

L A W S
of the
STATE OF DELAWARE

Passed at the
**SPECIAL SESSION OF THE NINETY-
SEVENTH GENERAL ASSEMBLY**

Commenced and Held at Dover

ON MONDAY, MARCH 22, A. D., 1920

And

IN THE YEAR OF THE INDEPENDENCE OF THE UNITED
STATES THE ONE HUNDRED AND FORTY-FOURTH

VOLUME XXXI

LAWS OF DELAWARE

TITLE THREE

State Revenue and Supplies

CHAPTER 1.

STATE REVENUE

INTOXICATING LIQUOR

AN ACT to amend "An Act to provide for the Refunding of a proportion of liquor license fees when the business for which such licenses are taken out, is declared unlawful during the continuance of the license" by providing the time from which said refunds are to be calculated.

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

Section 1. That Chapter 22, Vol. 30, Laws of Delaware, entitled "An Act to Provide for the Refunding of a proportion of liquor license fees when the business for which such Licenses are taken out, is declared unlawful during the continuance of the License," be and the same is hereby amended by adding thereto a new section as follows:

Section 2. For the purpose of ascertaining the proportion of said Liquor Licenses to be refunded as aforesaid, the State Treasurer is hereby authorized and directed to calculate the refund of such Licenses from the first day of July, A. D. 1919.

Approved April 28, A. D. 1920.

MOTOR VEHICLES

CHAPTER 2.

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 certified 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 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 author-

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ity to operate motor vehicles bearing the said tags for testing or demonstrating purposes; 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.

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 28, A. D. 1920.

MOTOR VEHICLES

CHAPTER 3.

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. Section 204. Every motor vehicle shall be provided, when in use, with good and sufficient brakes and with a horn, bell or other signaling device, producing an abrupt sound sufficiently loud to serve as an adequate warning of danger, but no person operating any motor vehicle shall make or cause to be made any unnecessary noise with such bell, horn or other signaling device or use the same except as a warning of danger; and such bell, horn or other signaling device shall not be sounded while passing a horse or other draft animal upon any of the public roads in this State, except when absolutely necessary to avoid accidents; and such bell, horn or other signaling device shall not be used upon the streets, lanes or alleys of any incorporated town within this State during the period of from one hour after sunset to one hour before sunrise, unless absolutely necessary to avoid accidents. Such bell, horn or other signaling device shall be sounded on approaching curves, hill tops and intersecting highways in the open country where the operator's view is obstructed. Motor vehicles shall from one-half hour after sunset until one-half hour before sunrise, show at least two white lights on the forward part of said vehicles, so placed as to be

MOTOR VEHICLES

seen from the front and of sufficient illuminating power to be visible at a distance of two hundred feet in the direction in which displayed and to reveal any person, vehicle or substantial object at least twenty-five feet ahead of such lights. Provided, that when any motor vehicle is at rest it may display one light showing white to the front and red to the rear, carried to the left of such motor vehicle, which light shall be visible from both front and rear for a distance of not less than two hundred feet. Motor vehicles shall also display on the rear a lamp so constructed and placed as to show a red light from the rear and throw a white light directly upon the rear registration tags and render the numerals thereon visible for at least twenty-five feet in the direction from which such vehicle is proceeding. Provided, however, that a motorcycle shall only be required to show at least one white light, visible not less than two hundred feet in the direction in which displayed, and one red light shall be shown in the opposite direction. And provided, further, 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 or lights was due to an accident and not to his or her mere oversight or neglect. Provided, further, that any lighting device of over four candle power shall not be equipped with a reflector unless the same shall be so designed, deflected or arranged that no portion of the beam of reflected light projected to the left of the axis of the vehicle, when measured seventy-five feet or more ahead of the lamps shall rise above forty-eight inches from the level surface upon which the vehicle stands under all conditions of load. Provided, further, that if, in addition to headlights, any such vehicle is equipped with an auxiliary light, projecting light or device other than a rear lamp, such auxiliary light or lights shall be subject to all the restrictions of this Section regarding the direction or deflection of the beam. The above provisions as to red lights shall also apply to vehicles which are trailed or towed by motor vehicles.

In order that this Section of the Statute may be operative without hardship on the owners and operators of Motor Vehicles, the Secretary of State shall prepare a list of devices and equipment which have been tested by some recognized testing laboratory, acceptable to the Secretary of State, and certified by the testing labor-

MOTOR VEHICLES

atory to be capable of making the projected light from the front lights or headlamps comply with the provisions of this Section when the adjustment of the front lights or headlamps and candle power of bulb used is as set forth in the certificate. The list shall give the name of the device or equipment, the maximum and minimum candle power of bulbs which may be used with the device or equipment and any special adjustment of the headlamp or device which may be necessary to make the light projected by the headlamp comply with the provisions of the statute. Manufacturers may have their devices certified as being on the approved list by paying a fee of \$10.00 and submitting to the Secretary of State, at the manufacturers expense, a certificate from one of the testing laboratories mentioned above, to the effect that the device will fulfill the provisions of the statute when used under the conditions of adjustment and candle power stated in the certificate; providing the Secretary of State shall decide that the report of the testing laboratory warrants him in placing the device on the approved list.

Approved April 28, A. D. 1920.

MOTOR VEHICLES

CHAPTER 4.

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 254 Section 217 of Chapter 6 of the Revised Code of the State of Delaware be and the same is hereby amended by adding thereto the following new section to be styled "254-F Section 217-F."

254-F Section 217-F. Any person having in his or her possession any motor-cycle or motor vehicle from which the manufacturer's serial number or any other manufacturer's trade or distinguishing number or identification mark has been removed, and effaced, changed, covered or destroyed, for the purpose of concealing or destroying the identity of such motor-cycle or motor vehicle, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not exceeding Two Hundred Dollars (\$200) or imprisoned for a period not exceeding one year, or both, in the discretion of the court.

Approved April 28, A. D. 1920.

APPROPRIATIONS

CHAPTER 5.

STATE REVENUE

APPROPRIATIONS

AN ACT making additional 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 twenty-one.

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

Section 1. That in addition to the amounts appropriated at the regular session of the General Assembly of the year one thousand nine hundred and nineteen, for the years one thousand nine hundred and nineteen and one thousand nine hundred and twenty, as set forth by Chapters 33 and 34 of Volume 30 of the Laws of Delaware, 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 twenty-one; 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 twenty-one, shall not have been paid out of the treasury, shall be turned to the general fund of the treasury. The said several sums hereby appropriated are as follows, viz:

For Delaware Industrial School for Girls, additional for	
1920	\$10,000.00
For State Live Stock Sanitary Board, for condemned	
tubercular cattle, for 1920.....	50,000.00

APPROPRIATIONS

For additional appropriations for the Department of Elections for the City of Wilmington, for 1920.....	1,500.00
For the purpose of carrying out the provisions of House Substitute for House Bill No. 77, being entitled "An Act to repeal Chapter 71, of the Revised Code of the State of Delaware, entitled 'Public Schools' and to provide a new chapter 71, entitled 'School Laws of the State of Delaware' ".....	540,000.00
To the Secretary of State, to meet the deficiency of maintaining the Corporation business in the office of the Secretary of State for the year 1919, and to cover the additional expenses of maintaining the same for the year 1920	8,000.00
For Ferris Industrial School of Delaware, for the replacement, repairs and extension of buildings for the year 1920	15,000.00
For the Mother's Pension Fund, additional appropriation for 1920.....	10,000.00
For the State Live Stock Sanitary Board, for the purchase of anti-hog cholera serum and virus for the year 1920...	25,000.00
For Delaware State Hospital, at Farnhurst, to meet the deficiency in maintaining the same for the year 1919...	23,858.67
For the Delaware State Hospital, at Farnhurst, to meet the estimated deficiency of maintaining the same for the year 1920.....	36,141.33
For the President and Treasurer of the Kent and Sussex County Fair Incorporated, to be paid under the provisions of Senate Bill No. 30, of the Special Session of 1920	5,000.00
For the State Chemist for services and expenses as provided by law.....	2,000.00

Approved June 24, A. D. 1920.

APPROPRIATIONS, CLAIMS

CHAPTER 6

STATE REVENUE

APPROPRIATIONS—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:

The Index.....	\$12.00
Mollie V. Harbordt, Rent of Typewriter	20.00
Bessie F. Weaver, Rent of Typewriter.....	20.00
Hotel Du Pont, Rent of Room	20.00
The State Sentinel, Printing.....	1,568.34
Lester B. Waterman.....	36.49
The Diamond State Telephone Company.....	488.90
C. Wm. K. Bradford.....	7.35
Charles G. Guyer.....	650.00
Harrington Journal.....	5.00
E. Sylvester.....	1.00
American Legion Post Harrington.....	25.00
J. Carey Palmer, Medal Expenses.....	62.00
Walter T. Massey.....	19.80
Wilson M. Vinyard.....	18.00
Wilmington Taxi Co.....	46.00
James W. Wise—Legislative Supplies.....	1,502.03
Chas. M. Smith—House and Senate Bill Books.....	55.00
Wm. H. Horstmann Co.—1 State of Del. Flag.....	25.00

APPROPRIATIONS, CLAIMS

Walter Ryan Safe Co.—Work on House and Senate Safes	15.67
A. G. Willey—Care of Legislative Supplies.....	50.00
Charles Zanders—Work on House and Senate Clocks.....	18.50
J. E. Beck—Furniture for Legislative Use.....	110.38
F. N. Buckingham—Cloth and Towels.....	10.75
H. J. Marshall—Extra Services as Janitor.....	25.00
Robert Smith—Extra Services as Janitor.....	25.00
Aaron Paskins—Extra Services as Janitor.....	25.00
Alfred Neill—Legislative Janitor.....	222.00
G. Austin Merritt—Stamps, Seals, Ribbons, etc.....	21.60
Tom Day—Cleaning.....	30.00
J. R. Hunter—Repair and Key Man.....	137.10
Dover Machine Works—Repairs, etc.....	85.08
Wm. Wickes—Repairing Chairs.....	2.50
H. M. Manning.....	106.75
Estate of Lewis E. Eliason.....	160.80
Oscar D. Ridings, Refund of Income Tax.....	17.75
Wm. E. Snyder, Refund of Income Tax.....	25.83
Martin G. Moore, Refund of Income Tax.....	6.44
James W. Cann, Refund of Income Tax.....	2.83
Frank J. Rhein, Refund of Income Tax.....	4.62
George W. T. Miller, Refund of Income Tax.....	14.64
Didrik Ostensen, Refund of Income Tax.....	1.55
James F. Allee, Jr.....	20.00
James W. Robertson.....	124.00
Thomas F. Gormley.....	124.00
Gilpin Highfield.....	140.00
John M. Walker.....	143.00
John F. Richards.....	141.00
Frank R. Pool.....	67.00
John E. Latta.....	57.00
Lewis M. Price.....	29.00
Robert H. Hollett.....	28.00
Charles D. Murphy.....	44.00
Wallace S. Handy.....	62.00
Isaac D. Short.....	62.00
Edward B. Brown.....	100.00
Asa Bennett.....	139.00
I. Layfield Long.....	140.00

APPROPRIATIONS, CLAIMS

J. Carey Palmer	144.00
Andrew A. Mulrine.....	124.00
Wm. Lyons, Jr.....	124.00
Theodore W. Francis.....	124.00
John E. McNabb.....	124.00
John J. Mulvena.....	124.00
Wm. H. Danzenbaker.....	135.00
Willard S. Gregg.....	138.00
Aaron F. Klair.....	138.00
Wm. D. Dean.....	141.00
Joseph D. Quigley.....	111.00
William C. Brooks	141.00
Edward Lester, Jr.....	87.00
Alexander P. Corbit.....	20.00
Walter E. Hart.....	47.00
Jefferson A. Staats.....	93.00
Thomas Jackson Snow.....	38.00
Garrett D. Paradee.....	10.00
Charles Hanratty.....	35.00
John W. Smith.....	20.00
John T. Buckson.....	8.00
James M. Sherwood.....	24.00
William H. Jakes.....	15.00
Jacob L. Soper.....	25.00
James C. Hardesty.....	60.00
Clarence C. Jester.....	87.00
Harry E. Clendaniel.....	75.00
Charles W. Parker.....	64.00
Joseph B. Lord.....	95.00
James E. Lloyd.....	99.00
Harvey W. Hastings.....	107.00
Benjamin F. Jones.....	125.00
Elijah W. Bunting.....	149.00
John D. Warrington.....	143.00
Hiram S. Smith.....	99.00
Silas J. Warrington.....	105.00

Approved June 21, A. D. 1920.

KENT AND SUSSEX COUNTY FAIR

CHAPTER 7

STATE REVENUE

KENT AND SUSSEX COUNTY FAIR

AN ACT appropriating certain monies to Kent and Sussex County Fair, Incorporated, to be expended for prizes for the encouragement of agriculture and the domestic arts.

Whereas, Kent and Sussex County Fair, Incorporated, a corporation of the State of Delaware was duly incorporated and organized to have and to manage a Fair or Exposition for the purpose of promoting and encouraging agriculture and the domestic arts within the State of Delaware, and has purchased land just outside the limits of the Town of Harrington, Delaware, for fair ground purposes; and

Whereas, the encouragement of agriculture and domestic arts is a matter of general public interest; and

Whereas, it has been demonstrated that one of the means of such encouragement is the offering of prizes or rewards for meritorious achievements in agriculture and in the domestic arts; 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 members elected to each branch thereof concurring therein):

Section 1. That the sum of Five Thousand Dollars be and the same is hereby appropriated annually out of the Treasury of the State of Delaware, payable on or before the first day of September, A. D., one thousand nine hundred and twenty, and in each and every year thereafter, to Kent and Sussex County Fair, Incorporated, a corporation of the State of Delaware as aforesaid, which monies are to be expended by Kent and Sussex County Fair, Incorporated, for prizes or reward for meritorious achievements in agri-

KENT AND SUSSEX COUNTY FAIR

culture and the domestic arts in the State of Delaware after the adoption of this Act, provided that no part of said appropriation shall be paid until there shall be buildings erected for the purpose of said Fair to the amount of Fifteen Thousand Dollars and before receiving the first of said appropriations or any of them the said corporation shall file with the State Auditor satisfactory proofs of the cost of said buildings.

Section 2. That the said sums shall be paid by the State Treasurer on or before the first day of September of each year out of any funds in his hands, as such State Treasurer, not otherwise appropriated, and the receipt of the President and Treasurer of the said Kent and Sussex County Fair, Incorporated, shall be his sufficient voucher therefor.

Section 3. That on or before the first day of December in each year, the President and Treasurer of the said Kent and Sussex County Fair, Incorporated, shall file with the State Auditor a sworn itemized statement of the expenditure of all monies paid to the said corporation under this Act during such year.

Approved May 28, A. D. 1920.

TITLE FIVE

Legislation

CHAPTER 8

PASSING, PUBLICATION AND DISPOSAL OF LAWS AND JOURNALS.

AN ACT providing for the Printing and Publication of the Laws of the Special Session of 1920.

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 and directed to immediately print and publish in a separate volume the laws passed at the Special Session of the General Assembly which convened on March twenty-second, 1920, in the manner and to the effect now provided by law for the printing and publication of the laws of the bi-ennial sessions.

Approved June 21, A. D. 1920.

TITLE SIX

State Officers and Commissions

CHAPTER 9.

CORPORATE SURETYSHIP.

AN ACT to amend Chapter 20, of the Revised Code of the State of Delaware, respecting Corporate Suretyship.

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 Delaware, be and the same is hereby amended by repealing 627. Sec. 56 of said Chapter and substituting in lieu thereof the following Section to be styled 627. Sec. 56.

“627. Sec. 56. CORPORATE SURETYSHIP SUFFICIENT; WHEN:—Whenever any bond, undertaking, recognizance or other obligation is by law or the charter, ordinances, rules or regulations of any municipality, board, body, organization or public officer, required or permitted to be made, given, tendered or filed with surety or sureties, and whenever the performance of any act, duty or obligation, or the refraining from any act, is required or permitted to be guaranteed, such bond, undertaking, obligation, recognizance or guarantee may be executed by a surety company qualified to act as surety or guarantor as hereinafter provided; and such execution by such company of such bond, undertaking, obligation, recognizance or guarantee shall be in all respects a full and complete compliance with every requirement of every law, charter, ordinance, rule or regulation that such bond, undertaking, obligation, recognizance or guarantee shall be executed by one surety or by one or more sureties, or that such sureties

CORPORATE SURETYSHIP

shall be residents or freeholders, either or both, or possess any other qualification, and shall be accordingly accepted and treated.

Every such corporation, qualified to act as surety or guarantor as hereinafter provided, is fully invested with power to execute and deliver bonds insuring the fidelity of persons holding positions of responsibility and trust, public or private, of becoming sole surety in any case where, by law, a bond or bonds with one or more sureties may be required or permitted for any legal purpose whatsoever, including the case of surety upon contracts, public and private official bonds, including bonds of all State, County and Municipal officers, and cases pending in any of the courts of this State, except bail bonds in criminal cases.

Any public officer or department of State, County or Municipal government, whose duty it may or shall hereafter be to approve the surety upon any bond or bonds, may in his or their discretion, accept and approve such bonds when executed by the principal therein, and any surety company qualified to act as surety or guarantor as hereinafter provided. The Levy Court, of the several counties of this State, is authorized in its discretion to accept such bonds as security for Collectors of county taxes in lieu of the security provided for by the laws of this State."

Provided, that every such bond, undertaking, obligation, recognition or guarantee, shall be executed on behalf of the said surety company by its regularly authorized officers and countersigned by its regularly authorized resident agent in the State of Delaware, and all premiums due to said surety company therefor shall be paid to said resident agent and shall be subject to any and all taxes levied upon such premiums under the laws of the State of Delaware.

Approved April 28, A. D. 1920.

STATE LIVE STOCK SANITARY BOARD

CHAPTER 10

STATE LIVE STOCK SANITARY BOARD

AN ACT to amend Chapter 21 of the Revised Code of the State of Delaware, by enlarging the Powers of the State Live Stock Sanitary Board, and appropriating money therefor.

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 and the same is hereby amended by inserting in Article 4 of said Chapter after 697 Sec. 48, the following Sections to be styled 697 A. Sec. 48 A., 697 B. Sec. 48 B., 697 D. Sec. 48 D., 697 E. Sec. 48 E., 697 F. Sec. 48 F., 697 G. Sec. 48 G., 697 H. Sec. 48 H.

697 A. Sec. 48 A. That the Delaware State Live Stock Sanitary Board be authorized to pay out of the funds appropriated by the Legislature of the State of Delaware one-half of the difference between the appraised value and the salvage of all cattle that may be condemned for tuberculosis by the State Live Stock Sanitary Board or a Veterinarian of the U. S. Bureau of Animal Industry working in co-operation with the Delaware State Live Stock Sanitary Board, and all cattle which may be condemned for tuberculosis shall be appraised in a manner prescribed by the Delaware State Live Stock Sanitary Board, provided that out of the money hereby appropriated no payment as compensation for any tuberculosis animal destroyed shall exceed two-thirds of the difference between the appraised value of such animal and the value of the salvage thereof; and that in no case shall any payment hereunder be more than one hundred and twenty-five dollars for any grade animal or more than one hundred and fifty dollars for any pure bred animal, and no payment shall be made unless the owner has complied with all lawful quarantine regulations.

STATE LIVE STOCK SANITARY BOARD

697 B. Sec. 48 B. Cattle which have reacted to the tuberculosis test or show marked diagnostic symptoms of tuberculosis shall be condemned and be disposed of as directed by the Delaware State Live Stock Sanitary Board. Owners of cattle that have reacted to the tuberculin test or that have been condemned by a Representative of the Delaware State Live Stock Sanitary Board of the United States Bureau of Animal Industry are privileged to dispose of said animals in such ways as shall be approved by the Delaware State Live Stock Sanitary Board and to receive for them their salvage value.

697 D. Sec. 48 D. That each herd shall be tested according to the agreement for the tuberculin testing of herds of cattle and the uniform methods and rules for tuberculosis free accredited herds of cattle which have been approved or may hereafter be approved by the United States Bureau of Animal Industry.

697 E. Sec. 48 E. That for the purpose of defraying the expenses and services of competent Veterinarians in charge of this work, and to pay to the owners of cattle which have reacted to the tuberculin test or have been condemned by a representative of the Delaware State Live Stock Sanitary Board or of the United States Bureau of Animal Industry, the sum of fifty thousand dollars annually is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated.

697 F. Sec. *38 F. No payment shall be made for any animals destroyed on account of tuberculosis unless the owner has complied with all quarantine and other regulations that may be agreed upon by the United States Bureau of Animal Industry and the Delaware State Live Stock Sanitary Board, and unless the owner shall have executed the forms required by these regulations.

697 G. Sec. 48 G. Claims shall not be allowed arising out of the condemnation of cattle for tuberculosis on a tuberculin test applied by other than a representative detailed by the Delaware State Live Stock Sanitary Board or of the United States Bureau of Animal Industry.

*So enrolled.

STATE LIVE STOCK SANITARY BOARD

697 H. Sec. 48 H. No compensation will be paid to any owners of tuberculosis cattle whose entire herd is not under Federal and State supervision for the eradication of tuberculosis.

Approved April 28, A. D. 1920.

STATE LIVE STOCK SANITARY BOARD

CHAPTER 11.

STATE LIVE STOCK SANITARY BOARD.

AN ACT to appropriate money for the purpose of securing Anti-Hog Cholera Serum and Virus.

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

Section 1. The sum of twenty-five thousand dollars (\$25,000) be, and the same is hereby appropriated out of any money in the State Treasury to be used for the purpose of purchasing anti-hog cholera serum and virus.

Section 2. The said sum of twenty-five thousand dollars (\$25,000) shall be paid out by the State Treasurer upon warrants drawn by the President of the State Live Stock Sanitary Board and attested by the Secretary.

Section 3. The anti-hog cholera serum and virus purchased under the provisions of this Act shall be distributed as needed among the veterinarian practitioners licensed to practice in this State, and whenever such licensed veterinarian shall make application for said anti-hog cholera serum and virus and shall certify in writing to the State Live Stock Sanitary Board that he needs the same for the inoculation of hogs, stating the approximate number, he shall forthwith receive sufficient of said serum and virus according to said certificate and shall receipt for same to the State Live Stock Sanitary Board. No veterinarian receiving free serum and virus under the provisions of this Act shall charge a fee greater than fifty cents per head for inoculation and for any violation of this clause a veterinarian may be denied further supplies of serum and virus.

Approved June 1, A. D. 1920.

STATE HIGHWAY DEPARTMENT

CHAPTER 12.

STATE HIGHWAY DEPARTMENT

AN ACT to amend Chapter 63, of Volume 29, Laws of Delaware, relating to the Salary of the Secretary of the State Highway Department.

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

Section 1. That Section 4 of Chapter 63 of Volume 29, Laws of Delaware be and the same is hereby amended by striking out the words and figures "Three Thousand Dollars (\$3,000.00)" where they appear in line twenty-three of said section, and by inserting in lieu thereof the words "Five Thousand Dollars."

Approved April 28, A. D. 1920.

TITLE SEVEN

County Government

CHAPTER 13.

LEVY COURTS—KENT COUNTY

AN ACT to re-organize the Levy Court of Kent County, to define its powers and duties with respect to the management and control of the affairs of said county, and to repeal certain sections of the Revised Code relating to said Levy Court.

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

Section 1. That from and after the first Tuesday in January, A. D. 1921, the Levy Court of Kent County, as it is now organized and constituted, be and the same shall be abolished, and the office of Levy Court Commissioner, as the same is now constituted, and the terms, duties, powers, and authorities appertaining thereto, are hereby declared to be abolished, ended and terminated, on and after the said first Tuesday in January A. D. 1921.

Section 2. Kent County shall be divided into three Levy Court Districts. The first Levy Court District shall comprise the following Representative Districts: First, Second, Third and Fifth. The second Levy Court District shall comprise the following Representative Districts: Fourth, Sixth and Ninth. The third Levy Court District shall comprise the following Representative Districts: Seventh, Eighth and Tenth.

Section 3. That from and after the first Tuesday in January, A. D. 1921, the Levy Court of Kent County shall be composed of three

LEVY COURTS, KENT COUNTY

members, one of whom shall be chosen from each of the three Levy Court Districts aforesaid.

Section 4. That, at the general election to be held in the year A. D. 1920, and biennially thereafter, there shall be elected by the qualified voters of each of the Levy Court Districts aforesaid, one suitable person, who shall be a bona fide resident and freeholder of said Levy Court District, and qualified to vote at the general elections held in said County. The persons so elected shall be styled "Levy Court Commissioners of Kent County," and the term of office shall be for two years, commencing always on the first Tuesday in January next after the said election.

Section 5. Should any two or more persons voted for as Levy Court Commissioners, receive an equal and the highest number of votes cast at any election, the Superior Court of the State of Delaware, in and for Kent County, sitting as a Board of Canvass in said County, shall certify the fact to the Governor, who shall forthwith appoint one of said persons to be Levy Court Commissioner for said County, who shall hold the said office for the term of two years from the first Tuesday in January then next ensuing.

Section 6. In case of the death, resignation or other disability, or ineligibility of any of the members of the Levy Court, it shall be the duty of the Governor to appoint some suitable person, having the required qualifications, to fill the vacancies so created, for the residue of the unexpired term.

Section 7. The Levy Court of Kent County, composed of the Commissioners aforesaid, shall meet for organization biennially on the first Tuesday in January next after the general election, and after qualification of the members elected at said general election, by taking the constitutional oath of office, shall proceed to elect one of their number presiding officer. The Commissioners shall have power to make rules for their government not inconsistent with the constitution and laws of the State. They shall meet at the Court House in Dover, on Tuesday of each week, throughout the year, except in case that any Tuesday be a legal holiday.

The Levy Court may adjourn from time to time, as occasion shall

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require; one Commissioner, if no more attend on any day of meeting, may adjourn the Levy Court, or, if none attend, the Clerk of the Peace shall have power to adjourn said Court. Special meetings may be held at the direction of the presiding officer, or of any two members, and the Clerk of the Peace shall cause the members to be notified thereof. Special meetings shall be held at the usual place of meeting, and at such meetings any lawful business may be transacted.

The Clerk of the Peace shall be the Clerk of the Levy Court, and shall have the custody of all books, records and papers.

The oath or affirmation of office to be taken by the said Commissioners, may be administered by the Clerk of the Peace, or by any qualified member of the Levy Court, and an entry thereof shall be made in the minutes of the Levy Court.

Section 8. The Levy Court Commissioners elected under the provisions of this Act, shall be paid an annual salary of Eighteen Hundred Dollars (\$1800) in equal monthly installments, by warrants according to the form to be prescribed by the Levy Court, and the said Commissioners shall not be entitled to have or receive any other or further compensation for any services done or performed by them, or any of them, in the said office of Levy Court Commissioner.

Section 9. It shall be the duty of the present Levy Court of Kent County, and each Commissioner thereof, and every person having control or possession of any record, book, paper or other property belonging to the Levy Court of Kent County, on the first Tuesday in January, A. D. 1921, to surrender the same to the Clerk of the Peace of said County, who shall keep the same subject to the control of the Levy Court Commissioners elected under the provisions of this Act, and in case any person shall neglect or refuse to surrender and deliver up such records, books, papers, or other property to the Clerk of the Peace as aforesaid, he shall be guilty of a misdemeanor, and upon conviction, shall forfeit and pay a fine of Five Hundred Dollars.

Section 10. Two of said Commissioners shall constitute a quorum for the election of all officers required by law to be elected or appointed by the Levy Court of Kent County, and for the transaction of all other business; and it shall be the duty of the Comptroller to

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countersign warrants of the Levy Court, after having verified the calculation entering into the sum payable thereon. The Comptroller may, however, return a warrant without countersigning same, stating his objections thereto in writing and thereupon the Levy Court shall act again and may direct his countersignature.

Section 11. That Sections 1036, Sec. 24, 1037, Sec. 25, 1038, Sec. 26, 1039, Sec. 27, 1040, Sec. 28, 1042, Sec. 30, of Chapter 43 of the Revised Code, be and the same are hereby repealed.

