

AN ACT to amend Chapter 100 Article 29 of the Revised Code of the State of Delaware, relating to the regulation of small loans by extending the provisions thereof to loans not in excess of Five Hundred Dollars, where the same are repayable in weekly or monthly installments.

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

Chapter 100,  
Revised Code  
amended

That Chapter 100, Article 29, of the Revised Code of the State of Delaware be and the same is hereby amended by repealing 3556, Section 121, 3557, Section 122, 3558, Section 123, and 3560, Section 125, and inserting in lieu thereof the following sections to be styled 3556, Section 121, 3557, Section 122, 3558, Section 123, 3560, Section 125 and 3560A, Section 125A.

Person hold-  
ing a certi-  
ficate shall  
be entitled to

3556. Section 121. Every person holding a certificate as aforesaid shall be entitled to make loans on personal property or otherwise, where the same is to be repaid in weekly or monthly installments, not exceeding the sum of Five Hundred Dollars and charge as interest in addition to the legal rate of interest, an additional sum at the rate of five per centum per annum on the amount loaned; and no further interest, commission or charge shall be made.

Rate of  
interest

Person  
charging ad-  
ditional in-  
terest shall  
give

3557. Section 122. Any person, firm, company or corporation making a loan and charging said additional interest or any interest, commission or charge in excess of six per centum, the legal rate of interest on any sum repayable in weekly or monthly installments not exceeding Five Hundred Dollars as aforesaid, shall give to the borrower a cor-

## REGULATION OF SMALL LOANS.

rect copy of any mortgage, bond, note, or any instrument of writing by which said loan is evidenced or secured; and on failure or refusal to furnish on request of the borrower a copy of said mortgage, bond, note or other instrument or obligation evidencing or securing said loan, shall be guilty of a misdemeanor, and on conviction thereof shall for each offense be fined a sum not less than twenty nor more than one hundred dollars, or imprisoned for a term not exceeding one month or both in the discretion of the Court.

3558. Section 123. If any person or persons, firm com-<sup>Person hav-</sup>  
pany or corporation, not first having taken out a certificate<sup>ing no</sup>  
of registration as aforesaid, shall exact, require or demand, certificate  
from any person or persons, a rate of interest upon sums of five hundred dollars or under where the same are repayable in weekly or monthly installments, in excess of six per centum per annum whether the same is stated to be either interest or for services rendered or expenses incurred, or if any person or persons, firm, company or corporation having taken out a certificate of registration as aforesaid, shall exact, require, or demand from any person or persons, interest upon sums of five hundred dollars or under in excess of the legal rate of interest as now provided by law in this State together with an additional sum at the rate of five per centum on the amount of loan per annum as hereinbefore provided, whether said additional sum be in the form of interest or for services rendered or expenses incurred, shall be guilty of a misdemeanor and on conviction thereof shall be fined a sum not less than twenty nor<sup>Fine</sup>  
more than one hundred dollars for each offense, or imprisoned for a term not exceeding one month or both, in the discretion of the Court.

3560. Section 125. It is expressly provided that nothing<sup>Shall not</sup>  
in Sections 119 to 126 inclusive, of this Chapter shall be<sup>modify or</sup>  
construed to modify or repeal the usury laws of this State,<sup>repeal the</sup>  
or to authorize the loaning of money in sums of more than five hundred dollars where the same are repayable in weekly, or monthly installments by any person or persons, firm, company or corporation, at a greater rate of interest

## REGULATION OF SMALL LOANS.

than that of six per centum per annum; but the said laws shall be and remain in full force and virtue and the penalties provided for the violation of the provisions of said Sections shall be in addition to the penalties provided by the said usury laws.

3560A. Section 125A. All Acts or parts of Acts not consistent with the foregoing sections regulating small loans are hereby repealed.

Approved April 9, A. D. 1917.

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MOTOR VEHICLES.

CHAPTER 240.

GENERAL PROVISIONS RESPECTING THE POLICE.  
MOTOR VEHICLES.

AN ACT to amend Chapter 100 of the Revised Code of the State of Delaware, in relation to Motor Vehicles.

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

That Chapter 100 of the Revised Code of the State of Delaware, be and the same is hereby amended by the repeal of 3583, Section 148, and the insertion in lieu thereof of the following, which shall be styled 3583, Section 148.

3583, Section 148. Whoever shall take and operate the motor vehicle of another, without the consent of the owner thereof or the person having the same in charge, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than One Hundred Dollars (\$100) or more than Three Hundred Dollars (\$300) or imprisoned not exceeding two years, or both, at the discretion of the Court.

Approved April 2, A. D. 1917.

## JAILS AND WORKHOUSES.

## CHAPTER 241.

## JAILS AND WORKHOUSES.

AN ACT to amend Chapter 101 of the Revised Code of the State of Delaware, by providing for the employment of prisoners confined in the Kent County Jail.

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

Chapter 101,  
Revised Code  
amended

That Chapter 101 of the Revised Code of the State of Delaware be, and the same is hereby amended by inserting in said Chapter after 3608 Section 12 the following sections to be styled 3608A. Section 12A; 3608B. Section 12 B; 3608 C. Section 12C; 3608D. Section 12D; 3608E. Section 12E; 3608 F. Section 12F; 3608 G. Section 12 G; 3608H. Section 12H; 3608I. Section 12 I; 3608J. Section 12J; 3608K. Section 12K.

Sheriff to  
secure em-  
ployment for

3608A. Section 12A. It shall be the duty of the Sheriff of Kent County, Delaware, whenever practicable, and, in his judgment, it is safe, to secure employment for any and all prisoners, who shall be confined in the Kent County Jail, by reason of conviction for any offense.

3608B. Section 12B. It shall, also, be lawful for the said Sheriff to permit any person, committed to his custody, in said jail, awaiting trial and not charged with homicide, rape, arson, or aggravated assault, to be employed in the same manner, as is provided in 3608A. Section 12A.

Returned  
and confined  
at night

3608C. Section 12C. It shall be one of the conditions of the employment of any of the persons, mentioned in 3608A. Section 12A. and 3608B. Section 12B. hereof, that they shall be returned to, and confined in, said jail during each night of their term of imprisonment, or commitment.

## JAILS AND WORKHOUSES.

3608D. Section 12D. The wages for the employment of each of said prisoners shall be collected by, and paid to, said Sheriff, and ten per cent. (10%) of the sum, so collected, shall be retained by him, as compensation for the extra services imposed upon him by this section and by 3608A. Section 12A, 3608B. Section 12B, 3608F. Section 12F, 3608G. Section 12G, and by 3608H. Section 12H. The residue of the said sums collected by him, as aforesaid, shall be applied as follows:—

A one-half part thereof shall be paid to the County Treasurer of Kent County, on account of the cost of maintaining the prisoners, so earning the same, and, also, on account of the costs of prosecution, and the fine imposed on said prisoners, when sentenced by the Court, if they shall have been convicted of any offense. The cost of boarding any prisoner, as a charge against him, shall be based upon the actual number of meals furnished him each day at said jail, in proportion to the per diem allowance made to the Sheriff by the Levy Court of the County.

The remaining one-half part thereof shall be paid to the prisoner earning the same at the end of his, or her, term of sentence, or at the time of his, or her, release, if not convicted for any offense; provided, however, that the said Sheriff may from time to time, in his discretion, or upon the order of the Court, as may be deemed proper, or expedient, pay such proportions thereof to some proper person of the family of the prisoner, for the use of the family, or to any person actually dependent upon the prisoner; provided, also, that the Sheriff may from time to time allow a small amount to the prisoner for spending money, but he shall retain, at least, the equivalent of a week's wages to be paid to the prisoner, personally, upon the expiration of his, or her, term of imprisonment, or at the time of his, or her, release.

3608E. Section 12E. That any prisoner confined in said jail, by reason of the conviction of any offense, shall be allowed, for good behavior during the whole of his term of



## JAILS AND WORKHOUSES.

imprisonment, a reduction of five days from every month for which he was sentenced.

Refusal and punishment 3608F. Section 12F. Whenever any convict, who has been offered employment under the provisions of 3608A. Section 12A, shall refuse such employment, when physically able to perform the same, or shall misbehave himself, or attempt to escape, while engaged in said employment, or shall attempt to escape jail, the Sheriff shall have the right to punish, by solitary confinement, or such other reasonable or humane punishment, not corporal, as he may deem proper; and for such conduct, the resident Judge of the County may, in his discretion, decline to discharge the convict at the end of the term of imprisonment, for not exceeding one year thereafter.

In case of escape 3608G. Section 12G. In case any prisoner shall escape, while employed under the provisions of 3608A. Section 12A, or 3608B. Section 12B., in addition to the penalties now provided by law, he shall, also, forfeit any moneys due him under the provisions of 3608D. Section 12D. hereof, and the said Sheriff shall apply the same to the costs of rearresting and returning said prisoner to said jail, and any residue there may be shall be paid to the County Treasurer of Kent County.

Sheriff to keep book of entries 3608H. Section 12H. That the Sheriff of Kent County shall keep a book of entries, showing the number of prisoners for whom he has secured employment, their names, the weekly earnings of each collected by him, the total sum collected, and the amounts, and to whom, disbursed, and shall submit to the Comptroller of the County a monthly detailed statement thereof.

Levy Court may employ 3608I. Section 12I. In addition to the above provisions, the Levy Court of the County shall have power to employ convicts, for whom the Sheriff may not find employment, upon the public roads of the County, or upon the farm of the Trustees of the Poor, and to fix the compensation of such convicts. The convicts so employed shall be returned to the

JAILS AND WORKHOUSES.

County jail, as provided by 3608C. Section 12C., and the wages shall be paid to the Sheriff, as in other cases of employment, by orders of the Levy Court, or Trustees of the Poor, as the case may be; the same to be expended and accounted for by the Sheriff, as hereinbefore provided. In case any convict, while absent from the jail, under the provisions of this section, shall misbehave himself, escape, or attempt to escape, in addition to the penalties now provided by law, he, or she, shall also be subject to the same punishment, and forfeiture of any moneys due him, or her, as is hereinbefore provided in 3608 F. Section 12 F. and 3608G. Section 12G.

3608J. Section 12J. Any prisoner employed under the provisions of 3608A. Section 12A, 3608B. Section 12B., or 3608I. Section 12I, shall be considered as in the legal custody of the said Sheriff, notwithstanding his, or her, absence from the jail by reason of such employment, and any employer of any such prisoner shall be considered, as to him or her, the representative of, or keeper for, said Sheriff. <sup>prisoner, in the legal custody of</sup>

3608K. Section 12K. That any employer, or any other person, who shall counsel, advise, aid, assist, abet, or procure the escape of any prisoner employed outside of the jail, under the provisions of 3608A. Section 12A, 3608B. Section 12B, or 3608 I. Section 12I, shall be guilty of a misdemeanor, and shall either be fined or imprisoned, or both fined and imprisoned, at the discretion of the Court. <sup>Employer aiding in escape</sup>

Approved March 22, A. D. 1917.

## FENCES.

## CHAPTER 242.

## FENCES.

AN ACT to amend Chapter 103 of the Revised Code making it unlawful to maintain division hedges at a greater height than six feet.

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

Chapter 103,  
Revised Code  
amended

Section 1. Amend Chapter 103 of the Revised Code by adding at the end thereof a new Section which shall be Section 3632, Sec. 9, as follows:

To trim divi-  
sion hedges

3632. Sec. 9. DIVISION HEDGES; TRIMMING OF; VIOLATION OF MISDEMEANOR; PENALTIES: It shall be the duty of the owners, tenants, and occupants of farm land in this State to trim their respective shares of division hedges between adjoining farms at least once in every year to a height of not more than six feet.

Failure to  
perform

Penalty

Any owner, tenant, or occupant who shall fail to perform his duty under this Section shall be guilty of a misdemeanor, and upon conviction thereof before any Justice of the Peace shall be fined not exceeding Fifty Dollars, and in default of payment shall be imprisoned for a period not exceeding thirty days.

Approved April 18, A. D. 1917.

## TITLE NINETEEN

### Courts

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#### CHAPTER 243.

##### GENERAL PROVISIONS CONCERNING COURTS.

AN ACT to amend Chapter 108 of the Revised Code of Delaware by increasing the contingent fund of the official Court stenographer.

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

That Chapter 108 of the Revised Code of Delaware be <sup>Chapter 108, Revised Code amended</sup> and the same is hereby amended, by the repeal of the third paragraph of 3694. Section 12, and the insertion in lieu thereof of another third paragraph, which shall be styled 3694. Section 12, as follows:

3694. Sec. 12. He shall make and file in the Supreme <sup>Shall make and file</sup> Court, within sixty days after completion of trial or hear- <sup>transcripts of</sup> ing, complete typewritten transcripts of the proceedings below in all cases appealed to the Supreme Court from the Courts mentioned in this section, and shall receive therefor such sum as may be approved by the Court, not exceeding ten cents per folio of one hundred words; said latter sum to be approved by the Chief Justice or presiding judge, and paid by the State Treasurer. When two of any of the lower courts mentioned in this Section shall be in session at the



## INDICES OF NEW CASTLE COUNTY.

## CHAPTER 244.

GENERAL PROVISIONS CONCERNING COURTS.  
INDICES OF NEW CASTLE COUNTY.

AN ACT to amend Chapter 108 of the Revised Code of Delaware, in relation to the indices of mortgages 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 Chapter 108 of the Revised Code of Delaware be and the same is hereby amended by adding <sup>Chapter 108, Revised Code amended</sup> after 3699 Section 17 thereof a new section to be styled 3699 A. Section 17 A.

3699 A. Section 17 A. It shall be the duty of the Resident Associate Judge of New Castle County, during the <sup>To appoint a Commissioner</sup> month of May in each year, to appoint a Commissioner whose duty it shall be, on or before the Fifteenth day of <sup>Duties of</sup> each and every month, to examine all entries of the satisfaction of Mortgages in New Castle County, and to enter in the index opposite the record of each and every Mortgage which he finds to be legally and fully satisfied the word "Satisfied," together with his signature as Commissioner; the term of office of said Commissioner shall be for one year commencing on the first day of June after his appointment; any vacancy occurring in said office, by reason of death, resignation, removal from the County or otherwise, shall be filled by the said Resident Associate Judge for the unexpired term. The said Commissioner shall receive for his said services a reasonable compensation to be fixed and <sup>Compensation</sup> paid by the Levy Court.

Approved April 25, A. D. 1917.

## INDICES OF SUSSEX COUNTY.

## CHAPTER 245.

GENERAL PROVISIONS CONCERNING COURTS.  
INDICES OF SUSSEX COUNTY.

AN ACT to authorize the Judge of the Orphans' Court of the State of Delaware, in and for Sussex County, to appoint two commissioners to make new indices for the Orphans' Court Records of Sussex County, using the Campbell System of Indexing.

WHEREAS, the indices to the Orphan's Court Records in the Office of the Clerk of the Orphans' Court, in and for Sussex County, are in a dilapidated condition, with leaves loose; and

WHEREAS, there is great danger that these indices, which are of immense value to the Courts and citizens of the State, shall be mutilated or lost; now, therefore,

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

Judge of the  
Orphans'  
Court to  
appoint

Section 1. That the Judge of the Orphans' Court being resident in Sussex County, be and he is hereby authorized and directed to appoint two citizens of Sussex County, with authority to make new indices of the records in said Orphans' Court.

Duties of

The Commissioners so appointed are hereby authorized to procure such books as shall be necessary and proper for that purpose, the cost of which shall be paid by the Levy Court of Sussex County.

How ap-  
pointed

Said Commissioners shall be appointed, one from each of the two principal political parties, and after the said indices are completed, they shall become and be the indices

## INDICES OF SUSSEX COUNTY.

for the Orphans' Court, in and for Sussex County aforesaid, in lieu of those now in said Orphans' Court Office.

Section 2. The said Commissioners shall receive for their services in making said indices, authorized by this Act, a just and reasonable compensation, not to exceed the sum of Two Hundred Dollars, to be determined by the Judge of the Orphans' Court, being the Resident Judge of Sussex County, and shall be paid the sum so awarded by said resident Judge, by the Levy Court of Sussex County, upon having filed with it the certificate of said resident Judge, as to the sum awarded by him to the said Commissioners.

Approved April 2, A. D. 1917.



## JUDICIAL REPORTS.

## CHAPTER 246.

## JUDICIAL REPORTS.

AN ACT to provide for a Second Edition of Volumes 1, 2 and 3 of the Delaware Chancery Reports.

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

The Chancellor authorized to have printed

Section 1. That the Chancellor be and is hereby authorized and directed to have printed and published at least four hundred copies of each of Volumes 1, 2 and 3 of the Delaware Chancery Reports, and to deposit in the State Library one hundred copies of each volume of said Reports so printed, and on the certificate of the Secretary of State that one hundred of any volume of the said Reports have been so deposited in the State Library, the Governor is authorized to draw his warrant on the State Treasurer to pay for the printing of the same at the price of Eight Dollars (\$8.00) per copy of each of the volumes so deposited.

Deposit in State Library

Approved April 2, A. D. 1917.

JUDICIAL REPORTS.

CHAPTER 247.

JUDICIAL REPORTS.

AN ACT to authorize the printing and publishing of equity cases decided by former Chancellor John R. Nicholson, during his term of office as Chancellor, and not heretofore published in the Delaware Chancery reports.

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

Section 1. That John R. Nicholson, former Chancellor, be and he is hereby authorized and directed to collect and publish within a period of two years after the approval of this Act, such equity cases decided by him during his term of office as Chancellor and not heretofore published in the Delaware Chancery Reports, as in his judgment are proper to be reported.

Such cases to be printed and published in two volumes of not less than four hundred pages each, including an index. He shall deposit one hundred copies with the Secretary of State.

Section 2. All provisions of law relating to the publication of equity cases by the Chancellor, and payment for the same, shall apply to the volumes of reports herein above authorized.

Approved April 19, A. D. 1917.

## JUDICIAL REPORTS.

## CHAPTER 248.

## JUDICIAL REPORTS.

AN ACT to provide for a Second Edition of Volumes 5 and 6 of Houston's Reports and of Volume 1 of Houston's Criminal Reports.

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

The Associate Judge  
in Kent County  
to have  
printed and  
published

Payment for

Section 1. That the Associate Judge of the Superior Court, resident in Kent County, be and he is hereby authorized and directed to have printed and published at least four hundred copies of Volumes 5 and 6 of Houston's Reports and of Volume 1 of Houston's Criminal Reports, and to deposit in the State Library one hundred copies of each of the said Reports so printed; and on the certificate of the Secretary of State that one hundred copies of any volume of said Reports have been so deposited in the State Library, the Governor is authorized to draw his warrant on the State Treasurer to pay for the printing of the same at the price of Ten Dollars (\$10.00) per copy of each volume so deposited.

Approved April 2, A. D. 1917.

SUPERIOR COURT.

CHAPTER 249.

SUPERIOR COURT.

AN ACT authorizing the Superior Court and the Court of General Sessions to hold two sessions of said Courts at one and the same time in the same County, at such Terms of Court as they may designate; to apportion the business of said Courts as they may deem proper and to direct what Judge or Judges shall hear and dispose of the same; and for this purpose, they shall have power to direct the drawing of additional jurors for said Terms of Court.

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

That Chapter 112, of the Revised Code of Delaware, be <sup>Chapter 112, Revised Code</sup> and the same is hereby amended by adding to 3726. Sec. 2, the following:

3726 A. Sec. 2 A. From and after the passage of this <sup>Superior Court to hold</sup> Act, the Superior Court shall have full power to hold two sessions of said Court at one and the same time in the same County.

3726 B. Sec. 2 B. The said Court may hold two sessions <sup>What terms</sup> of said Court at any or all of the regular terms of said Superior Court and in New Castle County it may hold two sessions of said Court at the September Term of Court.

3726 C. Sec. 2 C. The said Court, after going over the trial and argument list of cases at said terms of Court and having marked the same for argument or trial, shall, if it <sup>May appoint for separate session</sup> deem proper, appoint or direct one or more of the Judges of said Court to hold a separate session of said Court, and assign to him such arguments, cases or business, as it may deem proper, for hearing, trial and final disposition or judgment.

## SUPERIOR COURT.

Powers of      3726 D. Sec. 2 D. The said Superior Court shall have power to direct that an additional panel of fifteen jurors be drawn when the regular panel is drawn, in order that two jury trials may be had at one and the same time, and the business of said two sessions of said Court be thus transacted and disposed of speedily and effectively.

3726 E. Sec. 2 E. When two sessions of said Superior Court shall be held as aforesaid, the Judges holding the same shall have all the jurisdiction, powers and authority in all respects, as is now vested in the present Superior Court, under the Constitution and Laws of the State, and the same remedies by appeal, certiorari, writ of error or otherwise, as are now applicable to the present Superior Court, shall in all respects be applicable in cases heard and tried before the Judge or Judges holding said two sessions of said Superior Court as aforesaid, the decisions and judgments of the Judge or Judges holding said two sessions of said Courts being always the decisions and judgments of the Superior Court of the State of Delaware.

3726 F. Sec. 2 F. The Court of General Sessions, when holding two sessions of said Court, shall have, in all respects, the same powers as to said Court as are conferred upon the Superior Court by this Act.

Approved April 19, A. D. 1917.

THE COURT OF COMMON PLEAS FOR NEW CASTLE COUNTY.

CHAPTER 250.

THE COURT OF COMMON PLEAS FOR NEW CASTLE COUNTY.

AN ACT creating a Court of Common Pleas for 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 all the members elected to each branch thereof concurring therein):*

SECTION 1. That Chapter 112 of the Revised Code of Delaware be, and the same is hereby amended, by adding <sup>Chapter 112, Revised Code amended</sup> at the end of said Chapter a new Chapter, to be known as Chapter 112 A, as follows:

3763 A. Sec. 1. That from and after the passage of this <sup>A Court to be known as</sup> Act there shall be, and there hereby is, created for New Castle County, a Court to be known as "The Court of Common Pleas for New Castle County."

3763 B. Sec. 2. This Court shall be composed of, be in <sup>In charge of</sup> charge of and be presided over by one of the Judges of the Superior Court, who shall be assigned from time to time, by the Superior Court, to hold said Court.

3763 C. Sec. 3. The said Common Pleas Court shall hold its first term of Court on the first Monday in May, A. D. <sup>To hold open court</sup> 1917, and it shall thereafter hold open Court continuously throughout the year, excepting the months of July and August, and it may hold Court during those months if it deem proper so to do. The said Judge need not hold Court on Saturday.

The said Court shall so regulate its sessions of Court during the regular terms of the Superior Court and the Court <sup>Not to interfere with</sup>

## THE COURT OF COMMON PLEAS FOR NEW CASTLE COUNTY.

of General Sessions for New Castle County, in the service of writs and otherwise, as not to inconvenience or interfere with the business of said Courts.

Place of  
holding

3763 D. Sec. 4. The said Court shall sit and hold Court in the City of Wilmington, in a room in the County Building for New Castle County and The Municipal Building for the City of Wilmington, to be selected and set apart for it by the Public Building Commission for the City of Wilmington and for New Castle County, and when the State Courts are not in session, it may hold Court in the rooms set apart for said State Courts.

Concurrent  
jurisdiction  
with

3763 E. Sec. 5. The said Court shall have concurrent jurisdiction in New Castle County with the Superior Court in all civil actions at law arising ex contractu, where the value of the matter or thing in controversy, exclusive of interest, shall be between the sums of Two Hundred and Five Hundred Dollars, and in all actions ex delicto where the value of the matter or thing in controversy, exclusive of interest, shall not exceed the sum of Five Hundred Dollars.

Certificate of  
valuation

The amount claimed by the plaintiff where the said claim is for a sum certain and not in excess of Five Hundred Dollars, exclusive of interest, shall be conclusive as to the jurisdiction of the said Court. In all actions at law whether ex contractu or ex delicto, not involving any sum certain, the plaintiff shall file with his statement of the case, a certificate as to the amount of damages claimed or the value of the thing or matter in controversy, which statement shall be conclusive as to the jurisdiction of the said Court. The said Court shall also have concurrent jurisdiction in actions of forcible entry, detainer and holding over of tenants, and in cases where children or grandchildren neglect or refuse to support their parents or grandparents and vice versa.

To receive  
pleas of  
guilty from

The said Court shall also have the same authority at all times to receive pleas of guilty from persons charged with crimes and misdemeanors, as is now exercised by the Court of General Sessions, and thereupon to impose sentence or

## THE COURT OF COMMON PLEAS FOR NEW CASTLE COUNTY.

parole, according to law, as fully as is now done by the Court of General Sessions.

And finally said Court shall have jurisdiction, power and authority to receive, hear, try and dispose of all such arguments, cases, matters and business as, by certificates of the Judges of the Superior Court or Court of General Sessions, may be assigned or transferred to it by the Superior Court or the Court of General Sessions of New Castle County, pursuant to the Rules of said Courts made for that purpose, provided the same come within the jurisdiction of the said Court of Common Pleas, and also in cases \*there the parties in interest are entitled to a jury trial, provided they, in writing, filed with said Superior Court, waive said jury trial.

3763 F. Sec. 6. The writs, rules and processes of said Court shall be served and executed by the Sheriff of New Castle County and his Deputies, and also by police officers of the City of Wilmington, provided, however, when the Superior Court or the Court of General Sessions are in Session, the right of said Court of Common Pleas to use the said County Officers shall always be subservient to the said Superior Court or the Court of General Sessions, and said officers shall not be used to the inconvenience or delay of said Courts in any way.

3763 G. Sec. 7. All cases tried before said Court shall be without a Jury or referees, provided, however, any party in interest may have a trial by Jury or referees to be chosen by the Judge of said Court, if the party desiring the same give security to pay for the expense incurred thereby. The Jury or referees shall be of such number, not exceeding five, as the party in interest asking for the same, shall request, and the verdict or finding of the majority of the Jury or referees shall be decisive.

3763 H. Sec. 8. From any order, ruling, decision or judgment of said Court, the aggrieved party shall have the

\* where



## THE COURT OF COMMON PLEAS FOR NEW CASTLE COUNTY.

rights of appeal or certiorari, to the Superior Court of New Castle County, in the same manner as is now provided by law as to causes tried before Justices of the Peace.

Any remedy by appeal, certiorari, writ of error or otherwise, from the judgment of said Superior Court, shall be as now provided by law, and as though said cause had originated in said Superior Court.

Civil actions,  
how com-  
menced

3763 I. Sec. 9. All civil actions in said Court shall be begun by filing a statement of the plaintiff's claim without the issuance of any formal writ. The said statements shall consist of a concise recital of the facts which the plaintiff claims gives rise to his cause of action, divided into paragraphs, consecutively numbered, as is now the practice in Bills filed in the Court of Chancery. Only one averment of fact as far as possible, shall be included in one paragraph. Where the Plaintiff's claim is based upon a written contract or other writing, a copy thereof shall be annexed to the statement of claim or reason given for the failure so to do. This statement may be filed by the plaintiff or his counsel. All statements shall be verified by the affidavit of the plaintiff or some responsible person for him, excepting counsel, and shall be signed by the plaintiff or his counsel, and shall be filed in duplicate.

Clerk of  
Court shall  
issue

The Clerk of said Court shall thereupon issue a summons under the seal of the Court, requiring defendant to appear and file an answer to the plaintiff's claim within ten days after service of the statement upon him. In default of the filing of an answer within ten days the plaintiff may take judgment against the defendant as of course. In order to prevent judgment as aforesaid, the defendant must file within ten days of the service of the summons and statement upon him as aforesaid, an answer which shall consist of a series of numbered paragraphs corresponding to the paragraphs in the plaintiff's statement of his claim and shall contain an admission or denial of each fact averred, provided that if the defendant alleges himself to be ignorant as to the facts averred in any paragraph, he may

## THE COURT OF COMMON PLEAS FOR NEW CASTLE COUNTY.

so state and place the plaintiff upon proof of the same as if they had been denied. All facts which the defendant does not deny or aver himself to be ignorant of and demand proof as aforesaid, shall be deemed to be admitted. The answer may be filed by the defendant or his counsel. All answers shall be verified by the affidavit of the defendant or some responsible person for him, excepting counsel, and shall be signed by the defendant or his counsel. If the defendant has filed an answer, the case shall be at issue without any formal pleas unless he sets up new matter in separate numbered paragraphs in addition to those answering plaintiff's averments; in which cases plaintiff may, within five days, reply to the same in the same manner and all new matter so averred and not denied by plaintiff, or of which he does not declare himself to be ignorant and demands proof, shall be deemed to be admitted. The case shall then be at issue. Plaintiff may move for judgment for want of a sufficient answer for all or a portion of the claim.

When a case is at issue it shall be the duty of the Judge of the said Court to arrange the trial thereof as promptly as possible, and notify counsel with as little delay as possible.

3763 J. Sec. 10. The said Judge of said Court shall have full power to adopt a seal, make and publish general rules regulating the practice and procedure therein and the keeping of its records, including a schedule of costs and fees, and providing for such deposits as may be deemed necessary, and subject to the provisions of this Act, shall have all the powers of a Court of Record possessed by the Superior Court of the State of Delaware. <sup>Judge shall have power to</sup>

3763 K. Sec. 11. All civil judgments rendered by the said Court shall be entered by the Clerk thereof in a judgment docket, which shall be properly indexed. Said judgment shall not be a lien upon the real estate, but a transcript thereof may be filed in the Office of the Superior Court, in and for New Castle County, in the same manner <sup>Judgments rendered</sup>

## THE COURT OF COMMON PLEAS FOR NEW CASTLE COUNTY.

Writs of  
execution

now prescribed by law for filing transcripts of judgments rendered by Justices of the Peace. Writs of execution for the seizure and sale of personal property based upon judgments obtained in said Court shall issue in the same manner as is now provided by law for writs issuing out of the Prothonotary's Office in New Castle County for the seizure and sale of personal property, provided, however, that said Court, if it deem it advisable so to do, may, by rule of Court made for that purpose, change said method of procedure.

Money re-  
ceived by

3763 L. Sec. 12. The fees, costs or other sums of money received by any Clerk, Sheriff or other officer or employee of said Court, shall be paid into the Treasury of New Castle County, excepting payments received towards the satisfaction of any judgment of said Court, or in pursuance to any rule of said Court, which sums so received shall be held by said Clerk, officer or employee of said Court, subject to the order of the Judge of said Court.

Clerk of  
Court

Duties of

Salary

3763 M. Sec. 13. The Superior Court shall appoint a Clerk for said Court of Common Pleas, who shall hold office during the pleasure of said Superior Court. The Clerk shall perform duties similar to those performed by the Prothonotary of the Superior Court, and such other duties as may be incident to said office, and as the Judge of said Court may direct him to perform. The said Clerk shall receive a yearly salary of Fifteen Hundred Dollars, to be paid by the Levy Court of New Castle County, as other County officials are paid.

The Clerk of the Peace for New Castle County shall act as Clerk of said Court of Common Pleas in the discharge of its criminal duties.

Court Crier

3763 N. Sec. 14. There shall be a Crier for said Court appointed by the Judge thereof, who shall receive a yearly salary of Two Hundred Dollars (\$200.00) payable by the Levy Court of New Castle County as other county officials are paid.

## THE COURT OF COMMON PLEAS FOR NEW CASTLE COUNTY.

3763 O. Sec. 15. The salary of the Judge holding said Court shall be Ten Dollars per diem for such time as he <sup>Salary of Judge</sup> may, during the respective months of the year, hold said Court, the same to be paid by the Levy Court of New Castle County, as other County officials are paid, upon Certificate of Attendance presented to said Levy Court by the Superior Court of New Castle County.

3763 P. Sec. 16. The invalidity of any Section or part thereof of this Act shall not affect the validity of any other Section or part thereof, which can be given effect without such invalid part.

Approved April 24, A. D. 1917.

## PROTHONOTARY.

## CHAPTER 251.

## PROTHONOTARY.

AN ACT to amend Chapter 113 of the Revised Code of the State of Delaware, by providing for the filing of notes, bonds and other papers, upon which judgment is entered by confession.

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

Chapter 113,  
Revised Code  
amended

Section 1. That 3767 Section IV, of the Revised Code of the State of Delaware be and the same is hereby amended by repealing all of 3767 Section IV, and inserting in lieu thereof the following to be known as 3767 Section IV.

Judgment  
confessed

"3767 Section IV.—Whenever judgment is confessed by virtue of a warrant of attorney for a penalty, the real debt and time from which interest is to be calculated, shall be entered upon the docket thereof as required by Section 23, Chapter 132, as provided by paragraph 673 Code of 1852; and the same shall be indorsed on any execution issued thereon.

Note, bonds,  
etc., to re-  
main as  
records until

All notes, bonds and other paper writing upon which judgment by confession is entered in the Superior Court, shall be filed with the Prothonotary, and shall remain as a portion of the records of said Court, so long as the judgment entered by virtue of such note, bond or other paper writing, shall remain unsatisfied. Upon the satisfaction of the said judgment, the note, bond or other paper writing shall become the property of the defendant in the judgment, and he shall be entitled to receive the same upon demand from the Prothonotary.

Approved April 20, A. D. 1917.

## JUVENILE COURT.

## CHAPTER 252.

JUVENILE DELINQUENTS AND PROBATION.  
JUVENILE COURT.

AN ACT to amend chapter 116, of the Revised Code of the State of Delaware as published in 1915, in relation to the Juvenile Court, for the purpose of fixing the salary for the Judge of the Juvenile Court, increasing the salary of the Chief Probation Officer, and creating the office of paid Assistants to the Chief Probation Officer of said Court.

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

Section 1. That Chapter 116, of the Revised Code of the State of Delaware, as published in 1915, be, and the same <sup>Chapter 116, Revised Code amended</sup> is, hereby amended by repealing 3830. Section 15, of said Chapter, and substituting in lieu thereof the following Section to be known and styled as 3830. Section 15:

3830. Sec. 15. JUDGE OF THE JUVENILE COURT; APPOINTMENT; QUALIFICATIONS; TERM OF OFFICE; COMPENSATION: <sup>The Judge of how appointed</sup>  
—The Judge of said Court shall be known as the Judge of the Juvenile Court, and shall be appointed by the Governor of the State of Delaware, without any regard for his political affiliations and his sole qualification shall be his fitness to be a juvenile Judge. The said judge shall hold office for a term of four years or until his successor is appointed, but <sup>Term of office</sup> may be reappointed for one or more terms. The said Judge shall receive a salary of Seven Hundred and Twenty Dollars <sup>Salary</sup> per annum, payable monthly, one-half by the Levy Court of New Castle County, and one-half by the Treasurer of "The Mayor and Council of Wilmington."

Section 2. That Chapter 116, of the Revised Code of the State of Delaware, as published in 1915, be, and the

## JUVENILE COURT.

same is, hereby amended by repealing 3833. Section 18, of said Chapter, and substituting in lieu thereof the following section, to be known and styled as 3833. Section 18:

Probation  
officers  
how  
appointed

3833. Sec. 18. PROBATION OFFICERS; COMPENSATION; APPOINTMENT; CHIEF PROBATION OFFICER; APPOINTMENT; COMPENSATION; HOW PAID; POWERS; DUTIES:—The Judge of the Juvenile Court shall have authority to appoint or designate one or more discreet persons, man or woman, of good moral character, to serve as Probation Officers during the pleasure of the Court. Said Probation Officers shall receive no compensation for their services.

Women  
Probation  
officers

Salary of

The Judge of the Juvenile Court shall have authority to appoint or designate three Probation Officers, who shall be women, of good moral character, who shall each receive a salary of Seven Hundred and Fifty Dollars per annum, payable monthly, one-half by the Levy Court of New Castle County, and one-half by the Treasurer of "The Mayor and Council of Wilmington," upon the order of the Judge of the Juvenile Court.

Chief Pro-  
bation  
officers

Salary

To be  
paid by

The Judges of the Superior Court shall appoint upon the recommendation of the said Judge of the Juvenile Court, provided they consider the recommendation a proper one, one Probation Officer who shall be designated as Chief Probation Officer and who shall receive a salary of Twelve Hundred Dollars per annum, payable monthly; and necessary expenses may be allowed such officer to an amount not exceeding Two Hundred Dollars per annum, in the discretion of the Juvenile Judge. Said salary and expenses shall be paid, one-half by the Levy Court of New Castle County and one-half by the Treasurer of "The Mayor and Council of Wilmington," upon the order of the Judge of the Juvenile Court. All Probation Officers shall be directly under the control of the Chief Probation Officer, and all paid Probation Officers shall possess all the power and authority of the Sheriff to make arrests and authority to go into the home of any delinquent or dependent child.

JUVENILE COURT.

When any child is to be brought before the Court, it shall be the duty of a Probation Officer to make investigation of such case and to be present in Court to represent the interests of the child when the case is heard, to furnish to the Court such information and assistance as the Court or Judge may require, and to take charge of any child before and after the trial, as may be directed by the Court.

Section 3. This Act shall become operative on the first day of July, A. D. 1917.

Approved April 4, A. D. 1917.



## JUVENILE COURT.

## CHAPTER 253.

JUVENILE DELINQUENTS AND PROBATION.  
JUVENILE COURT.

AN ACT to amend Chapter 116 of the Revised Code of the State of Delaware as published in 1915, in relation to the Juvenile Court, giving the right of appeal from the decision of said Court and providing for punishment of contempt of said court.

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

Chapter 116,  
Revised Code  
amended

Section 1. That Chapter 116 of the Revised Code of the State of Delaware as published in 1915 be, and the same is hereby amended, by inserting therein a new section, to be known and styled as 3837A, Section 22A;

Right to  
appeal

3837A. Sec. 22A. Wherever any child is taken by order of the Judge of the Juvenile Court from the custody of its parents, guardian or custodian, the said order of said judge shall be subject to review, and its parent, guardian or next friend, at any time within ninety days after the date of such commitment, upon giving security for costs as herein provided, may appeal to the Resident Associate Judge of New Castle County, who shall re-hear the case; and for that purpose shall cause said minor to be brought before him, and also the witnesses on behalf of the new custodian, and upon such re-hearing, if it shall appear to the Judge that such minor was without sufficient cause committed to the custody of the aforesaid new custodian, it shall be discharged, otherwise remanded to the custody of the said new custodian, and such judgment shall be final.

Such appeal shall not be allowed unless such parent, guardian or next friend shall give bond to the State of

## JUVENILE COURT.

Delaware in such amount, and with such surety as shall be approved by said Judge, conditioned for the payment of the cost of such appeal and re-hearing in case such minor shall not be discharged from the custody of said new custodian.

Section 2. That Chapter 116 of the Revised Code of the State of Delaware as published in 1915 be, and the same is hereby amended by inserting therein a new section, to be known and styled as 3840A, Section 25A; Chapter 116.  
Revised Code  
amended

3840A. Sec. 25A. Whoever shall knowingly advise, promote, or aid in the escape or running away of any child who is in charge of the Juvenile Court or of the Chief Probation Officer thereof, or who has been placed or committed by the said court with or to any person, citizen, family, institution, corporation, association or society, or who shall without legal authority, knowingly remove any such child from the person, citizen, family, institution, corporation, association or society where such child was placed or committed by the said court, or whoever shall aid in harboring or concealing any child who has escaped from the person, citizen, family, institution, corporation, association or society where placed or committed by said court, shall be guilty of contempt of court; and the Judge of said Court shall have power and authority to punish such contempt or any other contempt of said court with suitable penalties and to enforce the same by suitable and appropriate processes. Aiding to  
escape  
  
  
  
  
  
  
  
Contempt  
of Court

Approved April 2, A. D. 1917.

## COURT OF CHANCERY.

## CHAPTER 254.

## COURT OF CHANCERY.

AN ACT to amend Chapter 117 of the Revised Code of Delaware relating to the incidental expenses of the Court of Chancery.

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

Chapter 117,  
Revised Code  
amended

That Chapter 117 of the Revised Code of Delaware be, and the same is, hereby amended by repealing 3889, Section 46, and inserting in lieu thereof the following:

Incidental  
expenses of

3889. Section 46. INCIDENTAL EXPENSES OF COURT; HOW PAID; LIMIT OF:—Any expenses incidental to the Court of Chancery, not otherwise provided for by law, shall be paid for by orders on the State Treasurer, under the seal of the said Court; provided, that the amount so paid in any one year shall not exceed the sum of four hundred dollars.

Approved April 2, A. D. 1917.

# TITLE TWENTY

## Justices of the Peace

### CHAPTER 255.

#### JUSTICES' JURISDICTION IN CIVIL CASES FOR DEBT. JURISDICTION PROCEDURE.

AN ACT to amend Chapter 121 of the Revised Code, by giving to Justices of the Peace jurisdiction in cases of trespass by live stock and poultry, on the lands other than their owners.

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

Section 1. That Chapter 121 of the Revised Code be and the same is hereby amended by adding thereto immediate after 4004, Section 1, the following to be known as 4004 A, Section 1 A.

"4004 A, Sec. 1 A,—Justices of the Peace shall severally have jurisdiction within their respective counties, of all causes of action arising from trespass upon the land other than their owners, of horses, cattle, hogs, turkeys, geese, chickens, guineas, and all other animals and fowl, where the damage claimed is not more than One Hundred Dollars (\$100.00), with the right of appeal in all cases to the Superior Court, as in other civil actions."

Approved April 18, A. D. 1917.

JUSTICES' JURISDICTION IN TRESPASS, REPLEVIN AND DETINUE  
CASES.

CHAPTER 256.

JUSTICES' JURISDICTION IN TRESPASS, REPLEVIN AND DETINUE  
CASES.

AN ACT to amend Chapter 122 of the Revised Code of Delaware in  
relation to the jurisdiction of Justices of the Peace.

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

Chapter 122,  
Revised Code  
Repeal of  
title

New title

Section 1. That Chapter 122 of the Revised Code of the  
State of Delaware be, and the same is hereby amended by  
the repeal of the title of said Chapter and by inserting in  
lieu thereof the following: Justices' jurisdiction in trespass,  
replevin and detinue cases.

Chapter 122,  
Revised Code  
amended

Section 2. That said Chapter 122 of the Revised Code of  
the State of Delaware be, and the same is hereby further  
amended by adding the following new sections after 4065  
Section 4, which shall be styled 4065 A., Section 5, 4065 B.,  
Section 6, 4065 C., Section 7, 4065 D., Section 8, 4065 E.,  
Section 9, 4065 F., Section 10, 4065 G., Section 11, 4065 H.,  
Section 12, 4065 I., Section 13, 4065 J., Section 14.

Concurrent  
jurisdiction  
with

4065 A. Section 5. REPLEVIN; DETINUE:—Justices of the  
Peace shall severally within their respective counties have  
concurrent jurisdiction with the Superior Court of actions  
of replevin and detinue where the value of the property in  
controversy does not exceed the sum of Two Hundred Dol-  
lars (\$200.00).

Proceeding  
shall be by  
writ

4065 B. Section 6. MODE OF PROCEEDING; WRIT; HOW  
ISSUED; DATED; DIRECTED; FORM OF:—The proceeding shall  
be by writ. The writ shall be issued by the Justice under

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JUSTICES' JURISDICTION IN TRESPASS, REPLEVIN AND DETINUE  
CASES.

hand and seal, dated the day it is issued and directed to any constable of the County, describing the goods to be replevied or taken, and the place, day and hour for the Defendant's appearance, which shall not be more than fifteen days from the date. The writ shall be of the following form:

.....County, ss. The State of Delaware.  
To any Constable of.....County.

If.....give you security to prosecute  
.....complaint against.....WE THEN  
COMMAND YOU that you cause to be replevied and delivered to the said.....the following described  
goods and chattels to-wit:

.....of the value of.....  
dollars.....lawful money of the United  
States of America, the goods and chattels of the said  
.....AND WE FURTHER COMMAND  
YOU that you summon the said.....  
to appear before....., one of our  
Justices of the Peace, for the County aforesaid, at his office  
in....., on .....the  
.....day of....., at.....o'clock  
in the.....to answer unto the said.....  
of a plea of taking and improperly detaining the said goods  
and chattels of the said.....AND have you  
then there this writ.

WITNESS the hand and seal of the said Justice the.....  
day of.....A. D. 19 ..

4065 C. Section 7. WRIT; HOW ISSUED; RETURN; FORM  
OF:—Before service of the writ can be required the plain-  
tiff in the writ shall enter into a bond with sufficient surety  
to the constable on a penal sum of double the amount of  
the value of the property described in said writ conditioned  
that he will prosecute his said complaint with effect and

Issued by,  
and form

Plaintiff shall  
give bond

JUSTICES' JURISDICTION IN TRESPASS, REPLEVIN AND DETINUE  
CASES.

abide any judgment that may be entered against him; otherwise said bond to remain in full force and effect. Upon sufficient security being given it shall be the duty of the constable to whom said writ is delivered for service to serve said writ by taking possession of said property described in said writ and delivering it into the possession of the said plaintiff, unless the said defendant shall enter into a bond with sufficient surety unto the constable in a penal sum of double the amount of the value of the property described in said writ, conditioned for his appearance at the return of the writ and that he shall fully satisfy any judgment which shall be given against him, otherwise said bond to remain in full force and effect; and by procuring the said writ to the defendant and stating the substance of it, or by leaving a copy of it at his usual place of abode in the presence of some person, at least four days before the day of appearance. The service and the manner of service shall be stated in the return and a judgment by default shall not be rendered until the return is verified by the constable's affidavit in writing.

Return

4065 D. Section 8. STATEMENT OF CAUSE:—At or before the return of said writ the plaintiff shall file with the Justice issuing said writ a statement in writing setting forth all the necessary averments which the Plaintiff claims to constitute his right of action.

Statement  
of cause

4065 E. Section 9. JUDGMENT; NATURE OF; WHEN FOR DEFENDANT; COSTS; HOW COLLECTED:—If the defendant being duly summoned shall not appear, or if upon trial it shall be proved to the satisfaction of the Justice that the Plaintiff is entitled to the possession of the property, replevied and delivered, he shall have judgment for the possession thereof and for the costs; or if it should appear that he is entitled to the possession of a portion of the said property, replevied and delivered, he shall have judgment for the possession of the said portion of said property and the said defendant shall have judgment for the value of the

Judgment

AN  
AN

## JUSTICES' JURISDICTION IN TRESPASS, REPLEVIN AND DETINUE CASES.

other portion of said property, and each party shall pay his own costs; or if it should appear that the plaintiff is entitled <sup>Costs</sup> to the possession of all or a portion of said property and that said property replevied was left in the possession of the said defendant by reason of a bond having been given, as hereinbefore provided for, the said plaintiff shall have judgment for the value of the property to which he is entitled to the possession, and for the costs, otherwise judgment shall be for the defendant for the value of said property replevied and for the costs. In all judgments execution may be had to levy the amount thereof.

4065 F. Section 10. REFEREE TRIAL; WHEN; REFEREES; AUTHORITY OF; HELD BEFORE; REPORT OF; JUDGMENT THEREON; SUBSTITUTES; WHEN NO REFEREE TRIAL:—If the value of the property in controversy shall exceed Five Dollars (\$5.00) either party may claim a trial by referee and thereupon the Justice shall appoint three judicious and impartial men of the County to try the cause. They shall be sworn or affirmed that they will “faithfully and impartially try the cause pending between the said . . . . . plaintiff and . . . . . defendant and make a true and just report thereupon according to the evidence” and shall hear the allegations of the parties and their proofs; but if either party do not appear before them they may proceed in his absence and the said referees or any two of them agreeing shall make a report under their hands and return the same to the Justice who shall give judgment according to such report. If any referee appointed shall fail to appear or serve throughout the trial the Justice may supply his place by appointing and qualifying another; but there shall be no trial by referees if the defendant has not appeared. In all other cases the Justice shall hear the case and give judgment according to the right of the matter and the law of the land. <sup>May claim trial by referee</sup> <sup>Referee</sup>

4065 G. Section 11. REFEREES; COMPULSORY ATTENDANCE OF; HOW SUMMONED; CONTEMPT FOR NON-ATTENDANCE; PENALTY; HOW COLLECTED; WARRANT FOR COLLEC-



JUSTICES' JURISDICTION IN TRESPASS, REPLEVIN AND DETINUE  
CASES.

**TION; FORM OF:—**The Justice may require the attendance of referees whom he shall appoint and may issue a summons under hand and seal to a constable for summoning them to appear before him and if any referee duly summoned shall neglect to appear as required, or to be qualified and serve throughout the trial he shall, unless he show to the Justice a sufficient excuse, be adjudged to be guilty of contempt, and ordered to pay a fine of Five Dollars (\$5.00) which shall be levied with costs by distress and sale of such referee's goods and chattels by virtue of a warrant by the Justice to be directed to a constable in the following manner:

May summon  
referee

Fine for non-  
attendance

Form of  
warrant

.....COUNTY, ss. THE STATE OF DELAWARE.  
To any Constable of the said County Greeting:

Whereas, .....of.....has been adjudged by....., one of our Justices of the Peace for said County, to be guilty of a contempt in making default after due summons as a referee in a case pending before said Justice and has been ordered to pay a fine of Five Dollars (\$5.00) in pursuance of the Act of Assembly in such case provided and

Whereas, the said.....has neglected to pay the said sum, we therefore command you to levy the said sum of Five Dollars (\$5.00) with.....costs and your costs hereon by distress and sale of the goods and chattels of the said.....upon due notice given as upon other execution process.

Witness the hand and seal of the said Justice the.....  
day of .....A. D. .

Fees the  
same as

4065 H. Section 12. FEES; OF WITNESSES; OF CONSTABLES; OF JUSTICE:—In proceedings under Section 5 to 14 inclusive of this Chapter, witnesses shall have the same fees as for attendance before Justices of the Peace in other actions. The constable shall have the same fees for serving

## JUSTICES' JURISDICTION IN TRESPASS, REPLEVIN AND DETINUE CASES.

the writ, summoning referees and making levy upon an execution and making returns, thereof with an additional fee of One Dollar (\$1.00) for serving the writ, and the Justice shall have the same fees for issuing the writ, hearing the cause and entering judgment as prescribed by Chapter 156.

4065 I. Section 13. APPEAL:—Appeals shall be allowed <sup>Appeals</sup> from judgments given by Justices of the Peace in replevin and detinue cases, to the Superior Court. Such appeal shall be taken, docketed and dismissed in the same manner as is now provided by law for the taking, docketing and dismissing of appeals from Justices of the Peace in civil cases for debt.

4065 J. Section 14. JUDGMENT MAY BE FILED IN SUPERIOR COURT; WHEN; HOW; HOW ENTERED; BECOMES A LIEN ON REAL ESTATE; HOW ENFORCED; RIGHTS OF ASSIGN:—Any judgment entered under the provisions of Sec. <sup>Judgments made a lien, as provided</sup> tion 5 to 14 inclusive of this Chapter may be made a lien on real estate in the same manner as is provided by Section 30 of Chapter 121 of this Code.