Section 12. Whenever it shall be necessary for Kent County to take or hold title to any real estate, the same shall be taken and held in the name of the State of Delaware, for the use of Kent County.

Section 13. That 1057, Sec. 45, of Chapter 43 of the Revised Code, be and the same is hereby repealed, in so far as it relates to Kent County.

Section 14. The Levy Court of Kent County, annually, at some meeting held during the month of June, shall fix and determine the amount of the capitation tax which the assessors, or Board of Assessment, shall assess for the current year. Such tax shall not exceed the sum of One Dollar and Twenty-five Cents, nor shall it be less than One Dollar. The tax shall be uniform throughout the County, and shall be levied upon every male citizen of the age of twenty-one years, or upwards, residing in the County of Kent.

Section 15. The Levy Court of Kent County shall have no jurisdiction over, or supervision over the assessment lists, nor shall the said Levy Court have power to change, alter or amend the same. The said Levy Court shall make no allowance to any person or corporation for, or on account of, any error in the assessment lists, or excessive assessment by the said assessment lists, as they shall be certified by the assessors or Board of Assessment, shall be deemed to be correct by the Levy Court and shall be considered as final and conclusive.

Section 16. The Levy Court of Kent County is empowered to employ a janitor or janitors for the proper care of the Court House, and to fix his or their compensation.

Section 17. The Levy Court of Kent County shall, except as

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otherwise specified, have the direction, management and control of the business and finances of Kent County, and shall have full and complete jurisdiction over all and every of the matters and things vested by law in the Levy Court of Kent County, and shall exercise every power, privilege, right and duty which belongs to the Levy Court of Kent County, except as otherwise specified herein.

It shall be the duty of said Court to take care that the affairs of the County be administered with efficiency and economy, and that the officers and employees of the County, chosen and appointed by the Levy Court, shall faithfully perform the duties imposed upon them; and to this end, and for the proper oversight and management of the public business, the Levy Court is hereby empowered to summon and compel the attendance of witnesses, and each member thereof is authorized and empowered to administer oaths and affirmations.

It shall be the duty of the Levy Court to employ the assistance of experts to institute a proper and modern system of bookkeeping, and accounts, so that the financial affairs of Kent County may be easily ascertained from time to time.

The said Levy Court shall have the power to remove from office any person appointed by it for sufficient cause shown, and after due hearing; provided, that any person so removed shall have the right to appeal from judgment or decision of said Levy Court to the Superior Court, which Court shall, upon such appeal, either affirm or overrule the judgment or decision of the Levy Court. If such judgment or decision be overruled, the person appealing shall be remitted to his said office or employment, and shall be entitled to all arrears of compensation.

Section 18. The bonded indebtedness of Kent County is hereby limited to an amount equal to five percentum of the total assessed valuation of the taxable property of said county.

Section 19. It shall be unlawful for any Levy Court Commissioner, directly or indirectly, to buy, purchase or redeem, any county warrant drawn in favor of any other person.

Section 20. The Levy Court of Kent County shall not appoint Jail Commissioners, but shall have power to investigate the manner

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in which the jail of Kent County is maintained by the Sheriff or keeper of said jail, and to regulate and control the same.

Section 21. The Levy Court of Kent County shall, during the month of February in each year, value and assess the property of the assessors, or of the members of the Board of Assessment.

Section 22. The Levy Court of Kent County, prior to the thirtieth day of April in each year, shall, upon due inquiry, and investigation, estimate the amount of money which will be required for the current year, dividing and apportioning such estimate for and among the following County needs and purposes:

1. For general County purposes, to be known as the "General Fund."

2. For the general repair and maintenance of roads and bridges, to be known as the "General Road Fund."

3. For the special or permanent improvement of roads, to be known as the "Special Road Improvement Fund."

4. For the payment of interest on bonded indebtedness and for the redemption of matured bonds, to be known as the "Bonded Indebtedness Fund."

5. For the purpose of the poor, to be known as the "Poor Fund."

6. For the payment of warrants not of the current year, to be known as the "Outstanding Warrant Fund."

7. For the expenses of Courts of Justice, to be known as the "Witness and Jury Fund."

During the month of June in each year, the said Levy Court shall lay such a rate upon the assessment lists of said County, according to a certain rate upon every one hundred dollars, as will by estimation produce the aggregate of the several sums so as aforesaid found to be necessary to be raised, and shall apportion to each of the above divisions or funds a certain percentum of the total amount to be raised so

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that a fund will be produced equal to the amount estimated to be required for each of the needs and purposes above specified.

Section 23. The Levy Court shall, on or before the last day of June of each year, attach to the duplicates of assessment as the same shall be transcribed and certified by the assessors or Board of Assessment, a warrant under the hands of at least two of the Commissioners according to this form:

STATE OF DELAWARE, }
KENT COUNTY } SS.

To Receiver of Taxes and County Treasurer of Kent County, greeting:

We command you that you collect from the several persons named in the annexed duplicates for their taxes for the year, the following rate per centum on the amount of their respective assessment, and if any person named in said duplicate shall not pay the said rates after you have demanded the same, we command you in such case that you collect said taxes, or the part thereof remaining unpaid, with lawful costs, in the manner prescribed by law. And we further command you that you pay the amount which, according to this warrant and the annexed duplicates, you are required to collect, in the manner and within the times appointed by law in this behalf. Hereof fail not at your peril.

Given at the Court House at Dover by the order of the Levy Court, under the hands of us, Commissioners of said Court, the day of April, A. D.

.....
.....
.....

Commissioners.

(Seal of the Office of the Clerk of the Peace).

Each warrant shall be sealed with the seal of the Clerk of the Peace and shall be attested by him.

The said tax duplicates with the warrant thereto annexed, shall be delivered to the Receiver of Taxes and County Treasurer by the Levy Court on or before the first day of July, and the said warrant

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shall bear date as of the last day of June, which shall be the date of the levying of all taxes.

Section 24. During the month of June next following the date of the warrant, the Levy Court shall make full, final and complete settlement with the Receiver of Taxes and County Treasurer, allowing to said Receiver of Taxes and County Treasurer all taxes which shall have been found impossible to collect by reason of errors in the assessment lists or otherwise, and not through the default, neglect or delay of the Receiver of Taxes and County Treasurer, which said settlement shall be final and conclusive, and no other allowance in any form or guise shall be made to said Receiver of Taxes and County Treasurer by the Levy Court.

At least two weeks before the final settlement had with the Receiver of Taxes and County Treasurer, the said Levy Court shall cause the Receiver of Taxes and County Treasurer to publish in two newspapers of the County, one of which shall be published in the town of Dover, a list of the taxables of each Representative District, whose taxes it has been impossible to collect, stating therein, with respect to each taxable, briefly the reason why it has been impossible to collect said tax; and the Levy Court shall likewise cause the Receiver of Taxes and County Treasurer to post in two public places of each Representative District of Kent County a list of the taxables of said District, whose taxes it has been impossible to collect, stating therein in each case the reason why it has been impossible to collect said tax.

Before making final settlement with the Receiver of Taxes and County Treasurer, the Levy Court shall require the Receiver of Taxes and County Treasurer to make oath or affirmation that the list of uncollected taxes made out and returned by him is true in all its statements to the best of his knowledge and belief, and that no tax has been collected from any person so returned by him. The oath may be administered by the Clerk of said Court, or by any member thereof, and any Receiver of Taxes and County Treasurer, who shall swear falsely as to any matter to which he may be required to make oath by this section, shall be guilty of a misdemeanor, and shall be punished as the law directs for false swearing.

Section 25. The public highways, bridges and causeways of

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Kent County shall be under the management and control of the Levy Court of Kent County, as is now provided by law.

Section 26. The Levy Court may prescribe the form in which accounts to be rendered them shall be drawn and verified, and shall have power to determine upon the form of all warrants to be drawn in payment of demands.

Section 27. Where, by existing law, any duty, power or authority, is vested in a Levy Court Commissioner of Kent County, in respect to the imposition of a special road tax, the construction, care and maintenance of roads, or the expenditure of money therefor, or in any other manner, or for any purpose, such duty, power or authority, shall be imposed upon and exercisable by the Levy Court of Kent County as it is constituted under this Act.

Section 28. This Act shall not go into effect and operation except as it provides for the election of Levy Court Commissioners for Kent County at the general election to be held in the year A. D. 1920, until the first Tuesday in January, A. D. 1921.

Section 29. All Acts or parts of Acts, or sections of the Revised Statutes of the State of Delaware, which are *inconsistence herewith, or which are supplied hereby, are hereby repealed.

Approved May 28, A. D. 1920.

*So enrolled.

VALUATION AND ASSESSMENT OF PROPERTY

CHAPTER 14

VALUATION AND ASSESSMENT OF PROPERTY

AN ACT for the Better Assessment of Taxes in Kent 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 from and after the first Tuesday in January, A. D. 1921, the office of Assessor in the several hundreds and districts of Kent County where Assessors are elected, is hereby abolished, and the duties heretofore devolving upon them shall be performed by a Board of Assessment, to be composed of three persons, and there shall be no election of Assessors in the several hundreds and districts of Kent County after the approval of this Act.

Section 2. On the second Tuesday in January in the year 1921 and every four years thereafter, on the second Tuesday in January, the Levy Court of Kent County shall appoint three freeholders, qualified voters of said County, no two of whom shall be residents of the same Senatorial District, all of whom shall be chosen from the two principal political parties and not more than two of whom shall be of the same political faith, who when qualified, shall compose the Board of Assessment for Kent County for four years, commencing always on the second Tuesday in January.

Section 3. No member of said Board of Assessment shall, during the time for which he is appointed, hold any other County or State office. If a vacancy in said Board occurs from death, removal from the County, resignation or otherwise, such vacancy shall be filled by the Levy Court Court for the unexpired term.

Section 4. Any member of said Board may be removed by the Levy Court for any failure to perform the duties of his office, or

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any other sufficient cause, after due notice, and hearing, but the person so removed shall have the right to appeal from said judgment or decision to the Superior Court of the County, which said Court shall, in a summary proceeding, either affirm or reverse the judgment or 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.

Section 5. Each member of the Board, before entering upon his duties, shall appear before the Levy Court of the County to take the oath of office prescribed by the Constitution, which said oath may be administered by the Clerk of the Peace, or by any member of the Levy Court, and a minute thereof shall be entered upon the records of said Levy Court.

Section 6. Each member of the Board shall receive a yearly salary of Twelve Hundred Dollars, payable in equal monthly instalments. The necessary traveling expenses of the members of the Board, incurred in traveling through the County for the purpose of making the assessments, 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 7. The Levy Court of Kent 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, schedules and certifications as is provided in this Act for other taxables.

Section 8. 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, knowingly or wilfully shall assess or value any property upon any other principle than its actual value, each of the members of said Board participating therein shall be deemed guilty of a misdemeanor, and shall be fined in a sum not less than One Hundred dollars, or imprisoned, at the discretion of the Court.

Section 9. If the Board cannot discover the owner of any property, real or personal, it shall nevertheless be assessed and valued, and it shall be stated that the owner is unknown.

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Section 10. The Board of Assessment shall ascertain and assess, according to law, all the taxable property in each election district, and shall make a written statement thereof, showing the names of the owners, arranged alphabetically, and at least three consecutive letters of the last name thereof, the different kinds of property, the value of each kind, the amount of each owner's assessment, and the amount of assessment of each election district.

Section 11. The Board of Assessment shall have power to summon and to compel the attendance of witnesses and to compel the production of such books and papers as they may deem necessary in respect of any assessable property, in order to ascertain the true value thereof, and each member of said Board is empowered to administer oaths or affirmations. Any person, or the officer of any corporation, or agent, who shall fail, refuse or neglect to answer questions submitted by the said Board of Assessment, or any member thereof, in respect to assessable property, or shall fail, neglect or refuse to produce, when required, such books and papers as may be deemed necessary in respect of assessable property, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined or imprisoned, or both, in the discretion of the Court.

Section 12. 1128, Section 31 of the Revised Code is repealed, in so far as it relates to Kent County.

Section 13. The Board of Assessment is empowered to employ necessary clerical force at compensations to be fixed by the Levy Court, whose duty shall be as prescribed by the said Board of Assessment.

Section 14. The Board of Assessment shall, on or before the first day of June in each year, prepare and furnish to the Levy Court duplicates of all the assessments and alterations, and corrections thereof, as made by the said Board, in books to be furnished by the Levy Court. The said Board shall have their offices in the County Court House, 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 questions that may arise in reference to said assessments, and the said Board shall have the power to correct said assessment lists at any time, subject, however,

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to the notices required by this Act to be given. And for such purposes the said Board shall have authority to sit in convenient places in said County.

Section 15. Notices required to be given under the provisions of this Act, may be sent by mail, and when such notice is so sent the day of the mailing thereof shall be deemed to be the day of the giving of said notice.

Section 16. The Board of Assessment shall have the power, and it shall be its duty, to value and to assess all property which by law is liable to taxation, 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.

Section 17. 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 a general or annual assessment, it shall, before said alteration, change or new assessment is made, give five 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, then 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 the apparent occupancy thereof, then such notice shall be posted on said land.

Section 18. The Board of Assessment first appointed under the provisions of this Act shall forthwith proceed to make a general assessment of the assessable persons and property of persons in Kent County, which said assessment shall be returned so as to be acted upon for the year 1921.

Section 19. The Board of Assessment shall, on or before the 15th day of April of each year, post in some convenient place in each election district of the County, a copy of the Assessment of such election district as made by it. The said Board shall sit during each secular day, commencing on the fifteenth day of April and ending on the fifteenth day of May of each year, to hear appeals, and to make additions and corrections to said assessment. Notice

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of the places where said assessment is posted, and of the time and place of sittings to hear appeals, and to make additions and corrections as aforesaid, shall be given by advertisement published at least once each week for two weeks, in at least two newspapers in said county, and by such other means as will best bring notice of the same to persons interested. If any taxable 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 assessments lists.

Section 20. After the closing of hearings and the settlement of all appeals, and the adjustment of the assessment lists, the said Board shall ascertain the total of the assessed valuation of the County, and shall certify the same to the Levy Court on or before the first day of June, as a basis upon which to estimate and fix the tax rate; and the said Board shall likewise ascertain and report to the Levy Court the names of all persons liable to capitation tax.

Section 21. The Board of Assessment, immediately upon entering upon their duties, and in the month of January in every year thereafter, shall notify in writing every person, firm, association of persons, or corporation, who or which may own property liable to assessment, and every person, firm, association of persons or corporation, having the care, management or custody of real or personal property liable to assessment, to deliver to said Board of Assessment within twenty days after such notice, a particular account of the real or personal property owned by him, it, or them, or 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 in a reasonable manner, and the articles of personal property, correctly itemized, and the true value of each parcel of real estate or item of personal property and such additional information as the Board of Assessment shall require on the form, and schedules for returns accompanying such written notices. The board of assessment shall have full power to compel any other or further return, as occasion may require, for the purpose of making additions, corrections or alterations to the assessment lists, or to perfect the same, or to equalize assessments.

Failure to render an account and return by any person liable

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so to do within ten days after the time limited for the making thereof, or the rendering of a false account or return, shall be a misdemeanor, and upon conviction such person shall be fined or imprisoned, or both, in the discretion of the Court; provided, however, that the said Board is empowered to stay a prosecution for any violation of the provisions of this section upon the making and filing of a proper return and account, and the payment of a sum of money for the use of the County, to be fixed by the Board, and the costs of prosecution, if any. A copy of this section shall accompany all written notices given hereunder.

The forms and schedules aforesaid 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 or by an officer of said corporation, that the return as made is a full, true and complete list of all real and personal property liable to assessment and taxation, and that said return fairly and truly described the said property and truly represents its condition and value.

Section 22. If any person making oath or affidavit required under the provision of the assessment laws relating to Kent County, shall swear falsely, he shall be guilty of a misdemeanor, and shall be subject to fine and imprisonment at the discretion of the Court.

Section 23. The Board of Assessment, or any member thereof, may personally inspect each tract or parcel of real estate returned by the owner thereof, on the forms and schedules aforesaid, and shall report in writing to said board their opinion as to its value; and if it shall appear that any property as returned, is not sufficiently valued, the Board of Assessment shall give notice thereof to the owner or person making such return and valuation, and shall fix a day, not less than five days after the date of said notice, for a hearing and determination.

If any taxable shall make complaint to the Board of Assessment that the real estate in any election district, as compared with other election districts, is not assessed in a fair and equitable manner, it shall be the duty of said Board, or some member thereof, to visit personally the said election district, and to inspect personally

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the properties the assessment of which is complained of, thereby to equalize and make perfect the assessments.

In making the annual assessments, the said Board is authorized and directed to examine carefully the assessment lists of towns, cities and school districts, and the books of registered voters of the preceding election, in order that no person, property of any person, may be omitted from the assessment lists. The said Board of Assessment, or some member thereof, shall, for the purpose aforesaid, visit in person each election district at least one day, and as often as it shall be necessary, to ascertain the names of persons in each election district liable to capitation tax, and the property of all such.

Section 24. It shall be the duty of the Recorder of Deeds to furnish monthly, to the Board of Assessors, descriptions of all real estate in deeds of conveyance, filed with him for recording, the names of the grantors and grantees therein. It shall be the duty of the Register of Wills of said County to furnish, monthly to the Board of Assessors, information on all real estate devised or descending, so far as the records of his office shall enable him so to do, and whether the same, if devised, be in trust or otherwise.

Section 25. All Acts, parts of Acts, or sections of the Revised Statutes, which are inconsistent herewith, or which are supplied hereby, are hereby repealed.

Approved April 28, A. D. 1920.

COUNTY COMPTROLLER, SUSSEX COUNTY

CHAPTER 15

COUNTY COMPTROLLER

SUSSEX COUNTY

AN ACT to amend Chapter 46 of the Revised Code of The State of Delaware, by increasing the salary of the County Comptroller 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 Chapter 46 of the Revised Code of the State of Delaware be and the same is hereby amended by striking out of 1275, Section 3 thereof the fourth paragraph thereof, relating to the salaries of the County Comptrollers of Kent and Sussex Counties and by inserting in lieu of said paragraph a new paragraph in the following language: "The annual salaries of the County Comptrollers in Kent and Sussex Counties shall be \$1500.00 which shall be paid in quarterly installment by warrants duly drawn upon the County Treasurer."

Approved May 28, A. D. 1920.

RECORDER OF DEEDS

CHAPTER 16.

RECORDER OF DEEDS

AN ACT to amend Chapter 50, of the Revised Code of the State of Delaware, by providing for the recording of Certificates of Discharge from the United States Army, United States Navy and United States Marine Corps.

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

Section 1. That Chapter 50, of the Revised Code of the State of Delaware, be and the same is hereby amended by striking out 1374. Sec. 4 thereof, and inserting in lieu thereof the following new Section to be styled "1374. Sec. 4":

1374. Sec. 4. DUTIES: He shall duly record, within a reasonable time, all private Acts of Assembly, Deeds, Indentures, Letters of Attorney relating to land, defeasances, contracts for reconveyance, mortgages, releases of lien of mortgages, chattel mortgages, releases, assignments, contracts of marriage, antenuptial and post-nuptial contracts, certificates of limited partnerships and of their dissolution, certificates of incorporation and amendments thereof, certificates of reduction of capital stock, of merger of corporations, of renewal of charters and of changes of location of principal office of corporations, certificates of births, marriages and deaths, conditional sales and leases of railroad and railway equipments and rolling stock, oaths of office, plots and descriptions of freeholders of school house sites, returns and plots of the board of Port Wardens of the City of Wilmington of new wharf lines, appointments of Deputy Registers of Wills, certificates of commissioners and agreements of owners bounding and marking lands, petitions and orders for Sheriffs' Deeds, certificates of discharge regularly issued by the proper officials of the United States Army, United States Navy and United States Marine Corps, and other matters which by law are entitled to be recorded in his office; and shall forthwith make a proper note of the same in the indexes. Provided, however, that the fee for recording any Certificate of Discharge as hereinbefore mentioned shall not exceed the sum of Twenty-five cents.

Approved May 28, A .D. 1920.

RECORDER OF DEEDS

CHAPTER 17

RECORDER OF DEEDS

AN ACT to amend an Act entitled "An Act to Provide Clerical Assistance for the Office of Recorder of Deeds, in and for Sussex County."

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

Section 1. That the Recorder of Deeds, in and for Sussex County, is hereby authorized and empowered to employ clerical assistance in said office.

The said Recorder of Deeds shall, at the end of every month, prepare and furnish to the Levy Court of Sussex County, a statement of the items of expenditure for the clerical assistance as aforesaid, in which shall be included the names of persons employed by him during said month, and the amount due to each person so employed. The statement shall be verified by the affidavit of the Recorder of Deeds.

The Levy Court shall, upon the presentation of said statement and affidavit, pay for said clerical assistance by warrant in the usual form; provided, however, that the amount of the clerical assistance as aforesaid, to be paid by the Levy Court as aforesaid, shall not in any one year, exceed the sum of two thousand dollars.

Approved April 28, A. D. 1920.

SALARIES OF CERTAIN COUNTY OFFICERS

CHAPTER 18

SALARIES 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 House of Representatives of the State of Delaware in General Assembly met:

Section 1. That Section 6, 1438, Chapter 53, of the Revised Code of the State of Delaware, be and the same is hereby amended by striking out the second paragraph thereof and inserting in lieu thereof, the following:

"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, Two Thousand Dollars; the Recorder, Two Thousand Dollars; the Register of Wills, Two Thousand Dollars; the Register of Chancery, One Thousand Dollars; and the Clerk of the Orphans' Court, One Thousand Dollars."

Approved April 28, A. D. 1920.

ROAD ENGINEER FOR KENT COUNTY

CHAPTER 19

ROAD ENGINEER FOR KENT COUNTY

AN ACT to amend Chapter 55 of the Revised Code of the State of Delaware changing the salary of the Road Engineer for Kent County.

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

Section 1. That 1513 Section 33 of the Revised Code of the State of Delaware, be and the same is hereby amended by striking out the words "Fifteen Hundred" between the word "of" and the word "Dollars" in line fourteen thereof and inserting in lieu thereof the words "Twenty-Four Hundred."

Approved April 28, A. D. 1920.

ROADS AND BRIDGES

CHAPTER 20

ROADS AND BRIDGES

AN ACT to amend Chapter 55 of the Revised Code of the State of Delaware in relation to restricting heavy traffic on certain highways.

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 immediately after 1576 Section 96 of said Chapter the following:

“1576 A. Sec. 96 A. HEAVY TRAFFIC RESTRICTED ON CERTAIN HIGHWAYS:—The Levy Court of any county upon the recommendation of the County Road Engineer of said County, is authorized to designate any highway or portion thereof in said county as a light traffic highway and to restrict the weight carried thereon to six hundred pounds per inch of tread of tire per wheel during the period from December first to May first, or portion thereof in any year; and it shall be unlawful except by special permission obtained from the said Levy Court to carry any greater weight per inch of tread of tire per wheel upon any highway so designated.

Any person who shall violate the provisions of this Section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than five dollars or more than one hundred dollars for the first offense and for any subsequent offense in addition to said fine, at the discretion of the Court, may be imprisoned not more than one month.”

Approved June 1, A. D. 1920.

ROADS AND BRIDGES, NEW CASTLE COUNTY

CHAPTER 21

ROADS AND BRIDGES

NEW CASTLE COUNTY

An Act to Amend Chapter 99, Volume 30, Laws of Delaware entitled "An Act to Provide for the building of 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:

Section 1. That Section 4 of Chapter 99, Volume 30, Laws of Delaware, be and the same hereby is repealed and the following substituted in lieu thereof:

Section 4. 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 eight hundred and fifty thousand dollars (\$850,000) to be expended in erecting, constructing and completing the said bridge and its approaches, 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 six 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 2. That Section 5 of Chapter 99, Volume 30, Laws of Delaware, be and the same hereby is repealed and the following substituted in lieu thereof:

Section 5. Said bonds shall be divided into twenty-seven classes and shall be paid at their face value as follows:

ROADS AND BRIDGES, NEW CASTLE COUNTY

Class	Amount	Year of Maturity
A	30,000.00	1936
B	30,000.00	1937
C	30,000.00	1938
D	30,000.00	1939
E	30,000.00	1940
F	30,000.00	1941
G	30,000.00	1942
H	30,000.00	1943
I	30,000.00	1944
J	30,000.00	1951
K	30,000.00	1952
L	30,000.00	1953
M	30,000.00	1954
N	30,000.00	1955
O	30,000.00	1956
P	30,000.00	1957
Q	30,000.00	1958
R	30,000.00	1959
S	30,000.00	1960
T	35,000.00	1961
U	35,000.00	1962
V	35,000.00	1963
W	35,000.00	1964
X	35,000.00	1965
Y	35,000.00	1966
Z	35,000.00	1967
AA	35,000.00	1968

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 3. That Section 9 of Chapter 99, Volume 30, Laws of Delaware, be and the same hereby is repealed and the following substituted in lieu thereof:

Section 9. The bonds of the various classes indicated in Section 5 may be sold in successive groups, each group composed of as many

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classes as may be necessary to provide the money required for any period, and all the bonds in the same group shall bear the same date. The bonds shall be numbered from 1 to 850 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 and its approaches, as hereinbefore stated; and provided further that the purchasers or holders of said bonds shall not be bound to see or be affected by the application of said money realized from the sale of said bonds. The bonds to be issued shall be in the following form:

UNITED STATES OF AMERICA

STATE OF DELAWARE

Class		Number
	New Castle County Bridge Improvement Bond.	
\$1,000.00	Third Bridge Series	\$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 _____ in this year.

This bond is one of the authorized issue of eight hundred and fifty bonds aggregating eight hundred and fifty thousand dollars, by virtue and in strict conformity with an Act of the General Assembly of the State of Delaware approved A. D. 1919, entitled "An Act to provide for the Building of a Bridge over the Brandywine Creek in the City of Wilmington," as amended.

It is hereby certified that this bond is one of the issue authorized

ROADS AND BRIDGES, NEW CASTLE COUNTY

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.

It is further certified, recited and declared, that all acts, conditions and things required to be done, exist and be performed, precedent to and in the issuance of this bond, have been done, existed and been performed in the regular and due time, form and manner as required by law, and that the indebtedness evidenced by this bond together with all other indebtedness of said County, does not exceed any limit prescribed by the Constitution or statutes of said State.

IN WITNESS WHEREOF, the County Treasurer, President of the Levy Court, and the Clerk of the Peace of New Castle County have hereunto set their hands and seal of the Levy Court of New Castle County, at the City of Wilmington, Delaware, this day of

A. D. 192 .

.....
County Treasurer of New Castle County.

.....
President of Levy Court of New Castle County.

.....
Clerk of Peace of New Castle County.

Section 4. That all acts or all parts of acts in so far as the same are inconsistent herewith be and the same are hereby repealed.

Approved April 16, A. D. 1920.

ROADS AND BRIDGES, NEW CASTLE COUNTY

CHAPTER 22

ROADS AND BRIDGES

NEW CASTLE COUNTY

AN ACT to authorize the Levy Court of New Castle County to borrow Sixty-seven thousand dollars to alter, change, repair and transform the old Baltimore and Ohio Railroad Bridge over Brandywine Creek, in Wilmington, into a bridge suitable for General Public Travel.

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 sixty-seven thousand dollars, to be expended in altering, changing, repairing and transforming into a bridge for general public travel, the old Baltimore and Ohio Railroad Bridge over Brandywine Creek, at or near Dupont Street, in the City of 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 six 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 2. Said bonds shall be divided into seven classes, and shall be paid at their face value, as follows:

Class	Amount	Year of Maturity
A	\$10,000	1950
B	10,000	1951
C	10,000	1952
D	10,000	1953
E	10,000	1954
F	10,000	1955
G	7,000	1956

ROADS AND BRIDGES, NEW CASTLE COUNTY

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 3. Said bonds shall be prepared under the supervision of the Levy Court Commissioners and shall be signed by the County Treasurer, 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.

Section 4. 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.

Section 5. Said bonds, principal and interest, shall be payable at the Farmers Bank at Wilmington, Del., 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 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

ROADS AND BRIDGES, NEW CASTLE COUNTY

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.