Approved April 9, A. D. 1917.

# TITLE TWENTY-ONE

## Civil Actions, Pleading and Practice

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### CHAPTER 257.

#### COMMENCEMENT OF ACTIONS.

AN ACT to amend Chapter 124 of the Revised Code of the State of Delaware in relation to suits against corporations and the service of process.

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

Chapter 124,  
Revised Code  
amended

SECTION 1. That 4098. Section 14, of Chapter 124, of the Revised Code of the State of Delaware, be and the same is hereby amended by striking out all of said Section and by inserting in lieu thereof the following, to be known as 4098, Sec. 14.

Suits against  
corporations

Service of  
summons

"4098. Sec. 14. SUITS AGAINST CORPORATIONS:—Suits may be brought against any corporation, at law by summons, and by subpoena in Chancery. Process may be served on the President, or head officer, if residing in the State, and if not, on any officer, director, or manager of the corporation; and when a cause of action arises in this State against any Corporation incorporated outside of this State, and there is no President or head officer of such corpora-

COMMENCEMENT OF ACTIONS.

tion or any officer, director or manager thereof resident in this State, nor any certified agent thereof, for the service of process, resident in this State, process against such corporation may be served upon any Agent of such corporation then being in the State; and if such corporation shall appear, the suit shall proceed as in other cases, and if it shall not appear, the Plaintiff shall have judgment by default, or pro confesso decree, service of the process being first proved. In a suit upon the note of a Bank, payable at one of its branches, service of process upon the President, or cashier, of that branch, shall be sufficient. Copies of any rules of court, notice, proceeding, or order, may be served in the same way as original process, or upon the attorney of record.

In any suit against a corporatoin whose officers reside out of the State, process may be served by publishing the substance thereof in a newspaper of this State, and of the State where the head officer resides, twenty days before the return thereof, and such service shall be sufficient.

Service by  
publication

In respect to such corporation, ten days' notice of any motion, rule, order, or other matter, or proceeding, shall be sufficient. And such notice may be served personally on the president, or any director, or manager, or on the attorney of said corporation, or by copy of the rule, or other matter, sent by mail to the president, or head officer, at his usual place of abode, or by publishing the same in a newspaper near thereto.

Ten days'  
notice of

Service upon corporations may also be made, as provided by Section 48 of Chapter Sixty-five."

Approved April 25, A. D. 1917.

## ATTACHMENTS.

## CHAPTER 258.

## ATTACHMENTS.

AN ACT to amend Chapter 126 of the Revised Code of Delaware by providing for proceedings in actions begun by Writ of Foreign Attachment.

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

Chapter 126.  
Revised Code  
amended

Section 1. That Chapter 126 of the Revised Code of Delaware be amended by the repeal of 4145, Sec. 28 thereof, and the insertion in lieu thereof of the following, which shall be styled 4145, Sec. 28.

Writ of  
Foreign  
Attachment

4145, Sec. 28. The said Writ of Foreign Attachment shall be framed, directed, executed and returned, and like proceedings had, as in case of a domestic attachment, except that as to any such suits instituted subsequently to January 1st 1915, at any time before January 1st 1918, an appearance may be entered for the defendant, and defense made, without entry of security for the discharge of such attachment, at any time before the execution of the order of sale, or the writs of *feri facias*, *capias ad satisfaciendum*, or otherwise, as hereinafter provided, and any judgment which may have been entered upon any such suit shall, upon entry of such appearance and petition to the Court by the said defendant, through his attorney, be reopened and the defendant let into a trial. And on and after January 1st 1918, the defendant in any such attachment, at any time before judgment by default in said case, may cause an appearance to be entered and defense made without entry of security for the discharge of such attachment. In all such cases like proceedings may be had as in a case begun by summons, provided that the lien upon the

Appearance  
made without  
security

Proviso

## ATTACHMENTS.

property seized under said writs of foreign attachment shall in no respect be disturbed or affected by the entry of such an appearance, defense and proceedings thereupon as hereinabove provided, but shall remain as security *pro tanto* for the satisfaction of any personal judgment secured against a defendant so entering an appearance, for every plaintiff in a foreign attachment shall have the benefit of his own discovery, and after judgment may proceed by order of sale, *feri facias*, *capias ad satisfaciendum*, or otherwise, as on other judgments; provided further, that in such suits upon foreign attachment, there shall be no appointment of auditors for distribution among creditors; and provided further, that in case no appearance has been entered, as by this section provided, in said cause, the plaintiff, before receiving any sum under his judgment in foreign attachment, shall enter into recognizance, as required by Section 18.

Approved March 23, A. D. 1917.

# TITLE TWENTY-TWO

## Proceeding in Special Cases

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### CHAPTER 259.

#### RECOGNIZANCES AND BONDS AND PROCEEDINGS THEREON.

AN ACT providing for the satisfaction of recognizances, where the recognizees or their executors, administrators or assigns, refuse or neglect to enter such satisfaction within sixty days after said recognizance has been paid.

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

Refusal or  
neglect to  
enter satis-  
faction

File petition  
in Court of  
Chancery

Section 1. In all cases where Recognizances are liens on real estate in this State, and the same have been paid, and the Recognizees or their Executors, Administrators or Assigns, shall refuse or neglect to enter satisfaction of such Recognizance, on the record thereof in the office where the same is recorded or entered, within sixty days after the payment thereof, the Recognizers, or their Heirs or Assigns, may, upon sworn petition filed in the Court of Chancery of the County in which said Recognizance is recorded or entered, setting forth the facts, obtain from said Court a rule upon said Recognizees, or their Executors, Administrators or Assigns, returnable at such time as the said Court may direct, requiring such Recognizees, or their Executors, Administrators or Assigns, to appear on the day fixed by said Court and show cause, if any they have, why

## RECOGNIZANCES AND BONDS AND PROCEEDINGS THEREON.

such Recognizance shall not be marked satisfied on the record thereof. Such rule shall be served in such manner as directed by the Chancellor. In case the recognizees, or their Executors, Administrators or Assigns, reside out of the State, and cannot be served, the rule shall be continued, a copy thereof shall be published by the Sheriff in a newspaper of the County, once each week for four successive weeks, and upon proof of such advertisement by affidavit of the Sheriff, made at the time to which such rule was continued, shall be deemed and considered sufficient service of such rule. Upon the return of said rule, if the Chancellor shall be satisfied from the evidence produced that such recognizance, together with all interest and costs, due thereon, has been satisfied and paid, said rule shall be made absolute and the Chancellor shall order and decree that said Recognizance shall be satisfied, and shall order and direct the Register in Chancery, in whose office such Recognizance is entered, to enter on the record thereof full and complete satisfaction thereof.

Approved April 20, A. D. 1917.



DEMISE.

## CHAPTER 260.

## LANDLORD AND TENANT.

DEMISE.

AN ACT to amend Chapter 142 of the Revised Code of the State of Delaware by specifying the manner in which notice terminating leases shall be served.

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

Chapter 142,  
Revised Code  
amended

That Chapter 142, Article 1 of the Revised Code of the State of Delaware be and it hereby is amended by inserting a new paragraph, to be known as 4536 A. Section 5 A as follows:

How notices  
shall be  
served

4536 A. Section 5 A. The notice required by the foregoing Sections of this Article shall be served either personally upon the tenant or the landlord, or upon the tenant by leaving a copy thereof, in the presence of an adult person, upon the leased premises, and upon the landlord by leaving a copy thereof, in the presence of an adult person, at his or her last known place of abode. If the landlord shall be a corporation, firm or unincorporated association, service of the notice required by this Article may be made by leaving a copy thereof, in the presence of an adult person, at the last known office or place of business of such corporation, firm or unincorporated association.

Approved March 23, A. D. 1917.

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# TITLE TWENTY-FOUR

## Crimes and Punishments

### CHAPTER 261.

#### OFFENCES AGAINST THE LIVES AND PERSONS OF INDIVIDUALS.

AN ACT to amend Chapter 149 of the Revised Code of the State of Delaware, in relation to Crime of Robbery.

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

Section 1. That Chapter 149 of the Revised Code of the State of Delaware be, and the same is hereby amended, by repealing Paragraph 4716, Sec. 20 and inserting in lieu thereof a new paragraph which shall be styled Paragraph 4716, Sec. 20, as follows:

Chapter 149,  
Revised Code  
amended

"If any person shall feloniously take from the person of another by violence, or by putting in fear, any money, or other property, or thing, which may be the subject of larceny, he shall be deemed guilty of robbery and felony; and, if such robbery be committed on or near the highway, or in a dwelling-house, he shall be fined not less than three hundred nor more than five hundred dollars, shall be whipped with not more than forty lashes and shall be imprisoned not exceeding twelve years; and, if such robbery be committed in any other place than on or near the high-

Feloniously  
take from on  
highway of

fine

## OFFENCES AGAINST THE LIVES AND PERSONS OF INDIVIDUALS.

If not near  
highway

way, or in a dwelling-house, such person shall be fined not less than one hundred, nor more than five hundred dollars, shall be whipped with not more than twenty lashes and shall be imprisoned not exceeding three years."

Section 2. All Acts or parts of Acts inconsistent herewith are hereby repealed.

Approved March 26, A. D. 1917.

OFFENSES AGAINST PRIVATE PROPERTY.

CHAPTER 262.

OFFENSES AGAINST PRIVATE PROPERTY.

AN ACT prohibiting corporations from cutting down poles planted along the public roads.

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

SECTION 1. That hereafter it shall be unlawful for any corporation the owner of poles erected in or along the public highways, to cause or permit any of said poles to be cut down, leaving the butts remaining in the soil. Every violation of this Act shall be a misdemeanor and punishable by a fine of One Hundred Dollars.

Poles not to  
be cut down

Approved April 18, A. D. 1917.

## OFFENSES AGAINST RELIGION, MORALITY AND DECENCY.

## CHAPTER 263.

## OFFENSES AGAINST RELIGION, MORALITY AND DECENCY.

## AN ACT to regulate the holding of Camp Meetings.

WHEREAS, the holding of camp meetings or outdoor religious meetings is frequently attended with lawlessness, riots, and disorder, in consequence of which the various Counties of the State have been put to great expense in prosecuting the violators of the law.

AND WHEREAS, Proper supervision and regulation would prevent such disorder and consequent expense, therefore,

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

Must obtain  
permit

Section 1. That it shall be unlawful for any person, association of persons, church or religious corporation, to hold or conduct a camp meeting or outdoor religious meeting without first obtaining a permit authorizing the holding of such meeting.

Commission  
to issue

Section 2. That the Sheriff, the President of the Levy Court, and the Clerk of the Peace, of each County, be and they are hereby constituted a Commission for their respective Counties for the issuance of the permits required in the preceding Section.

Commission  
to investigate

Section 3. Whenever application is made to the Commission of any County for permission to hold camp meeting, or outdoor religious meeting, it shall be the duty of the Commission to investigate, and to ascertain whether or not the granting of such permit would be detrimental to the peace and good order of the community in which it is de-

## OFFENSES AGAINST RELIGION, MORALITY AND DECENCY.

sired to hold such meeting, and in making such investigation due regard shall be had to petitions or remonstrances of the citizens of such community.

If, after such investigation, the Commission is satisfied that it is proper to do so, a permit may be issued authorizing the holding of such camp meeting, or outdoor religious meeting; otherwise, such permit shall be refused. Each permit so issued shall specify clearly the place and time for holding such meeting. The Commissions herein provided are hereby authorized to make such reasonable rules and regulations in relation to the holding of camp meetings, or outdoor religious meetings, as they shall deem wise and proper, and may at any time for cause revoke any permit issued. The cost of issuing a permit as aforesaid shall be One Dollar (\$1.00), which sum shall be paid by the applicant on the issuance of such permit, and the fee shall be turned by the Commission into the funds of the County in which such permit is issued.

Section 4. Any person or persons, or the officers or agents of any corporation, who shall hold or conduct or assist in holding or conducting a camp meeting, or other outdoor religious meeting, without first obtaining the permit required by Section 1, shall be deemed guilty of a misdemeanor, and upon conviction, shall be punished by a fine or imprisonment, or both, in the discretion of the Court. Provided, however, that no permit shall be required in order to hold a camp meeting or outdoor religious meeting within any incorporated town, or within one mile of the corporate limits of any incorporated town.

Approved March 21, A. D. 1917.

## OFFENSES AGAINST RELIGION, MORALITY AND DECENCY.

## CHAPTER 264.

## OFFENSES AGAINST RELIGION, MORALITY AND DECENCY.

AN ACT to amend Chapter 153 of the Revised Code of the State of Delaware relating to offences against religion, morality and decency, by defining adultery and making the same a misdemeanor.

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

Chapter 153,  
Revised Code  
amended

That Chapter 153 of the Revised Code of the State of Delaware be and the same is hereby amended by inserting the following paragraphs to be styled, 4788 A Section 8 A, 4788 B Section 8 B, 4788 C Section 8 C, and 4788 D Section 8 D:

Definition of 4788 A Section 8 A. Adultery is the sexual intercourse of two persons either of whom is married to a third person.

4788 B Section 8 B. A person who commits adultery is guilty of a misdemeanor.

Punalty of 4788 C Section 8 C. A person convicted of adultery is punishable by imprisonment for a period of not more than one year, or by a fine of not more than \$500.00 or both.

Uncor-  
roborated  
testimony

4788 D Section 8 D. No person shall be convicted of the crime of adultery on the uncorroborated testimony of the person with whom the offence is charged to have been committed.

Approved April 9, A. D. 1917.

GENERAL PROVISIONS CONCERNING CRIMES AND PUNISHMENT.

CHAPTER 265.

GENERAL PROVISIONS CONCERNING CRIMES AND PUNISHMENT.

AN ACT to amend Chapter 155 of the Revised Code of the State of Delaware in relation to the Description of Money.

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

Section 1. That Chapter 155 of the Revised Code of the State of Delaware be and the same is hereby amended by repealing and striking out Paragraph 4831. Sec. 26, and inserting in lieu thereof a new Paragraph, which shall be known as Paragraph 4831. Sec. 26, as follows:

When money is the subject of larceny, and the same be metal, it shall be sufficient to allege in any indictment, sundry coins of the aggregate value of.....dollars; and if the same be paper money, it shall be sufficient to allege in any indictment, certain paper money of the aggregate value of.....dollars.

In any indictment the words "money," "dollars" or "cents" shall be construed to mean lawful money of the United States of America.

Section 2. All acts or parts of acts inconsistent herewith are hereby repealed.

Approved March 26, A. D. 1917.



## GENERAL PROVISIONS CONCERNING CRIMES AND PUNISHMENT.

## CHAPTER 266.

## GENERAL PROVISIONS CONCERNING CRIMES AND PUNISHMENT.

AN ACT providing for life imprisonment instead of capital punishment in certain cases.

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

Imprison-  
ment in  
certain  
cases

Section 1. That in all cases where the penalty for crime prescribed by the laws of the State of Delaware is death, if the jury shall, at the time of rendering their verdict, recommend the defendant to the mercy of the Court, the Court may, if it seems proper to do so, impose the sentence of life imprisonment instead of death.

Approved March 15, A. D. 1917.

GENERAL PROVISIONS CONCERNING CRIMES AND PUNISHMENT.

CHAPTER 267.

GENERAL PROVISIONS CONCERNING CRIMES AND PUNISHMENT.

AN ACT to amend Chapter 155 of the Revised Code of the State of Delaware in relation to Requisition of Fugitives from Justice.

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

Section 1. That Chapter 155 of the Revised Code of the State of Delaware be and the same is hereby amended by adding thereto a new paragraph, which shall be styled Paragraph 4844 A, Section 39 A, as follows:

Chapter 155,  
Revised Code  
amended

Any person arrested or detained for the commission of a crime in a foreign jurisdiction, may, after his rights to demand requisition papers have been fully explained to him, waive requisition and consent to return to the jurisdiction in which he is wanted. The waiver of requisition shall be in writing, and shall set forth that he voluntarily waives requisition and that his rights have been fully explained to and understood by him, which shall be signed by the prisoner and three other witnesses in his presence. The proper signing of such a waiver of requisition shall constitute ample authority for the sheriff, or other officer having the prisoner in custody, to deliver the prisoner to the duly authorized agent commissioned to receive him. The sheriff, or other officer having the prisoner in charge, before he surrenders the prisoner shall be satisfied that the agent is duly authorized and commissioned to receive the prisoner, and shall, unless the agent is a known peace officer, demand and retain the agent's warrant of authority,

May waive  
requisition

How made

## GENERAL PROVISIONS CONCERNING CRIMES AND PUNISHMENT.

which he shall file and preserve together with the prisoner's waiver of requisition.

Section 2. All acts or parts of acts inconsistent herewith are hereby repealed.

Approved March 26, A. D. 1917.

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# RESOLUTIONS

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## CHAPTER 268.

A JOINT RESOLUTION In support of the President of the United States.

WHEREAS, it has been the splendid record of the State of Delaware, that in all times of national crisis, she has been the first, or among the first to act;

AND WHEREAS the severance of diplomatic relations between this country and Germany bears witness to the gravity of the issue between those two nations, now therefore,

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

That in the name of the people of the State of Delaware, we do hereby express our approval of the latest action of the President of the United States, between the Government of Germany, and pledge him our loyal support both now and in any eventuality.

Approved Feby. 19, A. D. 1917.

## RESOLUTIONS.

## CHAPTER 269.

JOINT RESOLUTION authorizing the Governor to appoint a Commission to mark the line of the Delaware Troops on the Battlefield of Guilford Court House.

WHEREAS Congress has, by law, established the Battlefield of Guilford Court House, in the State of North Carolina, to be a Military National Park, whenever the title to the same shall have been acquired by the United States; and

WHEREAS said law provides that any State which had troops engaged in the Battle of Guilford Court House may enter upon the lands of said Park for the purpose of marking the lines of Battle of its troops engaged therein, the line designated and methods of marking before being permanently designated to be approved by the Secretary of War; and

WHEREAS many citizens of the State have expressed a desire and willingness to assist in establishing the line and erecting the proper markings or monuments in memory of the part taken by the Delaware troops in said Battle, through and under the direction of a commission authorized by the State; Therefore

Commission  
to mark line  
of Battle, at

*Be it resolved by the Senate and House of Representatives in General Assembly met* that the Governor be and he is hereby authorized to appoint a Commission consisting of five citizens of this State who shall have authority to mark the line of Battle of the Delaware troops at said Battle of Guilford Court House and to erect such marks,

RESOLUTIONS.

monument or monuments as they may think proper to <sup>To erect monument</sup> commemorate the part taken by the Delaware troops in said Battle, after securing the approval of such lines and marks or monuments by the Secretary of War, the same to be done without expense or liability for the cost to the State of Delaware.

Approved April 2, A. D. 1917.

## RESOLUTIONS.

## CHAPTER 270.

WHEREAS certain vouchers and other papers belonging to the State of Delaware were sent by Order of the Legislature of Delaware to the War Department of the United States in the prosecution of the claim of the State of Delaware against the United States, for expenses incurred by the State of Delaware in the War of 1812, previous to the time that the United States Government took control of the Delaware troops; and

WHEREAS these vouchers and other papers belonging to the State of Delaware have, since the year, 1818, remained in the possession of the War Department of the United States; and

WHEREAS the State of Delaware has a fitting place to deposit and keep its records, and is desirous of having the same returned to it;

Request of  
War Depart-  
ment to re-  
turn State  
papers

*Therefore, be it resolved by the House of Representatives of the State of Delaware, the Senate concurring therein,* that the War Department of the United States be requested to return all such vouchers and other papers which were deposited with the War Department, at the request of the War Department, and on the Order of the Legislature of the State of Delaware, in the prosecution of the aforesaid claim in the year 1818, to the Archives Commission of the State of Delaware, to be permanently kept as Delaware records.

Approved March 15, A. D. 1917.

## RESOLUTIONS.

## CHAPTER 271.

SENATE JOINT RESOLUTION providing for the ascertainment of the Military resources of the State of Delaware, and the utilization thereof.

WHEREAS, this Nation is in imminent danger of being drawn into the World War, now raging, to defend ourselves from the deprivations and aggressions of a ruthless foreign power; and

WHEREAS, our State is in a dangerous position upon the Atlantic Seaboard and particularly exposed to the attacks of the foreign enemy; and

WHEREAS, it is our duty to place at the disposal of the President all of the available resources of our State for use in the National defense and our particular interest to ascertain our resources;

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

Section 1. That the Governor is hereby authorized and empowered to cause a census of the men, materials and all other possible resources of the State for military use and to ascertain the possible dangers to our National defenses which may exist within the borders of this State and to employ the necessary agents to effectuate the purposes of this Resolution.

Section 2. It shall be the duty of all public officers and employees to assist the Governor and such agents as he may appoint in the making of the census and the ascertainment of the information aforesaid. Every person in this State shall give to the Governor or such agents all in-



## RESOLUTIONS.

formation of which he may be possessed concerning the matters and things intended to be ascertained in pursuance of the provisions hereof.

May mobilize  
the troops

Section 3. The Governor is further authorized, as and when the eventualities in his judgment require, to mobilize all or such of the State troops as are necessary, at some convenient point or points and to equip and maintain the same. He is further authorized to use all the necessary means to place all such troops with their accoutrements and equipment at the disposal of the President.

Call for  
additional  
troops

If it should become necessary in the judgment of the Governor to call additional troops for service either at home or abroad, he is hereby authorized to mobilize, equip and maintain the same, and when called by the President, to place such troops at the disposal of the Nation.

Authorized to  
draw on

Section 4. The Governor is hereby authorized and empowered to draw upon the State Treasurer and the State Treasurer is here authorized and directed to pay, upon the warrant of the Governor, out of any unappropriated money in the Treasury, such amount or amounts as the Governor shall certify to be necessary to carry out the provisions of this resolution.

Approved April 2, A. D. 1917.

RESOLUTIONS.

CHAPTER 272.

HOUSE JOINT RESOLUTION to appropriate money to pay the expenses of the General Assembly, the Governor and his staff and the Organized Militia of Delaware in attending the ceremonies of the Inauguration of the President of the United States.

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

Section 1. That the sum of Eight Thousand Dollars be <sup>inauguration</sup> and the same is hereby appropriated to pay the <sup>expenses</sup> expenses of the General Assembly, the Governor and his staff, and the members and officers of the Organized Militia of Delaware in attending the ceremonies of the Inauguration of the President on the Fifth day of March, 1917.

Section 2. That the said money, or so much thereof as is necessary, shall be paid by the State Treasurer to the Adjutant General upon his order.

Approved February 28, A. D. 1917.

## RESOLUTIONS.

## CHAPTER 273.

WHEREAS, the Militia of the State of Delaware were called into the Federal Service by the President of the United States on June 18, 1916, and two Battalions of the Organized Militia of Delaware responded and were accepted for this service for Delaware's quota of soldiers. Therefore,

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

Medals for  
Mexican  
Border  
service

That each of the officers and men serving during the period for which they were in actual service, be presented on behalf of the State, with a medal bearing the fac simile of the State Seal, and on the reverse side his name and the legend "Awarded by an Act of General Assembly of Delaware, in Recognition of Mexican Border Service, under the call of the President, June 18, 1916."

Approved March 22, A. D. 1917.

## RESOLUTIONS.

## CHAPTER 274.

## HOUSE JOINT RESOLUTION.

WHEREAS, THE GENERAL ASSEMBLY, During the session of 1915, passed an Act entitled "An Act providing for the erection of a State Armory at New Castle," the said Act being Chapter 26, Volume 28, Laws of Delaware, and

WHEREAS, By the said Act the sum of Fifteen Thousand Dollars was appropriated for the construction of said Armory, and

WHEREAS, The Armory Commission, as provided in said Act, did have plans and specifications prepared for the construction of said Armory, and advertised for bids for the construction of the same, and

WHEREAS, It was found that the said Armory cannot be constructed for the said sum of Fifteen Thousand Dollars, this mainly on account of the increased cost of materials, and

WHEREAS, It is advisable that the said Armory be constructed,

THEREFORE:

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

That, the further sum of Four Thousand Dollars, or as much thereof as is needed, is hereby appropriated out of the State Treasury, to be paid by the State Treasurer, upon warrants drawn by the Armory Commission, to be used in erecting a State Armory in the City of New Castle.

Approved April 2, A. D. 1917.

## RESOLUTIONS.

## CHAPTER 275.

WHEREAS, the grave of Daniel Rogers, who served as Governor of Delaware from 1797 to 1799, located on private land in South Milford, and the grave of Joseph Haslet, who served as Governor of Delaware from 1811 to 1814, and for a second time in 1823, located near the village of Cedar Creek in Sussex County, are both neglected, and the tombstones in the enclosures surrounding said graves are falling into decay; and

WHEREAS, the services rendered by these men to the State justify the State of Delaware in interesting itself in the preservation of their remains, by reintering the same in a secure and proper place, Therefore,

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

Re-inter-  
ment of the  
remains of

That a joint Committee, consisting of Lewis E. Eliason, Lieutenant Governor, representing the State, Oliver A. Newton, representing the Senate, and John Prettyman, representing the House of Representatives, be and are hereby appointed to arrange for the removal of the remains of Governor Daniel Rogers and wife, and Governor Joseph Haslet and family from their present places of interment, and also provide for their reinterment, and the replacing of the tombstones now marking their graves, in the Odd Fellows' Cemetery in the Town of Milford in this State; the expenses incident to their removal shall be borne by the State, provided said expenses shall not exceed the sum of Three Hundred Dollars, and provided said Commission shall report to the General Assembly a detailed statement showing the items of expenditure incurred in carrying out the objects of this Resolution.

Approved March 21, A. D. 1917.

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RESOLUTIONS.

CHAPTER 276.

SENATE JOINT RESOLUTION providing for securing portrait of certain State Officer.

WHEREAS, it appears that the State possesses portraits of most of the Governors of the State, and

WHEREAS, it is deemed advisable to maintain the said collection and add thereto, therefore

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

That the Secretary of State, the President pro tempore of the Senate and the Speaker of the House be and the same are hereby appointed a Commission and serve without pay to procure an oil portrait of Hon. Ebe W. Tunnell and have the same properly marked showing the name, time of service, etc., and have same placed in the Capitol, and

To procure  
an oil por-  
trait of

*Be it further resolved,* that the State Treasurer is hereby authorized and directed to pay out of any moneys in the State Treasury, not otherwise appropriated, on vouchers drawn by said Commission named above, an amount necessary to carry this resolution in effect.

Approved March 22, A. D. 1917.

## RESOLUTIONS.

## CHAPTER 277.

HOUSE JOINT RESOLUTION providing for the furnishing of stamps to the members of the General Assembly.

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

Furnishing  
of stamps  
for members

That the State Librarian be instructed to furnish postage stamps for the use of the members of the House of Representatives and the Senate of the State of Delaware, the amounts furnished to be deducted from their twenty-five Dollar allowance; and the State Librarian is hereby authorized to draw on the State Treasurer for a sufficient amount to cover the expenditure authorized by this resolution.

Approved February 19, A. D. 1917.

## RESOLUTIONS.

## CHAPTER 278.

HOUSE JOINT RESOLUTION providing for the budget system in appropriations by the present general Assembly.

WHEREAS it has been the custom in this State for each General Assembly to appropriate large sums of money without regard to the condition of the State Treasury; and

WHEREAS this system has resulted in much confusion and embarrassment to the different departments of the State Government; and

WHEREAS it is the universal desire that the General Assembly shall first provide for the necessary expenses of the State Government for the two ensuing fiscal years;

*Therefore be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly:*

Section 1. That the Governor shall be requested to submit to the General Assembly two budgets, one for each of the ensuing fiscal years. Each budget shall contain a complete plan of proposed expenditures and estimated revenues Budget for revenues and expenses for the fiscal year to which it relates, and shall show the estimated surplus or deficit of revenues at the end of such year. Accompanying each budget shall be a statement showing (1) The revenues and expenditures of each of the two fiscal years next preceding; (2) The current assets, liabilities, reserves and surplus or deficit of the State; (3) The debts and funds of the State; (4) An estimate of the State's financial condition as to the beginning and end of each of the fiscal years covered by the two budgets above provided; (5) Any explanation the Governor may desire to make as to the improvement features of any budget and



## RESOLUTIONS.

any suggestion as to methods for the reduction or increase of the State's revenue.

Classification of

Section 2. Each budget shall be divided into two parts, and the first part shall be designated "Governmental Appropriations" and shall embrace an itemized estimate of the appropriations: (1) For the General Assembly as certified to the Governor in the manner hereinafter provided; (2) For the Executive Department; (3) For the Judiciary Department; (4) To pay and discharge the principal and interest of the debt of the State of Delaware, if any; (5) For all salaries payable by the State; (6) For the establishment and maintenance of free public schools of the State; (7) For any other expenses of the State necessary under the Constitution.

Section 3. The second part shall be designated "General Appropriations" and shall include all other estimates of appropriations. The Governor shall deliver to the presiding Officer of each House the budgets, and a copy of a bill for all the proposed appropriations of the budget, clearly itemized and classified, and the Presiding Officer of each House shall promptly cause such bill to be introduced therein, and such bill shall be known as "The Budget Bill." The Budget Bill shall have priority over all other bills or motions, except the motion to adjourn. The Governor may, before final action thereon by the General Assembly, amend or supplement either of said budgets, to correct an oversight, or in case of an emergency, with the consent of the General Assembly, by delivering such an amendment or supplement to the Presiding Officers of both House; said amendment or supplement shall thereby become a part of said Budget Bill as an addition to the items of said Bill, or as a modification or substitution for any item of said bill, such amendment or supplement may effect. The General Assembly may amend the bill by increasing or diminishing the items therein, in any way that is not contrary to the Constitution of the State of Delaware.

Section 4. The Governor and such representatives of

## RESOLUTIONS.

the Executive Department and of other departments, Boards, Officers and Commissions of the State, expending or applying for State's moneys, shall have the right to be heard with respect to any budget bill, during the construction thereof, and to answer inquiries relative thereto. <sup>Rights to be heard</sup>

Section 5. Neither House shall consider other appropriations until the Budget Bill has been finally acted upon by both House, and no such other appropriations shall be passed by either House, except in accordance with the provisions following:

(1) Every such appropriation shall be embodied in a separate bill, limited to some single work, object or purpose therein stated, and called herein a supplementary appropriation bill. Each supplementary appropriation bill shall, by its provisions, provide or designate the source from which the money therein appropriated is to be derived.

Section 6. The Governor, for the purpose of making up his budgets, may require from the proper State Officials, including herein all Departments, both Executive and Administrative, all Boards, Commissions and Agencies, <sup>Manner of making up estimates</sup> expending or supervising the expenditure of, and all institutions applying for State moneys and appropriations, such itemized estimates and other information, in such form and at such times, as he shall desire. The estimates for the Legislative Department shall be certified by the presiding Officer of each House, and shall be included in the budget without revision. The estimate for the public schools shall be furnished by the State Board of Education and shall be included in the budgets without revision.

Section 7. The Governor shall include in his budget, <sup>General appropriations</sup> under the title "General Appropriations" an estimate of the amounts which can be appropriated under miscellaneous appropriations, necessary for the welfare of the State, and a number of bills carrying sufficient appropriation

## RESOLUTIONS.

may be passed to exhaust the miscellaneous fund so estimated, without providing any other source or revenue than the miscellaneous fund so as aforesaid estimated by the Governor to be available.

Approved March 15, A. D. 1917.

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RESOLUTIONS.

CHAPTER 279.

A CONCURRENT RESOLUTION authorizing the Clerks of the two branches of the General Assembly to draw upon the State Treasurer to meet the expenses of the General Assembly in its visit to Delaware College, in the town of Newark.

*Be it resolved by the House, the Senate concurring therein.*

That the Clerk of the House of Representatives, and the Clerk of the Senate, be and each one hereby is authorized and directed to draw upon the State Treasurer for such an amount of money as will defray the expenses of the General Assembly in its visit to Delaware College in the town of Newark.

Approved February 26, A. D. 1917.

## RESOLUTIONS.

## CHAPTER 280.

## HOUSE CONCURRENT RESOLUTION.

*Be it resolved by the House of Representatives of the State of Delaware in General Assembly met, the Senate concurring therein:*

Authorizes  
State Treas-  
urer to pay

That the State Treasurer is hereby authorized and directed to pay such approved bills as are chargeable to the regular, usual and annual appropriations made by the General Assembly, which shall become due and payable between the date of the close of the fiscal year, ending January 11th, 1917, and the passage of the General Appropriation Bill.

Approved February 1, A. D. 1917.

RESOLUTIONS.

CHAPTER 281.

A JOINT RESOLUTION appropriating thirty-two hundred dollars to pay for additional help and expenditures in the office of the Secretary of State.

WHEREAS, the appropriation of Three Thousand Dollars for contingent expenses in the office of the Secretary of State has proven to be inadequate; and

WHEREAS, the clerical force in the office of the Secretary of State cannot perform all of the work necessary to be performed in said office; now, therefore,

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

That the sum of Thirty-Two Hundred Dollars be and the same is hereby appropriated out of any money in the State Treasury, not otherwise appropriated, for the purpose of employing two additional Clerks in the office of the Secretary of State, and such other contingent expenses as may be found necessary to be met.

Appropriation for Secretary of State's office

Approved February 27, A. D. 1917.

## RESOLUTIONS.

## CHAPTER 282.

SENATE JOINT RESOLUTION authorizing and requiring the Secretary of State to furnish to each member of the Ninety-Sixth General Assembly a permanently bound copy of the Revised Code of the State of Delaware, and of Volumes 28 and 29, Laws of Delaware.

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

Copies of  
law books to  
members of

Section 1. That the Secretary of State be and is hereby authorized and required to furnish and deliver to each member of the Ninety-sixth General Assembly a copy of the Revised Code of the State of Delaware, and of Volumes 28 and 29, Laws of Delaware.

Approved April 2, A. D. 1917.

## RESOLUTIONS.

## CHAPTER 283.

HOUSE JOINT RESOLUTION with reference to printing the Code Numbers and Sections in Volume 29 and succeeding Volumes of Delaware Laws.

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

Section 1. That the Secretary of State be and he is hereby authorized and directed to place at the conclusion of Volume 29, and succeeding volumes of Delaware laws the Code number, section, and page of the volume, of all additions or amendments to the Revised Code occurring in said volume, the Code numbers to be in numerical order. Code numbers and sections to be placed

Section 2. That the Secretary of State is further authorized and directed to insert at the conclusion of Volume 29, all of the Code numbers, sections and page and volume of all additions and admendments to the Code to be found in Volume 28 of the Laws of Delaware.

Approved April 25, A. D. 1917.



## RESOLUTIONS.

## CHAPTER 284.

HOUSE JOINT RESOLUTION authorizing the Secretary of State to have printed the Election Laws.

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

Election laws  
to be printed

That the Secretary of State be and he is hereby authorized to have printed in pamphlet form, with an index thereto, two thousand copies of the Election and Registration Laws with the recent amendments thereto, for the information of those who register the vote and hold the elections of this State, and the Secretary of State is hereby directed and authorized to print as a part of said pamphlet Sections one, two and three of Article Five of the Constitution of the State of Delaware.

Approved April 2, A. D. 1917.

RESOLUTIONS.

CHAPTER 285.

HOUSE JOINT RESOLUTION authorizing the Secretary of State to have printed the General Corporation Law as amended.

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

That the Secretary of State is hereby authorized to have printed in pamphlet form, with a proper index thereto, five thousand copies of the General Corporation Law, as amended for public distribution in order to further the interests of the State.

Approved April 2, A. D. 1917.

## RESOLUTIONS.

## CHAPTER 286.

HOUSE JOINT RESOLUTION authorizing the Secretary of State to have printed the Constitution of the State of Delaware.

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

To print the  
Constitution  
of the State

That the Secretary of State is hereby authorized to have printed in pamphlet form, with a proper index thereto, two thousand copies of the Constitution of the State of Delaware, as amended, for distribution among the people of the State.

Approved April 2, A. D. 1917.

RESOLUTIONS.

CHAPTER 287.

HOUSE JOINT RESOLUTION authorizing the Commissioner of Education to have printed the School Laws of the State of Delaware.

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

That the Commissioner of Education is hereby authorized to have printed in pamphlet form, with a proper index thereto, two thousand copies of the School Laws of the State of Delaware, as amended, for distribution among the people of the State.

Approved April 2, A. D. 1917.

## RESOLUTIONS.

## CHAPTER 288.

JOINT RESOLUTION, appointing Directors for the Farmers' Bank of the State of Delaware for the Branch at Wilmington.

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

Farmers'  
Bank  
Directors

That Joshua Ernest Smith, David Snellenberg and Ezekiel Cooper be and they are hereby appointed Directors on the part of the State of the Farmers' Bank of the State of Delaware for the branch at Wilmington.

Approved March 15, A. D. 1917.

RESOLUTIONS.

CHAPTER 289.

JOINT RESOLUTION appointing Directors on the part of the State  
for the Farmers' Bank of the State of Delaware, at Dover.

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

That James H. Wilson, William D. Denney, and William <sup>Farmers'</sup>  
Watson Harrington, be and they are hereby appointed Di- <sup>Bank</sup>  
rectors on the part of the State, of the Farmers' Bank of <sup>Directors</sup>  
the State of Delaware for the Branch at Dover.

Approved March 15, A. D. 1917.

## RESOLUTIONS.

## CHAPTER 290.

JOINT RESOLUTION appointing Directors on the part of the State  
for the Farmers' Bank of the State of Delaware, at Georgetown.

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

Farmers'  
Bank  
Directors

That William J. Thoroughgood, John G. Townsend, Jr.,  
and Walter B. Hilyard be and they are hereby appointed  
Directors on the part of the State of the Farmers' Bank  
of the State of Delaware for the branch at Georgetown.

Approved March 15, A. D. 1917.

## RESOLUTIONS.

## CHAPTER 291.

## SENATE CONCURRENT RESOLUTION.

*Be it resolved, by the Senate, the House concurring therein*, that the Committee on Accounts of the Senate and the Committee on Accounts of the House of Representatives be and they are hereby constituted a Committee to audit the accounts of the State Treasurer, the Secretary of State and other State officers and State Institutions and they are hereby authorized to employ expert assistance, and are directed to report their finding to the General Assembly on or before the twenty-third day of March, 1917.

Approved March 1, A. D. 1917.



## RESOLUTIONS.

## CHAPTER 292.

SENATE JOINT RESOLUTION relative to the establishment of definite lines of division between federal and state taxes, and the calling of a congress of the States to consider conflicting jurisdictions of the federal and state governments.

WHEREAS, In the exercise of its taxing power the federal government is embracing the sources of revenue heretofore not availed of by that government; and

WHEREAS, There exists a line which separates the taxable units that equitably and logically may be left solely to state taxation from the units logically belonging to the broader federal jurisdiction; and

WHEREAS, the establishment of some reasonable line of division giving to the states sole taxing authority below such line, and to the federal government sole taxing authority above such line, would cure much of the trouble existing because of conflict of jurisdiction between states; would relieve the tension between federal and state governments; would result in great economy in the levying and collection of taxes, and would relieve the growing dissatisfaction on the part of the taxpayer resulting from irritating and expensive duplication of accounts and reports and double taxation; now, therefore, be it

*Resolved by the Senate and House of Representatives of the State of Delaware, in General Assembly met:*

Congress of  
States to  
consider  
revenues

That we respectfully urge upon the Congress of the United States and the legislatures of the several states the need of holding a congress of the states to consider the subject of federal and state sources of revenue, with the

## RESOLUTIONS.

object of adopting and urging upon the Congress of the United States a definite policy in the segregation of state and federal revenue; and we urge the legislatures of the other states to provide for attendance of representatives at such congress; and that the President of the United States be invited to appoint a representative and that both Houses of the Congress of the United States be invited to appoint representatives to attend such conference; and that a copy of these resolutions be forthwith transmitted by the Secretary of the Senate to the President of the Senate of the United States, and to the Speaker of the House of Representatives of the United States; a copy hereof to each member of congress from the State of Delaware, and a copy to the President of the Senate and to the Speaker of the House of Representatives of each of the State legislatures in session at this time.

Approved April 2, A. D. 1917.

## RESOLUTIONS.

## CHAPTER 293.

HOUSE JOINT RESOLUTION providing for a Commission to recommend legislation to consolidate and make uniform the drainage laws of this State.

WHEREAS, under the Ditch Laws of this State, there are, at present, numerous large and small Ditch Companies, few of which keep the ditches over which they have supervision in good condition; and

WHEREAS, in some sections of the state there are as many as three Ditch Companies for different sections of the same ditch; and

WHEREAS, this condition has resulted in much damage to the farm lands of the state; *now therefore,*

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

Drainage  
Commission

Section 1. That the Governor of the State of Delaware be and he is hereby authorized to appoint a Drainage Commission composed of six members, two of whom shall be from each of the three Counties of the State, to suggest legislation to the next General Assembly of this State, looking toward the consolidation and making uniform of the Drainage Laws of this State, and particularly to investigate the proposition of drainage by county supervision.

Compensation

Section 2. That the Commissioners shall receive as compensation for their services a sum not exceeding Five Hundred Dollars, and that amount is hereby appropriated out of the Treasury of this State; and the State Treasurer is authorized to pay out this amount, on the authority of vouchers signed by a majority of said Commissioners.

Approved April 2, A. D. 1917.

## RESOLUTIONS.

## CHAPTER 294.

SENATE JOINT RESOLUTION to carry into effect an Act entitled,  
"An Act Providing for a method of recording, filing, and certifying  
all Acts and Resolutions passed by the General Assembly.

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

That Henry Hollingsworth and Jesse L. Wainwright be, <sup>Recording, filing and certifying all Acts</sup> and the same are, hereby elected Bill Clerks for the current Session of the General Assembly, and be it further resolved that the Chairman of the Committee on Rules of the Senate and House, and the Chairman of the Committee of Passed Bills of the Senate and House are hereby authorized and directed to instruct said Bill Clerks in their duties as such, in order to carry into effect "An Act Providing for a Method of Recording, Filing and Certifying all Acts and Resolutions passed by the General Assembly."

Approved February 14, A. D. 1917.

## RESOLUTIONS.

## CHAPTER 295.

## HOUSE CONCURRENT RESOLUTION.

*Be it resolved by the House of Representatives, the Senate concurring therein:*

Joint session  
to hear  
address of

That on Thursday afternoon, Feb. 8, a joint session of both Houses of the Delaware Legislature be held in the House Chamber at 12:30 o'clock P.M., to hear the address of Honorable P. P. Claxton, Ph. D., Commissioner of Education of the United States on "Some Educational Needs of Delaware."

Approved March 8, A. D. 1917.

## RESOLUTIONS.

## CHAPTER 296.

HOUSE CONCURRENT RESOLUTION, providing for the observance by the General Assembly of the State of Delaware of February 12th, 1917, as Lincoln Day.

WHEREAS, the birthday of Abraham Lincoln will be observed by the General Assembly throughout the United States on February 12th, 1917, and

WHEREAS, it is fitting that the General Assembly of the State of Delaware should make some public recognition of the birthday anniversary of the revered Abraham Lincoln.

*Therefore be it resolved, by the House of Representatives, the Senate concurring therein, that a Committee of three (3) on the part of the House and two (2) on the part of the Senate, be appointed by the presiding officers of the respective branches as a Committee to co-operate with the Speaker of the House, and the President pro-tempore of the Senate to arrange for ceremonies commemorating the anniversary of the birth of Lincoln.*

Ceremonies  
for "Lincoln  
Day"

Approved March 8, A. D. 1917.

## RESOLUTIONS.

## CHAPTER 297.

HOUSE CONCURRENT RESOLUTION providing for a Joint Session of the Senate and House of Representatives on Thursday, February Twenty-second at Eleven-thirty A. M. In commemoration of the birth of George Washington.

Ceremonies  
for Washing-  
ton's Birth-  
day

*Be it resolved by the House of Representatives, the Senate concurring therein, that a joint session of the two Houses of the General Assembly be held on Thursday, February twenty-second, between eleven-thirty A. M. and twelve M in commemoration of the birth of George Washington.*

Approved March 8, A. D. 1917.

RESOLUTIONS.

CHAPTER 298.

HOUSE CONCURRENT RESOLUTION.

*Be it resolved, by the House of Representatives, the Senate concurring therein,*

That the invitation of the Commissioners of the A. I. State Convention of Dupont School, of New Castle County, and of the State School Commissioners Board of Education, to send a joint committee of the Legislature to the State Convention of School Commissioners on Feb. 16, be accepted.

*Be it resolved, by the House of Representatives, the Senate concurring therein,*

That a joint committee of five members be appointed, three members by the Speaker of the House of Representatives, and two members by the President of the Senate, to represent the Delaware State Legislature at the said Convention of School Commissioners.

Approved March 8, A. D. 1917.



## RESOLUTIONS.

## CHAPTER 299.

A JOINT RESOLUTION congratulating the President, Faculty and Trustees of Delaware College and the Women's College of Delaware.

WHEREAS the members of this General Assembly visited Delaware College and the Women's College of Delaware, on the second day of February and there met the President and various members of the Faculty and the Board of Trustees.

AND WHEREAS it seems fitting that the impression made upon the Legislature by such visit and meeting, be made public, now therefore,

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

Congratulating the President, Faculty and Board of Trustees

That the President, Faculty and Board of Trustees of Delaware and the Women's College of Delaware, deserve the congratulations of the people of this State for the fine results they have achieved for higher education, for the practical assistance rendered agriculture, for the policy they have adopted of fitting the College to the needs of the State, and for the spirit they have fostered of equality, equal opportunity and equal consideration for all the youth of the State, regardless of financial or social consideration.

AND BE IT FURTHER RESOLVED, that as representatives of the people, we express our satisfaction in the many and unconditional gifts which the College has received in recent years.

Approved February 14, A. D. 1917.

## RESOLUTIONS.

## CHAPTER 300.

WHEREAS, it is desirable to ascertain if the Board of Health of the State of Delaware is being conducted on an economical and effective basis, THEREFORE,

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

Section 1. That a Committee consisting of two members of the Senate to be appointed by the President pro tempore, and three members of the House to be appointed by the Speaker, be appointed to investigate the office of the Board of Health of the State of Delaware, with a view to ascertain if that office cannot be administered upon a more economical basis, without impairing its efficiency, and whether or not, in the judgment of the Committee, the office should not be transferred from its present quarters in a private building, to the State House or County Building at Dover.

Section 2. The Chairman of said Committee is hereby authorized to issue process to compel the attendance of witnesses before said Committee, and to administer oaths and affirmations to witnesses at hearings of said Committee, and any summons or other process may be served by the Sergeant-at-Arms of the Senate or House.

Approved March 1, A. D. 1917.

## RESOLUTIONS.

## CHAPTER 301.

## HOUSE CONCURRENT RESOLUTION No. 17.

*Be it resolved by the House of Representatives of the State of Delaware, the Senate concurring therein:*

That a Joint Committee of the General Assembly of the State of Delaware be, and the same hereby is, constituted, consisting of seven members, three of whom shall be appointed by the Speaker of the House, and two by the President Pro-Tempore of the Senate, the Speaker of the House and President Pro-Tempore of the Senate to be the remaining members thereof.

Consideration of using  
a poem for

The said Committee thus appointed shall examine and consider the poem read on March twenty-second, 1917, before the Houses of the General Assembly, by Professor Henry Handy Hay, and determine whether or not the said poem shall be adopted as the "Delaware State Hymn."

BE IT FURTHER RESOLVED That the Committee hereby constituted and appointed shall have full authority to call in such citizens of the State as it may deem proper to aid it in reaching a decision in the matter.

Approved April 9, A. D. 1917.

RESOLUTIONS.

CHAPTER 302.

HOUSE CONCURRENT RESOLUTION.

*Be it resolved by the House of Representatives, the Senate concurring therein, that the President pro tempore of the Senate appoint a committee of two and the Speaker of the House appoint a committee of three to arrange for a reunion of this General Assembly, at a time and place to be determined by said committee.*

Approved April 2, A. D. 1917.

## RESOLUTIONS.

## CHAPTER 303.

## HOUSE CONCURRENT RESOLUTION.

*Be it resolved by the House of Representatives, the Senate concurring therein:*

Limit of  
time for  
introduction  
of bills

That no new bills other than the Omnibus Appropriation Bills, and no new resolutions to which the concurrence of both Houses of the General Assembly may be necessary, other than the Claims Resolution, or of adjournment, or of joint session, shall be received at the present session of the Ninety-sixth General Assembly after February 16th, A. D. 1917.

Approved March 8, A. D. 1917.

# TITLES OF PRIVATE ACTS

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EXCLUDED FROM PUBLICATION.

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## CHAPTER 304.

AN ACT to change the names of Otis Rogers and Frederick Rogers, respectively, to the names Otis Spicer and Frederick Spicer, respectively, and to make them the heirs-at-law of William J. Spicer, their father, and of Lavina Spicer, their mother.

Approved February 14, A. D. 1917.

## CHAPTER 305.

AN ACT to amend an Act entitled, "An Act to Incorporate The Clayton Bank," and conferring additional powers upon the said corporation.

Approved March 26, A. D. 1917.

## CHAPTER 306.

AN ACT to incorporate "The Selbyville Bank."

Approved March 26, A. D. 1917.

## CHAPTER 307.

AN ACT to incorporate "Seaford Trust Company."

Approved March 26, A. D. 1917.

## TITLES OF PRIVATE ACTS.

## CHAPTER 308.

AN ACT to incorporate "The Bank of Milford, Delaware."

Approved March 28, A. D. 1917.

## CHAPTER 309.

AN ACT to amend an Act entitled, "An Act to Incorporate 'The Equitable Guarantee and Trust Company'," passed at Dover, April 23, 1889, by changing the name of said corporation to "Equitable Trust Company."

Approved March 15, A. D. 1917.

## CHAPTER 310.

AN ACT to incorporate the New Castle County Trust Company of Odessa, Delaware.

Approved March 21, A. D. 1917.

## CHAPTER 311.

AN ACT to vest title to certain real and personal property in Oriental Lodge No. 12, Independent Order of Odd Fellows of the State of Delaware, at Newark.

Approved March 22, A. D. 1917.

## CHAPTER 312.

AN ACT to incorporate "The Felton Bank."

Approved March 22, A. D. 1917.

TITLES OF PRIVATE ACTS.

CHAPTER 313.

AN ACT to further amend, "An Act to confer banking powers on the Liberty Trust Company, a corporation of the State of Delaware," approved March 29, A. D. 1907.

Approved April 9, A. D. 1917.

CHAPTER 314.

AN ACT to incorporate The Middletown Trust Company.

Approved April 9, A. D. 1917.

CHAPTER 315.

AN ACT to incorporate "The Farmers and Merchants Trust Company of Seaford."

Approved April 9, A. D. 1917.

CHAPTER 316.