Section 6. All of said bonds shall bear the same date, and shall be numbered from 1 to 67 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 altering, changing, repairing and transforming the old Baltimore and Ohio Railroad Bridge over Brandywine Creek, in Wilmington, into a bridge suitable for General Public Travel; 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.

Section 7. The bonds to be issued shall be in the following form:

UNITED STATES OF AMERICA

STATE OF DELAWARE

Class		Number
	New Castle County Bridge Improvement Bond	
\$1,000.00	Second Series	\$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 sixty-seven bonds aggregating sixty-seven thousand dollars, by virtue and in strict compliance with an Act of the General Assembly of the State of Delaware

ROADS AND BRIDGES, NEW CASTLE COUNTY

approved A. D. 1920, entitled: "An Act to authorize the Levy Court of New Castle County to borrow sixty-seven thousand dollars, to alter, change, repair and transform the old Baltimore and Ohio Railroad Bridge over Brandywine Creek in Wilmington, into a bridge suitable for general public travel," 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 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. 19 .

.....
County Treasurer of New Castle County.

.....
President of the Levy Court of New Castle County.

.....
Clerk of the Peace of New Castle County.

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.

Section 9. That Chapter 46, Volume 27, Laws of Delaware, be and the same is hereby repealed.

Section 10. That all acts or all parts of acts, insofar as the same are inconsistent herewith, be and the same are hereby repealed.

Approved May 18, A. D. 1920.

ROADS AND BRIDGES, KENT COUNTY

CHAPTER 23

ROADS AND BRIDGES

KENT COUNTY

AN ACT authorizing the Levy Court of Kent County to issue bonds for the permanent improvement of certain public highways in Kent County.

WHEREAS, Chapter 70 of Volume 30 of the Laws of Delaware entitled "An Act to amend Chapter 63 of Volume 29 of the Laws of Delaware, by providing State Aid to Counties for Road Construction," provides for the building of certain public roads, known as "State Aid Roads," at the joint expense of the State and the County in which the same shall be constructed; and

WHEREAS, Kent County wishes to avail itself of the benefits provided for by said Act; Therefore,

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

Section 1. That the Levy Court of Kent County is hereby authorized and empowered to borrow upon the faith and credit of Kent County a sum of money, not exceeding one million dollars (\$1,000,000.00), for the purpose of building in Kent County the "State Aid Roads," referred to in Chapter 70 of Volume 30 of the Laws of Delaware, as aforesaid, and for the purpose of securing the payment of the money so borrowed the said Levy Court of Kent County is, also, authorized and empowered to issue and sell bonds of Kent County, with coupons attached, to an amount not exceeding one million dollars (\$1,000,000.00); said bonds are to be known as "Kent County State Aid Road Bonds";

Section 2. The said bonds shall be of the denomination of one thousand (\$1000.00) dollars each and shall bear interest at such rate, not exceeding five per centum per annum, as the said Levy Court of

ROADS AND BRIDGES, KENT COUNTY

Kent County may from time to time fix and designate in any resolution directing the issuance and sale of the same, or any part thereof.

The interest upon said bonds shall be payable semi-annually in each and every year from the date of issue appearing therein, and all of said bonds shall bear the same date and be numbered consecutively from one to one thousand (1 to 1,000) inclusive;

Section 3. Said bonds shall be divided into twenty-five classes, and shall be paid at their face value, as follows:

Class	Amount	Year of Maturity
A	\$20,000.00	1926
B	20,000.00	1927
C	20,000.00	1928
D	20,000.00	1929
E	20,000.00	1930
F	30,000.00	1931
G	30,000.00	1932
H	30,000.00	1933
I	30,000.00	1934
J	30,000.00	1935
K	40,000.00	1936
L	40,000.00	1937
M	40,000.00	1938
N	40,000.00	1939
O	40,000.00	1940
P	50,000.00	1941
Q	50,000.00	1942
R	50,000.00	1943
S	50,000.00	1944
T	50,000.00	1945
U	60,000.00	1946
V	60,000.00	1947
W	60,000.00	1948
X	60,000.00	1949
Y	60,000.00	1950

Section 4. Said bonds shall be prepared under the supervision of the Levy Court of Kent County and shall be signed by the County

ROADS AND BRIDGES, KENT 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 said Levy Court of Kent County. It shall be the duty of such officers to execute said bonds, or any part thereof, from time to time, when directed by the Levy Court to do so, and it shall, also, be the duty of the said County Treasurer and of the Levy Court to keep a record of said bonds. The bonds issued under the provisions of this Act shall be exempt from State, County, Municipal, or other taxes;

Section 5. Said bonds, or any part thereof, may be issued and sold from time to time, when and as the said Levy Court of Kent County shall, by resolution to that effect, direct, and until sold shall remain in the custody of the County Treasurer of Kent County.

Whenever the said Levy Court shall deem it advisable to sell any of said bonds, and by a resolution to that effect shall so direct, it shall be the duty of the said County Treasurer, the President of the Levy Court, and the Clerk of the Peace of Kent County to advertise that sealed bids will be received for the purchase of the same at such place or places and under such regulations as they may designate in said advertisements. Said advertisements shall be published, at least, twice a week for four consecutive weeks in such newspapers in and out of the State of Delaware, as they, in their judgment, may deem necessary and proper. The accrued interest between the date appearing in said bonds and the time of the sale and delivery thereof and payment therefor, shall be adjusted with the purchaser thereof under such regulations as the said, the County Treasurer, the President of the Levy Court and the Clerk of the Peace of Kent County may direct in said advertisements. Provided, however, that any and all overdue coupons attached to said bonds shall be cancelled before the sale and delivery of the same. And provided further that said officers shall have the right to reject any and all bids for said bonds, if in their judgment they are deemed insufficient.

If no bids are received for said bonds, or if the bids received are rejected because of being inadequate, the said the County Treasurer, the President of the Levy Court and the Clerk of the Peace of Kent County may sell the same at private sale for the best price obtainable therefor. Provided, however, that they shall not be sold at private sale for less than par and accrued interest. No commission, or other

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compensation, shall be charged or paid to any of said officers for effecting the sale of said bonds.

Section 6. Both the principal and interest of said bonds shall be payable at the Farmers Bank, of the State of Delaware, at Dover, in gold coin of the United States of America, equal in weight and fineness to the present standard and out of moneys from time to time appropriated for that purpose by the said Levy Court of Kent County, as hereinafter provided. The said Levy Court of Kent County is hereby authorized and directed to pay the interest on said bonds at the said Farmers Bank from time to time and when and as the same shall become due and payable, and to pay said bonds at said bank when and as the respective classes shall mature or become due and payable, in accordance with the schedule set forth in Section 3 hereof, or in accordance with any of the other provisions of this Act.

In fixing the rate and amount to be raised by taxation for County purposes, the said Levy Court of Kent County shall annually provide a sufficient amount to pay any and all interest charges that may or can be due and payable on any of said bonds during the year for which said rate and amount are fixed and said tax levied and assessed, and as and when said bonds, or any part thereof, shall mature and become due and payable, under the provisions of Section 3 hereof, or under any of the other provisions of this Act, the said Levy Court of Kent County shall, in like manner, provide by taxation for county purposes, as other county taxes are now or may hereafter be raised, a sum sufficient for the payment or redemption of both the principal and unpaid interest thereof.

All of such sums provided, as aforesaid, shall, when collected and paid to the County Treasurer of Kent County, 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 County Treasurer to the payment of the interest on said bonds and to the payment and redemption of said bonds, as the said interest and as the said principal shall become due and payable under the provisions of this Act.

Section 7. That the said Levy Court of Kent County is hereby authorized and expressly directed from time to time to create, establish, collect and accumulate a sufficient and adequate fund for the

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payment of all the bonds provided for by this Act, when and as they, or any of them, shall mature and become due and payable under the provisions of Section 3.

That in order to carry out the provisions of this Section, the said Levy Court of Kent County is hereby authorized and expressly directed to levy and collect from time to time by taxation, beginning with the year 1921, and annually thereafter, up to and including the year 1950, if any of the bonds hereinbefore provided for shall so long remain unpaid, a sufficient and adequate amount of money to fully pay the whole of said bonds at least by the maturity thereof under Section 3 hereof, as aforesaid.

That said money is to be raised by taxation from time to time, in the same manner as other county taxes are now, or may hereafter be levied and collected, and as a part thereof, but in addition to the amounts heretofore raised.

That said funds when collected from time to time shall, also, be paid to the said County Treasurer of Kent County and shall be deposited by him to the special account provided for in Section 6 hereof, and shall be applied to the payment of the principal sum due on said bonds, and for no other purpose, whatever.

Section 8. All moneys received from the sale of any or all of said bonds after the payment of the proper charges and expenses incident to the preparation and sale thereof, shall, also, be deposited with the County Treasurer of Kent County in a separate account, to be opened by him for that purpose, and shall be used for the building of the "State Aid Roads" in Kent County, hereinabove referred to, and for no other purpose, whatever.

Section 9. After the first Tuesday in January, A. D. 1921, any and all acts and duties imposed by the provisions of this Act upon the County Treasurer of Kent County shall be performed by the Receiver of Taxes and the County Treasurer of Kent County; said office of County Treasurer of Kent County being abolished after that date by a statute heretofore passed.

Section 10. The bonds, herein provided for, shall be in the fol-

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lowing form, subject, however, to the provisions of Section 9 and 12 hereof:

UNITED STATES OF AMERICA

STATE OF DELAWARE

Class

Number.....

"KENT COUNTY STATE AID ROAD BOND"

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 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, approved A. D. 1920, and providing for the permanent improvement of certain public highways in Kent County, Delaware, and in pursuance of a resolution of the Levy Court of Kent County adopted A. D. 19.... And it is expressly understood and agreed that the said Levy Court of Kent County reserves the right and power at its option to call in, pay and redeem this bond on any semi-annual interest period after five years from the date of issue thereof, pursuant to the notice in that behalf, prescribed by an Act of the General Assembly under authority of which this bond is issued, and if this bond shall be called by the notice aforesaid, interest hereon shall cease to accrue from and after the interest period next succeeding the date of such notice. 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, have hereunto set their hand and seal of the Levy Court of Kent County, at the

ROADS AND BRIDGES, KENT COUNTY

Town of Dover, in Delaware, this day of.....
A. D. 19....

.....
County Treasurer of Kent County.

.....
President of the Levy Court of Kent County.

.....
Clerk of the Peace of Kent County.

Section 11. That the coupons attached to said bonds shall be in the following form:

"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 STATE AID ROAD BOND

Dated 19...

.....
County Treasurer.

Section 12. The bonds, herein provided for, or any of them, may be called in, paid and redeemed at par and accrued interest out of the funds provided for in said Section 7 hereof, or out of any other funds provided by the Levy Court of Kent County, at the option of the said Levy Court of Kent County at any interest period after the said bonds, or any of them, shall have been issued and sold five years, upon thirty days' notice published in one newspaper in the City of Philadelphia and State of Pennsylvania, and in one newspaper published in the City of Wilmington and State of Delaware; said notices indicating by their numbers the bonds therein called and elected to be paid and redeemed, and in case any of said bonds shall be called by the notice aforesaid, the interest thereon shall cease to accrue from and after the interest period next succeeding the date of such notice. Said bonds may, also, contain such other provisions not inconsistent with this Act, as said Levy Court shall, by Resolution to that effect, determine.

Section 13. When and as any of the bonds herein provided for

ROADS AND BRIDGES, KENT COUNTY

shall be paid, or redeemed under any of the provisions of this Act, they shall be cancelled by marking or stamping the word "paid" and the date of such payment, across the face thereof, and, also, by tearing the signatures and the corporate seal used by the Levy Court of Kent County therefrom. The said bonds, so cancelled as aforesaid, shall then be pasted in a book, kept by the County Treasurer for that purpose.

Approved May 28, A. D. 1920.

ROADS AND BRIDGES, SUSSEX COUNTY

CHAPTER 24.

ROADS AND BRIDGES

SUSSEX COUNTY

AN ACT to amend an Act 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."

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

Section 1. That Chapter 105, of Volume 29, of the Laws of Delaware, be, and the same is hereby amended by adding thereto the following sections to be known as Sections 9, 10 and 11:—

Section 9. When in the judgment of the Joint Committee created by Section 1 of Chapter 105, of Volume 29, of the Laws of Delaware, the route for the permanent improvement, construction or reconstruction of any Highway of Sussex County shall continue through any incorporated Town, within Sussex County, the said Joint Committee shall construct and maintain said Highway through such incorporated town and pay all of the expenses in connection therewith, unless other terms shall be agreed upon by the said Joint Committee, and the duly constituted governing body of such incorporated town.

Section 10. Whenever said Joint Committee shall improve or construct a Highway through any such incorporated town, it shall not change the width of the street or streets of said town, except with the consent of the duly constituted governing body of said town.

Section 11. Whenever said Joint Committee shall improve or construct a highway through any incorporated town of Sussex county, it shall have the whole and sole control of such construction

ROADS AND BRIDGES, SUSSEX COUNTY

and over the maintenance of said Highway through said town, and such highway shall not be undermined, broken or in any wise torn up for any purpose whatsoever, except by a permit obtained from said Joint Committee or the body which shall have supervision over the improved highways of Sussex county.

Approved May 28, A. D., 1920.

TITLE EIGHT

Elections

CHAPTER 25.

DEPARTMENT OF ELECTIONS FOR THE CITY OF WILMINGTON

AN ACT to amend Chapter 57 of the Revised Code of the State of Delaware, in relation to the Department of Elections for the City of Wilmington.

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

Section 1. That Chapter 57 of the Revised Code of the State of Delaware be and the same is hereby amended by repealing 1664 Sec. 7 and inserting in lieu thereof the following, which shall be styled "1664 Sec. 7."

1664 Sec. 7. They shall have power to dismiss any Registrar at any time and supply his place with another person. They may also employ a clerk, counsel and such other assistance as, in the judgment of the members of the said Department of Elections shall be necessary and proper for the faithful performance by it of the duties by this Chapter imposed; provided the expense thereof shall not exceed three thousand dollars in any year in which a general or special election is held, which said sum shall not include the compensation of members of the Department of Elections and Registrars, to be paid upon warrants of the President of the Department of Elections in the same manner as is provided for the payment of the legal compensation of members of said Department of Elections.

Approved May 18, A. D., 1920.

TITLE NINE

Corporations

CHAPTER 26.

RENEWAL AND REVIVAL OF CHARTERS

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):

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 reinstated 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. 1921, 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, 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. Such certificate shall set forth:

RENEWAL AND REVIVAL OF CHARTERS

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;

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, if not perpetual, 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. , at which time its charter became inoperative and void by proclamation of the Governor or by operation of law, for non-payment of taxes; and that this certificate for renewal and revival is filed by 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, by virtue thereof, became its trustees, or who were elected directors of said corporation as hereinafter provided. Such certificate, together with the accompanying sworn statement, as to the payment of taxes, as hereinafter provided, shall be filed in the office of the Secretary of State, and a copy thereof, certified by said Secretary, shall be recorded in the office of the Recorder of Deeds, in and for the county in which the original certificate of incorporation of said corporation was recorded, and thereupon the said corporation shall be renewed and revived, with the same force and effect as if its charter had not become inoperative and 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.

RENEWAL AND REVIVAL OF CHARTERS

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 corporation 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, or the officers performing the functions of president and secretary, or by such officers to be elected as hereinafter provided, 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.

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 due the State of Delaware, or any City or County thereof, 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, or the officers performing the functions of president and secretary, or by such officers to be elected as hereinafter provided. 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. That if the last President and Secretary 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 successor to such deceased president or secretary, or the offi-

RENEWAL AND REVIVAL OF CHARTERS

cers 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 such meeting the stockholders shall elect a full board of directors, which board shall then elect such officers as are provided by the statute, certificate of incorporation or by-laws. Such officers and directors shall then conduct the business and affairs of the corporation, under the authority and pursuant to the terms of the certificate of incorporation and the by-laws of said corporation.

RENEWAL AND REVIVAL OF CHARTERS

Section 5. This Act shall not apply to any Life or Fire Insurance Company, or other Company engaged in the insurance business.

Approved April 28, A. D 1920

CITY OF WILMINGTON

CHAPTER 27.

CITY OF WILMINGTON

AN ACT to further extend 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 House thereof concurring therein):

Section 1. That the boundaries of the City of Wilmington be further extended to include all that portion of Christiana Hundred bounded and described as follows: beginning at a point on the southerly side of Lancaster avenue with the westerly side of Cleveland avenue; said point being the present southwest corner of the Line of the City of Wilmington, thence westerly along the southerly side of Lancaster avenue extended, fourteen hundred and seventy feet (1470') more or less, to the centre of a road sometimes known as Jackson Inn or Du Pont Road; thence northerly along centre of said road, nineteen hundred and fifty feet (1950) more or less to the northerly side of Seventh street extended; thence easterly along the northerly side of Seventh street extended nineteen hundred and fifty feet (1950') more or less to the westerly side of Cleveland avenue; thence southerly along the westerly side of Cleveland avenue, nineteen hundred and fifty-eight feet and eight inches (1958'-8") more or less, to the southerly side of Lancaster avenue and place of beginning. All that portion of said territory lying south of Sixth street shall be included in and form a part of the Twelfth Ward of said city, and all that portion of said territory lying north of Sixth street shall be included in and form a part of the Fifth Ward of said city.

Section 2. Within the limits of the City of Wilmington extended by this act, the Mayor and Council of Wilmington shall be vested with all power, rights and privileges and immunities which before this time belonged to them as a Municipal Corporation, and all the laws, ordinances and regulations in force within the former

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city limits and not locally inapplicable, shall be extended and applied to the new territory comprised within the boundaries as set forth in the first section of this Act.

Section 3. The real estate by this Act added to and included within the city limits and all persons now or hereafter residing within said boundaries shall be subject to assessment for municipal taxes in the same manner and subject to the same rights, rules and restrictions as in other cases within said city.

Section 4. That all acts or parts of acts inconsistent herewith are hereby repealed.

Section 5. That this Act shall go into effect the first day of July, A. D. 1920.

Approved April 28, A. D., 1920.

CITY OF WILMINGTON

CHAPTER 28.

CITY OF WILMINGTON

AN ACT to amend Chapter 209, Volume 19, Laws of Delaware, entitled, "An Act pertaining to a system of sewers for the City of Wilmington" as amended by Chapter 121, Volume 30, Laws of Delaware by changing the rates and method of assessment.

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 Sections 2 and 3 of Chapter 209 of Volume 19, of the Laws of Delaware, as amended by Chapter 121, Volume 30, Laws of Delaware, be and the same are hereby repealed and the following new Sections 2 and 3 are provided in lieu thereof.

Section 2. The said Board of Directors of the Street and Sewer Department, from the approximate estimate of the whole cost of constructing any sewer in accordance with any plan now or that may hereafter from time to time be adopted, shall apportion the said cost to each lineal foot of sewer to be built in accordance with the aforesaid system, said cost to be apportioned alike upon each and every size of sewer, be it a lateral or trunk sewer; and the said cost per lineal foot shall be paid for by the abutting property upon the streets or highways in which said sewers are constructed at the time of completing each sewer, and the aforesaid property shall be assessed for said costs per lineal foot as follows:

Section 3. All assessments shall be made upon the properties abutting on that portion of any street or highway, lane or alley in which any public sewer may be constructed under this provision, at such rate for each front foot of such property upon such street, highway, lane or alley, and at such rate for each squarefoot of such property between such street, highway, lane or alley, and a line not exceeding one hundred and fifty feet distant from and parallel with the line of such street, highway, lane or alley, as the said Board of Direc-

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tors of the Street and Sewer Department, or its successors, shall determine, provided however, that where any property is situated between two streets or highways, the area upon which said assessment is made shall not extend to more than one-half the distance between such streets or highways; and provided also, that when any property is situated at the corner of two streets or highways, or otherwise so situated as to be assessed for the expenses of building a sewer on one of such streets or highways, that portion of such property assessed for a sewer in one of such streets or highways shall not be liable to be assessed upon its area for the cost of constructing a sewer in the other of such streets or highways, but only for one-half of its side frontage upon such streets or highways; provided, however, that said side frontage is one hundred and fifty feet, or less; and provided also, that no property or portion of property shall be assessed for the construction of any sewer unless such property or some portion thereof shall abut and be bounded upon the street on which said sewer shall have been constructed, or unless such property thereof has a right of access to said street or highway by a private alley, or desires to use said sewer before a sewer is constructed upon the street or highway upon which said property abuts, in which case the said property shall be liable for the same assessment as though the sewer was constructed in the streets or highways upon which said property abuts, and the said property shall not be liable for any further assessment for sewer purposes.

Approved June 21, A. D., 1920.

CITY OF WILMINGTON

CHAPTER 29.

CITY OF WILMINGTON

AN ACT conferring upon the Mayor and Council of Wilmington certain Additional Powers Relating to Issuing Licenses and Collecting of License Fees.

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):

Section 1. That in order to provide for the payment of its debts and expenses the Council of the Mayor and Council of Wilmington in addition to the powers now conferred upon it shall have power and authority by ordinance or ordinances to issue licenses to and to require and receive a license fee from the owner or owners of any vehicle, business, avocation, profession, pursuit, or calling, operated, carried on or engaged in, within the corporate limits of the City of Wilmington including business occupations, animals and things not now exempted by law from tax in this State; provided, however, that no license shall be required from the owner of any vehicle who is not a resident of the City of Wilmington nor shall anything in this act apply to or affect any case wherein under existing laws a gross sum is paid to the State in lieu of all taxes under any and all laws of this State nor to any railroad company engaged in operating any railroad in this State under a lease or stock ownership thereof authorized by existing law.

And Provided Further that this Act shall not be construed as authorizing the said council to levy any license fee which shall or may have the effect to bring into operation any retaliatory or reciprocal tax or license laws of any other state or country as against corporations organized under the laws of the State of Delaware.

Section 2. No ordinance or ordinances providing for a license or licenses under Section 1 of this Act shall become operative unless it shall receive an affirmative vote of two-thirds of all the members elected to the Council.

Approved June 21, A. D., 1920.

CITIES AND TOWNS

CHAPTER 30.

CITIES AND TOWNS

AN ACT to amend Chapter 134, Volume 28, Laws of Delaware, entitled "An Act altering and revising the Charter of the City of New Castle by creating the Office of City Clerk and designating his duties," by increasing the limit of the annual salary of the City Clerk.

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):

That Chapter 134, Volume 28, Laws of Delaware, entitled "An Act altering and revising the Charter of the City of New Castle by creating the office of City Clerk and designating his duties," be, and the same is hereby amended by striking out Section 1 thereof and inserting in lieu thereof the following, to be known as Section 1:—

Section 1. The office of City Clerk for the City of New Castle is hereby created and established. No person shall be eligible for said office who is not a citizen of the State and a resident of the city.

The City Clerk shall be elected by ballot at the regular city election on the second Tuesday in April, A. D. 1915, and thereafter biennially at the regular city election held under the terms of the charter of the city. He shall serve for the term of two years or until his successor is legally qualified. Such officer shall be voted for in each ward or district, and the person receiving a plurality of the votes cast throughout the city for said office shall be deemed and declared elected. His election shall be ascertained and certified, and he shall qualify by oath or affirmation, as in the case of other city officers. He shall give bond to the corporation in such amount as may be fixed by the Council of the city, with surety or sureties to be approved by the Council, conditioned for the faithful performance of all of the duties of his office. Failure to give bond within two weeks from the date of his election shall render his election void. In case of a vacancy through failure to give bond or otherwise,

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the Council shall at once fill the vacancy so caused for the remainder of the term.

He shall attend regularly at the office of the city at such regular hours as may be fixed by the Council, and he shall be paid an annual salary to be fixed by the Council but not less than one thousand dollars nor more than fifteen hundred dollars, payable monthly. The above salary shall be in full payment and compensation for the performance of all the duties devolving upon him.

Approved April 16, A. D., 1920.

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due thereon, and in pursuance of a notice to that effect, published by the said The Council of Newark, in at least one newspaper published in the Town of Newark, Delaware, and one newspaper published in the City of Wilmington, Delaware.

In calling said bonds for redemption and payment, they shall be called consecutively, commencing with the lowest number of the issue of said bonds then outstanding. The interest on said bonds so called shall cease from the date fixed in said notice and advertisements for the redemption thereof, and the said bonds, when paid, shall be cancelled.

If at any time after the issue of said bonds, and before they are payable or called in, any holder or holders of any such bond or bonds shall offer the same for redemption, the said The Council of Newark, if it deems it expedient, may redeem or pay the bond or bonds so offered, and cancel the same, the interest thereon ceasing from the date of such payment.

Section 3. That the Council of the said The Council of Newark shall direct and effectuate the preparation and printing of the bonds authorized by this Act, and shall also prescribe the form of said bonds, which shall be signed by the President of the Council of The Council of Newark, and counter-signed by its Treasurer, and shall be sealed with the corporate seal of the corporation, and shall be exempt from all State, County and Municipal taxation.

As the said bonds, and the coupons thereon, are paid, the same shall be cancelled in such manner as the said the Council of The Council of Newark shall direct.

Section 4. That the said the Council of The Council of Newark shall negotiate the sale and delivery of said bonds issued under authority hereof, and shall apply and use the money derived from the sale of said bonds for the purpose of carrying into effect the provisions of this Act. The Council of The Council of Newark may, if it deems it advisable, advertise said bonds for sale, in such manner as it may prescribe, and may prescribe in said advertisements such provisions as to the sale of said bonds as it may deem advisable.

Section 5. That the Council of The Council of Newark be, and

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it is hereby directed and required to assess and collect, annually, in the same manner as now provided by law for assessing and collecting other taxes for municipal purposes, a tax sufficient to pay all interest accruing on said bonds and the principal thereof, as and when the same shall become due and payable.

The said the Council of The Council of Newark shall have power and is hereby authorized to establish such Sinking Fund, annually, as it may deem advisable, to retire and pay the principal of said bonds, as and when the same shall mature, and it is hereby authorized and empowered to assess and collect, annually, in the same manner as now provided for by law for assessing and collecting other taxes for municipal purposes, a sufficient tax for the purpose of establishing such Sinking Fund for the redemption and payment of the principal of said bonds, and shall prescribe where said Sinking Fund shall be deposited or invested, until such time as it may be needed for the redemption of any or all of said bonds.

Section 6. That the said The Council of Newark shall not have authority or power to issue any of said bonds authorized hereunder, until a special election has been called by the said The Council of The Council of Newark, at which it shall submit to the voters of the said Town of Newark, qualified to vote as hereinafter provided, the question whether said money shall be borrowed and secured by bonds, as herein provided, and the amount thereof, and the same shall be approved by a majority of the votes cast at such special election.

At such election, such freeholders, male or female, owning property within the said Town of Newark, shall have the right to cast one vote for every dollar or fractional part of a dollar of tax paid by him or her on real estate, under the last assessment of property in the Town of Newark, provided, that he or she shall have paid all taxes heretofore levied or assessed against real estate held by him or her, and shall produce a tax receipt for the same, when demanded by any person entitled to vote at such election.

Notice of such election shall be given by The Council of Newark, by advertisement published in two issues of a newspaper published in the Town of Newark, New Castle County, Delaware, and by notice posted in at least ten public places in said Town of Newark, at least

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twenty days before the day of such election, which said notice shall set forth the purpose of said election, and the amount of money proposed to be borrowed, on the faith and credit of said town, under the terms of this Act.

Said election shall be held and said vote taken at said time as prescribed by the Council of The Council of Newark, and by the same officers as other town elections are now held in the said Town of Newark, Delaware, by law held and conducted, provided, that not more than two special elections to take the vote of the qualified voters of said town, as aforesaid, shall be held under the provisions of this Act, in any one calendar year.

Section 7. That the officers of any special election held under the provisions of this Act shall certify to the Council of The Council of Newark the result of such election, the number of votes cast for and against the borrowing of said money, and the amount authorized at said election to be borrowed, and upon the same being certified to the said the Council of The Council of Newark, it shall have full power and authority to borrow said sum, issue the bonds of The Council of Newark to secure the payment thereof, as herein provided, and to do any and all other things necessary or required to make said bonds the valid and binding obligation of The Council of Newark, for the repayment of said sum so borrowed, and the payment of the interest thereon, semi-annually, as and when the same shall become due and payable.

Section 8. This Act shall be deemed and taken to be a Public Act, and published as such.