AN ACT to incorporate "The Peoples Bank and Trust Company."

Approved April 10, A. D. 1917.

CHAPTER 317.

AN ACT to incorporate "The First Bank of Harrington, Delaware."

Approved April 10, A. D. 1917.

CHAPTER 318.

AN ACT to renew, revive, re-enact and extend and amend an act entitled "An Act to Incorporate Mercantile Trust and Safe Deposit Company," being Chapter 286, volume 24, Laws of Delaware.

Approved April 19, A. D. 1917.



# PROCLAMATIONS OF THE GOVERNOR

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PRINTED IN ACCORDANCE WITH PROVISIONS OF CHAPTER 10  
OF THE REVISED STATUTES OF 1915.

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## *PROCLAMATION.*

STATE OF DELAWARE.

EXECUTIVE DEPARTMENT.

Whereas, the State Treasurer of the State of Delaware, reported to me on the fifth day of January, A. D. 1915, a list of the companies that were two years in arrears for taxes, having refused, failed or neglected to pay the taxes assessed against them;

And Whereas, the Governor of the State of Delaware did issue his Proclamation on the twenty-first day of January, A. D. 1915, proclaiming the "BATAVIA PLANTATION COMPANY," as having failed, refused or neglected to pay the taxes aforesaid.

Now, therefore, I, Charles R. Miller, Governor of the State of Delaware, do hereby proclaim that "BATAVIA PLANTATION COMPANY," a corporation incorporated under the laws of the State of Delaware, March 27, A. D. 1903, it having been established to my satisfaction that said company has not neglected or refused to pay the annual franchise taxes assessed against said corporation heretofore reported by the State Treasurer aforesaid, due from said company, and that said company was inadvertently

PROCLAMATIONS.

reported to me by said State Treasurer as failing, refusing or neglecting to pay said taxes as aforesaid; that pursuant to the authority vested in me by virtue of Section 80, Chapter 6, of the Revised Statutes of 1915, to correct such mistake, I hereby make the same known by filing this Proclamation to that effect in the office of the Secretary of State.

IN TESTIMONY WHEREOF, I, Charles R. Miller, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of this State to be hereunto  
 [GREAT SEAL] affixed this eleventh day of June, in the year of our Lord one thousand nine hundred and fifteen, and of the Independence of the United States of America, the one hundred and thirty-ninth.

By the Governor:

CHAS. R. MILLER.

GEO. H. HALL,

Secretary of State.

## PROCLAMATIONS.

## THANKSGIVING DAY.

## PROCLAMATION.

The lengthening shadows of the passing days remind us that we are approaching the completion of another year.

To some, there may have come sorrow and misfortune; to others, gladness and success; but whatever has been the measure of our experience, we should not be unmindful of the obligation we owe to Almighty God. The acknowledgment of this obligation, which it has been our custom to express since first inaugurated by our forefathers, has left its imprint upon our National life and character and distinguished us as a Christian Nation.

For the great benefits we have received out of the abundant harvests, and other blessings which have been conferred upon us, we should be ever thankful and, altho peace and plenty abound on every hand, the people of our Country have seldom before stood in greater need of the strengthened power and guiding influence of Divine Providence.

THEREFORE,—I, Charles R. Miller, Governor of the State of Delaware, do designate

THURSDAY

NOVEMBER THE TWENTY-FIFTH

NINETEEN HUNDRED AND FIFTEEN

as a Day of

GENERAL THANKSGIVING AND PRAYER

Let us on that day, throughout the State, cease from our usual occupations and join together in our churches and in

## PROCLAMATIONS.

our homes and render thanks to the Divine Creator and Ruler of the Universe for the great benefits which we have received at His hands and implore of Him to grant to our Nation and to our State a continuance of the blessings of Peace and Prosperity.

IN TESTIMONY WHEREOF,—I, Charles R. Miller, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal to be affixed at Dover, this  
[GREAT SEAL] Tenth day of November, in the year of our Lord, One Thousand Nine Hundred and Fifteen, and in the year of the Independence of the United States the One Hundred and Fortieth.

By the Governor:

CHAS. R. MILLER.

GEO. H. HALL,

Secretary of State.

## PROCLAMATIONS.

## PROCLAMATION.

## STATE OF DELAWARE.

## EXECUTIVE DEPARTMENT.

Whereas, William J. Swain, State Treasurer of the State of Delaware, has reported to me a list of corporations which for two years preceding such report have failed to pay the taxes assessed against them and due by them under the laws of this State;

Now, therefore, I, Charles R. Miller, do hereby issue this Proclamation according to the provisions of Sections 75 and 76, Chapter 6, of the Revised Statutes of 1915, as amended, and do hereby declare under this act of the Legislature that the charters of the following corporations, reported as aforesaid, are repealed:

Acme Burglar Proof Cabinet Company, Anchor Chocolate Company, Incorporated, Accomack Guaranty Company, Acme Meat Company, Adjustable Bed Spring Co., Advertising Novelty Company, Aera Association, Incorporated, The, Air Electric Engine and Development Company, African Diamond & Exploring Co., Airease Tire Filler Company, Agricultural Realty Company, Ajax Engineering Corporation, Alabama Coal, Mineral and Lumber Company, The, Albertson Folding Type Writer Company, A. L. Dunker Company, Alexander Machine Company, Alaska Mines Company, Alabama-Mississippi Southern Cotton Gin Company, Alabama United Oil & Gas Company, All-Glass Sanitary Package Company, Alunite Consolidated Mining Company, Aluminum Specialty Company, Amerite Explosive Company, Amplex Motor Car Co., American Amusement Com-

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## PROCLAMATIONS.

pany, The, American Antifriction and Transportation Company, American Brick Manufacturing Company, American Carbonine Co., American Chemical Company, The, American Chemical Company of Delaware, American Cotton Chopper Company, American Co-operative Piano Sales and Manufacturing Company, The, American Credit Association, Atlanta Mines Company, American Development Company, American Dioxide Refrigeration Company, American Distributing and Sales Company, The, American Dress-makers Sales Company, American Electric Crematory Company, The, American Embosso Company, American Exploration Company, American Fuel Company, of Reading, Pa., American Furnace Company, Americus Gas and Electric Company, American Grape Products Company, American Home Company, The, American Hygienic Milk Society, American Hoist and Manufacturing Company, American Identification Company, American Land and Irrigation Exposition Company, American Machine and Crown Company, American Mahogany Co., American Matte Company, American Mica and Mining Company, The, American Motor Fire Apparatus Company, American Poured Concrete Steel Moulds Corporation, American Porhydrometer Company, The, American Potash Company, American Power & Mfg. Co., American Press Publishing Company, The, American Protective Association, American Ramie Manufacturing Company, American Realization and Securities Company, The, American Self-Cutting Buttonhole Attachment Company, American Siphon Bottle Company, American Suction Sweeper Company, American Tapioca Products Company, American Telautophone Company, American Telegraph Press, Inc., American Tin and Terne Plate Company, American Traction & Power Co., Anderson Bottle Cap Company, Anderson and Compass Company, The, Apex Belting Company, Appalachian Development Company, Arlington Hotel Company, Arcadian Lands Investment Company, Associated 5 and 10 Cent Stores, Incorporated, Associated Publishers Company, The, Atlan Copper and Brass Company, Atlantic Trapping Company (Inc.), Avenue Amusement Company, Automatic Combustion Control Company, Auditorium Company, The, Automobile Company, of Philadelphia, The, Auto

## PROCLAMATIONS.

Development Company, Automatic Fire Protection Company, Aulinwun Manufacturing Company, Auburn Manufacturing Company, The, Auto-Pilot Lamp Company, Auto Poster Company, Inc., Auto Service & Supply Company, Auto Signal and Manufacturing Company, Automatic Sign Company, Automatic Strapping Machine Company, Automobile Tire Filling Company, Automobile Tire Filling Sales Company, Automatic Valve & Pump Co., Automatic Wagon and Truck Co.

Babene Manufacturing Company, Bahn Realty Company, The, B-W-B Company, Bakersville Mica Company, Incorporated, The, Baltimore Blended Fuel Company, Baltimore Bridge Company, Baltimore Compositype Company, The, Balanced Crane Co., The, Baltimore Motordrome Company, The, Baltimore Roofing and Asbestos Products Company of Maryland, Baltimore-Schub Concrete Corporation, The, Balmoral Textile Manufacturing Co., Baltimore and Washington White Cross Milk Company, Bangor Choice Slate Company, The, Bankers Investment Company, Banana Wool Company, Bar-Lowe Textile Company, Barnard & Holland Company, Barry Manufacturing Company, The, Baryum Co., Ltd., Baseball Game Table Company, Bauer Manufacturing Company, Beacon Chemical Company, The, Beacon Lighting Company, The, Beaver Petroleum Company, Beasley Shipping Company, Belgian-American Construction Company, Bellamore Armored Car and Equipment Company, Belmar China Company, Bemis Company, Bethany Beach Chautauqua and Navigation Company, Big Ax Pocahontas Coal Company, Blair, Scofield and Company, Blue Bell Mining Company, Booth, Schellinger & Williams Company, The, Bowser Feed Bag Company, Bradley Photo Materials Co., Brazilian-American Development Co., Brewers Modern Supply Company, Bream's Pure Food Company, Bridgeport Chemical Manufacturing Company, The, British Guiana Mining and Development Company, Broad Street Loan & Savings Company, The, Brownsville Cracker Company, Brushy Run Lumber Company, Buffalo Creek Coal and Brick Company, Burke Can't-Slip Horse Shoe Company,

## PROCLAMATIONS.

Burlington Hotel Company, Limited, Butte Central Copper Company, Butler Wood Fibre Plaster Company, The.

Calorific Heater and Manufacturing Company, Calaveras Mining and Developing Company, Cafe Republic Company, Inc., California Touring Company, C. Vernon Rettew Company, Cambria Roofing Manufacturing Company of Johnstown, Pa., Cameron Sales Company, Canonsburg Amusement Company, Capital City Improvement Company, The, Canada Gas, Light & Traction Co., Capitol Land Company, Carl A. Peterson & Son, (Inc.), Carbon Chemical Company, Carson Colonies Company, The, Central College of Chiropractice, Inc., Central Commercial Company, Central Engineering Company, Central Finance and Securities Company, Catawissa Fruit & Nursery Co., The, C. E. T. Manufacturing Company, Central News Company, Century Oil Company, Cella Phos Syrup Company, Central Station Service Company, Ceylon Tire Filler Company of Delaware and Maryland, Chair Seat and Novelty Company, Charter Guaranty and Trust Company, Charles A. Hutton & Company, Inc., Chester Contracting & Reduction Company, Chas. F. Weis Company, Charles H. Rath Company, Chester Manufacturing Company, Chemical Products Company, Childs Electric Wind Turbine Company, Citizens 5, 10 & 25 Cent Stores Co., The, Citizens' Insurance Agency Company, Clark Coal and Brick Company, The, Classen Lignum Company, Clarendon Silk Mills Co., Cleveland Land Company, Climax Coal Company, Climax Grocery Company, Cloverdale "Mineral" Water Company of Brooklyn, New York, The, Co-Men-Co Corporation, The, Coffee Extract Company of Pennsylvania, The, College of Masteropathy, Incorporated, Columbia Coal Company of Pittsburgh, Colonial Concessions Company, Columbia Dredging & Mining Corporation, Columbia Finance Company, Columbia Educational Motion Picture Co., Incorporated, The, Colombia Engineering Company, Colonial Land Company, Colonial Loan Society, Columbian Platinum and Gold Company, Columbian-Sterling Publishing Company, Composition Coke Fuel Company, The, Commercial Finance and Realty Company, Commercial Knitting Mills Company,



## PROCLAMATIONS.

Commercial Loan and Trust Company, Commercial Manufacturing Company, The, Commercial Realization Company, Commercial Salesmen's Association, Inc., The, Concrete Products and Quarry Company, Consumers' Co-operative Trading Association, Consumers' Crown and Seal Company, Consolidated Moving Picture Company, Continuous Centrifugal Company, The, Continental Chemical Company, Continental Home Investment Company, Continental Magazine Company, Continental Public Service Company, Co-Operative Chemical Company, Cook Cold Storage and Refrigerating Company, Incorporated, Co-operative Farmers Breeding and Live Stock Company, Co-Operative Mfg. Co., Co-Operative Purchasers' League, Incorporated, Co-Operative Stores, Inc., Cortland Process Company, The, Courtney Tire & Rubber Company, Crystal Palace Amusement Company, Cuban American Iron Ore Corporation, Cumberland Lumber Company, Custer Sandless Casting Company, The.

D. D. Coldren Manufacturing Company, Dalton Machine Tool Company, D. and S. Airless Tire Company, Daly's Theatre Company, Darley Engineering Company, Damascus Lumber Company, Dan Smith Rotary Engine Company, The, Davis Tirefill Company, Dawson Manufacturing Company, The, Deal-Anderson Co., Defiance Typewriter Company, Delmar Lumber Manufacturing Company, The, Delta Slate Corporation, Delaware Automobile Company, Delaware Contracting & Construction Company, Delaware County Land Improvement Corporation, Delaware Egg Company, Delaware Electrical Supply Company, Delaware Farm Products Company, Delaware Match Company, Delaware Paint Company, Delaware Printing Company, The, Denta-San Manufacturing Company, Dental Syndicate, Incorporated, Development Company of Porcupine, Diamond Artificial Stone and Marble Company, Diamond Products Company, Dominican Hydraulic Corporation, Diamond Safety Razor Company, Diamond Sanitary Milk Company, Dixie Development Company, The, Dillon Safety Razor Company, Doctor Taylor Remedy Company, The, Domestic Live Stock and Trading Company, Dover Brick Company, The, Dover Fruit Juice Company, The, Double Wall Steel

## PROCLAMATIONS.

Container Company, Dr. George Brown Chemical Company, Dr. Hoffman Medicine Company.

Eastern Aeroplane Company, Eastern Art Needle Work Company, The, Eagle Hanger Company, The, E. J. Hulse Company, Incorporated, The, East Tennessee Lumber and Development Company, The, Economy Gas Range Company, Egyptian Cement Products Company, Educational Church Amusement Company, Edgcomb-Pyle Wireless Manufacturing Company, Electric Laundry Service Corporation, Eldorado Porcupine Gold Mining Company, English-American Corporation, Enterprise Company of Dover, Delaware, The, Engineering Construction Company, Emerson Contracting Company, Enterprise Mining Machinery Company, Engineering and Securities Company, The, Enslar Securities Corporation, Equitable Securities Company, Empire Specialty Company, E. R. Grabow Company, Eureka Company, The, Essex Interurban Construction Company, Estates Liquidation Corporation, European Brush Machine Company, Exhibitors Co-operative Motion Picture Company, Export, Extract and Refining Company, Eureka Filter Co., Excelsior Fire Appliance Company, Eynon Graphite Company, The, Everlasting Post Company, The.

F. K. B. Company, The, Farber-Drewry Company, Farmers & Florists Chemical Company, The, Farmers' Guaranty Mortgage Company, Federal Manufacturing Company, Federal Oil Company, Federal Securities Corporation, Federal Screens Company, The, Ferrochem Company of Pennsylvania, Fifth Avenue Studio Company, The, Financial Digest Publishing Company, First Farm Loan & Guaranty Co., Fishbach Motor Company, Fitzpatrick Shoe Company, Florida Home Development Company, Fletcherite Metal Company, Florida Orange and Grape Fruit Company, Florida East Coast Commercial Company, Florida Land & Fruit Co., Flowers Manufacturing Company, The, Folding Bath Tub Manufacturing Company, The, Folds & Company, Foe-Rheu Company, The, Ford Cigar Company, Fortman Manufacturing Company, Fox Master Bridle, Incorporated, Fortuna Mining Company, Fort Pitt Company, Inc., The, Ford

## PROCLAMATIONS.

& Rust, Incorporated, Forschner & Sexton Contracting Company, Frank P. McNulty, Incorporated, Freeport Sugar Refining Company, Furtaw-McKay Monoplane Company, Fulton Motor Car Company, Fulton Oil and Gas Company.

G. Henry Stetson Publishing Company, G. L. Stevens Company, G. M. & C. Company, Gardner Crusher Company, Gathany Development & Construction Company, Gas Engine Power Company, Gasoline Safety Appliance Company, General Advertising Company, General Air Products Company, German-American Securities Corporation, Germantown Co-Operative Pure Milk Company, General Cotton Securities Company, Geo. E. Sattler Trading Stamp Company, The, Georgetown Land Company, The, General Manufacturing Company, General Operating & Engineering Corporation, General Theatre Company, General Underwriting Company of America, The, Gifford Wrecking and Construction Company, Gilbert & Bacon Studio, Inc., Globe Furniture Company, The, Glacier Ice Company, Glacier Manufacturing Co., Goeringer Carpet Sweeper Company, The, Golden Scale Mining Company, The, Golden State Pine Lumber Company, Gorneau Dyeing and Cleaning Company, Grand Amusement Company, Grand View Farms Produce Company, Great Eagle Motor Devices Company, The, Greene Paper Company, The, Great Pee Dee River Lumber Company, Incorporated, The, Great Western Mining Company, Greiner Chemical Fibre Company, Greenebaum Company, The, Groveland Nut and Fruit Company, Gulf Coast Auto and Supply Company, Gunnell Mining Company, The.

H. M. R. Metal Company, Hagerstown Brewing Company, Hammond Elevator Company, Hammond and Hammond, Incorporated, Hammond Michigan Oil and Gas Company, Hamilton Molybdenite Mining Company, Hamerly Tool and Machine Company, Harman Coal Company, Hardwood and Tie Company of America, Harris Writing & Accounting Machine Company, Hazelton Sign Company, The, Helois Engineering Company, Inc., Henry G. Brown, Incorporated, Henry Thermo Electric Company, Limited, Hermetic Burial Company, Herrick Engine Company, Hershey Light Com-

## PROCLAMATIONS.

pany, Hershey Produce Company, Hercules Safety Container Co., Highland Oil and Gas Company, Hi-Heat Fire Brick Co., Hickory Lumber and Handle Company, The, Hidden Treasure Mining Company, Hoder Chemical Company, Holland-American Construction Company, Holston River Marble Company, Holmes Corporation, Hood Chemical Company, Home Colonization Company, Homo Company of America, Hopper Press Syndicate, Home Realty and Securities Company, The, Home Underwriting Company, Houston Home and Farms Company, Household Manufacturing Company, Houston Northern Railway Company, Houston, Perry & Co., Hot Water Gas Stove Company, Howe-McMahon Company, The, Hudson Investors Company, Hurst Drug Company, The, Hyrup Amusement Company, Hyattsville Milling and Manufacturing Company, Hygienic Paper Package Company, Hydraulic Vacuum Dredging Company.

Ideal Combination Company, Illinois Company, The, I. D. L. Manufacturing Company, Imperial Garage Company, Improved Hydro-Carbon Light Company, Idalia Investment and Development Company, Imperial Lead & Zinc Mining Company, The, Imperial Manufacturing Company, Illingworth Resinate Timber Corporation, Imperial Sewing Machine Company, The, Independent Electric Company, Independence Finance Company, Industrial Investment Company, Independence Oil and Mining Company of Princeton, Caldwell County, Kentucky, Inventors-Service Company, The, Inland Sewer Pipe Company, Interstate Automobile Tire and Rubber Company, International Construction Company, International Contract Vending Company, International Farmers-Phosphate Company, Inter-State Feature Film Corporation, International Gas Generator Company, Interstate Ice & Fuel Company, The, International Improvement Company, International Kron Scale Company, International Land Improvement Company, International Metallurgical Company, International Mining and Manufacturing Company, International Patents and Specialty Corporation, International Power Generator Company, International Purchasing Company, Interstate Redemption and Securities Company, International Steel Corporation, Inter-

## PROCLAMATIONS.

national Tobacco Stemmer Company, International Water Purify Company, Irwin Amusement Company, Iowa Short Line Railroad Company.

Jas. F. Stone & Company, J. L. Blackwell Company, The, Jewish Agricultural and Colonial Association, Jefferson Association, The, John G. Funk Combination Steel and Pneumatic Tire Company, Joe Hiser Novelty Company, Joseph C. Parker Company, Josephine Gatley Smith Millinery Company, Joseph H. Copeland Company, Incorporated, Jones-Rossiter Company of Baltimore City, The, Judge Machine Company.

Keith Light Company, Kennedy and Maloney Company, Kennerdell Sand & Manufacturing Co., Keystone Automobile Exchange, Incorporated, Keystone Finance & Security Company, The, Kero-Gas Company, The, Kermont Incandescent Lamp Company, Keystone Laundry Company of Philadelphia, Keystone Plush Company, Keystone Plumbing Company, The, Keystone Rack and Manufacturing Company, Keystone Refining and Manufacturing Company, Keystone Tuyereage System Co., Inc., Keystone Vulcanizing Company, King's Mountain Gold Mining Company.

L. A. Frohock Company, The, L-A-W Motor Truck Company, The, Lafayette Amusement Company, Lake City Naval Stores Company, The, Lackawanna Manufacturing & Construction Company, L. T. Edwards and Company, Lamb Railway Service Company of Cincinnati, Ohio, Land Development Company of Pittsburgh, The, Lance Lumber Company, The, Land Reclaiming Company, Lavadura Chemical Company, Lansden Company, Lather Generator Company, Lawrence Suspensory Company, Leahan Coil Spring Guide Company, The, L. E. B. Sales Company, Leap Oil and Development Company, The, Leighton Construction Company, Leroux Medicine Company, Lewis Chuck Company, Lilge Gas Rotary Engine Company, Lion, Gas, Iron and Novelty Co., The, Longstreet Gold Mining Company, The, Loom Patent Attachment Company Lubin Company of Reading, Lubin Company of Richmond, Ludowici Lumber Company,

## PROCLAMATIONS.

Luke Sectional Corset Company, Luckett Stoker Company, The, Lyneurtype Manufacturing Company, Lyceum Theatre and Amusement Company.

McDermott Company, Incorporated, McHenry Distilling Company.

M. B. Dudley Amusement Company, M. Goldstein Company, Mack-Hiltin Company, Machold Investment Company, Macandaruba Tire Filler Company, Incorporated, Magdalena Company, Majestic Amusement Company, Maine Carbonine Co., Mainonedes Hall Company, Make-Man Tablet Co., of America, Manhattan Carbonic Company, Manufactures Dry Goods Company, Manufacturer's Fuel and Light Company of Pittsburgh, Maple Grove Coal Company, Maria Gold Mining Company, Markley Insurance Agency, Incorporated, Markee Manufacturing Company, The, Maryland Land and Timber Company, The, Marvell-Perry Manufacturing Company, The, Maryland Steamboat Company, The, Massachusetts Telephone Herald Company, Maurer Outfit Company, Medico-Pharmacal Company, Merchants Broom Company, Merchants' Finance Company, Merchants Motor Service Corporation, Merchants Mutual Protective Association, The, Merchants Sales Book Company, The, Mercantile Security and Investment Company, Mescalero Copper Company, Metal-Lurgic Manufacturing Company, Metropolitan Telegraph Company, Mexican Gas and Products Company, Myersdale Storage & Manufacturing Company, Mexican Turpentine Products Company, Middletown Irrigated Farms Company, The, Midway Milling Company, Michigan Oil Fields Corporation, Limited, Mica Paint Company, The, Middle States Loan Society, Michigan-Utah Mining Company, Miles Motor Tire Spring Company, Millar Engineering Company, Mine Explosion Preventing Device Company, Mineral Products Co., Mineral Reduction Company, Mississippi Valley Lands Company, Mitchell, The Tailor, Inc., Model Building Company, The, Modern Plaster and Cement Company, Monoroad Construction Company, Montrose Metal Casket Company, Monroe Oil & Refining Company, Monarch Sanitary Specialty Manufacturing Com-

## PROCLAMATIONS.

pany, The, Monarch Vacuum Cleaner Company, Moon Motor Car Company of Philadelphia, Morrow Gasoline Vender Co., Morning Star Company, Motion Picture Contract and Brokerage Company, Moseley Plumbing & Heating Company, Motor Vehicle Speed Alarm Company, The, Mountain Oil Company, Mt. Tom Fruit Company, Muller Progressive Motor Boat Company, Mutual Loan & Investment Company, Mutual Merchandising Company.

Nazareth Knitting Mills, Incorporated, Natural Preserving and Pickling Co., The, National Agricultural Building and Exposition Company, National Auto Spring Tire Co., National Brewery Company of Cuba, The, National Briquette Products Company, National Car Advertising Company, National Capital Real Estate Company, National Cement Brick Company, The, National Chemical Company, National Chewing Gum Company, National Cigar Company, National Company, National Coal and Fuel Supply Company, The, National Compositype Company, National Crosstie Development Company, The, National Delicatessen Company, National Finance Corporation, The, National Folding Basket Company, Incorporated, The, National Incorporating Company, National L. E. B. Company, National Land and Development Company, Incorporated, The, National Loan & Investment Company, National Loan Society of Scranton, Pa., National Lunch Room Company, The, National Manufacturing & Engineering Company, National Motion Picture Advertising Company, The, National Oil Heating Company, National Ore Separator Company, National Postage Saver Company, National Rock Products Company, National Safety Gas Valve Company, National Securities Corporation, National Silk Hosiery Company (Inc.), National Spring Wheel Company, National Stamp Sales Company, National Stores Company, National Supply Company, The, National Tailoring and Pressing Stores, Inc., National Terra Cotta Company, National Water Power Company, Neiman Manufacturing Company, Neptune Fishing Company, Never Puncture Tube & Tire Co., The, New Engineering and Construction Company, The, New England Pure Milk Company, New Jersey Central Development Company, New Jer-

## PROCLAMATIONS.

sey Gas & Electric Company, New Jersey Real Estate Company, The, New Voice Publishing Company, The New York-Chicago-San Francisco Company, New York Motor Works, Incorporated, Nigari Company, Nitzsche & Witz Company, "No-Rust" Paint Co., Nopack Brass Manufacturing Company, Non-Skid Chain Company, North American Petroleum Company, North Carolina-Partridge Smelting Company, Northfield Oil and Gas Company, Northampton Portland Cement Company, Northern Sanitary Company.

Ober Company, Ohio, Kentucky & Atlantic Railroad Company, Old Colony Sales Company, Oleene Company, The, Operative Assets Company, The, Oregon Kelso Land and Stock Company, Ozark Sanitarium Association, Ozone Sanitorium Company, The.

Pacific Anthracite Coal Company, Pacific Associated Stores, Incorporated, P. & A. Non-Metallic Oilless Bearing Co., P. A. Iddings Company, Pacific Investing Company, The, Pacific Life Finance Co., Pacific Lumber and Commercial Company, Pacific Report Company, The, Panama Coconut Plantation Company, Palmetto Kaolin Company, Panama Portal and Pinellas Peninsula Co., U. S. A., Panama Portland Cement and Development Company, The, Panuco River Oil Company, Parkside Chemical Company, Parana Land and Lumber Company, Partridge Metallurgical and Manufacturing Company, Partida Switch Company, Paxton Motor Car Company, Peach Bottom Slate Manufacturing Company, Pennsylvania Amusement Company, Pennsylvania Contracting Company, The, Penn Engineering Company, Penn-Florida Celery Company, Pennsylvania Finance Company, Penn Mortgage and Loan Company, Pennsylvania Oil Refining Company, Pennsylvania Petroleum Company, Penn Sales Co. of Philadelphia, Pennsylvania Steel Railway Tie Company, Penn Swing and Ladder Company, Peoples Theatre Company, Perkiomen Valley Transportation Co., Petite Player Piano Company, The, Philadelphia Bullfrog Mining Company, Phoenix Fuel Company, Philadelphia L. E. B. Company, Phoenix Machine Company, Philadelphia Suburban Publishing Company,



## PROCLAMATIONS.

Pittsburgh Cone Company, Pittsburgh Conveying Machinery Company, Pittsburgh Moving Picture Machine and Film Company, Pittsburgh-Superior Mines Company, Pinot Allos Milling and Smelting Company, The, Pinar del Rio Company, The, Pioneer Novelty Manufacturing Company, Pine Realty and Power Company, The, Pneucar Company, Point Breeze Racing Coaster Co., The, Porcupine Central Mining Company, Portis Consolidated Mines Company, Porcupine Northern Mining Company, Porcupine Southern Mining Company, Poynter Lumber Company, Postles-Prouse Company, Pressed Steel Truck Co., Protective Auto League, Incorporated, Prince-Groff Company, The, Pride of the Kitchen Company, Progressive Manufacturing Company, Producers Outlet Company, Proctor Slate Corporation, The, Producers Torpedo Company, The, Pyro Chemical Company, Puro Drug Company, Pulmo Medical Company, The, Public Utilities Construction Company, The, Pure Water Apparatus Company.

Quaker City Construction Company, Quicksilver King Company, Queen Manufacturing Company, The.

R. B. Fagoel Company, R. B. Hall and Company, R. C. Huston and Company, Randolph & Briscoe, Incorporated, Randolph Motor Truck Company of Delaware, Ramsey Pecan Orchards Company, Ray Central Copper Mining Company, Reading and Clearfield Coal Company, Red Cloud Zinc Company of Delaware, Reed Development Company, Real Estate Security Company, Reading Fair and Agricultural Society, Reading Mining Company, Rebekah Mining Company, Reforma Mining Company, The, Reading Reinforced Cork Company, The, Rector St. Louis Heating Company, Reading Specialty Manufacturing Company, Reese Cassard Company, Retail Merchants Advertising Association, Reservation Oil and Gas Company, Richard III Film Company, Ridgway-Idaho Mining Company, Rio Plata Electric Company, The, Riverview Academy, Incorporated, Ritz-Carlton Restaurant and Hotel Company of Pittsburgh, Pa., R. J. and W. M. Boyd Construction Company, Robert Slimmon & Co., Rockland Cold Storage and Warehouse

## PROCLAMATIONS.

Company, Rolo Manufacturing Co., Roll Paper and Printer Company, Rotary Printer Company, Royal Bread Company, Royal Gypsum Company, The, Ryon Glass Corporation, Rush Transportation Company.

Safety Manufacturing Company, Safety Mine Lamp Company, S. V. C. Company, The, Samuel B. Adler, Incorporated, Salisbury Marine Construction Company, Salvation Match Company, Salmon River Mining Company, Sanitary Casket Company, The, Sanford Clarifying and Separating Company, Saniphore Company, Incorporated, Santa Elena Oil Company, Santa Maria Investment Company, Saskatchewan Mutual Development Company, Scenic Amusement Company, Scenic Railway Company, Scheuber Drug Co., Schroeter By-product Coke Oven Company, Schuylkill Construction Company, Securities Company of Philadelphia, Searchlight Gas Company, The, Securities & Guarantee Co., Seeroad Lamp Swivel Company, Sell Bros. Company, Self-Spreading Cotter Pin Company, Shockless Current Electric and Manufacturing Company, Shur-Go Starter Co., Sidney Company, The, Sims-Daily Company, Incorporated, Singleton Decorating and Furnishing Company, S. J. Cooper & Sons Company, Skamania Mining & Milling Co., Snyder Corporation, The, Society of Aeronautic Engineers, Solidified Fuel Company, Sons-Cunningham Manufacturing Company, Somerset Lumber Company, The, Southern Alberta Wheat Farms Company, Southern Cities Corporation, South Fork Oil and Gas Company, The, Southwestern Improvement Company, Southeastern Lumber Company, Southern Maryland Construction Company, Southern Maryland Development Company, Southern Mineral Development Company, Southern Mining Company, Southern Oregon Construction Company, Southwestern Petroleum Company, Southern Pine Co. of Philadelphia, Southern Public Service Corporation, The, Southwestern Trust Company, Spangler Company, The, Spayds' Furniture Company, Specialty Manufacturing Company, The, Spring City, Royersford and Trappe Trackless-Trolley Company, Stahr Metal Paint Company, Standard Alcohol Company, Standard Auto-Coach Burial Company, Standard Building & Construction

## PROCLAMATIONS.

Company, Standard Drug and Chemical Company, Standard Equipment Company, The, Standard Fibre Company, Standard Gas Power Company, Standard Knitting Works, Incorporated, Standard Locking Device Company, Standard Lumber Company, Standard Paint Company, Standard Railway and Timber Company, Standard Real Estate Loan Company, Standard Sanitary Flooring Company, Standard Securities Corporation, Standard Vacuum Street Cleaner Co. (Inc.), Star Carburetor Company, Star Land and Improvement Company, The, Stark Sanitarium Company, The, Steel Products Import Company, Stolzer Company, Storage Battery Safety Lamp Company, Storm Motor Car Company, The, Stone Producers' Sales Company, Stone Products Company, The, Streeter Land Company, Sutcliffe & Company, Inc., Surinam Rubber Estates (Incorporated), Suspension Tire Company, Swansboro Construction Company, Sweet Mint Company, The, Swaine's National Institute, Incorporated.

Talbot County Improvement Company, Tubular Products & Steel Works, Incorporated, Taxi-Service and Baggage Corporation, Taka-Soda Company, Texas Farms Company, Texas-Gulf Fruit Land Company, Texas Gulf Realty Co., Tebbetts Millinery, Inc., Texas Syndicate Farming Company, Thermo-Applicator Company, The, Three Forks Coal Mining Company, Tiedemann Convertible Chair Company, Tabasco Land and Development Company, Toronto Scenic Dips Company, Torkington Tires Company of America, Triol Company, The, Treadwell Hose Company, Trend Magazine Publishing Company, Tri-Mount Auto Truck Company, Trimming Shop, Incorporated, The, Tri-State Development Company, The, Tri-State Securities and Finance Company, Trackless Trolley Company General of Pennsylvania and Delaware, Trustee Company of America, The, Truax Medical Supply Company, Troy Steamship Company, Turpentine Products Company, Turner & Rogers School of Music, (Inc.), Tyler City Light and Railway Company, The, Twin Hook Hose and Garment Support Company, Type-writer Rebuilding and Sales Company of Chicago, Illinois, The.

## PROCLAMATIONS.

Universal Car Company, Universal Chemical Company, Universal Garbage Crematory Construction Co., Universal Hosiery Company of Philadelphia, The, Universal Ice Company, Universal Sales Company, The Uncle Sam Company, Unity Securities Company, Universal Shoe & Forge Company, Universal Supply Manufacturing Company, Universal Window Appliance Company, Union Construction Company, Union Dredging Company, Union Finance Company, Union Miners Underwriting Syndicate, Union Motor Car Company, United Ozone Purification Company, United Patents Sales Company, United Purchasing and Planters Association, Union Ribbon and Carbon Company, United States Coal Company, United States Domestic Service Corporation, U. S. Knit Braid and Machine Co., United States Moving Picture Company, The, United States Oil Corporation, The, United States Sulphur Company, United States Timber Company, The, United States Underwriting and Securities Company, Utilities Sales Company.

Vacation and Touring Company, Versailles Corporation, The, Vermilion Hotel Association, Vesuvius Mining Company, Viktor Advertising Devices Company, The, Vibrationless Pneumatic Tool Company, Victorite Powder Company, Virginian Coal Company, Visible Food Packing Company, Vulcan Mining Company.

W. A. Ballard Company, Wagler Concrete Co. of Pittsburgh, Pennsylvania, The, W. H. Sartain Packing Company, W. P. Lemley Company, Walk-Over Hat Company, Washington Mining Company, Washington-Porcupine Mining Company, Washington Savings and Loan Company, The, W. C. Jones Contracting Company, Waynesburg Tin Plate Company, Webb Motor Fire Apparatus Company, Weeks Brothers Company, Weightless Window Company, Wells Construction Company, Western Agricultural Corporation, Westmoreland Community Corporation, Western Construction Company, West Indies Food Products Company, West Side Improvement Company, Whittington Company, The, Wm. Bannerman Co., The, Wm. E. Hunt Company (Inc.),

## PROCLAMATIONS.

Wilmer Spike Puller Co., Inc. of Pittsburgh, Pa., Williams Steel Wheel, Rim and Tire Company, Williams & Williams, Incorporated, Wilmington Building Company, Wilmington Carbon Coal Company, Wilmington, Pennsville & Southern Transportation Company, Wilmington Wheel Manufacturing Company, The, Wisconsin Construction Company, Wolfe-Tweeddale Company, Wood Waste Products Company, World Home Supply Company of Philadelphia, Pa., Wayne Light Commercial Car Co., Inc., Workingmen's Loan and Savings Company, Wyoming Lincoln Fuel Company.

Yampa Coal and Coke Company, The, Youngstown Seamless Tube Company.

Zimmerman and Zimmerman, Incorporated, Zoeller Medical Manufacturing Company, The.

IN TESTIMONY WHEREOF, I, Charles R. Miller, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of this State to be hereunto  
[GREAT SEAL] affixed this twenty-fourth day of January, in the year of our Lord, one thousand nine hundred and sixteen, and of the Independence of the United States of America, the one hundred and fortieth.

By the Governor :

CHAS. R. MILLER.

GEO. H. HALL,

Secretary of State.

## PROCLAMATIONS.

*PROCLAMATION.*

## STATE OF DELAWARE.

## EXECUTIVE DEPARTMENT.

Whereas, the State Treasurer of the State of Delaware, reported to me on the fifth day of January, A. D. 1915, a list of the companies that were two years in arrears for taxes, having refused, failed or neglected to pay the taxes assessed against them;

And Whereas, the Governor of the State of Delaware did issue his Proclamation on the twenty-first day of January, A. D. 1915, proclaiming the "GENERAL INVESTMENT COMPANY," as having failed, refused or neglected to pay the taxes aforesaid.

Now, therefore, I, Charles R. Miller, Governor of the State of Delaware, do hereby proclaim that "GENERAL INVESTMENT COMPANY," a corporation incorporated under the laws of the State of Delaware, August 1, 1902, it having been established to my satisfaction that said company has not neglected or refused to pay the annual franchise taxes assessed against said corporation heretofore reported by the State Treasurer aforesaid, due from said company, and that said company was inadvertently reported to me by said State Treasurer as failing, refusing or neglecting to pay said taxes as aforesaid; that pursuant to the authority vested in me by virtue of Section 80, Chapter 6, of the Revised Statutes of 1915, to correct such mistake, I hereby make the same known by filing this Proclamation to that effect in the office of the Secretary of State.

## PROCLAMATIONS.

IN TESTIMONY WHEREOF, I, Charles R. Miller, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of this State to be hereunto  
[GREAT SEAL] affixed this second day of March, in the year of our Lord one thousand nine hundred and sixteen, and of the Independence of the United States of America, the one hundred and fortieth.

By the Governor:

CHAS. R. MILLER.

GEO. H. HALL,  
Secretary of State.

## PROCLAMATIONS.

*PROCLAMATION.*

## STATE OF DELAWARE.

*To the Citizens of the State of Delaware:*

The State Board of Health having reported to the Governor that there existed on August 9th in Delaware, Anterior Polio Myelitis (Infantile Paralysis) a pestilential disease, it is needful for the protection of the health of the citizens of Delaware that sanitary precautions be immediately taken as the emergency may arise, and that the money in the Treasury of the State of Delaware, directly appropriated to the State Board of Health, is not sufficient to meet and combat the emergencies which may become necessary to enforce the necessary sanitary measures and precautions against the pestilential disease now existing in the states adjacent to Delaware.

I, Charles R. Miller, Governor of the State of Delaware, hereby approve the sanitary measures and precautions adopted and promulgated by the State Board of Health on August 9th, 1916, to combat said pestilential disease and hereby authorize the State Treasurer to pay all bills contracted by the said State Board of Health of Delaware, when said bills are contracted in conformity with Chapter 25, Article 740, Section 5 of the Revised Code of Delaware, and approved by the Governor.

IN WITNESS WHEREOF, The Great Seal of the State of Delaware is hereunto affixed the fifteenth day of August in the year of our Lord one thousand nine hundred and sixteen, and in the year of the Independence

[GREAT SEAL]



## PROCLAMATIONS.

of the United States of America, the one  
hundred and forty-first.

By the Governor:

CHAS. R. MILLER.

GEO. H. HALL,

Secretary of State.

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PROCLAMATIONS.

*PROCLAMATION.*

STATE OF DELAWARE.

EXECUTIVE DEPARTMENT.

I, Charles R. Miller, Governor of the State of Delaware, do hereby proclaim and make known in accordance with the provisions of an Act of the General Assembly that on the

SEVENTH DAY OF NOVEMBER

in the year of our Lord one thousand nine hundred and sixteen, being the Tuesday next after the first Monday of said month, an election will be held in the several counties of this State, at the places in the several Election Districts respectively, at which the General Election in the said State is held, for the purpose of choosing by ballot by the citizens of this State having the right to vote for representatives in the General Assembly, three electors for the election of a President and Vice President of the United States.

IN TESTIMONY WHEREOF, I have set my hand and caused the Great Seal of the State to be hereunto affixed, at Dover, this ninth day of October in the year of our Lord one thousand nine hundred and sixteen and in the year of the Independence of the United States the one hundred and forty-first.

[GREAT SEAL]

By the Governor:

CHAS. R. MILLER.

GEO. H. HALL,

Secretary of State.

## PROCLAMATIONS.

## PROCLAMATION.

## STATE OF DELAWARE.

## EXECUTIVE DEPARTMENT.

CHARLES R. MILLER,

Governor of said State.

*To all Persons to whom these Presents shall come, Greeting:*

Whereas, An election was held in the State of Delaware, on Tuesday, the 7th day of November, in the year of our Lord one thousand nine hundred and sixteen, that being the Tuesday next after the first Monday in said month, in pursuance of the Constitution of the United States and the Constitution and the Laws of the State of Delaware in that behalf, for the purpose of choosing by ballot three Electors for the election of a

PRESIDENT AND VICE-PRESIDENT OF THE  
UNITED STATES;

And whereas, The official certificates or returns of the said election, held in the several counties of the said State, having been duly received and examined by the Governor, it appears from them that the votes in the said counties respectively for such Electors, were cast as follows, to wit:

## NEW CASTLE COUNTY.

Patrick H. Keaveny .....	14,894
Joseph Herman Anderson .....	14,677
Oliver Cordrey .....	14,662

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## PROCLAMATIONS.

William H. Heald .....	16,166
William D. Denney .....	15,966
William I. Simpson .....	15,964
Thomas J. Biscoe .....	436
Alfred Smith .....	428
Edward J. Winder .....	431
Clarence W. Johnson .....	480
Paul Schueler .....	467
Arthur N. Andrews .....	470

## KENT COUNTY.

Dr. Patrick H. Keaveny .....	4,210
Joseph Herman Anderson .....	4,166
Oliver Cordrey .....	4,168
William H. Heald .....	3,813
William D. Denney .....	3,797
William I. Simpson .....	3,792
Thomas J. Biscoe .....	66
Alfred Smith .....	65
Edward J. Winder .....	63

## SUSSEX COUNTY.

Dr. Patrick H. Keaveny .....	5,649
Joseph Herman Anderson .....	5,620
Oliver Cordrey .....	5,620
William H. Heald .....	6,032
William D. Denney .....	5,987
William I. Simpson .....	5,993
Thomas J. Biscoe .....	64
Alfred Smith .....	62
Edward J. Winder .....	58

And Whereas, The said returns of the election as aforesaid, duly made out, signed and executed, having been duly delivered to the Governor by the Superior Court of said counties, and the Governor having examined said returns as aforesaid, and enumerated and ascertained the number of votes for each and every candidate or person voted for such Electors, the result appears as follows, to wit:

## PROCLAMATIONS.

Whole number of votes for Dr. Patrick H. Keaveny.	24,753
Whole number of votes for Joseph Herman Anderson	24,463
Whole number of votes for Oliver Cordrey . . . . .	24,450
Whole number of votes for William H. Heald. . . . .	26,011
Whole number of votes for William D. Denney. . . . .	25,750
Whole number of votes for William I. Simpson. . . . .	25,749
Whole number of votes for Thomas J. Biscoe. . . . .	566
Whole number of votes for Alfred Smith . . . . .	555
Whole number of votes for Edward J. Winder. . . . .	552
Whole number of votes for Clarence W. Johnson. . . . .	480
Whole number of votes for Paul Schueler . . . . .	467
Whole number of votes for Arthur N. Andrews. . . . .	470

Now, Therefore, I, Charles R. Miller, Governor of the State of Delaware, do hereby declare that William H. Heald, William D. Denney and William I. Simpson have received the highest vote at the election aforesaid, and therefore have been and are duly and legally elected Electors for the election of a President and Vice President of the United States.

GIVEN UNDER MY HAND and the Great Seal of the said State, at Dover, the 15th day of November, in the year of our Lord one thousand nine hundred and sixteen and of the Independence of the said State the one hundred and forty-first.

[GREAT SEAL]

By the Governor:

CHAS. R. MILLER.

GEO. H. HALL,  
Secretary of State.

PROCLAMATIONS.

STATE OF DELAWARE,

EXECUTIVE DEPARTMENT.

CHARLES R. MILLER,

Governor of the said State.

*To all Persons to whom these Presents shall come, Greeting:*

WHEREAS, An election was held in the State of Delaware, on Tuesday, the seventh day of November, in the year of our Lord one thousand nine hundred and sixteen that being the Tuesday next after the first Monday in said month, in pursuance of the Constitution of the United States and the Constitution and Laws of the State of Delaware, in that behalf, for the election of a Senator for the people of the said State, in the

SENATE OF THE UNITED STATES

for the Constitutional term to commence on the fourth day of March, in the year of our Lord one thousand nine hundred and seventeen.

AND WHEREAS, The official certificates or returns, of the said election, held in the several counties of the said State, having been duly received and examined by the Governor, it appears from them that the votes in the said counties respectively for such Senator were cast as follows, to-wit:

## PROCLAMATIONS.

## NEW CASTLE COUNTY.

Josiah O. Wolcott .....	15,141
Henry A. duPont ... ..	15,047
Hiram R. Burton .....	867
William C. Ferris .....	490

## KENT COUNTY.

Josiah O. Wolcott .....	4,417
Henry A. duPont .....	3,162
Hiram R. Burton .....	435

## SUSSEX COUNTY.

Josiah O. Wolcott .....	5,876
Henry A. duPont .....	4,716
Hiram R. Burton .....	1,059

AND WHEREAS, The said returns of the election for the choice of a Senator of and for the said State in the Senate of the United States, as aforesaid, duly made out, signed and executed, having been duly delivered to the Governor by the Superior Court of said counties, and the Governor having examined said returns as aforesaid, and enumerated and ascertained the number of votes for each and every candidate or person voted for, for such Senator, the result appears as follows, to wit:

Whole number of votes for Josiah O. Wolcott.....	25,434
Whole number of votes for Henry A. duPont....	22,925
Whole number of votes for Hiram R. Burton....	2,361
Whole number of votes for William C. Ferris....	490

Now, THEREFORE, I, Charles R. Miller, Governor of the State of Delaware, do hereby declare that Josiah O. Wolcott has received the highest vote at the election aforesaid, and therefore has been and is duly and legally elected Senator of and for the State of Delaware in the Senate of the United

PROCLAMATIONS.

States for the Constitutional term to commence on the fourth day of March in the year of our Lord one thousand nine hundred and seventeen.

[GREAT SEAL] GIVEN UNDER MY HAND and the Great Seal of the said State, at Dover, the Fifteenth day of November in the year of our Lord one thousand nine hundred and sixteen and of the Independence of the said State the one hundred and forty-first.

By the Governor:

CHAS. R. MILLER.

GEO. H. HALL,

Secretary of State.



## PROCLAMATIONS.

## PROCLAMATION.

STATE OF DELAWARE,

EXECUTIVE DEPARTMENT.

CHARLES R. MILLER,

Governor of the said State.

*To all Persons to whom these Presents shall come, Greeting:*

WHEREAS, An election was held in the State of Delaware, on Tuesday, the seventh day of November, in the year of our Lord one thousand nine hundred and sixteen that being the Tuesday next after the first Monday in said month, in pursuance of the Constitution of the United States and the Constitution and Laws of the State of Delaware, in that behalf, for the election of a Representative for the people of the said State, in the Sixty-fifth CONGRESS OF THE UNITED STATES.

AND WHEREAS, The official certificates or returns, of the said election, held in the several counties of the said State, having been duly received and examined by the Governor, it appears from them that the votes in the said counties respectively for such representative were cast as follows, to wit:

## NEW CASTLE COUNTY.

Albert F. Polk .....	14,404
Thomas W. Miller .....	15,933
Edward G. Bradford, Jr. ....	723
Frederick K. Miller .....	484

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## PROCLAMATIONS.

## KENT COUNTY.

Albert F. Polk .....	4,220
Thomas W. Miller .....	3,405
Edward G. Bradford, Jr.....	400

## SUSSEX COUNTY.

Albert F. Polk .....	5,771
Thomas W. Miller .....	4,864
Edward G. Bradford, Jr. ....	1,007

AND WHEREAS, The said returns of the election for the choice of a Representative of and for the said State in the Sixty-fifth Congress of the United States, as aforesaid, duly made out, signed and executed, having been duly delivered to the Governor by the Superior Court of said counties, and the Governor having examined said returns as aforesaid, and enumerated and ascertained the number of votes for each and every candidate or person voted for, for such Representative, the result appears as follows, to wit:

Whole number of votes for Albert F. Polk .....	24,395
Whole number of votes for Thomas W. Miller....	24,202
Whole number of votes for Edwd. G. Bradford, Jr.	2,130
Whole number of votes for Frederick K. Miller...	484

NOW, THEREFORE, I, Charles R. Miller, Governor of the State of Delaware, do hereby declare that Albert F. Polk has received the highest vote at the election aforesaid, and therefore has been and is duly and legally elected the Representative of and for the State of Delaware in the Sixty-fifth Congress of the United States.

GIVEN UNDER MY HAND and the Great Seal  
of the said State, at Dover, the Fifteenth  
day of November in the year of our Lord  
[GREAT SEAL] one thousand nine hundred and sixteen

## PROCLAMATIONS.

and of the Independence of the said State  
the one hundred and forty-first.

By the Governor:

CHAS. R. MILLER.

GEO. H. HALL,

Secretary of State.

## PROCLAMATIONS.

## PROCLAMATION.

## STATE OF DELAWARE,

## EXECUTIVE DEPARTMENT.

CHARLES R. MILLER,

Governor of the said State.

*To all Persons to whom these Presents shall come, Greeting:*

WHEREAS, An election was held in the State of Delaware, on Tuesday, the seventh day of November, in the year of our Lord one thousand nine hundred and sixteen that being the Tuesday next after the first Monday in said month, in pursuance of the Constitution and Laws of the State of Delaware, in that behalf, for the election of an Attorney-General OF THE STATE OF DELAWARE.

AND WHEREAS, The official certificates or returns, of the said election, held in the several counties of the said State, having been duly received and examined by the Governor, it appears from them that the votes in said county respectively for such Attorney-General were cast as follows, to wit.