Approved April 28, A. D. 1920.

CITIES AND TOWNS

CHAPTER 33

CITIES AND TOWNS

AN ACT to authorize "The Commissioners of the Town of Middletown," to borrow money and issue bonds to secure the payment thereof, for the purpose of improving the streets 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, "The Commissioners of the Town of Middletown," a municipal corporation of the State of Delaware, be and they are hereby authorized and empowered to borrow on the faith and credit of the said Town a sum of money not exceeding Twenty Thousand Dollars, which shall be applied, appropriated and expended for the purpose of paving repairing and permanently improving the public streets and highways of the said Town of Middletown.

Section 2. That "The said Commissioners of the Town of Middletown," for the purpose of carrying into effect the provisions of this Act, are hereby authorized and empowered to issue bonds of the said municipal corporation, of such denominations as they the said, "The Commissioners of the Town of Middletown," may deem best. Said bonds shall be known as Middletown Street Bonds, and shall bear interest at a rate not exceeding six per centum per annum, payable semi-annually on the first days of July and January of each year, at such bank or trust company in said Town of Middletown, as said municipal corporation may designate. The principal of said bonds shall be made payable at the expiration of twenty years from the date of issue thereof, the said "The Commissioners of the Town of Middletown," reserving the power and authority of redeeming said bonds or any part of them after the expiration of ten years from the date of the issue of the same, provided that if the said "The Commissioners of the Town of Middletown," elect to redeem any of said bonds after the expiration of ten years from the issue thereof, such election shall be effected on

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any day on which the semi-annual interest is due, and in pursuance of the notice to that effect published by the said "The Commissioners of the Town of Middletown," in at least two issues of two newspapers, one published in the city of Wilmington, and one in the Town of Middletown. In calling said bonds for redemption and payment they shall be called consecutively, commencing with the lowest number of the issue, the interest on said bond so called shall cease from the date fixed in the said notice for the redemption thereof, and the said bonds when paid shall be cancelled. If at any time after the issue of said bonds and before they are payable or called in, any holder or holders of any such bond or bonds shall offer the same for redemption, the said "The Commissioners of the Town of Middletown," if they deem it expedient may redeem or pay the bond or bonds so offered and cancel the same, the interest thereon ceasing from the date of such redemption.

Section 3. That the said "The Commissioners of the Town of Middletown," shall direct and effect the preparation and printing of the bonds authorized by this Act and shall also prescribe the form of said bonds which shall be signed by the President of the said "The Commissioners of the Town of Middletown," and countersigned by its Treasurer and shall be sealed with the corporate seal of the corporation and be exempt from all State, County and Municipal Taxation. As the said bonds and coupons thereon are paid, the same shall be cancelled in such manner as the said "The Commissioners of the Town of Middletown," shall direct.

Section 4. That the said "The Commissioners of The Town of Middletown," shall negotiate the sale and delivery of said bonds and shall apply and use all the money, the proceeds of the sale of said bonds for the purpose of carrying into effect the provisions of this Act. Provided, however, that in the sale of said bonds, the said "The Commissioners of the Town of Middletown," are required and directed to advertise said bonds for sale in at least two issues of two newspapers, one published in the City of Wilmington, and one in the Town of Middletown inviting bids for the same and in which said advertisements shall be stated the denomination of said bonds, rate of interest, the place and date of opening said bids and the condition of said bonds. The said "The Commissioners of the Town of Middletown," shall have the power to require each bid for said bonds to be accompanied by a certified check for an amount which they may deem proper and after

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the bonds are awarded, the said "The Commissioners of the Town of Middletown," shall return to the unsuccessful bidder or bidders the certified check or checks so filed by said unsuccessful bidders with their bids. The said "The Commissioners of the Town of Middletown" shall have the right to reject any or all bids, but in awarding the sale of the bonds, they shall be sold to the person or persons, firm or corporation, offering the most advantageous terms.

Section 5. That the said "The Commissioners of the Town of Middletown" are authorized and required to assess and collect annually, in the same manner as now provided by law for assessing and collecting other taxes for municipal purposes, a special tax sufficient to pay all the interest accruing on said bonds. The said "The Commissioners of the Town of Middletown" are further authorized and empowered to assess and collect annually in the same manner as now provided by law for assessing and collecting other taxes for municipal purposes a further special tax for the purpose of establishing a fund adequate to the redemption at or before maturity as prescribed in this Act; provided, that the amount to be raised for the purpose of establishing said sinking fund for the redemption of said bonds shall not exceed the sum of Fifteen Hundred Dollars in any one year. The sinking fund provided by this Act shall be deposited in any bank or trust company in the State of Delaware, until such time as it may be needed for the redemption of any or all of said bonds.

Section 6. That the said "The Commissioners of the Town of Middletown" shall not, at any time, have authority or power to issue any of the said bonds until a special election has been called by the said "The Commissioners of the Town of Middletown," and held by the officers provided for in this Act, and a majority of the legal votes cast at such election has been ascertained to be "for issuing bonds for the purpose of improving the streets." The said "The Commissioners of the Town of Middletown," are hereby authorized to call and provide for such special election, whenever they shall deem it expedient to do so, provided that such special election shall not be held within ten days after the approval of this Act, by the Governor. If the issuing of said bonds should not be approved by a majority of said votes cast at said special election, the said "The Commissioners of the Town of Middletown" are authorized and empowered to call a special election or elections, at any time thereafter, in like manner and

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for the same purpose, provided that all the Commissioners of the said "The Commissioners of the Town of Middletown," shall deem it expedient to do so, and not more than one such election may be held in any one year, and every such election shall be at least six months apart. Such special election or elections shall be held by the Alderman and two Commissioners of the said Town of Middletown, the said Commissioners shall be selected and appointed for that purpose by the said "The Commissioners of the Town of Middletown."

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 "The Commissioners of the Town of Middletown," shall elect and appoint some other male qualified voter of the said Town of Middletown to be the presiding officer at such special election. The voting at such special election or elections shall be by ballot. Except as otherwise provided by this Act, such special election or elections shall be held according to the law governing town elections of the said Town of Middletown. Due notice of the time and place of such special election shall be given by the said "The Commissioners of the Town of Middletown," by advertisements posted in at least ten public places in the said Town of Middletown, at least ten days prior to any such special election. At such election each taxpayer shall have one vote for every dollar and fractional part of a dollar paid by him, her or it respectively as town tax for the year next preceeding said election, and all taxpayers shall have the right to vote at such election in person or by proxy duly signed and witnessed; provided, however, that the owner of real estate at the time of said election shall possess the right of voting the tax upon property acquired during the preceeding year; and provided further that poll taxables, who shall have ceased to be residents of the said town, shall not be entitled to vote at said election.

Section 7. Any person who shall wilfully vote or attempt to vote illegally at such special election, who shall wilfully receive or consent to receiving an illegal vote, or who shall wilfully refuse or consent in refusing 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. Should a voter be challenged on the ground of non-payment of tax, the presiding officer of

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the election, or person receiving the votes shall cause the person so challenged to swear that he or she has paid all the town tax assessed against him or her for the year next preceding the year in which such special election is held; otherwise, his or her vote shall not be received. Should such person wilfully and falsely so swear, he or she shall be deemed guilty of perjury, and suffer all its penalties.

Section 8. That the faith of the said "The Commissioners of the Town of Middletown," is hereby pledged for the payment of the bonds authorized to be issued under this Act.

Approved June 2, A. D. 1920.

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CHAPTER 34.

CITIES AND TOWNS

AN ACT authorizing the Town Council of the Town of Smyrna to borrow money and issue bonds to secure the payment thereof for the purpose of completing the water and light plant and for street improvement.

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 the Town Council of the town of Smyrna be and are hereby authorized and empowered to borrow on the credit of the Town of Smyrna a sum of money not exceeding ten thousand dollars which shall be applied, appropriated and expended for the purpose of completing the Water and Light Plant and for street improvement.

Section 2. For the purpose of carrying into effect the provisions of this Act, the said Town Council of the Town of Smyrna are hereby further authorized, and empowered to issue bonds of the Town of Smyrna to be prepared under their direction. Said bonds shall be of such form and denomination as they shall direct: shall bear interest at such a rate, not exceeding the legal rate of interest, and shall contain such provisions for redemption and maturity as they shall determine and shall be sold upon such terms as shall be most advantageous for the Town of Smyrna.

Section 3. The said Town Council of the town of Smyrna are hereby appointed, authorized and empowered to impose and levy a tax upon the persons and the property of the persons subject to assessment for the purpose of paying the annual interest on said bonds and for providing an adequate sinking fund for the redemption of said bonds at maturity.

Section 4. The faith and credit of the said Town Council of

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the Town of Smyrna, are hereby pledged for the payment of the bonds authorized to be issued under this Act.

Section 5. That before any bonds shall be issued under the provisions of this Act a special election shall be held in the same place and in the same manner as other town elections. Notice of said election shall be given by advertisements in the nearest county newspaper and by posting notices in at least ten public places in said town at least two weeks before the said election, which said advertisement and notices shall state the time and place of the election and the amount of bonds proposed to be issued, and the purpose for which the said money is to be borrowed. At said election every person paying town taxes in the said town shall be entitled to vote, and shall have one vote for each dollar or fractional part of a dollar of taxes paid by him or her according to the last assessment in the said town, and for the purpose of this election residence shall not be a qualification to voting in the said town. At said election the ballots used shall have written or printed thereon the words "for the bond issue" or the words "against the bond issue." If at such election a majority of the votes cast shall be for the bond issue, then bonds to the amount voted on may be issued as in this Act provided, but if at such election the majority shall be against the bond issue, then no bonds shall be issued nor money borrowed under this Act.

Approved April 28, A. D., 1920.

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CHAPTER 35.

CITIES AND TOWNS

AN ACT to amend an Act entitled "An Act to re-Incorporate the Town of Camden," being Chapter 642 of Volume 18 of the Laws of Delaware.

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

Section 1. That Section 2 of the Act entitled "An Act to Re-Incorporate the Town of Camden," being Chapter 642 of Volume 18 of the Laws of Delaware, be amended by repealing all of Section 2 of said Act and by inserting in lieu thereof the following:

Section 2. And be it further enacted, That the commissioners of the Town of Camden may raise yearly by taxation on persons and property the sum of five thousand dollars (\$5,000) exclusive of dog taxes, for the uses of said town, and may yearly pay and apply out of said town funds a sum not exceeding forty dollars (\$40) yearly towards maintenance of the Camden Fire Department.

Approved April 16, A. D., 1920.

CITIES AND TOWNS

CHAPTER 36.

CITIES AND TOWNS

AN ACT to amend an Act entitled "An Act to re-incorporate the Town of Camden, being Chapter 642 of Volume 18, of the Laws of Delaware."

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

Section 1. That Section 3 of the Act entitled "An Act to re-incorporate the Town of Camden" being Chapter 642 of Volume 18 of the Laws of Delaware be and the same is hereby amended by repealing all of Section 3 of the said Act and by inserting in lieu thereof the following:

Section 3. And be it further enacted, That all the lands and roads embraced within the territory bounded on the West by the Eastern lines and limits of the town of Wyoming, on the Southeast by the Northwestern lines and limits of the town of Camden as surveyed and laid out under and by authority of the act of incorporation, passed at Dover, March 4, 1869, and on the North by the road separating lands of Benjamin F. Hartman from lands of Charlie W. Lord and running from Main street to Wyoming and by a line being continuation of the road aforesaid running in an Easterly direction to the road separating lands late of Remsen C. Barnard from lands of Reuben F. Brown, be and the same is hereby incorporated within and made a part of the town of Camden, and all the roads, streets, alleys, and ways so embraced shall be controlled and managed exclusively by the Town Commissioners. The commissioners of the Town of Camden may, at any time hereafter, cause a survey and plot to be made of the said town, and the said plot, when so made and approved by the said commissioners, shall be recorded in the Recorder's office in and for Kent county, and the same or the record thereof, or a duly certified copy of said record, shall be evidence in all courts of law and equity in this State.

Approved April 16, A. D., 1920.

CITIES AND TOWNS

CHAPTER 37

CITIES AND TOWNS

AN ACT to amend an Act entitled "An Act to Re-Incorporate the Town of Wyoming," being Chapter 182 of Volume 23, of the Laws of Delaware.

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

Section 1. That Section 8 of the Act entitled "An Act to Re-incorporate the Town of Wyoming," being Chapter 182 of Volume 23, of the Laws of Delaware, be and the same is hereby amended by striking out said Section 8, and inserting in lieu thereof, the following, to be known as "Section 8."

"Section 8. That there shall be held in such place within said town as the commissioners shall select on the first Monday next after every election a town meeting, organized and conducted by said commissioners, at which all taxpayers may attend for the purpose of settlement of all accounts of the then past year, and for determining by the commissioners the amount of money to be raised by tax for the ensuing year not exceeding two thousand dollars, exclusive of dog taxes. At said annual meeting there shall be produced a true and just report of the doings of the past year, showing the amount of money received from all sources, the names and amount of delinquent taxables, also the expenditures, for what purpose and to whom made, also the unexpended residue, the amount owing, to whom and for what purpose, and such other information as may properly be called for at said meeting, so as to set before the taxables present a just and true *state and condition of the finances and condition of said town. In addition to said annual meeting there shall be held on the first Monday in each and every month yearly, a monthly meeting of the commissioners for the purpose of hearing, determining, or acting upon any matter or business relating to or concerning the said town, which may be proper-

*So enrolled.

CITIES AND TOWNS

ly and lawfully there entertained and acted upon. The said annual meeting shall be duly advertised by the Town Clerk or Commissioners by notices posted in three of the most public places in said town at least three days before the day of such meeting, stating the day, hour and place of holding the same. At all annual meetings any one member of the commissioners may assume the chair and call the town clerk, and if none, then any person present whom he may name to act pro tem, as secretary at such meeting when the same shall be thereby organized. No fees or charges shall be allowed for holding any of the said town meetings.

Approved April 16, A. D. 1920.

CITIES AND TOWNS

CHAPTER 38.

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):

Section 1. That the 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 Twenty Thousand Dollars, for the purpose of permanently improving the streets of the town of Georgetown.

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 Twenty Thousand Dollars; said bonds shall be of such denomination as the Town Council of Georgetown shall direct, shall bear date when issued, and shall bear interest from date at a rate not exceeding the legal rate, payable annually.

Section 3. That the Town Council of Georgetown shall prescribe the form of the said bonds, determine the date of issue of the same, and the rate of interest thereon, direct and effect the publishing thereof, negotiate the sale and delivery of the bonds, and receive and 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 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,

CITIES AND TOWNS

the Town Council of Georgetown, is hereby authorized and 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.

Section 6. That before any bonds shall be issued under the provisions of this Act a special election shall be held in the same place and in the same manner as other town elections. Notice of said election shall be given by advertisements in the nearest county newspaper and by posting notices in at least ten public places in said town at least two weeks before the said election, which said advertisements and notices shall state the time and place of the election, the amount of bonds proposed to be issued and the purpose for which said money is to be borrowed. At said election every person paying town taxes in the said town shall be entitled to vote and shall have one vote for each dollar or fractional part of a dollar of taxes paid by him or her according to the last assessment in the said town, and for the purposes of this election residence shall not be a qualification to voting in the said town. At said election the ballots used shall have written or printed thereon the words "for the bond issue" or the words "against the bond issue." If at such election a majority of the votes cast shall be for the bond issue, then bonds to the amount voted on may be issued as in this Act provided, but if at such election the majority shall be against the bond issue, then no bonds shall be issued nor money borrowed under this Act, unless at another subsequent election held in the same manner, a majority of the votes cast shall be for the bond issue.

Approved April 28, A. D. 1920.

CITIES AND TOWNS

CHAPTER 39

CITIES AND TOWNS

AN ACT to amend Chapter 153, Volume 29, Laws of Delaware, being "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 all the members elected to each House concurring therein):

Section 1. That Chapter 153, Volume 29, Laws of Delaware, be amended by striking out all of the fifth paragraph of Section 2 of said Chapter, being lines 65 to 79 thereof, inclusive, and inserting in lieu thereof the following: The election shall be opened at one o'clock P. M., and shall close at four o'clock P. M. At such election every person residing in the said Town of Seaford of the age of twenty-one years or upwards to whom was assessed a town tax for the year preceeding said election, and who shall have paid the town tax last assessed to said person not less than thirty (30) days before the date of said election, shall have the right to vote for Mayor, Councilman, Assessor, and all other elective officers of said town. The Collector of Taxes shall deliver to the Secretary of the Town Council at least Twenty (20) days prior to the date of said election a list of the names of all persons who have paid said taxes as herein provided, alphabetically arranged and duly certified. This list so certified shall be evidence as to the right of any person to vote at said election.

Approved April 28, A. D. 1920.

CITIES AND TOWNS

CHAPTER 40

CITIES AND TOWNS

AN ACT to amend an Act entitled "An Act to incorporate the Town of Blades," being Chapter 155, Volume 28, of the Laws of Delaware.

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

Section 1. That Chapter 155, Volume 28, Laws of Delaware, be, and the same is, hereby amended by inserting in line twenty-five of the first paragraph of Section 2, thereof, after the word "year" and before the word "and," and the words "an Assessor shall be elected for the term of one year"; and by inserting in line twenty-seven of the said first paragraph of the said Section 2 thereof, after the word "Mayor" and before the word "and," the words "and Assessor"; and by inserting in line thirty-five of the said first paragraph of the said Section 2 thereof, after the word "paid" and before the word "the," the word "all"; and by striking out the word "last" in line thirty-five of the said first paragraph of the said Section 2 thereof; and by inserting in line forty of the said first paragraph of the said Section 2 thereof, after the word "paid" and before the word "the," the word "all"; and by striking out the word "last" in line forty of the said first paragraph of the said Section 2 thereof; and by inserting in line forty-three of the said first paragraph of the said Section 2 thereof, after the word "Mayor" and before the word "Councilmen," the word "Assessor."

Section 2. That Chapter 155, Volume 28, of the Laws of Delaware, be, and the same is hereby further amended by adding at the end of the first paragraph of Section 2 thereof the following, to wit:

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"No person shall be a candidate for the office of Mayor, Assessor, or Councilman, unless he first shall have notified in writing the Secretary of the Town Council of such candidacy, or unless five or more qualified voters of the said Town shall file the name of such candidate, with his written consent endorsed thereon, with the said Secretary. In either case such candidacy or notification shall be filed with the 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 and the candidate for each office, in at least five of the most public places in the said Town of Blades, at least five full days before the election then next ensuing.

Section 3. That Chapter 155, Volume 28, Laws of Delaware, be, and the same is, hereby further amended by inserting in line three of Section 21 thereof, after the words "Treasurer" and before the word "Secretary," the word "And"; and by striking out the words "and Assessor" in line three of said Section 21 thereof; and by striking out the words "the Assessor shall be a freeholder resident in said Town and may or may not be a member of said Council" in lines seven and eight of the said Section 21 thereof.

Approved April 28, A. D. 1920.

CITIES AND TOWNS

CHAPTER 41

CITIES AND TOWNS

AN ACT to amend An Act entitled "An Act to re-Incorporate the Town of Millsboro," being Chapter 203, of Volume 25, of the Laws of Delaware, by changing the limits 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 therein):

Section 1. That Section 1, of Chapter 203, of Volume 25, Laws of Delaware, be, and the same is hereby amended by changing the limits of the Town of Millsboro by eliminating from said Town all that portion thereof lying in Indian River Hundred to the South end of the Mill Dam in said Town.

Approved April 28, A. D. 1920.

CITIES AND TOWNS

CHAPTER 42

CITIES AND TOWNS

AN ACT to amend Chapter 254, Volume 27, Laws of Delaware, entitled "An Act to amend Chapter 216, Volume 24, Laws of Delaware, entitled 'An Act to Incorporate the Town of Bethel'."

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 there):

Section 1. That Chapter 216, Volume 24, Laws of Delaware, entitled "An Act to Incorporate the Town of Bethel as amended by Chapter 254, Volume 27, Laws of Delaware, "be and the same is hereby amended by striking out all of Section 1 of said Chapter 254, of Volume 27, Laws of Delaware, and inserting in lieu thereof the following:

It shall be the duty of the town commissioners of the said Town of Bethel at least two weeks before their meeting in March, to prepare a financial statement showing the receipts and expenditures of the said commissioners or of any town official, the balance, if any, which remains in their hands or in the hands of the treasurer or any town official at the time said statement is made. Said statement shall be hung up or posted at least two weeks before the said meeting of the commissioners in March, in five conspicuous places of the said Town of Bethel.

And if the said commissioners shall neglect, fail, or refuse to make and hang up or post such statement as aforesaid, the said commissioners shall be subject to a fine of ten dollars per diem for each day said statement is not hung up or posted as aforesaid. Said sum to be recovered before any Justice of the Peace in and for Sussex County.

Approved April 28, A. D. 1920.

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CHAPTER 43

CITIES AND TOWNS

AN ACT to amend Chapter 216, Volume 24, Laws of Delaware, entitled "An Act to Incorporate the Town of Bethel."

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 5 of Chapter 216, Volume 24, Laws of Delaware, be and the same is hereby amended by striking out said Section, and inserting in lieu thereof the following:

That the commissioners herein named and 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 six hundred dollars including tax on real and personal property and poll 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.

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 the real estate and assessable personal property within the said town, and also an assessment of all the male citizens residing in said town above the age of twenty-one years, as well as those owning real estate as those not owning real estate, at least one dollar 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 Bethel, but all such lots, and pieces and parcels of land exceeding an acre as aforesaid, having a dwelling thereon shall be assessed

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and taxed as and 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 that they will 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 except that of poll which shall always remain at the figures above stated, one dollar per head. 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 taxes as are conferred by law upon collectors of County taxes, provided, however, that in making said assessment for the town of Bethel 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 factories shall be taxed.

Approved April 28, A. D. 1920.

CITIES AND TOWNS

CHAPTER 44

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AN ACT authorizing the Commissioners of the Town of Dagsboro to borrow money and issue bonds to secure the payment thereof for the purpose of public improvements of the Town of Dagsboro, 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):

Section 1. That the Commissioners of the Town of Dagsboro, a municipal corporation of the State of Delaware, are hereby authorized and empowered to borrow on the faith and credit of the Town of Dagsboro, the sum of one thousand dollars (\$1000.00) for the purpose of public improvements of the town of Dagsboro.

Section 2. For the purpose of carrying into effect the provisions of this Act, the said Commissioners of the Town of Dagsboro are hereby authorized and empowered to issue bonds of the said municipal corporation to the amount of One Thousand dollars: said bonds shall be of such denomination as the Commissioners of the Town of Dagsboro shall direct, shall bear date when issued, and shall bear interest from date at a rate not exceeding the legal rate payable annually.

Section 3. That the Commissioners of the Town of Dagsboro shall prescribe the form of the said bonds, determine the date of issue of the same, and the rate of interest thereon, direct and effect the publishing thereof, negotiate the sale and delivery of the bonds, and receive and apply the proceeds of the sale for the purposes of this Act. Said bonds shall be signed by the President and Secretary of the commissioners of the Town of Dagsboro, and shall be sealed with the corporate seal of the Commissioners, of the Town of Dagsboro.

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Section 4. For the purpose of raising funds necessary for the redemption of said bonds, and the payment of the interest thereon, the Commissioners of the Town of Dagsboro are hereby authorized and empowered and directed to levy and collect annually in the same manner as other taxes in said Town of Dagsboro are levied and collected annually in the same manner as other town taxes in said Town of Dagsboro are levied and collected, such further sum of money as shall be necessary and sufficient to meet the interests 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 the Commissioners of the Town of Dagsboro are hereby pledged for payment of the bonds authorized to be issued under this Act.

Section 6 That before any bonds shall be issued under the provisions of this Act a special election shall be held in the same place and in the same manner as other elections. Notice of said election shall be given by advertisements in the nearest County newspaper and by posting notices in at least ten public places in said town at least two weeks before the said election, which said advertisements and notices shall state the time and place of election, the amount of bonds proposed to be issued and the purpose for which said money is to be borrowed. At said election every person paying town taxes in the said Town shall be entitled to vote and shall have one vote for each dollar or fractional part of a dollar of taxes paid by him or her according to the last assessment in the said Town, and for the purpose of this election residence shall not be a qualification to voting in the said town. At said election the ballots used shall have printed or written thereon the words "For the bond issue" or the words "Against the bond issue." If at such election a majority of the votes cast shall be for the bond issue, then bonds to the amount voted on may be issued as in this Act proposed, but if at such election the majority shall be against the bond issue, then no bonds shall be issued nor money borrowed under this Act unless at another subsequent election held in the same manner, a majority of the votes cast shall be for the bond issue.

Approved April 28, A. D. 1920.

CITIES AND TOWNS

CHAPTER 45

CITIES AND TOWNS

AN ACT to amend an Act entitled "An Act to re-incorporate the Town of Selbyville."

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

Section 1. That Chapter 241, Volume 26, Laws of Delaware, being "An Act to re-incorporate the Town of Selbyville" be and the same is hereby amended by striking out of lines 4 and 5 of Section 12 thereof the words "One Thousand Dollars" where they occur in said lines and by inserting in lieu thereof the words "Two Thousands Dollars."

And by striking out of Section 17 of said Act the clause reading "Providing the Bonded indebtedness of said Town shall at no time exceed Ten Thousand (\$10,000) Dollars," where the same appears in the latter part of said Section.

Approved April 28, A. D. 1920.

TITLE TEN
Religious, Reformatory and Charitable
Institutions

CHAPTER 46

FERRIS INDUSTRIAL SCHOOL

AN ACT to appropriate money for "Ferris Industrial School of Delaware" to replace buildings destroyed by fire and for repairs and extensions.

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 Fifteen Thousand Dollars be and the same is hereby appropriated to the "Ferris Industrial School of Delaware," to be used for replacing buildings destroyed by fire and for repairs and extensions.

Approved April 28, A. D. 1920.

INDUSTRIAL SCHOOL FOR GIRLS

CHAPTER 47

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. That the sum of Ten Thousand Dollars be and the same is hereby appropriated to the Delaware Industrial School for Girls, out of funds in the hands of the State Treasurer not otherwise appropriated, for the general maintenance and support of the said School during the year, A. D. 1920, payments by the State Treasurer out of the money so appropriated to be made to said school upon its warrant drawn in accordance with the provisions of Section 20 of Chapter 15 of the Revised Code of the State of Delaware.

Approved April 28, A. D. 1920.

TITLE ELEVEN

Education

CHAPTER 48

FREE SCHOOLS

SCHOOL LAWS OF THE STATE OF DELAWARE

AN ACT to repeal Chapter 71 of the Revised Code of the State of Delaware, entitled "Public Schools," and to provide a new Chapter 71, entitled "School Laws 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 of the State of Delaware be, and the same is hereby repealed, including 2273, Section 1, and 2326-164, Section 216, and all intervening sections, being the entire chapter, and this new Chapter 71, entitled "School Laws of the State of Delaware," be, and the same is provided in lieu thereof containing the following sections: 2273, Section 1, and 2326-164, Section 216, and all intervening sections; and all Acts and all parts of Acts inconsistent with the provisions of said new Chapter 71 be, and the same are hereby repealed.

ARTICLE 1. STATE BOARD OF EDUCATION

Section 1. The general administration and supervision of the free public schools and of the educational interest of the State shall be vested in a State Department of Education, at the head of which shall be a State Board of Education. The State Board of Education shall be composed of five members, who shall be appointed by the Governor from the citizens of the State, for a term of five years, beginning on the first day of July next succeeding their appointment, and they shall hold office until their successors qualify. Provided that when this Act goes into effect the persons who are at that time members of the State Board of Education shall continue

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to act in that capacity throughout the terms for which they were appointed; thereafter, as the respective vacancies occur, appointments to this Board shall be made by the Governor before the first day of July and the term of each member shall be five years. The members of the Board shall be appointed solely because of their character and fitness, but no person shall be appointed to this Board who is in any way subject to its authority. Vacancies on the Board for any cause shall be filled by the Governor for the unexpired term, and until a successor qualifies. Any member of this Board shall be eligible for reappointments unless otherwise disqualified by the provisions of this Section.