## NEW CASTLE COUNTY.

Armon D. Chaytor, Jr. ....	15,292
David J. Reinhardt .....	15,754
William H. Connor .....	485

## KENT COUNTY.

Armon D. Chaytor .....	4,229
David J. Reinhardt .....	3,798

## PROCLAMATIONS.

## SUSSEX COUNTY.

Armon D. Chaytor Jr. ....	5,679
David J. Reinhardt .....	5,987

AND WHEREAS, The said returns of the election as aforesaid, duly made out, signed and executed, having been duly delivered to the Governor by the Superior Court of said counties, and the Governor having examined said returns as aforesaid, and enumerated and ascertained the number of votes for each and every candidate or person voted for, for such Attorney-General the result appears as follows, to wit:

Whole number of votes for Armon D. Chaytor, Jr.	25,200
Whole number of votes for David J. Reinhardt...	25,539
Whole number of votes for William H. Connor...	485

NOW, THEREFORE, I, Charles R. Miller, Governor of the State of Delaware, do hereby declare that David J. Reinhardt has received the highest vote at the election aforesaid, and therefore has been and is duly and legally elected the Attorney-General of and for the State of Delaware.

[GREAT SEAL]	GIVEN UNDER MY HAND and the Great Seal
	of the said State, at Dover, the Fifteenth
	day of November in the year of our Lord
	one thousand nine hundred and sixteen
	and of the Independence of the said State
	the one hundred and forty-first.

By the Governor:

CHAS. R. MILLER.

GEO. H. HALL,

Secretary of State.

PROCLAMATIONS.

PROCLAMATION.

STATE OF DELAWARE,

EXECUTIVE DEPARTMENT.

CHARLES R. MILLER,

Governor of the said State.

*To all Persons to whom these Presents shall come, Greeting:*

WHEREAS, An election was held in the State of Delaware, on Tuesday, the seventh day of November, in the year of our Lord one thousand nine hundred and sixteen that being the Tuesday next after the first Monday in said month, in pursuance of the Constitution and Laws of the State of Delaware, in that behalf, for the election of an Insurance Commissioner OF THE STATE OF DELAWARE.

AND WHEREAS, The official certificates or returns, of the said election, held in the several counties of the said State, having been duly received and examined by the Governor, it appears from them that the votes in said county respectively for such Insurance Commissioner were cast as follows, to wit:

NEW CASTLE COUNTY.

Thomas R. Wilson .....	14,502
Amos A. Watson .....	15,533
George C. Hering .....	519
William H. Warren .....	432
John Vlodkowski .....	508

KENT COUNTY.

Thomas R. Wilson .....	4,228
Amos A. Watson .....	3,164
George C. Hering .....	555
William H. Warren .....	60

## PROCLAMATIONS.

## SUSSEX COUNTY.

Thomas R. Wilson .....	5,661
Amos A. Watson .....	4,972
George C. Hering .....	914
William H. Warren .....	124

AND WHEREAS, The said returns of the election as aforesaid, duly made out, signed and executed, having been duly delivered to the Governor by the Superior Court of said counties, and the Governor having examined said returns as aforesaid, and enumerated and ascertained the number of votes for each and every candidate or person voted for, for such Insurance Commissioner the result appears as follows, to wit:

Whole number of votes for Thomas R. Wilson....	24,391
Whole number of votes for Amos A. Watson ....	23,669
Whole number of votes for George C. Hering....	1,988
Whole number of votes for William H. Warren..	616
Whole number of votes for John Vlodkowski ....	508

NOW, THEREFORE, I, Charles R. Miller, Governor of the State of Delaware, do hereby declare that Thomas R. Wilson has received the highest vote at the election aforesaid, and therefore has been and is duly and legally elected the Insurance Commissioner of and for the State of Delaware.

GIVEN UNDER MY HAND and the Great Seal of the said State, at Dover, the Fifteenth day of November in the year of our Lord one thousand nine hundred and sixteen and of the Independence of the said State the one hundred and forty-first.

[GREAT SEAL]

By the Governor:

CHAS. R. MILLER.

GEO. H. HALL,

Secretary of State.

## PROCLAMATIONS.

## PROCLAMATION.

## STATE OF DELAWARE,

## EXECUTIVE DEPARTMENT.

CHARLES R. MILLER,

Governor of the said State.

*To all Persons to whom these Presents shall come, Greeting:*

WHEREAS, An election was held in the State of Delaware, on Tuesday, the seventh day of November, in the year of our Lord one thousand nine hundred and sixteen that being the Tuesday next after the first Monday in said month, in pursuance of the Constitution and Laws of the State of Delaware, in that behalf, for the election of a State Treasurer OF THE STATE OF DELAWARE.

AND WHEREAS, The official certificates or returns, of the said election, held in the several counties of the said State, having been duly received and examined by the Governor, it appears from them that the votes in said county respectively for such State Treasurer were cast as follows, to wit:

## NEW CASTLE COUNTY.

James Lord .....	14,472
William J. Swain .....	16,062
John R. Price .....	455
L. P. McGuigan .....	485

## KENT COUNTY.

James Lord .....	4,171
William J. Swain .....	3,786
John R. Price .....	64



## PROCLAMATIONS.

## SUSSEX COUNTY.

James Lord .....	5,542
William J. Swain .....	6,027
John R. Price .....	95

AND WHEREAS, The said returns of the election as aforesaid, duly made out, signed and executed, having been duly delivered to the Governor by the Superior Court of said counties, and the Governor having examined said returns as aforesaid, and enumerated and ascertained the number of votes for each and every candidate or person voted for, for such State Treasurer the result appears as follows, to wit:

Whole number of votes for James Lord .....	24,185
Whole number of votes for William J. Swain ....	25,875
Whole number of votes for John R. Price.....	614
Whole number of votes for L. P. McGuigan .....	485

NOW, THEREFORE, I, Charles R. Miller, Governor of the State of Delaware, do hereby declare that William J. Swain has received the highest vote at the election aforesaid, and therefore has been and is duly and legally elected the State Treasurer of and for the State of Delaware.

GIVEN UNDER MY HAND and the Great Seal of the said State, at Dover, the Fifteenth day of November in the year of our Lord one thousand nine hundred and sixteen and of the Independence of the said State the one hundred and forty-first.

[GREAT SEAL]

By the Governor:

CHAS. R. MILLER.

GEO. H. HALL,

Secretary of State.

## PROCLAMATIONS.

## PROCLAMATION.

## STATE OF DELAWARE,

## EXECUTIVE DEPARTMENT.

CHARLES R. MILLER,

Governor of the said State.

*To all Persons to whom these Presents shall come, Greeting:*

WHEREAS, An election was held in the State of Delaware, on Tuesday, the seventh day of November, in the year of our Lord one thousand nine hundred and sixteen that being the Tuesday next after the first Monday in said month, in pursuance of the Constitution and Laws of the State of Delaware, in that behalf, for the election of an Auditor of Accounts OF THE STATE OF DELAWARE.

AND WHEREAS, The official certificates or returns, of the said election, held in the several counties of the said State, having been duly received and examined by the Governor, it appears from them that the votes in said county respectively for such Auditor of Accounts were cast as follows, to wit:

## NEW CASTLE COUNTY.

William G. Roe .....	14,481
Charles J. Luff .....	15,574
Alfred L. Hudson, Jr.....	512
Clifford B. Kitchen .....	451
George Lowe .....	490

## KENT COUNTY.

William G. Roe .....	4,250
Charles J. Luff .....	3,182
Alfred L. Hudson, Jr. ....	529
Clifford B. Kitchen .....	63

## PROCLAMATIONS.

## SUSSEX COUNTY.

William G. Roe .....	5,590
Charles J. Luff .....	5,038
Alfred L. Hudson, Jr. ....	929
Clifford B. Kitchen .....	117

AND WHEREAS, The said returns of the election as aforesaid, duly made out, signed and executed, having been duly delivered to the Governor by the Superior Court of said counties, and the Governor having examined said returns as aforesaid, and enumerated and ascertained the number of votes for each and every candidate or person voted for, for such Auditor of Accounts the result appears as follows, to wit:

Whole number of votes for William G. Roe .....	24,321
Whole number of votes for Charles J. Luff .....	23,794
Whole number of votes for Alfred L. Hudson, Jr. ....	1,970
Whole number of votes for Clifford B. Kitchen ..	631
Whole number of votes for George Lowe.....	490

NOW, THEREFORE, I, Charles R. Miller, Governor of the State of Delaware, do hereby declare that William G. Roe has received the highest vote at the election aforesaid, and therefore has been and is duly and legally elected the Auditor of Accounts of and for the State of Delaware.

GIVEN UNDER MY HAND and the Great Seal of the said State, at Dover, the Fifteenth day of November in the year of our Lord one thousand nine hundred and sixteen and of the Independence of the said State the one hundred and forty-first.

[GREAT SEAL]

By the Governor:

CHAS. R. MILLER.

GEO. H. HALL,

Secretary of State.

## PROCLAMATIONS.

.    *THANKSGIVING DAY**PROCLAMATION.*

The Pilgrim Fathers upon the bleak and barren shore of New England offering thanks to their Divine Creator for his care and guidance across the tempestuous Sea, furnished us an example of Christian fidelity, which it has long been the custom of the American people in nation and in state to faithfully recognize by setting apart at this Season a day upon which we lay aside material things and render thanks to God for the wonderful gifts He has so abundantly bestowed upon us, and implore His Divine Guidance for our future welfare and happiness.

As the day for observing this established custom approaches, the people of our beloved State should contemplate the abundant reasons which we have, for making public acknowledgement of the favors bestowed upon us by the Dispenser of all good and perfect gifts.

Peace and prosperity have joined in promoting the happiness of our people.

The husbandman has been amply rewarded by the fruits of his labor.

The activities in trade and commerce have offered the mechanic and the laborer abundant opportunity to procure regular and profitable employment.

We have been spared from calamity and serious pestilence and in no particular have our spiritual and material interests suffered.

Conscious of their duty to humanity, our citizens have contributed generously of their possessions, to relieve the

## PROCLAMATIONS.

suffering and distress of their fellow creatures beyond the Seas, and we join with the people of our Common Country in the Spirit of sincere humility, in offering thanks to Almighty God for that Divine Guidance which has ever kept our Country free from the lust of conquest and the evils of commercial covetousness, which have brought sorrow, distress, disaster and ruin to other nations.

Mindful of the heritage transmitted to us by those noble patriots who founded the Government out of which this Great Republic has grown, we have developed the resources of our Country, achieving success, not through the supremacy of triumphant war, but by the pursuit and practice of the arts of peace.

Let us then fervently pray that our Country may continue in the enjoyment of these favors.

THEREFORE,—I, Charles R. Miller, Governor of the State of Delaware, do designate

THURSDAY

NOVEMBER THE THIRTIETH

NINETEEN HUNDRED AND SIXTEEN

as a Day of

GENERAL THANKSGIVING AND PRAYER

Upon that day let us lay aside our cares and anxieties and join in rendering thanks to Almighty God for the blessings which have been vouchsafed in the past and ask a continuance of His guidance for the future, that we may faithfully discharge the duties which may come to us as citizens of our Country and our State, asking for strength and wisdom to support with fidelity those principles and high ideals without which we cannot hope to continue a free and independent nation.

PROCLAMATIONS.

[GREAT SEAL] IN TESTIMONY WHEREOF,—I, Charles R. Miller, Governor of the State of Delaware, have hereunto set my hand and caused the great Seal to be affixed at Dover, this Twentieth day of November, in the year of our Lord, One Thousand Nine Hundred and Sixteen, and in the year of the Independence of the United States of America the One Hundred and Forty-first.

By the Governor:

CHAS. R. MILLER.

GEO. H. HALL,

Secretary of State.

## PROCLAMATIONS.

*PROCLAMATION.*

## STATE OF DELAWARE,

## EXECUTIVE DEPARTMENT.

It is with sincere sorrow that I announce the death of Preston Lea, former Governor of the State of Delaware, at Wilmington, on the fourth day of December nineteen hundred and sixteen.

This sad event marks the closing of a career which has been lived entirely within his native State, with whose business and financial interests Preston Lea has been intimately associated for more than half a century.

As Governor of the State, from 1905 to 1909, he brought to that high office, by reason of his long business experience, an element of more than usual ability.

His administration was particularly noted for the constant attention which he devoted to all matters affecting the material interests of the entire citizenship of the State.

Under his guiding hand all Departments of the State Government reached a high degree of efficiency and the influence of his presence was particularly manifest by an improvement in the educational and the agricultural conditions.

It is fitting that the State of Delaware, in recognition of his private character and of his public service, shall pay to his memory a tribute of honor and gratitude.

PROCLAMATIONS.

Now, Therefore, I, Charles R. Miller, Governor of the State of Delaware, do request that the National Flag upon all public buildings be displayed at half-staff until sundown on the day of the funeral, and that the citizens of the State unite in appropriate marks of respect to his memory.

IN TESTIMONY WHEREOF, I, Charles R. Miller, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal to be affixed at Dover, this fifth day of December, in the year of our Lord one thousand nine hundred and sixteen, and in the Independence of the United States the one hundred and forty-first.

[GREAT SEAL]

By the Governor:

CHAS. R. MILLER.

GEO. H. HALL,

Secretary of State.



## PROCLAMATIONS.

*PROCLAMATION.*

## STATE OF DELAWARE,

## EXECUTIVE DEPARTMENT.

Whereas, William J. Swain, State Treasurer of the State of Delaware, has reported to me a list of corporations which for two years preceding such report have failed to pay the taxes assessed against them and due by them under the laws of this State;

Now, therefore, I, John G. Townsend, Jr., do hereby issue this Proclamation according to the provisions of Sections 75 and 76, Chapter 6, of the Revised Statutes of 1915, as amended, and do hereby declare under this act of the Legislature that the charters of the following corporations, reported as aforesaid, are repealed:

A. A. Denslinger Machinery Company, Abara Rice Company, Accessories Sales Co., Advertising Device Company, A. D. Mfg. & Sales Co., Advertising Match Company, Adams Plumbing Company, Adams Publishing Company, Aer-Oid Rubber Substitutes Co., Ajello Hydro Aeroplane Company, The, Alexander Coal and Coke Corporation, Albert C. Derr Company, The, Alexis E. Boericke, Incorporated, A. L. Doughty Fish and Cold Storage Company, The, Alabama Lime & Stone Company, Alexander N. Mogab Company, "Always Air" Manufacturing Company, A. Mercantee Reed Loom & Watch Protector Manufacturing Company, Ambridge Metal Manufacturing Co., American Advertising Agency (Inc.), The, American Booking Offices, Incorporated, American Bottle Cap Company, of Delaware, Ameri-

## PROCLAMATIONS.

can Bung Extractor Company, The, American Cane-Sugar Company, American Carbide Products Company, American China Clay Company, American Concrete Board Company, American Cycle Car Company, American Distributing Company, American Educational Alliance, Incorporated, American Electro-Slatum Company, American Fruit Candy Company, The, American Gas Company, The American Hoop-Splice Company, The American Induction Oxidizer Company, American Investment Securities Company, American Keg and Barrel Company, American Land Company, American Land Improvement and Silk Culture Association, American Light, Heat and Power Company, American Metal Ornamental Company, American Motors Company, American Multinola Company, American Oil & Gasoline Company, American-Peruvian Corporation, The, American Portage Company, American Potato Co., American Railway Supply Company, The, American Real Estate and Construction Company, American Rotary Valve Engine Company, American Silencer Company, American Soda and Potash Company, American Standard Tool Company, The, American Steel Products Company, American Social Press Bureau, Inc., American Sulphur Royalty Company, American Sweeper & Cleaner Corporation, American Utilities Corporation, American Welding Company, Ann Arbor Company, The, Arabian Company, The, Arkosite Company, The, Aristos Company, The, Apex Manufacturing Company, Artificial Coal Company of Philadelphia, Armstrong Corporation, The, Arrow-Press, Incorporated, The, Arizona Superstition Mining Company, Arthur W. Rankin Company, Association of the Insured Associated Theatres Inc. The, Atlas Bituminous Enamel Company, The Atlas Bridge Company, Atlas Children's Wear Manufacturing Company, Atlantic Coal & Iron Company, Atlantic Construction Company, Atlantic Fruit & Steamship Company, Atlas Steel and Manufacturing Company, Austin Adding Machine Corporation, Automatic Car Brake Company, Automatic Card File Company, Automatic Cashier Company, Aux Cayes and Jeremie Electric Lighting Company, Auto-Coach Company, Automatic Display Company, The, Auto Finance Corporation, Auto-Foto Company, Automobile Repair & Sales Co. Inc., Automatic

## PROCLAMATIONS.

Safety gas Valve Company, Auto Safety Signal Lamp Co., Automatic Ticket Register Company, Automatic Train Control Company.

Babahoyo & Guaranda Railway Company, The, B. W. Smith & Company (Inc.), Bacon and Wilson, Incorporated, Baltimore Food Products Company, Baltimore Hotel and Amusement Company, The, Baltimore-Peach Bottom Slate Company, Baltimore Sugar Refining Company, Baltimore Underfeed Stoker Company, Bangs Film Developing Corporation, Bankers Mining and Development Company, Bankers Trustee Company, The, Barker Bend Mining Company, Barnett Trading Company, Ltd., The, Baseball Playing Card Co., Barytes Refining Company, Baseball Reproducing Company, Inc., The, Bateson Construction Company, Batequas Ranch Company, Baumeister Pharmacy Incorporated, The, Beam & Dunn Company, Manufacturing Chemists, Beach Front Hotel Company, Beaver Valley Provision Co., Berman Company, Incorporated, Berntson Automobile Accessories Sales Company, Best Bakeries Company, Be-shore Manufacturing Company, Biggs Irrigation Company, The, Bijou Theatre Company, Bishops Alabama Marble Company, The Blue Pearl Granite Corporation, Blowers-Rheubottom Rubber Company, Book and Electric Typewriter Company, The, Born-Konrad Company, Inc., Boro Salicine Company, Boston-Wyoming Copper Company, Bourbon County Home Telephone Company, The, Bowers Emery Irons Co., Bower Hill Oil Company, Boyd Safety Brake Company, Braddock Bedding Company, The Bradford and Bradford Company, Braddock Reduction Company, Brazilian Commercial, Industrial & Rural Company, Brazilian Commercial Syndicate, Incorporated, Brazilian Optical Company, Briggs Manufacturing Company, British American Timber Company, Broad Electric Company, The, Browder Manufacturing Company, Browns Mills Poultry Company, Buckingham Development and Holding Company, Buffalo and Niagara Falls Electric Shoe Shining Machine Company, Business Investment Company, Busiel Mfg. Company, Butler Mausoleum Construction Company, Butterfield Slate Co., Inc.

## PROCLAMATIONS.

C. C. Mitchell Co., Inc., Cafeteria Corporation, The Calor-Economic Engineering Co., C. F. Peterson Company, Caloric Food Company, The, California-Idaho Company, The, C. J. Rogers Manufacturing Company, Calhoun and Jones Company, The C. M. Hilliard Co., Cameron Furnace Company, Incorporated, Canadian Cedar Timber Company, Caprice Company, Canada Company, Ltd., Cannan Cotton Harvester Company, The, Cape Henry Silicate Brick Works, Incorporated, Canadian Properties, Ltd., Incorporated, Carolina Farms Company, The, Carolina Farms and Land Company, Carpenters Amusement Company, Carrier Manufacturing Company, The, Casterlin-Hershberger Company, Centre County Window Glass Company, The, Central Fuel Oil Company, Century Life and Accident Insurance Company, Cayce Oil Company, The, Caxton Printing Ink and Color Company, Central & South America Corporation, Central Tennessee Development Company, Central Theatre Company, Chamberlain Laboratories, Inc., Champion Steel Railway Tie Company, Charles E. Keelet Company, Chas. B. Justice, Inc., Charles B. Stillwell Company, Cherry Chemical Company, Incorporated, The, Chattanooga Corporation, The, China Commercial Company, Chicago Hosiery Company, Chiantla Mining and Smelting Company, Chicago and New Orleans Transportation Company, Chinese Products Company, Limited, Christiana Contracting Company, Cinco Estrellas Mining Company, Chrono-Kinetograph Company, The, Church Motor Car Company, The Civic Service Corporation, City Theatre Company, Cleveland Coal Company, Clearfield Stone & Sand Company, Clinedinst Coal and Heat Saving Chemical Company, The, Cloverdale Mineral Spring Company, Coal Buyers Savings Club Company, Coleman Amusement Company, Coleman Gas Producer Co., Cold Radiating Company, Cold Radiator Company, Collins Axle Mfg. Company, Collapsible Barrel Co., Collett-Cuff-Link Company, Colonial Collateral Securities Company, Colonial Commercial Company, Colombia Gold Mines Corporation, Columbia Graphite Company, Columbia Hat Company, Inc., Colonial Land and Holdings Company, Colonial Manufacturing Co., Columbia Oil Refining and Manufacturing Company, The, Colonial Tire and Rubber Co., The, Commer-

## PROCLAMATIONS.

cial Agency Company, Company Antilles General, Combination Car Seat Company, Commercial Corporation of America, Commonwealth Corporation, The, Commercial Digest and Review, Incorporated, Commercial Fruit Company, Combined Ice Syndicate, Commercial Oil and Gas Company, Commer Truck Company of America, Conestoga Amusement Company, Conestoga Engineering Company, Concrete Products Corporation of America, Concho River Land and Irrigation Company, Connecticut Transit Company, Consolidated Assets Company, Consolidated Auto Supply Co., Consolidated Coal and Clay Products Company, Consolidated Conveying and Elevating Company, The, Consolidated Electric Utilities Company, Consolidated Exploration Company, Consumers Fruit & Produce Stores, Incorporated, Consumers Gas Company, Consumers' Grocery & Market Company, Consolidated Mica Company, Consolidated Motion Picture Company, Consumers Natural Gas Company, Consolidated North Carolina Mica Company, Consumers Securities Corporation, Consolidated Stores Company, Contractors Clearing House Association, Continental Glue Company, Container Manufacturing Company, Continental Tobacco Stemming Machine Company, Co-Operative Educational Film Company, Co-operative Syrup and Manufacturing Company of Alabama, The, Co-operative Underwriters Company, The, Co-operative Garage Company, Co-operative Oil and Gas Company, Co-operative Society, Skandia, Cory and Company, Corporation Finance Company, Corinth-Granville Mining, Milling and Development Company, Cortland Securities Company, Cosmos Specialty Company, The, Cottle Pitcher Company, Cranston Coal & Lumber Co., Crawley Company, Crandall Insurance Agency Company, Crescent Coal & Coke Company, The, Creamer Produce Company, Incorporated, Creighton Sales Company, The, Crosbyton-Southplains Development Company, Cuban-American Cigar Company, Cuban American Corporation, Cuban American Land & Development Co., Curtis Adjustable Bed Spring Company, Current River Lumber Company, Cyclone Smoke Preventor and Fuel Saver Company.

D. M. Piercy Co., Dairy Products Company, Dauffer Brew-

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## PROCLAMATIONS.

ing Company, The, Davenport Manufacturing Company, De Launty Engine Company, De Pars Chemical Company, The, Ded-Sure Seed Corn Company, Delta Company, Delta Electro-Plating and Manufacturing Company, Incorporated, The, Delphia Knitting Mills Company, Delmar Real Estate Improvement Company, Delaware Construction Company, Delaware Electric Traction Company, Delaware Glue and Gum Company, Delaware Magazine Company, The, Delaware Milling Company, Delaware Products Company, Delaware Trustee, Registrar and Title Insurance Company, Development Corporation, The, Diamond-Keystone Supply, Purchasing & Transportation Company, Diana Pharmacal Products Company, Diamond Phonograph Co., Domestic Service Company, Dovel-Glidden Company, Dover Realty Company, The, Dr. Alberts Chemical Company, Dual-Impulse Motors Company, Duff Bros. & Co., Incorporated, Dunken Realty Improvement Contracting & Construction Co., Dunton Consolidated Mines Co., Syndicate, The, Dutch-American Mining Company, Dyer Flaming Arc Company, The.

Eastern Dispensing Company, Eastern Food Products Company, The, Eastern Kentucky Coal & Timber Company, East Side Republican Association, Easy Starter and Speeder Company of America, Easy Starter and Speeder Co., of New York, The, Eastern Typewriter Sales Company, Economic Minerals Company, Efficiency Development Company, Edward E. Rice Theatrical Production Company, Educational Film and Supply Company, Eggette Fuel Company, Elgin Butterine Company, Electric Coaster Company, Eline Credit Company, El Padre Consolidated Copper Company, Elastic Shiny Leather Company, Electro-Steel Products Company, El Toro Gold Placer Mining Company, Equitable Building Realty Corporation, The, Enterprise Chemical Company, Empire Coal and Coke Company, Enterprise Electric Company, Equitable Finance Company, Employees National Merchandise Company, Emalina Oil and Gas Company, Empress Theatre Company, of Wilmington, Del., Equitable Utilities Company, Etho Automatic Ice Machine Company, Eureka Slate Company, Eureka Smoke Consumer Company,

## PROCLAMATIONS.

Eureka Disinfectant Company, Excelsior Vending Machine Company.

Fairhill Company, The, Family Credit Clothing and Furniture Company, The, F. G. Elliott Company, F. H. Scott Company, Farm to Consumer Company, Farmers & Consumers Exchange, Incorporated, Farrell-Lindstrom Construction Co., Farmers Packing Company, The, Farm Products Manufacturing Company, Father's Day Association, Fauhaber Player-Piano Company, Federal Consolidated Coal Mining Company, Federal Traction Company, Federal Finance Company of Pittsburgh, Fibre Gas Mantle Manufacturing Company, Film Import & Developing Corporation, Fiduciary Securities Company, The, First National Loan Society, Finance and Securities Corporation, The, Flexillion Manufacturing Co., Florida Farmers Land Company, Floryn Opera Producing Company, Fold-Easy House Manufacturing Company, Forkner Manufacturing Company, Fox Optical Manufacturing Company, Forest Park Hotel and Realty Company, Fort Vacuum Cleaner Co., Franco-American Safety Tire Company, Franklin Cream and Baking Company, Frank E. Stevens & Co., French Construction Company, The, Frederick-Herron Company, Fred-erica Water, Light and Power Company, Fruit Produce Agency Company, The, Fuel Oil Corporation, The.

G. A. Schlechter Company, Garrick Amusement Company, Gas Economizer Company, The, Gardner Mountain Development Company, Gas Publications, Inc., Georgia Agricultural & Development Co., Inc., George Allen Mullen Company, General Automatic Meter Company, G. E. Manufacturing and Sales Company, General Elevated Railway Company, General Electric Utilities Company, General Fuel and Power Company, General Galvanizing Company, German Gold and Uranium Mining Company, General Motion Picture Company, General Sales Company of America, General Service Corporation, George T. Parker Company, General Underwriters, Limited of Delaware, General Waterproofing and Contracting Company, Gibson Motor Car Company, Gilsonite Company, Globe Feature Film Corporation, Glen Iron

## PROCLAMATIONS.

Furnace Company, Globe Manufacturing Company, Gloria Mining Company, The, Goldfield Belmont Mining Company, Gold Cliff Mining Company, Gordon Coal Company, The, Grace's Restaurant Company, Graham Shoe Company, Inc., Granny Coon Spring Water Company, Grayson Springs Hotel Company, The, Great Eastern Lumber Company, Greensburg Mausoleum Company, Green Ridge Poultry Farms, Inc., Great Western Lead Manufacturing Co., Grow Lumber Co., The, Guarantee Bond Company of America, Gyroheel Company.

H. W. Barnes Company, Haines Gas Turbine Company, The, Hallum Construction Company, Halsey Manufacturing Company, Hamilton Catering Company, The, Hankin Bros. Company, The Harpoon Company, Hawley Construction Company, The, Hayward Hooper Drug Company, Hazel Wood Lumber Company, The, Heffron Corporation, H. E. Rich Manufacturing Company, The, Heaton Manufacturing Company, Helicoid Copyliner Company, Hemmick Manufacturing Co., Inc., The, Hershey-Sexton Company, Hexloaf Bread Company, Hewitt Marble, Talc and Lime Company, High Grade Oil Company of New York, High Grade Oil Refining Company of New York, High Grade Securities Company, Highland Hosiery Company, H. L. Construction Company, Hinds Universal Expander Company, Holland Importing Company, The, Homo Company, The, Homestead Realty & Construction Co. (Inc.), Horrigan Contracting Company, Horace S. Fogel, Inc., The House of Johnson, Inc., Hover Park Amusement Company, Hufnal Berry Company, Hub Gear Company, The, Huastaca Valley Land and Development Company, Huling Candy Company, Hughes Terminal Company, Hunsicker, May & Wilfong, Inc., Huston Multiple C. Spring Company, Hydro-Blene Chemical Works, Incorporated, Hyattsville Ice Company, Hydraulic Vacuum Cleaning Company.

Identifier Company, Idaho Consolidated Power and Utilities Company, Ltd., Ideal Desk Company, Imperial Investment and Underwriting Company, The, Imperial Metal Products Corporation, Impervious Paper Products Com-



## PROCLAMATIONS.

pany, Illinois Pure Oil Company, Ideal Restaurant Company, The, Imperial Ruling and Binding Company, Ideal Specialties Company, Insular and Atlantic Coast Commerce Company, Independent Baking Powder Company, Insurance Bond & Mortgage Company, Inter-City Amusement Company, Insuloid Company, The, Investors Corporation Company of America, Indian Creek Stone, Sand and Contracting Company, The, Inyo Development Company, Indispensable Railway Car Fan Company, Industrial Realization Corporation, Indian River Fruit Company, Industrial Sugar Company, The, International Accessories Manufacturing Company, The International Automobile League Tire & Rubber Company, International Cash Savings Stamp Company, International Condenser Company, International Cordless & Weightless Window Company, International Distributing Company, International Engineering & Construction Co., International Electric Pump Company, International Flax Fibre Company, The, International Ice Machine Co., International Industrial and Educational Film Company, Interstate Jewelry Company (Inc.), International Loan Society, The, International Metal-Wheel and Supply Company, Inter-Ocean Railway Company, International Radiator Company, The, International Sales Association, The, International Sales Company of America, The, Inter-State Sales Corporation, Interstate Securities Co., International Specialty Company, The, Interstate Supply Company, International Underwriters Corporation of Scranton, Pa., The, International Underwriters, Inc., Iowa Midland Railroad Company, Iowa-Nebraska Public Service Company.

J. E. Brady Company, The, Jacobson Engineering Company, The, Jamaica Hardwood Company, Jack of Hearts Restaurant, Inc., James H. Wright Company, J. F. Bingham Manufacturing Company, Jersey Coast Realty Corporation, Johnston, Elliott & Co., Incorporated, John H. Crawford Company, John L. Benjamin Company, John Neilson Co., J. O. Johnston & Company (Incorporated), John T. Hall Music Publishing Company, Johnson Wave Spring Company, John Wedderburn Company, The, John Wendt and Company, Incorporated.

## PROCLAMATIONS.

Kalorama Film Company, Karger Cigar Company, Kansas City Cotton Mills Company, Kansas Land and Live Stock Company, Kayro Wrench & Mfg. Company, The, Kentucky Central Electric Railway Company, Kent Water, Light and Power Company, Keystone Aircraft Company, Keystone Construction Company, Keystone Farm Products Company, Keystone Machine Company, Keystone Materials Company, Keystone Sash Company, Keystone Specialty Company, Keystone State Vending Company, Keystone Trading Stamp Company of Philadelphia, Kief Steel Products Company, Kindl Vessel Unloading Company, Klenozone Company, The, Klein-German Mines Corporation, Klondike Mining Company, The, Klondike White Channel Gold Mining Company, Knox-Wyland Motor Car Company, Kol-Gas Heater Company, Kresko Laboratories Incorporated, Kwik Manufacturing and Distributing Company.

Lady Belle Lease Syndicate, La Concha Button Manufacturing Company, Lake Erie and Ohio River Railway and Transportation Company, Lalor Fuel Oil System Company, La Grange Placer Mining Company, La Mode Cleaning and Pressing Company, La Salle Corporation, The, Lamissark Land and Loan Company, Lancaster Family Theatre Company, Lancaster Hardware Company, Lancaster Oregon Land Company, Lancaster Printing Company, Larref Film Company, Lanning-Stone Sales Company, Laurel Printing and Publishing Company, Leasure Auto Safety-Disk Company, Le Clere Company, Leatherwood's Industrial Gibraltar Investment Corporation, Lemon Blend Company, Lemon Creek Construction Company, Lewis Motor & Engineering Company, Liberty Brewing Company, The, Lilly & Co., Inc., Lignite Products Refining Company, Life Saving Appliance Company, Liberty Trust Company, Lincoln Amusement Company, Lincoln International Chautauqua League of University and Church Extension, Incorporated, Liquid Fuel Utilities Company, Liquids Purification Company of America, Liquid Supply Co., The, Loan Society of Pittsburgh, Local Steam-Packing Company, Lohmann-Hold Mfg. Co., The, Lowe Coke and Gas Securities

## PROCLAMATIONS.

Company, Luckenbach Smokeless Furnace Company, Lykens Valley Development Company.

McArthur Automatic Train Control Company, MacDonald Engineering & Construction Co., MacPherson Company, Incorporated, The.

M. B. Dudley Film Company, Machinery Equipment Company, Mabel Hill Coal Company, M. L. Spence and Sons, Incorporated, Mackey Publishing Company, The, Malted Grape Sugar & Syrup Company, The, Malle Little Grip Company, Manhattan Trust Security Company, Maracaibo Petroleum Corporation, Martin Metallic Box Company, Maryland Slate, Brick and Tile Company, Massachusetts Wharf Trust (Incorporated), Medecus Fertilizer Company, Memphis Coal Saving Company, Memphis Cotton Manufacturing Company, The, Memphis Mining and Manufacturing Company, Merced Dredging Company, Merchants Farm Lands Company, The, Merchants' Motor-Express Company, Mercer Three Barrel Gun Company, Merchants Trading Discount System (Incorporated), Metropolitan Film Company, Metropolitan Loan Society, Metal Novelties Corporation, Metallic Shipping Case Corporation, The, Mexico and Tohica Light and Power Company, Mexican Union Petroleum Company, Midway Canning Company, Milford Garage and Repair Company, The, Milestone Publishing Company, Milo Remedy Company, The, Millsboro Agricultural Association, Miller Fireworks Co., Miller's Inner Tire Core Co., Millsboro Manufacturing Company, Millsops Mail Exchange Company, The, Milton Light, Power and Water Company, The, Mineral Extraction Company, Mississippi River Power Company, The, Mitchell Fashion Company, The, Modern Woman Publishing Company, The, Mono Certified Butter Company, Monarch Steam Laundry, Inc., Moore Motor Truck Company, Motion Picture Corporation of America, Motor Sales and Service Company, Motor Square Garden Amusement Company, Moulton Brothers Company, Mound City Trust Company, The, Mozart Amusement Company, The, Municipal Building Company, Municipal Utilities Corporation, Muskingum Company, Mutual Commercial Agen-

## PROCLAMATIONS.

cy, Incorporated, The, Mutual Fire Insurance Company of Delaware, Mutual Steamship Company, Inc., Mutual Taxicab Company.

Narberth Athletic Association, Naivetta Company, Naica Mining Company, National Advertising Company of Atlanta, Ga., The, National Amusement Company, National Bar Spring Company, National Bottle Vending Machine Company, National Co-operative Center, Inc., National Co-operative Company, The, National Educational Film Company, National Electro Process Company, National Electric Protective Company, Incorporated, National Estimating Company, National Fender Corporation, National Fibre Products Company, National Gas Products Company, National Gas Radiator Company, The, National Macaroni Company, The, National Mercantile Company of Pittsburgh, The, National Motion Picture Company, National Moving Picture Supply Company, National Newspaper Premium Company, National Novelty Company, National Ores Company, National Pavement Cutting Machine Company, National Silk Throwing Company, The, National Silver Company, National Window Manufacturing Company, The, National Yeast Company, Net Weighing and Filling Machine Corporation, The, New Abbott Quicksilver Company, New England Amusement Co., (Inc.), New England Operating Company, Newark Hardware Company, Newspapers Publishers Company, New Spar Products Company, The, New Venture Oil & Gas Company, The, New York and Indiana Stone Company, New York Machinery Exchange (Inc.), The New York-Montana Gold Mining Company, New York Nypco Company, New York Water Purification Corporation, Niagara Laboratories, Inc., Nicaragua Timber and Fruit Lands Company, Ninth Avenue Garage Company, 910 De Witt Place Company, Nixon-Nirdlinger Prudential Associated Vaudeville Agency, Incorporated, No-Destructo Slide Co., Noland Furniture Company, Non-Metallic Milling Company, The Norland Manufacturing Company, North American Film Corporation, North American Realty Company, Northern Equipment Company, North Fork Cannel Coal Company, Novbere and Company.

## PROCLAMATIONS.

The O. C. F. Rhea Paint Co., Ocean City Pier Company, The, Oklahoma Colonization and Development Company, Ohio and Mississippi Navigation Company, Oil Power Developing Company, Ogden Rowotype Company, Olancho Mineral Company, Only Motor Car Company, O'Neill Process Gas Co., The, Oriental Manufacturing Company, Oriole Mining Company, The Ore Recovering Company, Oxygen Fuel Company.

Pacific Equipment & Apparatus Corporation, Pachuca Mining and Milling Company, Pacific Petroleum Company, Pan-American Construction Company, Packmore Manufacturing Company, Pan American Export Service Company, Pan American Gold Dredging Company, Pan American Motion Picture Company, Palermo Poultry and Produce Company, Panama West Coast Development Company, The Pay-as-you Enter Car Corporation, Patent Development Company, The, Patapsco Transportation Company, The, Peerless Crucible Company, The, Peekskill Industrial Association of Peekskill, New York, The, Peat Liquid Products Co., Inc., Peerless Phonograph Sales Company, Pelican Mutual Life Agency Company, Penn Amusement Company, Penn-American Plate Glass Company, Penn-Dome Oil Company, Pennsylvania Impervious White Brick Co., Pennsylvania Lime Products Company, Pennsylvania Mineral Products Company, Pennsylvania Mortgage & Investment Company, Pennsylvania Municipal Bond Corporation, Pennsylvania Omnibus Company, Pennsylvania Package Company, Pensacola Railroad Land Company, Pennsylvania Rock Asphalt Paving and Construction Company, Pennsylvania Sales Company, Pennsylvania Steel Painting Co., Pennypacker Stone Company, The Pennsylvania Surety Company, Pennsylvania Telephone Herald Company, Penn-Union Realty Company, Penn-Utah Development Company, Philadelphia and Gulf Steamship Company, Peoples Amusement Company, The Perfect Bottle Cap Company, Peruvian-Chamayro Rubber Corporation, Permanart Company, The, Peoples Independent Tobacco Company, The Perfect Metal Bilge-Barrel Company, Peoples Motion Picture and Amusement Company, Peoples Paint Supply Company, Pharmacists' Co-op-

## PROCLAMATIONS.

erative Association, Philadelphia Bank & Office Supply Company, Phone Call Recorder Company, Phoenix Coal Company, Phoenix Film Manufacturing Company, Ltd., Philadelphia Finance Corporation, The, Philadelphia Hardwood Lumber Company, Inc., Physicians Hospital Association, Philadelphia Merchants' Exchange Corporation, Philadelphia Mining and Leasing Company, Philadelphia Mining Company, Philadelphia Mutual Aid (Inc.), Philadelphia-Pacific Co., Inc., Philadelphia Woolen Mills Company, Piedmont Manganese Company, Piasa Tractor Company, Pittsburgh Builders Supply Company, Pittsburgh Die Casting Company, Pittsburgh and Missouri Mining Company, Pittsburgh Paper Box Co., Pittsburgh Paste and Chemical Company, The, Pittsburgh Swing and Furniture Company, The, Pittsburgh-Westmoreland Coal Company, Pinal Company, Pioneer Conservation Company, Pilot Development and Investment Company, The Pioneer Safety Device Company, The Pioneer Selling Company, Pleasants County Oil & Gas Company, Pneumatic Rim & Tire Company, Pocahontas Coal and Timber Company, Pocahontas and Southwestern Coal Company, Portable Cotton Compress Company, Potter Manufacturing Company, Post Mountain Chemical & Manufacturing Company, Premier Company, The, Premier Company of Pennsylvania, The, Prospectors Association, The, Prince George Lumber Company, Protect U Company, Purogen Company, Pyle & Cronin, Incorporated, Pure Food Liquor Company, The, Pulley Facing Company, The, Pyrol Oil Company, Purified Petroleum Products Co. of Illinois, Purified Petroleum Products Co. of K. C., Mo., Public Service Improvement Company, Puebla Smelting and Refining Company, Pullman Taxicab Company, Public Utilities Company, Pure Water Still Company.

The, Quaker City Clock Advertising Company, Queen City Improvement Company, Queneau Electric Zinc Furnace Company, Quaker Five Cigar Manufacturing Company, Inc., Queen-Gray Company, The Quiver Job Print Company, Queenstown-Love Point Transportation and Development Company, Quality Rubber & Auto-Supply Company.

## PROCLAMATIONS.

Railway Automatic Safety Appliance Company, The, Rafailovich and Co., Inc., Radium Distributors of America, Incorporated, R. E. Lewis Products Company, Rail Joint Lock Company, Randolph and Company, Incorporated, Rector Gas Lighting Company, Reading Institute of Physiologic Therapeutics, Incorporated, Rector Radiator Company, Realization Realty Company, of Pittsburgh, Rector Securities Corporation, Rector Vacuum Gas Heating Company, Republic Finance Company, Reliance Gas Mantle Company, Republic Mausoleum Company, The, Renock Orchard Company, Reman Stone Company, The, Rex Amusement Company, The, Reynolds-Browne Company, Retail Butchers Exchange, Inc., The, Richard M. Gallagher, Incorporated, Richmond Operating Company, Rio Grande Mining Company, Rising Sun Water, Light and Power Company, Robert E. Mackay, Incorporated, Roberts Rubber Manufacturing Company, Rosiclare Lead & Fluor-Spar Company, Roper-Reese Lumber Company, Royal Amusement Company, Royal Manufacturing & Importing Company, Rowotype Manufacturing Company, The, Royal Spring Water Company, The, Rowe Truck, Sales & Service Company, Rubber-Aer Products Company, Rubberlife Company, Rubber Import Co., Rye Cereals Corporation, The.

Saco Coal Company, S. H. Hines and Son, Incorporated, S. R., S. W. Kennedy & Co., Dairying Association, S. & S. Film Manufacturing Company, The, St. Andrews Bay Nursery and Orchard Company, The Samuel Halton Company, Salt Lake Security & Trust Company, Salem Lumber Company, The, Samudio Plantation Syndicate, Sanipure Company, The, Santo Domingo Trading Company, Sanitary, Engineering and Construction Company, Sanitary Knock-Down Barrel Company, Sanitary Sewage Reduction Company, Sarasota Holding Company, School Service Association, Scientific Concrete Pile-Bulkhead Company, The, Scott Manufacturing Company, Inc., Scranton Base Ball Board Company, Scranton Foundries Company, Seaside Association, Securities and Construction Company of America, The Secured Realty Company, Securities Refunding Company, Seneca Construction Company, Sewage Disposal Corpora-

## PROCLAMATIONS.

tion, Sheet Metal Contractors' Co., Short Creek Oil & Gas Co., Sid-ol Company, The, Silksheen Manufacturing Company, Silver Plume Milling Company, Simon Fruit Company, Sivad Chemical Company, The, Sisson Engineering and Construction Company, Sisson Marble Company, Sloat Brothers Company, Slatington Manufacturing Company of Slatington, Pa., Smith-Delaplaine Company, Solid Oil Gas Company, Sonneman Dish Drainer Co., Sorosis Shoe Company of Kansas City, South Coast Oil and Fertilizer Company, South Delaware Gas Company, Southwestern Development Corporation, The, South-Eastern Printing Company, (Inc.), Southern Farmers' Breeding and Live Stock Company, South Philadelphia Baseball Association, Southern Refractories Company, Southwestern Steel Corporation, Southwestern Steel Development Company, Southern Steel Package Company, Southern Warehouse Company, Special Equipment Corporation, Spayd's Typewriter Company, Speedway Tyre Company, Spiked Concrete Tie Company, Squirrel Hill Dairy Company, The, Standard American Home Supply Company, Standard Alloys Company, Standard Asphalt Company, Standard Automatic Signal Company, Standard Cigar Company, Standard Clay Company, Standard Electric Stop Company, Standard Engineering & Drafting Co., Standard Finance Company, The, Standard Investment Company, Standard Leather Dressing Co., Standard Mausoleum Company, Standard Motor Company, Standard Packing Company, Standard Sanitation Company, Standard Specialties Company, Standard Spiral Window Company, Standard Tag Machine Company, States Electric Company, The, Staples Land Improvement Company, State University of Naturopathy, Inc., Steel City Realty Company, Sterling Chemical Company, Steel Inner Tube Company, Stehman-Lancaster Company, Sterling Plumbing Supply Company, Steel-Site Realty Corporation, Stewart Tag & Machine Company, Stewart Union Oil Company, Sterling Utilities Company, Stitzer Engineering and Contracting Company, Story Printing Press Company, Storage Battery & Equipment Company, Street Railway Signal Company, Structural Tube and Steel Works, Incorporated, Submarine Heater Company, The, Sun Film Manufacturing Company,



## PROCLAMATIONS.

Sure-Hold Manufacturing Company, Syntho Metal Company.

Taylor Butter Pan Sales Company, The, Tampico Oil Company, Taite and Sisler Company, Texture Brick and Fireproofing Company, Texas Gulf Oil Company, Texas Irrigation Products Company, Tete A Tete Publishing Company, Thalimer Shoe Company, Thriller Amusement Company, Thomas Cement Construction Company, Thompson Poultry Company, Tipton and Company, Townley Realty Company, Trinity Electraphone Company, Triumph Underfeed Stoker Company, Trolley Electric Vehicle Company of America, Tulsa Drilling & Oil Co., Typewriter Manufacturing Company.

Ulua Commercial Company, Ultimate Drive Axle Company, The, U-Neek Household Specialty Company, Incorporated, Ultima Printing Utilities Co., U. S. Wire Wheel Company, U-zit Specialties Company, Universal Co-Operative Trading Syndicate, Universal Hartel Light Company, Universal Ice Company of Alabama, Unique Manufacturing Company, Universal Motor Truck Company, Universal Oil Converter Company, Universal Orchestra Company, Universal Publicity Company, Union Advertising Company, United Amusements Corporation, United Film Corporation, United Gold Mining and Milling Company, United Grain Companies, Incorporated, United Keanograph Company, United Lamp & Burner Company, United Manufacturing & Supply Co., Uno Manufacturing Company, United Meter Improvement Company, United Picture Theatres Company, The, Union Progressive Association, The Union Realization Company, United Sales Corporation, United Specialty Corporation, The, Union Street Improvement Company, United States Aqua Gas Company, United States Commissary Company, United States Fuel Gas Company, United States Guaranty Company, The, United States Nut Lock Company, United States Paper Bottle Company, United States Pneumatic Rim and Tire Company, United States Rapid Gravure Company, United States Safety Gas Valve Company, United States Sewage Disposal Corpora-

## PROCLAMATIONS.

tion, United States Sewage Disposal Corporation of Eastern Pennsylvania, United States Sewage Disposal Corporation of Missouri, United States Sewage Disposal Corporation of New Jersey, United States Zinc Products Company, United Telephone Company, United Ticket Supply Company, The, United Traction Improvement Company, United Water and Guarantee Company.

Vapor Remedy Company, Van San Cara Company, Venezuela Development Company, Verastone Products Company, Victor Corporation, The, Victor Cotton Harvesting Company, The, Victor Motor Car Company, Villa Nova Apartment House Company, The, Von Bauer-Lively Coal Products Company.

W. E. Woodward Company, W. J. Dawes & Company, Wakeman-McIntire Realty Company W. R. Taylor Lumber Company, Wagner Stinson Company, Wallace Automatic Bolt & Rivet Machine Company, Wallace Automobile Company, Walker Engineering Company, Walton Place Company, The, Warner Spring Manufacturing Company, Washington Advertising Agency (Incorporated), The, Washington-Baltimore Land Company, Washington Finance Company, Washington Land and Fruit Company, Washington Motor Car Company, The, Washington Motion Picture Company, Waverly Manufacturing Company, Wayne Oil and Gas Company, Weaver Architectural and Engineering Company, The, The Weatherby Electric and Manufacturing Company, Webb Company, The, Webb Metal & Manufacturing Company, Western Hotel Company, The, Western Implement and Motor Company, West India and Panama Steamship Company, Incorporated, West Indies Syndicate, Western Mines Company, Western Oregon Development Company, Western Pennsylvania Marble & Granite Company, West Side Bottling Works, Incorporated, Western Trust and Bond Company, White Cross School of Nursing Company, White Silicia Sand Company, William David & Co. (Inc.), William R. Moore Dry Goods Company, Wm. R. White Company, Wilmington Brewing Company, Wilmington Fabric Leather Company, Wilmington Iron and Metal Company, Wilson Dirigible Company, Wingohocking

## PROCLAMATIONS.

Ice and Coal Company, Wissahickon Automobile Company, W. L. Scott & Company, Incorporated, Wolfram Wire Company, Woman's National Theatre, Inc., The, Wonder Dredging Company, Wonder Extension Mining Company, Woodlawn Oil & Gas Development Company, Woodside Packing Company, Woodward Process Company, Worth Manufacturing Company, W. R. Van Gilder Company.

Yankee Selling Machine Company, The, Youngstown Lumber Company, The.

IN TESTIMONY WHEREOF, I, John G. Townsend, Jr., Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of this State to be hereunto affixed this twenty-fifth day of January, in the year of our Lord, one thousand nine hundred and seventeen, and of the Independence of the United States of America, the one hundred and forty-first.

[GREAT SEAL]

By the Governor:

JOHN G. TOWNSEND, Jr.

EVERETT C. JOHNSON,  
Secretary of State.

SECRETARY OF STATE'S OFFICE

DOVER, DELAWARE, May 11th, 1917.

In obedience to the provisions and directions of Section 3, Chapter 10 of the Revised Statutes of the State of Delaware approved October 19, A. D. 1914, and as amended by Chapter 30, Volume 28, Laws of Delaware, I have collated with and corrected by the original rolls now in the office of the Secretary of State and caused to be published this edition of the Laws of the State of Delaware, passed by the General Assembly at the regular Biennial Session commenced on Tuesday, the second day of January, A. D. 1917, and ended on the twenty-eighth day of March, A. D. 1917, and approved by the Governor.

Words and sentences marked with asterisks are printed as they appear on the original bills.

EVERETT C. JOHNSON,

*Secretary of State.*

[illegible]

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