Section 2. The offices of the State Board of Education shall be at Dover and shall be provided by the State. The State Board of Education shall hold its annual meeting each year, at its office, on the first day of July. At this meeting the Board shall each year elect one of its members to serve as President, and one to serve as Vice-President. Other regular meetings shall be held on the first day of September, December and March, and such special meetings may be held at such places as the duties and business of the Board may require. The rules generally adopted by deliberative bodies for their government shall be observed by the State Board of Education. No motion or resolution shall be declared adopted without the concurrence of a majority of the whole Board.

Section 3. The members of the State Board of Education shall receive a compensation of ten (\$10.00) dollars per day for each day's attendance at the meetings of said Board, provided that they shall not receive pay for more than one day's attendance each calendar month, and shall also receive their actual traveling and other necessary expenses incurred in attending the meetings and transacting the business of the Board.

Section 4. The State Board of Education shall appoint, subject to the provisions of Section 32 of this Chapter, as its executive officer a State Commissioner of Education, who shall also be the Secretary of the State Board of Education. As secretary he shall conduct all correspondence of the Board, keep and preserve all its records, receive all reports required by the Board and see that such

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reports are in proper form, complete and accurate. He shall attend all meetings of the Board and of its committees, except when his own tenure, his salary or the administration of his office are under discussion, and shall have the right to advise on any question under consideration, but shall have no right to vote. In case the office of the State Commissioner of Education is temporarily vacant, or when the State Commissioner is absent by reason of the business in hand, the Board shall appoint one of its members to act for time being as Secretary.

Section 5. The State Board of Education may appoint for a term not to exceed one year an assistant secretary, with such duties and powers as the State Board of Education shall deem proper.

Section 6. The State Treasurer shall be the Treasurer of the State Board of Education. He shall receive and hold all moneys which the State Board of Education is entitled to by law and which may come into its possession, and shall deposit all such moneys in the financial institution which is the legal depository of State moneys in the custody of the State Treasurer. He shall pay out all such moneys on the written order of the President, or of the Vice-President, of the State Board of Education and of its Secretary, or of its assistant Secretary, if so authorized by the State Board of Education, and shall keep such records and accounts of its funds as the State Board of Education may require.

Section 7. The State Board of Education shall cause the provisions of this Chapter to be carried into effect. It shall determine the educational policies of the State and enact by-laws, or rules and regulations for the administration of the public school system, which, when enacted and published, shall have the force of law. For the purpose of enforcing the provisions of this Chapter, and the enacted and published by-laws of the Board, the State Board of Education, acting through its President or Vice-President, shall have authority to administer oaths and to examine under oath, in any part of the State, and to cause the examination to be reduced to writing. Any person who, having been sworn or affirmed to tell the truth, and who wilfully gives false testimony, shall be guilty of false swearing and punished as perjury is punished. The State

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Board of Education is empowered and shall remove, for immorality, misconduct in office, incompetency or wilful neglect of duty, any officer appointed under the provisions of this Chapter or any special school law, giving him a copy of the charges against him and an opportunity of being publicly heard, in person or by counsel, in his defense, upon not less than ten days' notice. Vacancies in office caused by such removals shall be filled by the State Board of Education, for the remainder of the unexpired term of the officer or officers removed.

The State Board of Education shall explain the true intent and meaning of the school laws and of the enacted and published by-laws or rules and regulations of the State Board of Education. It shall decide, without expense to the parties concerned, all controversies and disputes involving the proper administration of the public school system.

Section 8. The State Board of Education shall exercise, through the State Commissioner of Education and his professional assistants, general control and supervision over the free public schools of the State; they shall consult with and advise through their executive officer and his professional assistants, County Boards of Education, Boards of Education of Special School districts, Boards of School Trustees, County Superintendents of Schools, Superintendents of Schools of special School districts, supervisors, attendance officers, principals, teachers, and interested citizens, and shall seek in every way to direct and develop public sentiment in support of public education.

Section 9. The State Board of Education shall prescribe rules and regulations for the hygienic, sanitary, and protective construction of school buildings. It is empowered and shall in its discretion condemn for school purposes, public school buildings that violate these rules and regulations. No contract for erection of a new public school building, or for a material alteration of an old public school building, costing three hundred dollars or more, shall be valid unless the plans and specifications for the same shall have been approved by the State Board of Education. Provided that, should the City of Wilmington accept the provisions of this Act

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as provided in Article 5, Section 119 of this Chapter, the Board of Education of said City of Wilmington may make a valid contract for the alteration of an old public school building or the erection of a new public school building costing not more than \$5,000.00, without the plans and specifications receiving the approval of the State Board of Education.

Section 10. The State Board of Education shall prescribe rules and regulations for the protection of the health, physical welfare and physical inspection of public school children of the State.

Section 11. The State Board of Education shall prescribe rules and regulations for grading and standardizing all public schools. It shall limit on the basis of the equipment and number of teachers employed, the years and grades of instruction offered in such schools. It shall prescribe the minimum requirements for issuing all certificates and diplomas from public schools of this State, and, in co-operation with the President of Delaware College and the Dean of the Women's College of Delaware, the minimum requirements for issuing all academic, normal school, collegiate, professional, or university degrees by such institutions as are not authorized by law to determine such requirements. No public school with only one teacher, unless otherwise authorized by the State Board of Education, shall attempt more than the first six grades of elementary school work, and no public school shall attempt high school instruction without the consent of the State Board of Education. Nor shall any public or private educational institution issue any certificate, diploma, or academic, collegiate, professional, or university degree unless said institution shall be so authorized by law or unless in accord with the requirements prescribed as aforesaid.

Section 12. The State Board of Education shall prescribe minimum courses of study for all public elementary schools and all public high schools. These courses of study shall be printed in such quantities as to provide each public school official and teacher with a copy, and sufficient for distribution among private schools and interested citizens of the State. Provided that in every elementary school, both public and private, of and in the State there shall be taught at least reading, spelling, handwriting, arithmetic, oral and

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written English, geography, history of the United States and Delaware, community civics, elementary science, hygiene and sanitation, physical training. All of these subjects shall be taught in the English language. There shall also be taught in every elementary school both public and private of and in the State such other studies as may be prescribed, by the State Board of Education. Provided in case any provision of this Section is violated by individuals, private educational associations, corporations, or institutions, the State Board of Education shall take such legal action as will enjoin such violation.

Section 13. The State Board of Education shall prescribe a list of textbooks to be used in selecting for all public elementary schools and for all public high schools of the State. The State Board of Education shall also fix with the respective publishers the price at which their respective textbooks shall be sold to the County Boards of Education and to the Boards of Education of special school districts. The State textbook list shall be an open list, that is, a list from which the local school authorities may choose. Textbooks may be added to or dropped from the list at any regular meeting of the Board, provided that when a textbook has been added to the list it may not be dropped before the expiration of four (4) years from the date of its being placed on the list. This list of textbooks shall be printed in such quantities as to provide each public school official and teacher with a copy, and sufficient for distribution among private schools and interested citizens of the State.

Section 14. The State Board of Education shall prescribe rules and regulations, also the subjects and the standards of teachers' examinations, agreeable to the provisions of Article 8 of this Chapter, for the certification of teachers in the public schools of the State and, in co-operation with President of Delaware College and the Dean of the Women's College of Delaware, for the acceptance of the diplomas of the normal schools, colleges, and universities of Delaware, as well as other States. No individual, public or private educational association, corporation, or institution shall offer a course or courses for the training of public school teachers without having first procured the assent of the State Board of Education of such teacher training course.

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Section 15. The State Board of Education shall prescribe, in co-operation with the President of Delaware College and the Dean of the Women's College of Delaware, the conditions on which teachers now employed and prospective teachers may attend summer school and receive from the State the whole or part of the expenses incurred by such summer school attendance.

Section 16. The State Board of Education shall prescribe, subject to the provisions of Article 12 of this Chapter, the conditions as to buildings, educational equipment and supplies, library, laboratories, courses of study and units of work offered, number and qualifications of teachers employed, and enrollment and average daily attendance which must be fulfilled in order that high schools may secure the respective amounts of State aid provided for in Article 12 of this chapter. The State Board of Education shall annually, prior to the fifteenth of September, make, and publish a list of high schools of each class entitled to State aid according to provisions of Article 12 of this Chapter.

Section 17. The State Board of Education shall prescribe rules and regulations governing the admission of pupils from schools under the jurisdiction of County Boards of Education into the schools—particularly into the high schools—of the special school districts. It shall fix the tuition rates which the County Boards of Education shall pay the Boards of Education of such special school districts for the instruction of children so admitted; but in determining the rate of tuition to be paid, account should be taken of the State aid received by such high schools and also of benefits derived by such schools from the provisions of the Smith-Hughes Vocational Education Act, that is the tuition rate should be a reasonable rate based on the actual local cost of high school instruction. Provided that children must first exhaust their respective local educational opportunities, that four year high school opportunities shall be open to all the children of the State, and that in all cases the tuition shall be a county educational expense, to be paid by the County Board of Education.

Section 18. The State Board of Education shall prescribe rules and regulations fixing the date of the opening and closing of the

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several public school terms of the school year, the hours of the daily public school sessions, holidays on which the public schools shall be closed, the pay of the public school teachers during absence because of sickness or quarantine, or when the public schools are closed by quarantine, and the forms of contract that shall be executed between County Boards of Education, Boards of Education, Boards of School Trustees and all regular employees. The State Board of Education shall prescribe rules and regulations controlling necessary absence of pupils enrolled in the public schools and shall determine circumstances under which absence shall be considered necessary. But the State Board of Education shall give due consideration to the needs of the parents, guardians or persons having control of children, as well as to the welfare of the children in prescribing these rules and regulations. Working at agricultural pursuits shall be considered a proper and necessary reason for absence but no child shall be excused for cause, other than illness, or physical or mental incapacity that will reduce attendance of said child to less than one hundred twenty (120) days in each school year.

Section 19. The State Board of Education shall prescribe, subject to the provisions of Section 121 of this Chapter, the conditions as to buildings and grounds, educational equipment and supplies, kinds and grades of schools supported, courses of study and units of work offered, number and qualifications of teachers employed, supervisory and administrative direction and control provided which must be met and fulfilled in order that those school districts designated as special school districts in Section 121 of this Chapter may continue to exercise the privileges of a special school district and to operate their respective schools under Articles 5 and 6 of this Chapter, and which must be met and fulfilled by School districts before they may be erected by the State Board of Education into special school districts and operate their respective schools under Articles 5 and 6 of this Chapter. In case any School district designated in Section 120 of this Chapter as a special school district, or any School district at any time erected into a special school district by the State Board of Education, expresses, through petition of the Board of Education of said District or through petition signed by twenty-five voters of said district, a desire to cease to be a special district, the State Board of Education shall cause a special election

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to be held at a time and place within said district to be designated and posted for two weeks on the high school of said district, and shall submit the question to the said meeting. At such election any person entitled to vote at a school election, if held at that time, shall have a right to vote. Such election shall be conducted by such persons and in such fair and impartial manner as may be prescribed by the State Board of Education. A majority vote of those voting at said election shall determine the said question. If the vote be favorable to dissolve the said district the State Board of Education shall determine the terms under which said special school district shall return to the jurisdiction of the County Board of Education, but no such special school district shall be returned without the consent of all members of said County Board of Education. In case any School district designated in Section 120 of this Chapter as a special school district, excepting the City of Wilmington, or any School district hereafter erected into a special school district by the State Board of Education, fails to comply with the provisions of this section, such School district shall by order of the State Board of Education cease to exist as a special school district and shall automatically become a part of the County system of schools and subject to the authority and jurisdiction of the County Board of Education. In case any School district designated in Section 120, of this Chapter as a special school district, or any School district hereafter *erected into a special school district, according to the provision of this Section, shall by order of the State Board of Education cease to be a special school district, all property belonging to or held by the Board of Education of said special School District, and all assets, shall pass to the County Board of Education and be held in the corporate name of this Board, and the Board of Education of such special school district shall make and execute such deeds of conveyance as are necessary to pass to the County Board of Education the legal title to all such property; and all liabilities of the Board of Education of such special school district shall, after proper audit by the County Auditor of Accounts, be assumed by the County Board of Education. When a new special school district is created under the provisions of this Section, there shall pass from the County Board of Education to the Board of Education of the said new special school district, and be held in the corporate

*So enrolled

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name of this Board, all property that naturally belongs to such new special school district, as determined by the State Board of Education, and the County Board of Education shall make and execute such deeds of conveyance as are necessary to pass to the Board of Education of such special school district the legal title to all such property; provided that in case of a county school debt, the Board of Education of the new special school district shall assume its just proportion of such county school debt, as determined by the State Board of Education on consultation with County Board of Education, and the State Board of Education shall prescribe the conditions under which this debt shall be assumed. The State Board of Education is empowered and authorized to change, alter, fix and determine the boundaries of any and all special school districts herein designated, and of any and all special school districts hereafter created. Provided that the assent of a majority of persons resident in the territory to be added to or taken from a special school district and entitled to vote at a school election, if held at that time, shall be first obtained in writing or the State Board of Education shall cause a special election to be held at a time and place within said district to be designated and posted for two weeks on a school of said district, and shall submit the question to the said meeting. At such election any person entitled to vote at a school election, if held at that time, shall have a right to vote. Such election shall be conducted by such persons and in such fair and impartial manner as may be prescribed by the State Board of Education. A majority vote of those voting at said election shall determine the said question. Provided further that the boundaries of the special school district of Wilmington shall at all times be co-terminous with other boundaries of the City of Wilmington.

Section 20. The State Board of Education and the State Commissioner of Education shall co-operate with County Boards of Education in the consolidation of the schools under the jurisdiction of County Boards of Education. The State Board of Education is authorized, empowered, directed, and required, to contribute twenty (20) per cent of the total first cost of the grounds, buildings, and equipment of such consolidated schools, provided that in no fiscal year shall the amount so contributed exceed ten thousand dollars (\$10,000), and provided, further that the plans for such consolida-

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tion and the plans for such grounds, buildings, and equipment are approved by the State Board of Education.

Section 21. The State Board of Education shall prescribe the rules and regulations for taking a biennial school census of all children within the State between six and eighteen years of age, inclusive; also the forms and blanks to be employed in taking such census and in compiling the reports thereon.

Section 22. The State Board of Education shall prescribe rules and regulations for the enforcement of school attendance as provided for in Article 10 of this Chapter.

Section 23. The State Board of Education shall prescribe a uniform series of forms and blanks for the use of County Boards of Education, Boards of Education of special school districts, Boards of Public School Trustees, school officials, and teachers and shall require all financial accounts, including the annual school budget, and all educational records to be kept and all reports to be made according to these forms and blanks.

Section 24. The State Board of Education shall require all persons conducting private schools, and all private educational associations, corporations, or institutions to report annually, on or before the thirty-first day of August, as to enrollment, age of pupils, and attendance, on such forms as the State Board of Education may provide. Moreover, the State Board of Education shall require all private schools of an elementary and high school grade to report monthly, on forms provided by the State Board of Education, to the Superintendent of the Schools of the Special School District or to the County Superintendent of Schools, according to the location of the private school in question, giving the name of each pupil enrolled, the date of enrollment, total days of attendance to date, and the number of days in attendance during the month for which the particular report is made.

Section 25. The State Board of Education is authorized, empowered, directed, and required, along with the State Commissioner of Education, to co-operate with the Federal Board of Vocational

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Education in the administration of the provision of the Smith-Hughes Vocational Education Act. The State of Delaware accepts the benefits of this Act passed by the Senate and House of Representatives of the United States of America, in Congress assembled, entitled "An Act to provide for the promotion of vocational education; to provide for co-operation with the State in the promotion of such education in agriculture and the trades and industries; to provide for the co-operation with the State 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, and the State Treasurer is hereby designated as custodian of any funds accruing to the State from the aforesaid Act.

Section 26. The State Board of Education shall administer and enforce the law regulating the importation of dependent children, as given in Article II of this Chapter.

Section 27. The State Board of Education shall conduct investigations relating to the educational needs of the State and the means of improving educational conditions; it may employ additional expert assistance for such investigations if needed, and appoint special agents for special investigations.

Section 28. On or before the first day of March the State Board of Education shall transmit biennially to the Governor and to the General Assembly, a biennial State Public school budget, including the annual appropriations required for the State Department of Education, comprising the expenses of the State Board of Education, and the support and expenses of the office of the State Commissioner of Education; the annual appropriations for the payment of the teachers' expenses for summer school attendance; the annual appropriations for the encouragement of the consolidation of schools; the annual appropriations to meet the provisions of the Smith-Hughes Vocational Education Act; the annual appropriations for the payment of the salaries of county superintendents, county supervisors, and county attendance officers; the annual appropriations for State aid to approved high school; the annual appropriation for State aid to elementary schools; and such other

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appropriations as may be required for the support of the free public schools and the encouragement of public education. The State Board of Education shall transmit to the Governor and to the General Assembly as part of the biennial State school budget copies of the annual budgets of the counties of New Castle, Kent and Sussex, and of the special school districts, with a summary showing the total funds estimated necessary for the conduct of the public schools for two years, with recommendation as to the amount to be raised by taxation and the amount to be appropriated by the Legislature.

Section 29. The State Board of Education shall submit each year, on or before the first day of January, to the Governor an annual report, prepared by the State Commissioner of Education and approved by the State Board of Education, covering all operations of the State Department of Education, and support, condition, progress, and needs of education throughout the State. Such annual report shall be printed in sufficient quantities for general distribution.

Section 30. It shall be the duty of the State Board of Education to consider the educational needs of the State, and to recommend to the Governor and the General Assembly such additional legislation, or changes in existing legislation, as may be deemed desirable. Such recommendations shall be in the form of prepared bills and shall be laid before the Governor and General Assembly. The State Board of Education and the State Commissioner of Education shall be given a hearing on the same by the committees of the Senate and the House of Representatives, to which such bills are referred, if this is requested.

Section 31. The State Board of Education shall perform such other duties as are assigned to it elsewhere in this Chapter, or may be assigned to it from time to time by the General Assembly.

ARTICLE 2. STATE COMMISSIONER OF EDUCATION

Section 32. The State Board of Education shall appoint a State Commissioner of Education for a term of one year and said Board shall fix his salary and pay same from the appropriation for the expenses and maintenance of the State Department of Education.

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He shall be a graduate of a standard college, have no less than two years of academic and professional graduate preparation in a standard university, and not less than seven years' experience in teaching and administration. Or shall have such qualifications of equally high standard as may be acceptable to the State Board of Education. Provided that the present State Commissioner of Education shall serve to the end of the term for which he was originally appointed, and until a successor qualifies. The State Commissioner of Education may be removed by the Board for immorality, misconduct in office, incompetency or wilful neglect of duty, upon making known to him, in writing, the charges against him, and upon giving him an opportunity of being heard, in person or by counsel, in his own defense, upon not less than ten days' notice. In case of vacancy due to any cause, the State Board of Education shall fill the vacancy, and the appointment shall be for the unexpired term, and until a successor shall qualify.

Section 33. The State Commissioner of Education shall enforce all the provisions of this Chapter and the enacted and published by-laws or rules and regulations of the State Board of Education. He is empowered and directed to file charges with the State Board of Education and recommend for removal any school officer appointed under the provisions of this Chapter or special school law for immorality, misconduct in office, incompetency, or wilful neglect of duty.

Section 34. The State Commissioner of Education shall execute the educational policies of the State Board of Education. He shall call and conduct conferences of County School Boards, Boards of Education of special school districts, Boards of School Trustees, County Superintendents, Supervisors, Attendance Officers, Superintendents of Schools of special school districts, Principals and Teachers, on matters related to the condition, needs and improvements of the Schools. He shall prepare and publish the school laws of the State and by-laws or rules and regulations of the State Board of Education, and such pamphlets as will stimulate public interest, promote the work of education, and foster in teachers professional insight and efficiency. He shall receive and examine all reports required under the rules and regulations of the State Board of Edu-

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cation, and in person, or through his assistants, shall examine the expenditures, business methods, and accounts of County School Boards, and Boards of Education of special school districts and advise them on the same.

Section 35. The State Commissioner of Education shall prepare, or cause to be prepared, and submit for approval and adoption, by the State Board of Education, rules and regulations for the hygienic, sanitary, and protective construction of school buildings. He is empowered and directed to recommend for condemnation for school use by the State Board of Education all buildings used for public school purposes, that violate these rules and regulations.

Section 36. The State Commissioner of Education shall, subject to the rules and regulations of the State Board of Education, pass upon all proposals for the purchase of play grounds, school grounds or school sites, or buildings, and also upon all plans and specifications for the remodeling of old school buildings and the construction of new school buildings costing three hundred (\$300) dollars or more. In case the construction is to be done by a County Board itself, or by a Board of Education of a special school district, it shall be illegal for a County Board or Board of Education of a special district to proceed until the plans and specifications shall have been approved in writing by the State Board of Education. In case the construction is to be done by contract, the contract shall be invalid without the written approval of the State Board of Education. Provided that should the City of Wilmington accept the provisions of this Act as provided in Article 5, Section 120 of this Chapter, the Board of Education of said City of Wilmington may make a valid contract for the alteration of an old public school building or the erection of a new public school building costing not more than \$5000, without the plans and specifications receiving the approval of the State Board of Education.

Section 37. The State Commissioner of Education shall prepare, or cause to be prepared, and submit for approval and adoption by the State Board of Education, rules and regulations for the protection of the health, physical welfare, and physical inspection of the public school children of the State.

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Section 38. The State Commissioner of Education shall prepare, or cause to be prepared, and submit for approval and adoption by the State Board of Education, rules and regulations for grading and standardizing all public schools of an elementary and high school grade; also for limiting, on the basis of the equipment and number of teachers employed, the years and grade of instruction that may be offered in such schools. He shall also prepare, or cause to be prepared, and submit for approval and adoption by the State Board of Education, the minimum requirements for issuing all certificates, diplomas, and academic, collegiate, professional, or university degrees by such institutions as are not authorized by law to determine said requirements.

Section 39. The State Commissioner of Education shall prepare, or cause to be prepared, and submit for approval and adoption by the State Board of Education, minimum courses of study for the different grades and kinds of public elementary schools, high schools, and, in co-operation with the President of Delaware College and the Dean of the Women's College of Delaware, minimum courses of study for normal schools, and also college courses for teachers.

Section 40. The State Commissioner of Education shall prepare, or cause to be prepared, and submit for approval and adoption by the State Board of Education, lists of textbooks to be used in all public elementary schools and all public high schools of the State.

Section 41. The State Commissioner of Education shall prepare, or cause to be prepared, and submit for approval and adoption by the State Board of Education, rules and regulations governing the certification of teachers and the holding of teachers' examinations. Subject to the rules and regulations of the State Board of Education and the provisions of Article 8 of this Chapter, he shall certify all teachers in the public schools of the State of an elementary and high school grade.

Section 42. The State Commissioner of Education shall prepare, or cause to be prepared, and submit for approval and adoption by the State Board of Education, rules and regulations under which teachers now employed and prospective teachers may attend sum-

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mer school and receive from the State the whole or part of the expenses incurred by such summer school attendance.

Section 43. The State Commissioner of Education shall prepare or cause to be prepared, and submit for approval and adoption by the State Board of Education, rules and regulations fixing the date for the opening and closing of the several terms of the public school year, the hours of the daily public school sessions, holidays on which the public schools shall be closed, the pay of public school teachers during absence because of sickness or quarantine, or when the public schools are closed by quarantine, and the forms of contract that shall be executed between Boards of Education and all regular employees.

Section 44. The State Commissioner of Education shall prepare, or cause to be prepared, and submit for approval and adoption by the State Board of Education, rules and regulations, in agreement with Section 121 of this Chapter setting forth the conditions which must be met and fulfilled in order that the cities and towns may exercise and continue to exercise the privileges of a special school district and operate their respective schools according to the provisions of Articles 5 and 6 of this Chapter. The State Commissioner of Education shall annually inspect the management, conduct and work of the schools of each special school district, and in case of violations of the enacted rules and regulations of the State Board of Education and provisions of Section 121 of this Chapter, he shall recommend to the State Board of Education that the given special school district be dropped from the list of school districts exercising the privileges of a special school district and of operating their respective schools according to the provisions of Articles 5 and 6 of this Chapter. When application is made to the State Board of Education by a school district to be erected into a special school district, the State Commissioner of Education shall investigate the management, conduct and work of the schools of the said school district, report his findings, and make recommendations to the State Board of Education as to the granting or denial of the petition.

Section 45. The State Commissioner of Education shall prepare, or cause to be prepared, and submit for the approval and adop-

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tion by the State Board of Education, rules and regulations, in agreement with the provisions of Article 12 of this Chapter, setting forth the conditions which must be met and fulfilled in order that high schools may receive the respective amounts of State aid provided for in Article 12 of this Chapter. Subject to the enacted rules and regulations of the State Board of Education, and the provisions of Article 12 of this Chapter, the State Commissioner of Education shall annually inspect the management, conduct, and work of each high school receiving State aid according to the provisions of Article 12 of this Chapter. In case of violations of the enacted rules and regulations of the State Board of Education and the provisions of Article 12 of this Chapter, the State Commissioner of Education shall recommend to the State Board of Education that such high schools be dropped from the list of high schools receiving State aid according to the provisions of Article 12 of this Chapter. When application is made to the State Board of Education that a given high school be included in the list of high schools receiving State aid according to the provisions of Article 12 of this Chapter, the State Commissioner of Education shall investigate the management, conduct, and work of the given high school, report his findings, and make recommendations to the State Board of Education as to the granting or denial of the petition.

Section 46. The State Commissioner of Education shall prepare, or cause to be prepared, and submit for approval and adoption by the State Board of Education, rules and regulations governing the admission of pupils from the schools under the control of County Boards of Education into the schools of special school districts, and the rate of tuition to be paid for the instruction of pupils so admitted.

Section 47. When a County Board of Education shall make application for the State aid, as provided for in Section 20 of this Chapter, the State Commissioner of Education shall examine the proposed plans for the new grounds, buildings, and equipment, report his findings, and make recommendations to the State Board of Education as to the granting or denial of the petition.

Section 48. The State Commissioner of Education shall pre-

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pare, or cause to be prepared, and submit for approval and adoption by the State Board of Education, rules and regulations for the taking of a biennial school census of all children in the State between six and eighteen years of age, inclusive, also the forms and blanks to be employed in taking such census and in compiling the reports thereon. This school census shall be taken under the direction of the State Commissioner of Education, first in the year of 1920 and every two years thereafter. The State Commissioner of Education may cause the whole or any part of the school census of any county or any special school district to be retaken at any time, if, in his judgment, the whole or any part of such census has not been properly or correctly taken.

Section 49. The State Commissioner of Education shall prepare, or cause to be prepared, and submit for approval and adoption by the State Board of Education, rules and regulations for the enforcement of school attendance, as provided for in Article 10 of this Chapter.

Section 50. The State Commissioner of Education shall prepare, or cause to be prepared, and submit for approval and adoption by the State Board of Education, a uniform series of forms and blanks for the use of County Boards of Education, Boards of Education of special districts, Boards of school trustees, school officials, and teachers, and it shall be his duty to see that all financial accounts, including school budget, and all educational records are so kept and that all reports are made according to these forms and blanks. He shall also prepare, or cause to be prepared and submit for approval and adoption by the State Board of Education, forms and blanks to be used in the annual attendance report and in the monthly attendance reports required of persons conducting private schools and of private educational associations, corporations, or institutions.

Section 51. The State Commissioner of Education shall prepare, or cause to be prepared, and submit for approval and adoption by the State Board of Education, plans and rules and regulations for the administration of the provisions of the Smith-Hughes Vocational Education Act.

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Section 52. The State Commissioner of Education shall prepare, or cause to be prepared, and submit for approval and adoption by the State Board of Education, rules and regulations for the enforcement of the law regulating the importation of dependent children, as given in Article 11 of this Chapter.

Section 53. The State Commissioner of Education shall propose from time to time to the State Board of Education, and submit for its approval and authorization, investigations into the educational needs of the State, and into means of improving educational conditions.

Section 54. The State Commissioner of Education shall prepare, or cause to be prepared, the annual report of the State Board of Education and shall submit on or before the first day of December the same to the Board for its approval and adoption; he shall also prepare, or cause to be prepared, all other reports which are or may be required of this Board.

Section 55. The State Commissioner of Education shall prepare, or cause to be prepared, and submit for approval and adoption by the State Board of Education, the biennial State public school budget.

Section 56. The State Commissioner of Education shall prepare, or cause to be prepared, and submit prior to the regular meeting of the General Assembly for approval and adoption by the State Board of Education, such legislative measures as are, in his opinion, needed to further the development and to improve the free public schools of the State.

Section 57. The State Commissioner of Education, acting under the rules and regulations of the State Board of Education, shall be responsible for the administration of the State Department of Education, and shall have general supervision of all the professional and clerical assistants of the Department. He shall recommend for appointment by the State Board of Education all the professional and clerical assistants of the Department; he shall recommend their salaries, their promotion, or their dismissal for immorality, misconduct in office, incompetency, or wilful neglect of duty.

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Section 58. The State Department of Education shall hereafter be provided with the following clerical and professional assistants:

1. Two stenographers for the correspondence of the State Board of Education and of the State Commissioner of Education.

2. One record clerk in charge of all records and reports.

3. One professional assistant having charge of statistical tabulations and the compilation of reports, and who shall perform such other duties as may be assigned him by the State Commissioner of Education.

4. And such other clerical and professional assistants as may be authorized by the State Board of Education within the limits of the appropriation for the State Department of Education.

Section 59. The State Commissioner of Education shall perform such other duties as are assigned to him elsewhere in this Chapter, or may be assigned to him from time to time by the State Board of Education and by the General Assembly.

ARTICLE 3. COUNTY BOARDS OF EDUCATION

Section 60. The general administration and supervision of the free public schools and the educational interests of each county, with the exception of the special school districts, hereinafter created and designated, shall be vested in a County Board of Education. The County Board of Education shall be composed of three members. They shall be elected from the residents of the county, outside of the several special districts in the county, by all residents, qualified as hereinafter provided, and by women residents who have paid a tax at any time during the preceding twelve months on real or personal property, at a special election for terms of three years, beginning with the first day of July next succeeding their election, and shall hold office until their respective successors qualify.

Residents of special school districts shall not vote for members of the County Board of Education, but may vote for the members of the Board of Education of their respective special school district.

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The County school election, herein provided for, shall be held on the third Saturday of June in each year between the hours of two and four o'clock in the afternoon and shall be conducted by members of the Board of School Trustees of the several school attendance districts. The President of the Board of Trustees of each school attendance district shall preside at the election, and the other two members of the Board shall be the Judges of the election. Provided, that if, for any reason, one or more of the members of the Board of School Trustees of any school attendance district should be unable to serve as election officer, the Board of School Trustees of such school attendance district shall designate another person, or persons, to act in such capacity, and provided further, that should the Board of School Trustees of any school attendance district fail or neglect to act as election officers at any such election, or to provide other persons to act as such election officers, the voters present shall designate and appoint election officers to conduct the election in such school attendance district.

The County School Election shall be by ballot, and the names of the candidates for the election to the County Board of Education shall be entered on the ballot alphabetically and without party designation. Nominations shall be made by petition, containing the written names of not less than twenty-five qualified voters of the respective county, outside of the special school districts in the county, and such petition shall be filed with the Clerk of the Peace not later than fifteen days prior to the time of the school election. The ballots and other needed election supplies prescribed by the State Board of Education shall be provided by the Clerk of the Peace, and shall be paid for by the Levy Court.

Women entitled to vote at the County School Election shall be permitted to do so on presentation of a tax receipt for taxes assessed against them within the preceding twelve months. But any resident, male or female, of the said school attendance district who would be entitled, at the time of the holding of the said school election, to register and vote in any election district, of which said attendance district is a part, at a general election, if such general election were to be held at the time of such school election, shall be deemed to be a qualified voter at the school election in the school attendance district where he or she then resides. The method of voting at such

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Section 58. The State Department of Education shall hereafter be provided with the following clerical and professional assistants:

1. Two stenographers for the correspondence of the State Board of Education and of the State Commissioner of Education.

2. One record clerk in charge of all records and reports.

3. One professional assistant having charge of statistical tabulations and the compilation of reports, and who shall perform such other duties as may be assigned him by the State Commissioner of Education.

4. And such other clerical and professional assistants as may be authorized by the State Board of Education within the limits of the appropriation for the State Department of Education.

Section 59. The State Commissioner of Education shall perform such other duties as are assigned to him elsewhere in this Chapter, or may be assigned to him from time to time by the State Board of Education and by the General Assembly.

ARTICLE 3. COUNTY BOARDS OF EDUCATION

Section 60. The general administration and supervision of the free public schools and the educational interests of each county, with the exception of the special school districts, hereinafter created and designated, shall be vested in a County Board of Education. The County Board of Education shall be composed of three members. They shall be elected from the residents of the county, outside of the several special districts in the county, by all residents, qualified as hereinafter provided, and by women residents who have paid a tax at any time during the preceding twelve months on real or personal property, at a special election for terms of three years, beginning with the first day of July next succeeding their election, and shall hold office until their respective successors qualify.

Residents of special school districts shall not vote for members of the County Board of Education, but may vote for the members of the Board of Education of their respective special school district.

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The County school election, herein provided for, shall be held on the third Saturday of June in each year between the hours of two and four o'clock in the afternoon and shall be conducted by members of the Board of School Trustees of the several school attendance districts. The President of the Board of Trustees of each school attendance district shall preside at the election, and the other two members of the Board shall be the Judges of the election. Provided, that if, for any reason, one or more of the members of the Board of School Trustees of any school attendance district should be unable to serve as election officer, the Board of School Trustees of such school attendance district shall designate another person, or persons, to act in such capacity, and provided further, that should the Board of School Trustees of any school attendance district fail or neglect to act as election officers at any such election, or to provide other persons to act as such election officers, the voters present shall designate and appoint election officers to conduct the election in such school attendance district.

The County School Election shall be by ballot, and the names of the candidates for the election to the County Board of Education shall be entered on the ballot alphabetically and without party designation. Nominations shall be made by petition, containing the written names of not less than twenty-five qualified voters of the respective county, outside of the special school districts in the county, and such petition shall be filed with the Clerk of the Peace not later than fifteen days prior to the time of the school election. The ballots and other needed election supplies prescribed by the State Board of Education shall be provided by the Clerk of the Peace, and shall be paid for by the Levy Court.

Women entitled to vote at the County School Election shall be permitted to do so on presentation of a tax receipt for taxes assessed against them within the preceding twelve months. But any resident, male or female, of the said school attendance district who would be entitled, at the time of the holding of the said school election, to register and vote in any election district, of which said attendance district is a part, at a general election, if such general election were to be held at the time of such school election, shall be deemed to be a qualified voter at the school election in the school attendance district where he or she then resides. The method of voting at such

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school election shall be that the voter shall indicate the candidate or candidates for whom he or she desires to vote by marking in front or after the name or names of such candidate or candidates a cross mark in pencil upon said ballot. At any such election, no voter shall be permitted to vote for a greater number of candidates than are to be elected under the law at said election. If any person not duly qualified to vote shall offer to vote at a county school election, or shall offer to vote in more than one school attendance district in such election, he or she shall be guilty of a misdemeanor and shall be punished by fine or imprisonment, or both, in the discretion of the Court. The election officers in each school attendance district shall ascertain the result of the election in their respective school attendance districts, and shall certify in duplicate the result of said election under their hands, and the presiding officer at such election shall immediately forward one of said certificates to the State Board of Education at Dover, and shall retain in his custody the other of said certificates, together with the ballots cast at said election, until after the canvass of the vote of the State Board of Education.

On Thursday succeeding such election the State Board of Education shall meet at Dover, as a Board of Canvass. and shall publicly ascertain and announce the result of the election in the respective counties of the State. If the presiding officer of the election in any school attendance district shall neglect to forward the certificate of the result of said election, as heretofore specified, he shall be guilty of a misdemeanor, and upon conviction thereof shall be fined or imprisoned, or both, in the discretion of the Court. At the school election of 1920, three members shall be elected to the County Board of Education; one to serve for one year, or until the first day of July, 1921; one to serve for two years, or until the first day of July, 1922, and one to serve for three years, or until the first day of July, 1923, and until their respective successors qualify. Provided, that in the first election, under the provisions of this Section, the candidate receiving the highest number of votes shall be declared elected for three years; the candidate receiving the next highest number of votes shall be declared elected for two years and the candidate receiving the next highest number of votes shall be declared elected for one year. If two or three candidates shall receive

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the same number of votes, the State Board of Education shall determine by lot which of said candidates shall be declared elected for the longer term. Thereafter one member shall be elected each year for the full term of three years. The members of the County Board of Education shall be chosen solely because of their character and fitness; but no person shall be appointed or elected to this Board under the provisions of this Section who is in any way subject to the authority of this Board. Vacancies in this Board for any cause shall be filled by the State Board of Education, such appointees serving until the next school election succeeding such appointment or appointments; the vacancy or vacancies shall be filled for the remainder of the respective unexpired term or terms. Any member of the County Board of Education shall be eligible for re-election unless otherwise disqualified by the provisions of this Section.

When this Act goes into effect the persons who are at that time members of the County Boards of Education shall continue to act until the first day of July, 1920, and until their successors qualify.

Section 61. The offices of the County Board of Education shall be at the County seat of the respective county. These offices shall be provided and furnished by the Levy Court of the respective counties, but the County Board of Education may provide its own office. The County Board of Education shall hold its annual meeting each year at its office on the first day of July. At this meeting the Board shall each year elect one of its members to serve as President and one to serve as Vice-President. Other regular meetings shall be held on the second Friday of September, December, and March, and such special meetings may be held and at such places as the duties or the business of the Board may require. The rules generally adopted by *deliberate bodies for their government shall be observed by the County Boards of Education. No motion or resolution shall be declared adopted without the concurrence of a majority of the whole Board.

Section 62. The members of the County Board of Education shall receive as compensation ten (10) dollars per day for each day's attendance at the meetings of said Board, provided that they shall not receive pay for more than one day's attendance in each calendar

*So enrolled

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month, and shall also receive necessary traveling expenses incidental to attending the meetings and transacting the business of the Board within the County.

Section 63. The County Board of Education shall appoint, subject to the provisions of Section 89 of this Chapter, as its executive officer a County Superintendent of Schools, who shall also be the Secretary of the County Board of Education. As Secretary he shall conduct all correspondence of the Board, keep and preserve all of its records, receive all reports required by the Board, and see that such reports are in proper form, complete and accurate. He shall attend all meetings of the Board and its committees, except when his own tenure, his salary or the administration of his office are under discussion, and shall have the right to advise on any question under consideration, but shall have no vote. In case the office of the County Superintendent of Schools is temporarily vacant, or when the County Superintendent is absent by reason of the nature of business in hand, or otherwise, the Board shall appoint one of its members to act for the time being as Secretary.

Section 64. The County Treasurer shall be the Treasurer of the County Board of Education. He shall receive and hold all moneys to which the County Board of Education is entitled by law and which may come into its possession, and shall deposit all such money in the financial institution which is the legal depository of State moneys in the custody of the State Treasurer. He shall pay out all such moneys on the written order of the President or Vice-President of the County Board and of its Secretary, and shall keep such records and accounts of its funds as shall be required by the State Board of Education.

Section 65. The County Board of Education is hereby vested with all the powers necessary or proper for the control and management of the free public schools under their jurisdiction, subject to the limitations and restrictions prescribed in this Act.

The County Board of Education shall explain the true intent and meaning of the school laws, and of the rules and regulations of the State Board of Education, subject to the approval in writing of the State Board of Education; it shall decide, without expense to the parties concerned, all controversies and disputes involving the rules

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and regulations of the County Board of Education and the proper administration of the public school system of the County, and its decision shall be final, except that an appeal may be had to the State Board of Education if taken in writing within thirty (30) days. The County Board of Education shall have authority to administer oaths and to examine under oath, in any part of the County, witnesses in any matter pertaining to the public schools of the County, and to cause the examination to be reduced to writing. Any person who, having been sworn or affirmed to tell the truth, and who wilfully gives false testimony, shall be guilty of false swearing and shall be punished as perjury is punished.

Section 66. All the property, estate, effects, money, funds, claims, and State Donations heretofore vested by law in the public school authorities of any county, for the benefit of the free public schools of said county, are hereby placed under and subject to the control and management of the County Board of Education of such County. Real and personal estate granted, conveyed, devised, or bequeathed for the use of any county shall be held in trust by the County Board of Education for the benefit of the schools of such county, and such grants, bequests, and money invested in trust shall be exempt from all State, County and local taxes.

Section 67. With the enactment of this Act the jurisdiction of the free public schools of each county (excepting the free public schools of the City of Wilmington and of special school districts designated in Article 5, Section 120 of this Chapter) shall pass to the County Board of Education as authorized and constituted and empowered by this Chapter, and become integral parts of the county school system.

Section 68. The County Board of Education is authorized, empowered, directed, and required to maintain a uniform, equal and effective system of free public schools throughout the county, and shall cause the provisions of this Chapter, the by-laws or rules and regulations and the policies of the State Board of Education to be carried into effect. The schools provided shall be of two kinds, those for white children and those for colored children. The schools for white children shall be free to all white children between the ages

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of six and twenty-one years, inclusive, and the schools for colored children shall be free to all colored children between the ages of six and twenty-one years, inclusive. The schools for white children shall be numbered No. 1, No. 2, etc., and the schools for colored children shall be similarly numbered No. 1, No. 2, etc. The County Board of Education may establish schools for moorish children, which schools shall be free to all moorish children between the ages of six and twenty-one years, inclusive. No white or colored child shall be permitted to attend a school provided for moorish children, without the permission of the Board of Education or Board of Trustees of said school and also that of the State Board of Education. The free public schools of the County shall include elementary schools, that is, grades 1 to 8, inclusive, and high schools, that is, grades 9 to 12, inclusive, provided, if it seem undesirable for any reason to maintain a standard four-year high school in any school attendance district, the County Board of Education in lieu thereof shall pay, if need be, the tuition of the children of such school attendance district in the nearest standard four-year high school by direct traveled highway. A County Board of Education may establish kindergartens and playgrounds, and it may establish, subject to the approval of the State Board of Education, such other types of schools as in its judgment will promote the educational interests of the County. The school year in all regular day elementary public schools and all regular day public high schools of the County outside of the special school districts shall be not less than one hundred and eighty (180) days, beginning on the first Tuesday after the first Monday in September; unless otherwise ordered by the State Board of Education.

Section 69. The County Board of Education shall exercise, through its executive officer, the County Superintendent of Schools, and his professional assistants, control and supervision over the public school system of the County. The Board shall consult and advise, through its executive officer and his professional assistants, with the Board of School Trustees, principals, teachers, and interested citizens, and shall seek in every way to promote the interests of the schools under its jurisdiction.

Section 70. The County Board of Education shall determine, subject to the provisions of this Chapter and to the rules and regu-

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lations and the policies of the State Board of Education, the educational policies of the County and shall prescribe rules and regulations for the conduct and management of the schools.

Section 71. Subject to the provisions of Article 3, Section 77, of this Chapter the County Board of Education shall divide the county into appropriate and convenient school attendance districts, shall keep full and complete records of the boundaries thereof, and shall locate and maintain schools, as needed, in each school attendance district. Provided that when there is no public elementary school within two (2) miles, by direct traveled highway, of the home of a child who has not completed the sixth grade of the elementary school, the County Board of Education shall arrange, through the County Superintendent of Schools, when possible, without charge to the County, and may pay when necessary, for the transportation of such child to and from the nearest public school.

Before making changes in the boundaries of existing attendance districts and in the location of public schools, in use at the time of the enactment of this Act, the County Board of Education shall consult with the Board of Trustees of the attendance district or districts affected and shall publish at the school or schools of said district or districts for two weeks the proposed change. At any time within four (4) weeks from the time of first posting notice, appeal from the decision of the County Board of Education shall lie to the State Board of Education on petition of 25 per cent. of white citizens, entitled to vote at a school election of an attendance district affected, if said attendance district be for white pupils, or of 25 per cent. of colored citizens entitled to vote, at a school election of an attendance district affected, if said attendance district be for colored pupils. If petition for referendum signed by 35 per cent. of the voters of said district shall be presented to the State Board of Education within two weeks of the decision of the State Board of Education, a meeting shall be called and posted on the school of the said district, to be held ten (10) days after said posting of notice. If the tenth day shall be Sunday or a holiday, the meeting shall be held on the day following. At said meeting any person shall be entitled to vote at a school election of the said district if held at that time. The question shall be determined by a majority vote of those voting

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at said meeting. Such election shall be conducted by such persons and in such fair and impartial manner as may be prescribed by the State Board of Education.

Section 72. The County Board of Education is authorized, empowered, directed, and required to provide ample, appropriate and suitable grounds, buildings and equipment for all the needed schools of the County, conforming to the rules and regulations of the State Board of Education, for the hygienic, sanitary, and protective construction of school buildings. The County Board of Education is authorized and empowered, on the approval of the State Board of Education, to purchase playgrounds, school grounds or school sites, and buildings, and to sell the same when no longer needed for educational purposes; subject to the provisions of Article 1, Section 8, of this Chapter, the County Board of Education is authorized and empowered to rent, repair, improve, and construct school buildings, or approve contracts for so doing, when the plans conform to the rules and regulations of the State Board of Education and are approved by the State Board of Education. The County Board of Education shall employ an architect or architects, to assist in the preparation of plans and specifications for remodeling old buildings and for constructing new buildings, but the architect or architects employed shall be approved by the State Board of Education.

The County Board of Education may receive donations of playgrounds, school grounds and school sites, or of houses already built suitably located and adapted to school purposes, but in no case shall any site be built upon, or any house occupied, until a good and sufficient title has been obtained for the same in the corporate name of the Board.

When lands shall be required for the site of a school house, or for enlarging a school house lot, or for playgrounds or other school purposes, and the County Board of Education shall for any cause be unable to contract with the owner or owners thereof upon what they deem to be a fair valuation thereof, the County Board of Education may institute condemnation proceedings; but no lot so taken or enlarged shall exceed, in the whole ten (10) acres, including the land occupied by the school building.

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Whenever it shall be necessary to institute condemnation proceedings to acquire any land for school purposes as provided in this section, the County Board of Education may apply to the Associate Judge of the State of Delaware, resident in the county where any such land is located, for the condemnation thereof, and the said Resident Judge shall thereupon appoint five judicious and impartial freeholders residing in the special districts of the said county, or in one or more of said special districts, to view the premises and assess the damages which the owner, or owners, will sustain by reason of the taking of the said lands for the purposes aforesaid. The freeholders shall be sworn or affirmed 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 proposed to be condemned, if within the State, and to the said County Board of the time of their meeting to view the premises and assess damages. If the owner, or owners, reside outside of the State, or if under legal disability, and have no legal representative in the State, publication of such notice shall be made in some newspaper in the county in which proceedings were instituted at least ten days prior to the date fixed for said meeting, and such publication shall be sufficient notice thereof. The said freeholders shall ascertain and assess the damages to the owner or owners, taking into consideration all circumstances of convenience or injury, but shall allow, at least, the cash value of the land taken, and shall certify their award to the owner, or owners, and, also, to the County Board, and shall return a record of their proceedings, with their finding and award, to the Prothonotary of the County in which the proceedings are instituted. If the said freeholders should be guilty of misconduct in their proceedings, or if they should make a grossly improper award, the said Judge shall, on application, set aside their award, and shall appoint other freeholders in their place, who shall proceed anew in the manner hereinbefore provided, and in like manner may set aside their finding or award, or the finding or award of freeholders subsequently appointed for the purpose aforesaid, until a fair and equitable award has been made or accepted. The said Judge may substitute other freeholders in the place of any freeholder who for any reason may be unable to serve. When the amount of damages has been ascertained the said County Board of Education may pay, or tender the amount thereof within two months to the person or

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persons entitled thereto, or if, for any reason, payment can not be made to the owner or owners, the amount of the said damage may be deposited to the credit of the persons entitled thereto in the Farmers' Bank of the State of Delaware, at the County seat of the County in which said proceedings are instituted, and thereupon the said lands may be taken and occupied for the use and purpose for which said lands were condemned. The said freeholders shall be allowed Three Dollars (\$3.00) per day for their services, which sum, together with other expenses of the condemnation proceedings, shall be paid by the County Board of Education of the respective county.

If for any reason the current income of a County Board of Education is inadequate to provide ample, appropriate and suitable grounds, buildings, and equipment for all the needed schools of the county, the County Board of Education is authorized, and empowered, to issue bonds on the credit of the county, exclusive of the special school districts herein provided for and designated or hereafter to be created, in amounts sufficient to provide ample, appropriate, and suitable grounds, buildings, and equipment for all the needed schools of the county. Provided that the County Board of Education shall not be authorized to issue bonds for the purpose of this section in a greater amount in the aggregate than five per cent (5%) of the assessed value of the real estate of such special school district. Provided, further, that the funds derived from such bond issue shall be used only to provide or purchase new grounds, new buildings, and new permanent equipment. Such bonds shall not be issued or sold at less than their face value, and shall be issued in series, and all bonds authorized to be issued at any time within a calendar year shall constitute a series. No bond of any given series shall run more than twenty-five (25) years. The bonds provided in this section shall be in such denomination or denominations, in such form, and shall bear such rate of interest, not exceeding six per cent. per annum, as shall be determined by the County Board of Education of the respective county. The said bonds shall be signed by the President and one other member of the said County Board of Education. The County Board of Education is authorized to adopt a seal to be used in the execution of said bonds. The faith and credit of the school districts under the jurisdiction of the

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said County Board of Education shall be deemed to be pledged by every such bond. The said bonds shall be denominated as of the county and year in which they are issued, and the principal and interest shall be made payable at the branch of the Farmers' Bank in the county in which said bonds are issued, and the said bonds shall be exempted from all State, County or Municipal taxes. Provided, further, the County Board of Education shall in its annual school budget, hereinafter provided for, under the item, "Debt Service," make provisions for the payment of the current interest on each and every series of bonds issued, and also for the payment or liquidation each year of not less than one-twenty-fifth (1-25) of each and every series of bonds issued.

Or if the text of the bonds shall so stipulate, provision may be made for the payment of interest and principal of any series of bonds by an equal payment each year for twenty-five years. Said equal payments shall be used each year, first for the payment of interest, the balance for the retirement of outstanding bonds of the series, either by lot or otherwise, as may be stipulated in the text of said bonds

Provided further that before any bonds shall be authorized and issued under the provisions of this Section a special election shall be held in the usual places and in the same manner as other school elections of which notice shall be given by advertisements setting out the purposes of said election published in every newspaper in the County at least once a week for at least two weeks before the day of said election, the last publication thereof to be at least five days before the said election, and by notices thereof posted on the door of the voting place in each of the school districts under the jurisdiction of the said County Board of Education. In all of said advertisements and notices the amount of bonds proposed to be issued and the purposes and reasons thereof shall be set forth plainly and in detail. At said election every person paying school taxes in any of the said districts shall be entitled to vote and shall have one vote for every dollar or fractional part of a dollar assessed against him or her according to the last assessment for school purposes for all the districts under the County Board of Education. At said election, at each voting place there shall be provided a sufficient number of ballots on which shall be written or

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printed the words "for the bond issue" and an equal number of ballots on which shall be written or printed the words "against the bond issue" and each voter shall be entitled to receive both of said ballots one of which the voter may deposit as his or her ballot, but any voter may prepare his or her own ballot and deposit that in lieu of the ballot provided as aforesaid, and at each voting place as aforesaid there shall be exposed in convenient places for inspection by the voters lists showing the amount of the total assessment in all the districts under the County Board of Education, according to the last assessment for school purposes of each voter entitled to vote at such place. The polls for said election shall open at one o'clock P. M. of the day advertised for the said election according to said advertisements and remain open until 8 o'clock P. M. of the said day and the said election shall be held by such persons as shall be designated by the County Board of Education and if the persons so designated are not present at the time for opening the polls the voters present may name election officers consisting of an Inspector, two Judges and two Tellers to hold said election. No ballot shall be counted unless it shall be endorsed with the name of the voter and the number of votes to which he or she is entitled according to the last school assessment, except that if a voter inadvertantly shall cast a ballot claiming a greater or less number of votes than he or she shall be entitled to cast, by endorsing same erroneously on the ballot or shall omit to claim his or her appropriate number of votes the election officers shall before counting the said ballot correct same by endorsing the number of votes correctly. It shall be no objection to any ballot that the endorsement thereon is not in the handwriting of the voter depositing same.

For determining the result of said vote, the officers holding the election at the several voting places shall certify the result thereof to the County Board of Education together with the ballots cast and shall post a certificate of the result at the front door of the voting place as soon as the result has been ascertained.

On the fourth day after said election, Sundays excepted, the County Board of Education shall sit as a canvassing board to examine the certificates of the vote from the several voting places and shall inspect the certificate from the several voting places and on the request in writing of twenty-five voters of any one voting place they shall

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re-count the ballots voted at said place, and if any difference in the result shall be found as a result of said re-count they shall endorse the certificate from said voting place according to the result found on such re-count and when the result as shown shall have been tabulated they shall certify the same to the State Board of Education, and the certificate thereof shall remain on file with the State Board of Education and shall have all the effect of a public record. If at such election a majority of the votes cast throughout said districts shall be for the bond issue then bonds to the amount voted upon shall be issued as in this Section provided, but if at such election a majority of the votes cast shall be against the bond issue then the bond issue proposed shall not be made nor any money borrowed in contemplation thereof.

Section 73. Schools on or near the division line of two counties shall be free to the children of each county; and the County Boards of Education of the respective counties shall have power to provide jointly for the maintenance of said schools.

Section 74. The County Board of Education shall prescribe, subject to the provisions of this Chapter and the policies and rules and regulations of the State Board of Education, the conditions on which pupils in elementary schools, limited to the first six grades of elementary instruction, shall be admitted to elementary schools giving the two higher grades of elementary instruction. Where the distance from the homes of the respective children concerned to such complete elementary schools is in excess of three (3) miles by direct traveled highway, the County Board of Education shall arrange through the County Superintendent, when possible, without charge to the County, and may pay when necessary, for the transportation of such children to and from such elementary schools.

Section 75. The County Board of Education shall prescribe, subject to the provisions of this Chapter and the policies and rules and regulations of the State Board of Education, the conditions on which the children may be admitted to the high schools of the county and also the conditions on which children may be admitted to the high schools of special school districts and have their tuition in such high schools paid by the County Board of Education. When such high

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schools, whether under the jurisdiction of the County Board of Education or in special school districts are in excess of three (3) miles by direct traveled highway from the home of the respective children concerned, the County Board of Education shall arrange, through the County Superintendent of Schools, when possible, without charge to the county, and may pay when necessary, for the transportation of such children to and from such high schools.

Section 76. Subject to the provisions of Article 3, Section 77, of this Chapter the County Board of Education shall, when in the Board's judgment, it is practicable, consolidate schools. When the distance from the homes of the respective children concerned to such consolidated school is in excess of two (2) miles by direct traveled highway, the County Board of Education shall arrange, through the County Superintendent of Schools, when possible, without charge to the county, and may pay when necessary, for the transportation of such children to and from such consolidated schools. Provided that the County Board of Education shall not be responsible for the transportation of children to and from such consolidated schools who have completed the sixth grade of the elementary school, unless the consolidated school is in excess of three (3) miles by direct traveled highway from the homes of the respective children concerned.

Before making a consolidation the County Board of Education shall consult with the Board of Trustees of the attendance district or districts affected and shall publish at the school or schools of said district or districts for two weeks the proposed change. At any time within four (4) weeks from the time of first posting notice, appeal from the decision of the County Board of Education shall lie to the State Board of Education on petition of 25% of white citizens entitled to vote at a school election of said attendance district affected, if said attendance district be for white pupils, or of 25% of colored citizens entitled to vote at a school election of said attendance district affected, if said attendance district be for colored pupils. If petition for referendum signed by 35% of the voters of said district, shall be presented to the State Board of Education within two weeks of the decision of the State Board of Education, a meeting shall be called and posted on the school of the said district, to be held ten (10) days after said posting of notice. If the tenth day shall be Sunday or a

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holiday the meeting shall be held on the day following. At said meeting any person shall be entitled to vote who would be entitled to vote at a school election of the said district if held at that time. The question shall be determined by a majority vote of those voting at said meeting.

Section 77. The County Board of Education shall not maintain any single one room school, without the written approval of the State Board of Education, which during the three (3) preceding school years has had an average daily attendance of less than twelve (12) pupils. But when such a school is closed, the district shall be consolidated with an adjoining district or districts by the County Board of Education and the County Board of Education shall arrange, through the County Superintendent of Schools, when possible, without charge to the county, and shall pay when necessary, for the transportation of the children concerned to and from the nearest school maintained by the Board. Against the closing of said schools and the consolidation of said district there shall be no appeal or referendum as provided in Article 3, Section 71 and Section 77. Provided that the County Board of Education shall not be responsible for the transportation of such children unless the distance from the homes of the respective children concerned to the nearest school maintained by the Board is by direct traveled highway, in excess of two (2) miles and shall not be responsible for the transportation of such children in grades above the sixth, unless the distance is in excess of three (3) miles.

Section 78. The County Board of Education subject to the provisions of this Chapter, the policies and rules and regulations of the State Board of Education shall grade and standardize all the schools under its jurisdiction.

Section 79. The County Board of Education, subject to the provisions of this Chapter, the rules and regulations, prescribed courses of study, and the policies of the State Board of Education, shall prescribe courses of study for the schools under its jurisdiction, and a printed copy of these courses of study shall be supplied to every teacher and to every interested citizen of the county.

Section 80. The County Board of Education shall appoint all

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principals, teachers, and all other regular employees, and fix their salaries, subject to the provisions of Articles 7, 8, and 9 of this Chapter. The County Board of Education may suspend or dismiss any principal or teacher or other regular employees so appointed, for immorality, misconduct in office, incompetency or wilful neglect of duty. Provided that in a case of a principal or teacher or supervisor or attendance officer the charges be stated in writing, and that the principal or teacher or supervisor or attendance officer be given an opportunity to be heard by the Board upon not less than ten days' notice; provided, further, that in all cases when the Board is not unanimous in its decisions to suspend or dismiss, the right of appeal shall lie to the State Board of Education. The contract of every principal, teacher, supervisor, attendance officer and other regular employee shall be for the school year, beginning July 1st and ending June 30th, except when employed after the beginning of the school year, when contracts shall be for the remainder of the school year.

Section 81. The County Board of Education shall select and adopt from the textbook list prescribed by the State Board of Education, purchase and distribute free of charge to all day elementary, and all day high school pupils, such textbooks as are necessary to carry out the adopted courses of study, provided that textbooks so selected and adopted shall not be changed more often than once in three (3) years. The County Board of Education shall also select and purchase such supplementary readers, maps, globes and charts, materials of instruction, stationery and school supplies, school furniture, educational equipment, apparatus, and supplies as are necessary to the work of the schools, and no charge shall be made either day elementary or day high school pupils for the use of such supplies or equipment.

No contract for textbooks, supplementary readers, maps, globes and charts, materials of instruction, stationery and school supplies, school furniture, educational equipment, apparatus, and supplies shall be valid without the written approval of the County Board of Education or of their appointee.

Section 82. The County Board of Education, subject to the provisions of this Chapter and the rules and regulations of the State Board of Education, shall prescribe forms and blanks on which Boards

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of Trustees, supervisors, attendance officers, principals, teachers, janitors and other regular employees shall make such reports as may be required from them, by the County Board of Education.

Section 83. The County Board of Education is authorized, empowered, directed and required to provide ample funds for the maintenance and operation of uniform, equal and efficient schools throughout the county. Each year, on or before the first day of February or at other time designated by State Board of Education, the County Board of Education shall prepare, subject to the rules and regulations of the State Board of Education, an itemized and detailed annual school budget. This annual school budget shall show the amount needed during the succeeding school year for (1) debt service as provided for in Section 72 of this Chapter, and for the payment of the principal and interest of all of the bonded and other debts of the school districts existing at the time of the approval of this Act; (2) permanent improvements and repairs; and (3) current maintenance and operating, including the transportation of school children. The annual school budget shall also show the estimated amount that will be received from the State for (1) aiding elementary schools, which amount shall be used for paying elementary teachers' salaries and the purchasing free textbooks, materials of instruction and school supplies; (2) aiding high schools, which amount shall be used for paying high school teachers' salaries and purchasing free textbooks, materials of instruction and school supplies; (3) the estimated amount of high school aid that will be received by reason of the provisions of the Smith-Hughes Vocational Education Act; (4) the estimated amount that will be received in payment of the salary of the County Superintendent of Schools, supervisors and attendance officers; (5) the estimated income of the Board other than from county taxation; and (6) the estimated amount that will need to be raised by county taxation. Taxes for county school purposes shall be of two kinds: (1) a capitation tax, the amount of which shall be fixed annually by the County Board of Education and stated in its annual school budget, but which shall not be less than three dollars (\$3) nor more than six dollars (\$6) annually, and shall be levied on the person of all residents of the school districts of the county under the jurisdiction of the County Board of Education, twenty-one years of age or over, entitled to vote at a general election

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of said county if held at that time; (2) a property tax to be levied on the assessed value, as determined and fixed for other county taxation purposes, of the personal and real property in and of the school districts under the jurisdiction of the County Board of Education, provided for or that may hereafter be created, provided that said tax so levied shall not exceed one per cent. of the assessed value of the property in the county other than in the special districts subject to taxation as aforesaid. This annual school budget shall be submitted in writing, not later than February first each year or at other time designated by the State Board of Education, to the Levy Court of the respective county; at the same time a written copy of this annual school budget shall be submitted to the State Commissioner of Education. The Levy Court of the respective county is authorized, empowered, directed and required to levy and collect at the time of collection, and through the collector or collectors of other county taxes, the capitation tax as fixed and specified in the annual school budget of the respective County Board of Education, and to levy and collect such tax at the time of collection, and through the collector or collectors of county taxes, on the assessed value, as determined and fixed for other county taxation purposes, of all personal and real property in and of the respective county as shall produce the remainder and the total amount required by the respective County Board of Education to be raised by county taxation. All the powers and remedies, now or hereafter vested by law in the collector or collectors of taxes for county purposes, is hereby vested in the said collector or collectors in the collection of the county school tax, levied under the provisions of this Section. The county school taxes so levied and collected, after deducting the fees for collection, if any, shall be turned over by the collector or collectors immediately on collection to the Treasurer of the County Board of Education of the respective county, such fees for collection shall be fixed by the Levy Court and shall not exceed in percentage the amount allowed for collection of county taxes; provided that in the counties where the school taxes are collected by a Receiver of Taxes, the fees allowed shall not exceed the actual expense of collection. On all taxes paid during the month of August there shall be a rebate of eight per cent., and such penalties shall be imposed as are now provided by law for the collection of county taxes. On the tax bills presented to the taxpayers of the county, the school tax shall appear as a separate item, entitled "County School Tax," and shall

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show as sub-item and separately the amount of capitation tax and the amount of personal and real property tax. Provided that for the school year 1920-1921 the County Board of Education shall prepare the annual school budget for the school year 1920-1921 and present it as soon as possible after February 1, 1920, to the Levy Court of the respective county, and that the amounts required to be raised by the county taxation shall be levied and collected as provided for, beginning with 1920 in this Section, by the Levy Court, as near as may be, at the time local school taxes are now levied and collected under the existing school laws. At any time, not later than two weeks after the fixing of the tax rate by the said Levy Court, the right of revision of the budget prepared by the said County Board of Education shall lie with the voters of the respective county on petition, signed by 25% of those qualified to vote at a school election if held at that time, and presented to the said County Board of Education, asking that a specified lower tax rate be substituted for the rate which has been fixed as above provided; said County Board of Education shall, within ten days of receipt of said petition, post upon the school houses of the county a call for meetings of voters to be held at said school houses and shall name a day and time of said meetings. Such election shall be conducted by such persons and in such fair and impartial manner as may be prescribed by the County Board of Education. Those qualified to vote at a school election, if held at that time, shall have the right to vote, and the question submitted shall be whether the tax rate shall be the rate named in the petition or the rate which has been fixed by the Levy Court and this vote shall determine the amount to be raised by taxation for school purposes in said county, provided that said amount shall not be less than the sum that might be raised by the application of the rate of one-half per cent. on the assessed value of the personal and real property in said county, exclusive of the property of the special districts located in said county. The amount determined to be raised at said meetings shall be used in the preparation of a revised annual school budget by said County Board of Education, which budget shall be resubmitted to the Levy Court of the respective county and the said Levy Court shall proceed to the levying and collection of the aforesaid property tax as herein provided. All taxes received by the County Board of Education shall be expended by them in accordance with the items of its annual school budget.

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Section 84. If for any reason the current funds on hand are not sufficient to meet the current expenses of the Board, the County Board of Education may borrow money on the credit of the county to meet such current expenses, provided that all such current loans shall be paid within the school year in which such current loans are made and shall be paid from the funds derived from the taxes levied and collected for the current support of the schools within the given school year, and provided further that the amount so borrowed shall at no time exceed ten per cent. (10%) of the sum estimated for current expenses as shown by the school budget for that year.

Section 85. The County Auditor of Accounts shall each year as soon as possible after July 1st audit the business and financial transactions of the County Board of Education and the records and accounts of its Treasurer, and the County Board of Education shall publish the results of this audit.

Section 86. The County Board of Education shall make all the reports required by the State Board of Education at such times, upon such items, and in such form and on such blanks as may be prescribed by the State Board of Education.

Section 87. The County Board of Education shall cause to be prepared and published annually, in the month of November, in sufficient quantities for distribution among the citizens of the county, an annual report addressed to the people of the county, covering the condition, current accomplishment, and needs for the improvement of the schools, also a statement of the business and financial transactions of the Board.

Section 88. The County Board of Education shall perform such other duties as are assigned to it elsewhere in this Chapter or may be assigned to it from time to time by the General Assembly.

ARTICLE 4. COUNTY SUPERINTENDENT OF SCHOOLS

Section 89. The County Board of Education of each county shall appoint a County Superintendent of Schools for a term of one year, and he shall hold office until his successor qualifies. No per-

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son shall be eligible for appointment to the office of County Superintendent of Schools who does not hold from the State Commissioner of Education a certificate of administration and supervision, as provided for in Article 8 of this Chapter, nor shall the appointment of any person by the County Board of Education to the position of County Superintendent of Schools be valid without the written approval of the State Board of Education. Provided that County Superintendents of Schools holding office at the time when this Act shall take effect shall continue to serve to the end of the term for which they were last appointed, and until their successors qualify, unless removed, as hereinafter provided, and shall also be eligible for reappointment; and provided, further that all County Superintendents of Schools shall be paid, beginning with the school year 1920-21 on the basis of the salaries hereinafter specified. The salary of a County Superintendent of Schools shall not be diminished during his term of office. The County Superintendent of Schools shall devote his entire time to public school business and shall receive such compensation as the County Board of Education shall direct, provided that no County Superintendent of Schools appointed to office under the provisions of this Section, or continuing in office under the provisions of this Section, shall be paid an annual salary of less than twenty-seven hundred dollars (\$2700) and the State of Delaware shall, as hereinafter provided, pay the annual salary of the County Superintendent of Schools, up to and including an annual salary of twenty-seven hundred dollars (\$2700). County Boards of Education may, in their discretion, pay to a County Superintendent an annual salary in excess of twenty-seven hundred dollars (\$2700), but the State shall not share in the payment of such excess. The State Board of Education may remove any County Superintendent of Schools appointed under the provisions of this Section, or continuing in office under the provisions of this Section, for immorality, misconduct in office, for incompetency or wilful neglect of duty, upon making known to him, in writing, the charges against him, and upon giving him an opportunity of being heard, in person or by counsel, in his own defense, upon not less than ten days' notice. In case of vacancy due to any cause, the County Board of Education shall fill the vacancy and the appointment shall be for the unexpired term of one year, and until a successor shall qualify.

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Section 90. The County Superintendent of Schools as the executive officer of the County Board of Education, shall see that the laws relating to the schools, the enacted and published rules and regulations and the policies of the State Board of Education, and the rules and regulations and the policies of the County Board of Education are carried into effect.

Section 91. The County Superintendent of Schools, subject to the provisions of this Chapter, the policies and rules and regulations of the State Board of Education, shall recommend for approval and adoption by the County Board of Education, the kind, grade and location of schools to be established and maintained and the school attendance districts to be established.

Section 92. The County Superintendent of Schools, subject to the provisions of this Chapter and the policies and rules and regulations of the State Board of Education, shall recommend for approval and adoption by the County Board of Education educational policies adapted to promote the educational interests of the county, and rules and regulations for the conduct of the schools.

Section 93. The County Superintendent of Schools, as the executive officer of the County Board of Education, shall call and conduct conferences with Boards of School Trustees, supervisors, attendance officers, principals, and teachers, and shall in every way seek to foster in teachers professional insight and efficiency and develop public interest in education.

Section 94. The County Superintendent of Schools, subject to the provisions of this Chapter, the policies and rules and regulations of the State Board of Education, shall develop a building program adequate to meet the needs of the schools of the county, and shall submit the same for approval and adoption by the County Board of Education. The County Superintendent of Schools shall recommend to the County Board of Education for condemnation school buildings which are insanitary and unfit for use; he shall recommend in writing all repairs, the purchase of playgrounds, school grounds or school sites, and buildings, or the sale of same, and shall prepare or cause to be prepared all plans and specifications for the remodeling of old buildings, and the construction of new buildings, subject

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to the provisions of Section 36, of this Chapter; and he shall recommend, in his discretion, to the County Board of Education, an architect or architects to assist in the preparation of the plans and specifications for remodeling old buildings or the construction of new buildings, and shall supervise such remodeling and construction.

Section 95. The County Superintendent of Schools, subject to the provisions of this Chapter, the policies and rules and regulations of the State Board of Education, shall prepare and submit for approval and adoption by the County Board of Education rules and regulations governing the conditions on which pupils in schools limited to the first six grades of elementary instruction shall be admitted to elementary schools giving the two higher grades of elementary instruction.

Section 96. The County Superintendent of Schools, subject to the provisions of this Chapter, the policies and rules and regulations of the State Board of Education, shall prepare and submit for approval and adoption by the County Board of Education rules and regulations governing the conditions on which children may be admitted to the high schools of the county, also into the high schools of special school districts and have their tuition in such high schools paid by the County Board of Education.

Section 97. The County Superintendent of Schools, subject to the provisions of this Chapter, the policies and rules and regulations of the State Board of Education, shall work out plans for the consolidation of schools and for the grounds, buildings, and equipment of such consolidated schools, and submit the same for approval and adoption by the County Board of Education.

Section 98. The County Superintendent of Schools, subject to the provisions of this Chapter, the policies and rules and regulations of the State Board of Education, shall report annually and recommend to be closed by the County Board of Education all single one-room schools which during three (3) preceding years have not had an average daily attendance of twelve (12) pupils.

Section 99. The County Superintendent of Schools, subject to the provisions of this Chapter, the policies and rules and regulations

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of the State Board of Education, shall prepare rules and regulations for grading and standardizing all the public schools of the county, and shall submit the same in writing for approval and adoption by the County Board of Education. He shall grade and standardize all the public schools of the county and shall recommend the same for approval by the County Board of Education.

Section 100. The County Superintendent of Schools, subject to the provisions of this Chapter, the prescribed course of study, and the policies and rules and regulations of the State Board of Education and of the County Board of Education, shall prescribe courses of study for the schools of the county, and submit the same for approval and adoption by the County Board of Education. Printed copies of these courses of study shall be supplied to every teacher and every interested citizen in the county.

Section 101. The County Superintendent of Schools shall be the representative of the State Commissioner of Education in all State Examinations for teachers' certificates conducted within the county other than in special school districts, and shall perform such duties in connection therewith as may be required by the State Commissioner of Education. He may issue, without charge, provisional certificates to teachers, valid in the county schools, subject to the provisions of Article 8 of this Chapter.

Section 102. Subject to provisions of Articles 7 and 9 of this Chapter, the County Superintendent of Schools shall recommend in writing, for appointment by the County Board of Education all principals, teachers and other regular employees of the Board and shall recommend their salaries, subject to the provisions of Articles 7 and 9 of this Chapter, and the salary provisions of Section 111 of Article 4; he shall assign them to their positions, and, if need be, recommend them for promotion or transfer, and for suspension or dismissal.

Section 103. The County Superintendent of Schools shall organize and attend county and local institutes for teachers and citizens, shall organize and direct the reading circle work of the county, advise teachers as to their further study and professional reading, and assist parents and citizens to acquire a knowledge of the aims and work of the schools.

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Section 104. The County Superintendent of Schools shall select from the textbook list prescribed by the State Board of Education such textbooks as are needed by the schools, also select such supplementary readers, maps, globes, and charts, materials of instruction, stationery and school supplies, educational equipment, apparatus, and supplies as are necessary to the work of the schools, and recommend, in writing, the adoption, purchase, and distribution of the same by the County Board of Education.

Section 105. The County Superintendent of Schools shall visit the schools, observe the management and instruction and give suggestions for the improvement of the same. He shall advise with principals and teachers, counsel Boards of Trustees, and shall labor in every way to awaken public interest and to improve educational conditions within the county.

Section 106. The County Superintendent of Schools, subject to the provisions of this Chapter, the policies and rules and regulations of the State Board of Education, shall prepare forms and blanks on which Boards of Trustees, supervisors, attendance officers, principals, teachers, janitors and other regular employees shall make such reports as shall be required by the County Board of Education, and shall submit the same for approval and adoption by the County Board of Education.

Section 107. The County Superintendent of Schools, subject to the provisions of this Chapter, the policies, rules and regulations of the State Board of Education, shall prepare the annual school budget provided for in Section 83 of this Chapter, and shall submit the same for approval and adoption by the County Board of Education. He shall in every way seek to secure adequate funds for the support and development of the schools of the county.

Section 108. The County Superintendent of Schools shall direct the taking in the county of the biennial school census provided for in Section 19 of this Chapter.

Section 109. The County Superintendent of Schools shall, subject to the rules and regulations of the State Board of Education,

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enforce the provisions of Article 10 of this Chapter, relating to School attendance.

Section 110. The County Superintendent of Schools shall prepare, or cause to be prepared, and submit to the County Board of Education for adoption, all reports required of the County Board by the State Board of Education and the State Commissioner of Education, and he shall prepare, or cause to be prepared, and submit for approval to the County Board of Education, the annual report addressed to the people of the County, provided for in Section 87 of this Chapter.

Section 111. The County Superintendent of Schools, acting under the rules and regulations of the County Board of Education, shall be responsible for the administration of the office of the County Superintendent of Schools. He shall recommend for appointment by the County Board of Education, all the professional, clerical, statistical and stenographic assistants of the office, and shall recommend their salaries; and if need be, he shall recommend their removal for immorality, misconduct in office, incompetency, or wilful neglect of duty, and he shall see that all regular appointees of the County Board of Education devote their entire time to their duties. The office of the County Superintendent of Schools shall, beginning with the school year 1920-21, be provided at least as follows with professional, clerical, statistical and stenographic assistants:

(1) In each county there shall be at least appointed elementary school supervisors as follows: In Kent County, two (2); in New Castle County, two (2); and in Sussex County, three (3). Elementary school supervisors shall receive such compensation as the County Board of Education shall direct, provided that no person shall be eligible for appointment as elementary school supervisor who does not hold from the State Commissioner of Education a certificate in elementary school supervision, as provided for in Article 8 of this Chapter; nor shall the appointment of any person as elementary school supervisor by the County Board of Education be valid without the written approval of the State Commissioner of Education. And provided, further, that no elementary school supervisor appointed under the provisions of this Section shall be paid an annual

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salary of less than sixteen hundred dollars (\$1600), and the State of Delaware shall as hereinafter provided, pay the annual salary of two (2) elementary school supervisors in Kent County, of two (2) in New Castle County and of three (3) in Sussex County, up to and including an annual salary for each of sixteen hundred dollars (\$1600). County Boards of Education may employ a greater number of elementary school supervisors than above designated and pay each an annual salary in excess of sixteen hundred dollars (\$1600), but the State shall not share in the payment of the salary of such additional elementary school supervisors or in the payment of said excess in annual salary.

(2) There shall be appointed in each county at least one attendance officer, whose duty it shall be to enforce regular school attendance. Attendance officers shall receive such compensation as the County Board of Education shall direct, provided that the appointment of no person as an attendance officer shall be valid without the written approval of the State Commissioner of Education. And provided, further, that no attendance officer appointed under the provision of this Section shall be paid an annual salary of less than ten hundred dollars (\$1000), and the State of Delaware shall pay, as hereinafter provided, the annual salary of one attendance officer up to and including an annual salary of ten hundred dollars (\$1000).

County Boards of Education may employ as many additional attendance officers as in their judgment are necessary, and may pay annual salaries to attendance officers in excess of ten hundred dollars (\$1000), but the State shall not share in the payment of their salaries or in the payment of said excess annual salary.

(3) There shall be employed in each county, at least one statistical and stenographic clerk.

(4) And such other clerical, statistical and stenographic assistants, and such other professional assistants (assistant superintendents, supervisors, attendance officers, medical inspectors and school nurses) as the County Board of Education shall authorize; provided that no professional assistant shall be appointed who does

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not hold the appropriate certificate issued by the State Board of Education, and the appointment of no professional assistant shall be valid without the written approval of the State Board of Education.

Section 112. The County Board of Education shall provide the County Superintendent of Schools and his professional and clerical assistants with ample, convenient and comfortable office quarters and with adequate clerical supplies and equipment, and the County Superintendent of Schools and his professional assistants shall be provided with such means of transportation as are necessary for the convenient, effective and efficient performance of their official duties. They shall be reimbursed for all actual and necessary traveling expenses and disbursements incurred or made by them in the performance of their official duties, and no part of the traveling expenses of the County Superintendent of Schools or his professional assistants incurred in the performance of their official duties, shall be included in, or counted as a part of their annual salary.

Section 113. The County Superintendent of Schools shall perform such other duties as are assigned to him elsewhere in this Chapter or may be assigned to him from time to time by the County Board of Education and the General Assembly.

ARTICLE 5. BOARDS OF EDUCATION

Section 114. The general administration and supervision of the free public schools and educational interest of each special school district shall be vested in a Board of Education. They shall be elected from the residents of the given special school district by all residents, qualified as hereinafter provided, and by women residents who have paid a tax at any time during the preceding twelve months on real or personal property, at a special election for terms of three years beginning with the first day of July next succeeding their election, and shall hold office until their respective successors qualify. Residents of the county, outside the special school districts, shall not vote for members of the Boards of Education in special school districts. The school election in each special school district shall be held on the third Sat-

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urday of June in each year, between the hours of two and four o'clock in the afternoon at the principal schoolhouse in the respective school districts, and shall be conducted by members of the Board of Education at each special school district. The President of the Board of Education shall preside at the election and the other two members of the Board shall be the judges of the election; provided that if, for any reason, one or more of the members of the Board of Education should be unable to serve as election officers, the said Board of Education shall designate another person, or persons, to act in such capacity; and provided, further, that should the Board of Education of any special school district fail or neglect to provide election officers at such election, the voters present shall designate and appoint election officers to conduct the election in such special school district. The school election in special school districts shall be by ballot, and the names of the candidates for election to the Board of Education shall be entered on the ballot alphabetically and without party designation. Nominations shall be made by petition, containing the written names of not less than five qualified voters of the respective special district, and such petition shall be filed with the clerk of the peace not later than fifteen days prior to the time of the school election. The ballots and other supplies prescribed by the State Board of Education shall be provided by the clerk of the peace and paid for by the Levy Court. Any resident of the said special school district, who shall be entitled, at the time of the holding of the said school election, to register and vote in any election district, of which said special district is a part, at a general election, if such general election were to be held at the time of such school election, shall be deemed to be a qualified voter at the school election in the special school district where he or she then resides. Women residents of the special school district shall be entitled to vote at a school election therein, upon presentation of a tax receipt for taxes assessed against them, within the preceding twelve months. At any such election, no voter shall be permitted to vote for a greater number of candidates than are to be elected, under the law, at said election. If any person, not duly qualified to vote, shall offer to vote at a special school district election, he or she shall be guilty of a misdemeanor and shall be punishable by a fine, or imprisonment, or both, in the discretion of the Court. The election officers, conducting the election in a special district school election, shall publicly count the votes cast at any such election and shall certify the result of such

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election under their hands and seals to the State Board of Education. Provided that in the first election, under the provisions of this section, the candidate receiving the highest number of votes in each special school district shall be declared elected for three years; the candidate receiving the next highest number of votes shall be declared elected for two years, and the candidate receiving the next highest number of votes shall be declared elected for one year. If two or three candidates shall receive the same number of votes, the State Board of Education shall determine by lot which of said candidates shall be declared elected for the longer term. Thereafter, one member shall be elected each year for the full term of three years. The members of the Board of Education of special school districts shall be chosen solely because of their character and fitness; but no person shall be appointed or elected to this Board under the provisions of this Section who is in any way subject to the authority of this Board. Vacancies in this Board for any cause shall be filled by the State Board of Education, such appointees serving until the next school election and until their respective successors qualify. At the next school election succeeding such appointment or appointments, the vacancy or vacancies shall be filled for the remainder of the respective unexpired term or terms. Any member of a Board of Education of a special school district shall be eligible for re-election, unless otherwise disqualified by the provisions of this Section. When this Act goes into effect the persons who are at that time members of the respective Boards of Education shall continue to act until the first day of July, 1920, and until their successors qualify. Whenever a new special school district shall be created and erected under the provisions of Section 19 hereof, the State Board of Education shall at once appoint three suitable persons, possessing the necessary qualifications for members of a Board of Education, to be members of the Board of Education of such special school district who shall take office immediately and serve under the provisions of this Chapter until the first day of July following the next school election thereafter, and until their respective successors qualify. At the next school election after such appointment there shall be elected to the Board of Education of such special school district three members; one to serve for one year, one to serve for two years and one to serve for three years from the first day of July following such election, and until their respective successors qualify. Provided, that at such election the candidate receiving the highest

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number of votes shall be elected for three years, the candidate receiving the next highest number of votes shall be declared elected for two years, and the candidate receiving the next highest number of votes shall be declared elected for one year. If two or three candidates shall receive the same number of votes the State Board of Education shall determine by lot which of said candidates shall be declared elected for the longer term. Thereafter one member shall be elected at each school election for the full term of three years.

Section 115. The office of the Board of Education shall be in the principal school building of the respective special school district unless otherwise adequately provided for. The Board of Education shall hold its annual meeting each year at its office on the first day of July. At this meeting the Board shall each year elect one of its members to serve as President and one to serve as Vice-President. Other regular meetings shall be held on the second Friday of September, December and March, and such special meetings may be held as the duties and the business of the Board may require. The members of the Board of Education shall receive no compensation for their services. The rules generally adopted by deliberative bodies for their government shall be observed by Boards of Education. No motion or resolution shall be declared adopted without the concurrence of a majority of the whole Board.

Section 116. The Board of Education of each special school district shall appoint, subject to the provisions of Section 136 of this Chapter, as its executive officer a Superintendent of Schools, who shall also be Secretary of the given Board of Education. As Secretary he shall conduct all correspondence of the Board, keep and preserve all of its records, receive all reports required by the Board, and see that such reports are in proper form, complete and accurate. He shall attend all meetings of the Board and of its committees except when his own tenure, his salary, or the administration of his office are under discussion, and shall have the right to advise on any question under consideration, but shall have no vote. In case the office of Superintendent of Schools is temporarily vacant, or when the Superintendent of Schools is absent by reason of the nature of the business in hand or otherwise, the Board shall appoint one of its members to act for the time being as Secretary.

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Section 117. The County Treasurer shall be the Treasurer of each respective special school district. He shall receive and hold all moneys which the respective Board of Education is entitled to by law and which may come into its possession, and shall deposit all such moneys in the financial institution which is the legal depository of State moneys in the custody of the State Treasurer.

He shall pay out all such moneys on the written order of the President or Vice-President of the respective Board of Education and of its Secretary, and shall keep such records and accounts of its funds as shall be required by the State Board of Education.

Section 118. The Board of Education of each special school district is hereby vested with all the powers necessary or proper for the administration and management of the free public schools within such special school district, subject to the limitations and restrictions provided in this Act. The Board of Education shall explain the true intent and meaning of the school laws and of the rules and regulations of the State Board of Education, subject to the approval in writing of the State Board of Education; they shall decide, without expense to the parties concerned, all controversies and disputes involving the rules and regulations of the Board of Education of the respective special school district and the proper administration of the public schools of the district, and their decision shall be final except that an appeal may be had to the State Board of Education if taken in writing within thirty (30) days. The Board of Education shall have authority to administer oaths, and to examine under oath in any part of the respective special school district, witnesses in any matter pertaining to the public schools of the district, and to cause the examination to be reduced to writing. Any person who, having been sworn or affirmed by them to tell the truth, wilfully gives false testimony, shall be guilty of false swearing and shall be punished accordingly.

Section 119. All property, estate, effects, money, funds, claims and state donations heretofore vested by law in the public school authorities of any special school district, for the benefit of the free public schools of such district, are hereby placed under and subject to the control and management of the Board of Education of such special school district. Real and personal estate granted, conveyed,

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devised or bequeathed for the use of any special school district, shall be held in trust by the Board of Education for the benefit of the free public schools of the respective special school district and such grants, bequests and moneys invested in trust shall be exempt from all State, county and local taxes.

Section 120. The following cities, towns and school districts are hereby designated special school districts subject to the provisions of this Chapter: in New Castle County, Claymont, Alexis I. du Pont School, Newark, New Castle; in Kent County, Smyrna, Dover, Caesar Rodney School, Harrington, Milford; in Sussex County, Georgetown, Seaford, Lewes, Laurel; all of these districts comprising the present school districts.

The City of Wilmington, comprising the present school districts, may accept at any time the provisions of this Act by resolution adopted by a majority vote of its Board of Education and by filing a written copy of such resolution certified by the Secretary of the Board, with the Secretary of the State Board of Education and by filing a duplicate with the trustee of the school fund, but shall continue to conduct and operate its schools according to the provisions of any special, or other laws, now applicable thereto, except insofar as such laws are in conflict with the provisions of Articles 1 and 2; of Sections 120, 121, 122, 123, 125, 126, 127, 128, 129, 132, 133, and 134 of Article 5; of Sections 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 151, 152, 153, 154 and 155 of Article 6; and of Articles 8, 9, 10, 11, 12, and 14 of this Chapter, all of which shall apply to Wilmington.

Section 121. The special school districts herein created and designated, and special school districts hereafter created by the State Board of Education to continue to exercise the privilege of a special school district and of operating its schools according to the provisions of this article shall meet and continue to fulfill the following conditions:

(1) Ample grounds, buildings and equipment shall be provided conforming to the rules and regulations of the State Board of Education.

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(2) An elementary school, including grades one to eight inclusive, shall be maintained, also a standard, first-class high school, as defined in Article 12 of this Chapter and the rules and regulations of the State Board of Education. The Board of Education may establish kindergartens and playgrounds and it may establish, subject to the approval of the State Board of Education, such other types of schools as in its judgment will promote the educational interest of the district. All public elementary schools and all public high schools shall be in session during each year, not less than one hundred and eighty days, beginning on the first Tuesday after the first Monday in September; unless otherwise ordered by the State Board of Education. Into the High School or High Schools of each special school district shall be admitted children from the county school systems, on the conditions and at the tuition rates prescribed by the State Board of Education, but such rates shall be based on actual cost of said tuition.

(3) Free textbooks, school supplies and instructional materials shall be provided all pupils attending the kindergarten, day elementary schools and day high schools, free textbooks, school supplies and instructional materials may be provided pupils in such other schools as are established and maintained.

(4) Each special school district shall employ a Superintendent of Schools who shall hold the certificates prescribed for Superintendent of Schools in Article 8 of this Chapter. The Superintendent of Schools shall not be paid an annual salary of less than the minimum annual salary for Superintendents of Schools prescribed in Article 9 of this Chapter, but any Board of Education may pay a Superintendent of Schools more than the minimum salary prescribed in Article 9 of this Chapter. The Superintendent of Schools shall have at least one-half of his entire time free for supervision.

(5) The Boards of Education may employ a high school principal or principals, elementary school principal or principals, elementary school supervisors, high school supervisors and attendance officers, subject to the conditions of Article 8 and Article 9 of the salary provisions of Section 111 of Article 4 of this Chapter. Provided that if the Board of Education of a special school district does not employ an attendance officer or officers, the enforcement of school atten-

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dance in the respective special school district shall fall to the County Superintendent of Schools of the county in which the respective special school district is located, and the Superintendent of Schools of the respective special school district shall make to the County Superintendent of Schools such reports on the school population, school enrollment and school attendance of the respective special school district as may be required by the State Board of Education. Provided that Wilmington shall employ sufficient attendance officers to enforce school attendance. Boards of Education of special school districts may also employ medical inspectors and school nurses subject to the provisions of Article 8 of this Chapter.

(6) In the regular day high schools of the special school districts, no teacher shall hereafter be employed unless such teacher holds a high school teacher's certificate as provided for in Article 8 of this Chapter, and such high school teachers shall not be paid less than the minimum annual salaries prescribed for teachers holding high school teachers' certificate in Article 9 of this Chapter, but any Board of Education may pay such high school teachers more than the minimum annual salaries prescribed for teachers holding high school teachers' certificates in Article 9 of this Chapter.

(7) In regular day elementary schools of special school districts, no teacher shall hereafter be employed unless such teacher holds a first grade elementary school teacher's certificate as prescribed in Article 8 of this Chapter, and such elementary teachers shall not be paid less than the minimum annual salaries prescribed for teachers holding first grade elementary school teachers' certificates in Article 9 of this Chapter, but any Board of Education may pay such elementary school teachers more than the minimum salaries prescribed for teachers holding first grade elementary school teachers' certificates in Article 9 of this Chapter.

(8) Boards of Education of special school districts may employ such other professional assistance and such clerical, accounting and statistical assistance as in their judgment is necessary to the work of the schools under their respective jurisdiction.

(9) Special school districts shall meet and shall continue to ful-

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fill such other conditions as may hereafter be prescribed by the State Board of Education.

Section 122. The Board of Education shall exercise through its executive officer, the Superintendent of Schools, and his professional assistants, control and supervision over the public schools of the district. The Board shall consult and advise, through its executive officer and his professional assistants, principals, teachers and interested citizens, and shall seek in every way to promote the interests of the schools under its jurisdiction.

Section 123. The Board of Education shall determine, subject to the provisions of this Chapter, the rules and regulations, and the policies of the State Board of Education, the educational policies of the district and shall prescribe rules and regulations for the conduct and the management of the schools, and shall maintain separate schools for white and for colored children.

Section 124. The Board of Education is authorized, empowered, directed and required to provide ample, appropriate and suitable grounds, buildings and equipment for all the needed schools of the district, conforming to the rules and regulations of the State Board of Education for the hygienic, sanitary and protective construction of school buildings.

(1) The Board of Education is authorized and empowered, on the approval of the State Board of Education or State Commissioner of Education, to purchase playgrounds, school grounds, or school sites, and buildings, and to sell the same when no longer needed for educational purposes; to rent, repair, improve and construct school buildings, or approve contracts for so doing when the plans conform to the rules and regulations of the State Board of Education. The Board of Education shall employ an architect or architects to assist in the preparation of plans and specifications for remodeling old buildings and for constructing new buildings, but the architect or architects employed shall be approved by the State Board of Education or State Commissioner of Education.

(2) The Board of Education may receive donation of play-

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grounds, school grounds or school sites, or of houses, already built suitably located and adapted to school purposes, but in no case shall any site be built upon or any house be occupied until a good and sufficient title has been obtained for the same in the corporate name of the Board.

(3) When land shall be required for the site of a schoolhouse or for enlarging a schoolhouse lot, or for playgrounds or other school purposes, and the Board of Education shall for any cause be unable to contract with the owner or owners thereof upon what they deem to be a fair valuation thereof, the Board of Education may institute condemnation proceedings, but no lot taken or enlarged shall exceed in the whole ten (10) acres including the land occupied by the school building.

(4) Whenever it shall be necessary to institute condemnation proceedings to acquire any land for school purposes, as provided in this Section, the Board of Education may apply to the Associate Judge of the State of Delaware, resident in the County where any such land is located for the condemnation thereof, and the said resident Judge shall thereupon appoint five judicious and impartial freeholders residing in the county outside of such special school district, to view the premises and assess the damages which the owner or owners will sustain by reason of the taking the said lands for the purposes aforesaid. The freeholders shall be sworn or affirmed 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 proposed to be condemned if within the State, and to the said Board of Education of the time of their meeting to view the premises and assess damages. If the owner or owners reside outside of the State, or if under any legal disability, and having no legal representative in the State, publication of such notice shall be made in some newspaper in the county in which proceedings were instituted, at least ten days prior to the date fixed for said meeting, and such publication shall be sufficient notice thereof. The said freeholders shall ascertain and assess the damages to the owner or owners, taking into consideration all circumstances of convenience or injury, but shall allow, at least the cash value of the land taken, and shall certify their award to the owner or owners, and, also, to

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the Board of Education, and shall return a record of their proceedings with their finding and award to the Prothonotary of the County in which the proceedings were instituted. If the said freeholders should be guilty of misconduct in their proceedings, or if they should make a grossly improper award, the said Judge shall on application set aside their award and shall appoint other freeholders in their place, who shall proceed anew in the manner hereinbefore provided, and in like manner he may set aside their finding or award, or the finding or award of freeholders subsequently appointed for the purposes aforesaid, until a fair and equitable award has been made and accepted. The said Judge may substitute other freeholders in the place of any freeholder who for any reason may be unable to serve. When the amount of damages has been ascertained the said Board of Education may pay, or tender the amount thereof, within two months, to the person or persons entitled thereto, or if, for any reason, payment cannot be made to the owner or owners, the amount of such damages may be deposited to the credit of the persons entitled thereto in the Farmers' Bank of the State of Delaware at the County Seat of the County in which said proceedings were instituted, and thereupon the said lands may be taken and occupied for the use and purpose for which said lands were condemned. The said freeholders shall be allowed Three Dollars (\$3) per day for their services which sum together with other expenses of the said condemnation proceedings, shall be paid by the Board of Education of the respective special school district.

(5) If for any reason the current income of the Board of Education is inadequate to provide ample, appropriate and suitable grounds, buildings and equipment for all the needed schools of the district, the Board of Education is authorized, and empowered to issue bonds on the Credit of the district in amount sufficient to provide ample, appropriate and suitable grounds, buildings and equipment for all the needed schools of the district.

(6) Provided that the Board of Education shall not be authorized to issue bonds for the purpose of this section in a greater amount in the aggregate than five per cent (5%) of the assessed value of the real estate of such special school district. Provided further, that the funds derived from such bond issue shall be used only to provide or purchase new grounds, new buildings, and new permanent

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equipment. Such bonds shall not be issued or sold at less than their face value, and shall be issued in series, and all bonds authorized to be issued at any one time within a calendar year shall constitute a series. No bond of any given series shall run more than twenty-five (25) years.

(7) The bonds provided for in this section shall be in such denomination or denominations, in such form, and shall bear such rate of interest, not exceeding six per cent. (6%) per annum, as shall be determined by the Board of Education of the respective special school district. The said bonds shall be signed by the President and one other member of the Board of Education. The said Board of Education shall have the power to adopt and use a seal for the execution of the said bonds. The faith and credit of the special school district shall be deemed to be pledged for the payment of the said bonds. The said bonds shall be denominated as of the special school district and year in which they are issued, and the principal and interest shall be made payable at the branch of the Farmers' Bank in the County in which said bonds are issued. The said bonds shall be exempt from all State, County or Municipal Taxes.

(8) Provided further, that the Board of Education shall, in its annual school budget, hereinafter provided for, under the item "Debt Service," make provisions for the payment of the current interest on each and every series of bonds issued and also for the payment and liquidation each year of not less than one twenty-fifth (1-25) of each and every series of bonds issued. Or if the text of the bonds shall so stipulate provision may be made for the payment of interest and principal of any series of bonds by an equal payment each year for twenty-five years. Said equal payments shall be used each year, first for the payment of interest, the balance for the requirement of outstanding bonds of the series either by lot or otherwise as may be stipulated in the text of said bonds.

(9) "Provided further that before any bonds shall be authorized and issued under the provisions of this section a special election shall be held in the usual places and in the same manner as other school elections of which notice shall be given by advertisements setting out the purposes of said election published in every newspaper published in the district or if none is published in said district then in the nearest

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newspaper in the County at least once a week for at least two weeks before the day of said election, the last publication thereof to be at least five days before the said election, and by notices thereof posted on the door of the voting place in the district. In all of said advertisements and notices the amount of bonds proposed to be issued and the purposes and reasons thereof shall be set forth plainly and in detail. At said election every person paying school taxes in the said district shall be entitled to vote and shall have one vote for every dollar or fractional part of a dollar of taxes assessed against him or her according to the last assessment for school purposes in the said district. At said election at each voting place there shall be provided a sufficient number of ballots on which shall be written or printed the words "for the bond issue" and an equal number of ballots on which shall be written or printed the words "against the bond issue" and each voter shall be entitled to receive both of said ballots one of which the voter may deposit as his or her ballot, but any voter may prepare his or her own ballot and deposit that in lieu of the ballot provided as aforesaid, and at each voting place as aforesaid there shall be exposed in convenient places for inspection by the voters lists showing the amount of the total assessment in the district according to the last assessment for school purposes of each voter entitled to vote at such place. The polls for said election shall open at one o'clock P. M. of the day advertised for the said election according to said advertisements and remain open until 8 o'clock P. M. of the said day and the said election shall be held by such persons as shall be designated by the Board of Education and if the persons so designated are not present at the time for opening the polls the voters present may name election officers consisting of an Inspector, two Judges and two Tellers to hold said election. No ballot shall be counted unless it shall be endorsed with the name of the voter and the number of votes to which he or she is entitled according to the last school assessment, except that if a voter inadvertently shall cast a ballot claiming a greater or less number of votes than he or she shall be entitled to cast, by endorsing same erroneously on the ballot or shall omit to claim his or her appropriate number of votes the election officers shall before counting the said ballot correct same by endorsing the number of votes correctly. It shall be no objection to any ballot that the endorsement thereon is not in the handwriting of the voter depositing same.

For determining the result of said vote, the officers holding the

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election at the several voting places shall certify the result thereof to the Board of Education together with the ballots cast and shall post a certificate of the result at the front door of the voting place as soon as the result has been ascertained.

On the fourth day after said election, Sundays excepted, the Board of Education shall sit as a canvassing board to examine the certificates of the vote from the several voting places and shall inspect the certificates from the several voting places and on the request in writing of twenty-five voters of any one voting place they shall re-count the ballots voted at said place, and if any difference in the result shall be found as a result of said re-count they shall endorse the certificate from said voting place according to the result found on such re-count and when the result as shown shall have been tabulated they shall certify the same to the State Board of Education, and the certificate thereof shall remain on file with the State Board of Education and shall have all the effect of a public record. If at such election a majority of the votes cast throughout said district shall be for the bond issue then bonds to the amount voted upon shall be issued as in this section provided, but if at such election a majority of the votes cast shall be against the bond issue then the bond issue proposed shall not be made nor any money borrowed in contemplation thereof.

Section 125. The Board of Education, subject to the provisions of this Chapter, and the policies, rules and regulations of the State Board of Education, shall grade and standardize all the schools under its jurisdiction.

Section 126. The Board of Education, subject to the provisions of this Chapter, the rules and regulations, prescribed courses of study, and the policies of the State Board of Education, shall prescribe courses of study for the schools under its jurisdiction, and a printed copy of these courses of study shall be supplied to every teacher and to every interested citizen of the district.

Section 127. The Board of Education shall appoint all principals, teachers, all supervisors, attendance officers, janitors, and all other regular employees, and fix their salaries, subject to the pro-

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visions of Article 9 of this Chapter and of the salary provisions of Section 111 of Article 4. The Board of Education may suspend or dismiss the Superintendent of Schools, any principal, or teacher, or supervisor, or attendance officer, or other regular employee so appointed, for immorality, misconduct in office, incompetency, or wilful neglect of duty. Provided, that in case of a principal, or teacher, or supervisor, or attendance officer, the charges be stated in writing, and that the principal, or teacher, or supervisor, or attendance officer be given an opportunity to be heard by the Board on not less than ten (10) days' notice; provided, further, that in all cases when the Board is not unanimous in its decision to suspend or dismiss a principal, or teacher, or supervisor, or attendance officer, the right of appeal shall lie to the State Board of Education. The contracts of every principal, teacher, supervisor, attendance officer, and other regular employees shall be for the school year, beginning July 1st and ending June 30th, except when they are employed after the beginning of the school year, when the contract shall be for the remainder of the school year.

Section 128. The Board of Education shall select and adopt from the textbook list prescribed by the State Board of Education, purchase, and distribute free of charge to all day public elementary and all day public high school pupils, such textbooks as are necessary to carry out the adopted courses of study, provided that the textbooks so selected and adopted shall not be changed more often than once in three (3) years. The Board of Education shall also select and purchase such supplementary readers, maps, globes, and charts, materials of instruction, stationery and school supplies, school furniture, educational equipment, apparatus, and supplies as are necessary to the work of the schools, and no charge shall be made to either day public elementary or day public high school pupils for the use of such supplies or equipment. No contract for textbooks, supplementary readers, maps, globes and charts, materials of instruction, stationery and school supplies, school furniture, educational equipment, apparatus and supplies shall be valid without the written approval of the Board of Education or their appointee.

Section 129. The Board of Education, subject to the provisions of this Chapter and the rules and regulations of the State Board of

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Education, shall prescribe forms and blanks on which principals, teachers, supervisors, attendance officers, janitors and other regular employees shall make such reports as may be requested from them, by the Board of Education.

Section 130. The Board of Education is authorized, empowered, directed and required to provide ample funds for the maintenance and operation of uniform, equal and efficient schools throughout the district. Each year on or before the first day of February or at other time designated by the State Board of Education the Board of Education shall prepare, subject to the rules and regulations of the State Board of Education, an itemized and detailed annual school budget. This annual school budget shall show the amounts needed during the succeeding school year for (1) debt service as provided for in Section 124 of this Chapter, and for the payment of the principal and interest of all of the bonded and other debts of the school district existing at the time of the approval of this Act, (2) permanent improvements and repairs, and (3) current maintenance and operation, including the transportation of school children. The annual school budget shall also show the estimated amount that will be received from the State for (1) aiding elementary schools, which amount shall be used for paying elementary teachers' salaries and purchasing free textbooks, materials of instruction and school supplies; (2) aiding high schools, which amount shall be used for paying high school teachers' salaries and purchasing free textbooks, materials of instruction and school supplies; (3) the estimated amount of high school aid that will be received by reason of the provisions of the Smith-Hughes Vocational Education Act; (4) the estimated income of the Board other than from district taxation, and (5) the estimated amount that will need to be raised by district taxation. Taxes for special school district purposes shall be of two kinds; (1) a capitation tax, the amount of which shall be fixed annually by the Board of Education, and stated in its annual school budget, but which shall not be less than three dollars (\$3.00) nor more than six dollars (\$6.00) annually, and shall be levied on the person of all residents of the respective special school district twenty-one (21) years of age or over, and entitled to vote at a general election if held at that time; (2) a property tax to be levied on the assessed value, as determined and fixed for other county taxa-

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tion purposes, of the personal and real property in the respective special school district, provided that said tax so levied shall not exceed one per cent of the assessed value of the property in said special district. This annual school budget shall be submitted in writing, not later than February first each year or at other time designated by the State Board of Education, to the Levy Court of the respective county; at the same time a written copy of this annual school budget shall be submitted to the State Commissioner of Education. The Levy Court of the respective county is authorized, empowered, directed and required to levy and collect at the time of collection and through the collector or collectors of other county taxes the capitation tax as fixed and specified in the annual school budget of the respective Board of Education, and to levy and collect such tax at the time of collection, and through the collector or collectors of county taxes, on the assessed value, as determined and fixed for other county taxation purposes, of all personal and real property in and of the respective special school district as shall produce the remainder and the total amount required by the respective Board of Education to be raised by district taxation. All the powers and remedies, now or hereafter vested by law in the collector or collectors of taxes for county purposes, are hereby vested in the said collector or collectors in the collection of the special school district tax, levied under the provisions of this Section. The district school taxes so levied and collected, after deducting the fees for collection, if any, shall be turned over by the collector or collectors immediately on collection to the Treasurer of the Board of Education of the respective special school district, such fees for collection shall be fixed by the Levy Court and shall not exceed in percentage the amount allowed for collection of county taxes; provided that in the counties where the school taxes are collected by a Receiver of Taxes, the fees allowed shall not exceed the actual expense of collection. On all taxes paid during the month of August there shall be a rebate of eight per cent, and such penalties shall be imposed as are now provided by law for the collection of county taxes. On the tax bills presented to the taxpayers of the respective special school districts, the school tax shall appear as a separate item entitled "District School Tax," and shall show as sub-item and separately the amount of capitation tax and the amount of personal and real property tax. Provided that for the school year 1920-21 the Board of Education

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shall prepare the annual school budget for the school year 1920-21 and present it as soon as possible after February 1, 1920, to the Levy Court of the respective county, and that the amounts required to be raised by district taxation shall be levied and collected as provided for beginning with 1920 in this Section, by the Levy Court, as near as may be, at the time local school taxes are now levied and collected under the existing school laws. At any time, not later than two weeks after the fixing of the tax rate by the said Levy Court, the right of revision of the budget prepared by the said Board of Education shall lie with the voters of the respective special district on petition signed by 25% of those qualified to vote at school election if held at that time, and presented to the said Board of Education, asking that a specified lower tax rate be substituted for the rate which has been fixed as above provided; said Board of Education shall within ten days of receipt of said petition post upon the school house of the respective district a call for a meeting of voters to be held at said school house and shall name a day and time of said meeting and such election shall be conducted by such persons and in such fair and impartial manner as may be prescribed by the said Board of Education. Those qualified to vote at a school election at that time shall have the right to vote, and the question submitted shall be whether the tax rate shall be the rate named in the petition or the rate which has been fixed by the Levy Court and this vote shall determine the amount to be raised by taxation for school purposes in said district, provided that said amount shall not be less than the sum that might be raised by the application of the rate of one-half per cent on the assessed value of the personal and real property in said special district. The amount determined to be raised at said meeting shall be used in the preparation of a revised annual school budget by said Board of Education, which budget shall be resubmitted to the Levy Court of the respective county, and the said Levy Court shall proceed to the levying and collection of the aforesaid property tax as herein provided. All taxes received by the Board of Education shall be expended by them in accordance with the items of its annual school budget.

Section 131. If, for any reason the current funds on hand are not sufficient to meet the current expenses of the Board, the Board of Education, on the recommendation of the Superintendent of Schools,

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may borrow money on the credit of the district to meet current expenses, provided that all such current loans shall be paid within the school year in which such current loans are made and shall be paid from the funds derived from the taxes levied and collected for the current expenses of the schools within the given school year and provided further that the amount so borrowed shall at no time exceed ten per cent (10%) of the sum estimated for current expenses as shown by the school budget for that year.

Section 132. The county auditor of accounts shall each year, as soon as possible after July 1st, audit the business and financial transactions of the Board of Education of each special school district, and the records and account of its respective Treasurer, and the Board of Education of the respective special school district shall make public the result of this audit.

Section 133. The Board of Education shall make all reports required by the State Board of Education, at such time, upon such items, and in such form and on such blanks as may be prescribed by the State Board of Education.

Section 134. The Board of Education shall cause to be prepared and published annually in the month of November, in sufficient quantities for distribution among the citizens of the district, an annual report addressed to the people of the district, covering the condition, current accomplishments and needs for the improvement of the schools, also a statement of the business and financial transactions of the Board.

Section 135. The Board of Education shall perform other duties as are assigned to it elsewhere in this Chapter, or may be assigned to it from time to time by the General Assembly.

ARTICLE 6. SUPERINTENDENT OF SCHOOLS

Section 136. The Board of Education of each special school district shall appoint a Superintendent of Schools for a term of one year, and he shall hold office until his successor qualifies. No person shall be eligible for appointment to the office of Superintendent of Schools who does not hold from the State Board of Education a

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Superintendent of Schools' certificate, as provided for in Article 8 of this Chapter. Provided that the Superintendents of Schools, in the special school districts created by this Act, holding office at the time when this Act shall take effect shall continue to serve to the end of the term for which they were last appointed, and until their successors qualify, unless removed as hereinafter provided, and shall also be eligible for reappointment; and provided, further, that all Superintendents of Schools shall be paid, beginning with the school year 1919-20, on the basis of the salaries hereinafter specified. The Superintendent of Schools shall devote his entire time to public school business and shall receive such compensation as the Board of Education shall direct, provided that no Superintendent of Schools appointed to office under the provisions of this Section or continuing in office under the provisions of this Section shall be paid an annual salary less than the annual salary provided for in Article 9 of this Chapter. Boards of Education may, in their discretion, pay to a Superintendent of Schools an annual salary in excess of the annual salary specified in Article 9 of this Chapter. The Board of Education subject to the provisions of Article 5, Section 127, of this Chapter, or the State Board of Education may remove any Superintendent of Schools appointed under the provisions of this Section, or continuing in office under the provisions of this Section, for immorality, misconduct in office, incompetency, or wilful neglect of duty, upon making known to him in writing the charges against him and upon giving to him an opportunity of being heard, in person or by counsel in his own defense upon not less than ten (10) days' notice. In case of vacancy due to any cause, the Board of Education shall fill the vacancy, and the appointment shall be for the unexpired term and until a successor shall qualify.

Section 137. The Superintendent of Schools, as the executive officer of the Board of Education, shall see that the laws relating to the schools, the enacted and published rules and regulations and the policies of the State Board of Education, and the rules and regulations and policies of the Board of Education of the particular special school district are carried into effect.

Section 138. The Superintendent of Schools, subject to the provisions of this Chapter, the policies and rules and regulations of the

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State Board of Education, shall recommend for approval and adoption by the Board of Education the kind, grade, and location of the schools to be established and maintained in the respective special school districts.

Section 139. The Superintendent of Schools, subject to the provisions of this Chapter, the policies and rules and regulations of the State Board of Education, shall recommend for approval and adoption by the Board of Education of the respective special school district policies adapted to promoting the educational interest of the district and rules and regulations for the conduct of the schools of the district.

Section 140. The Superintendent of Schools, as the executive officer of the Board of Education, shall call and conduct conferences with the supervisors, attendance officers, principals, and teachers of the respective special school district, and shall in every way seek to foster in teachers professional insight and efficiency and develop public interest in education.

Section 141. The Superintendent of Schools, subject to the provisions of this Chapter, the policies and rules and regulations of the State Board of Education, shall develop a building program adequate to meet the needs of the schools of the respective school district, and shall submit the same for approval and adoption by the Board of Education. The Superintendent of Schools shall recommend to the Board of Education for condemnation school buildings which are insanitary and unfit for use; he shall recommend in writing all repairs, the purchase of playgrounds, school grounds or school sites, and buildings, or the sale of the same, and shall prepare or cause to be prepared all plans and specifications for the remodeling of old buildings and the construction of new buildings, subject to the provisions of Section 36 of this Chapter; and he shall recommend, in his discretion, to the Board of Education an architect or architects to assist in the preparation of plans and specifications for remodeling old buildings or the construction of new buildings, and shall supervise such remodeling and construction.

Section 142. The Superintendent of Schools, subject to the provisions of this Chapter, the policies and rules and regulations of the

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State Board of Education, shall prepare rules and regulations for grading and standardizing all the public schools of the district, and shall submit the same for approval and adoption by the Board of Education. He shall grade and standardize all the public schools of the district and shall recommend the same for approval by the Board of Education.

Section 143. The Superintendent of Schools, subject to the provisions of this Chapter, the prescribed courses of study, the policies and rules and regulations of the State Board of Education, and of the Board of Education of the respective special school district, shall prescribe courses of study for the schools of the respective school district and submit the same for approval and adoption by the Board of Education. Printed copies of these courses of study shall be supplied to every teacher and every interested citizen of the district.

Section 144. The Superintendent of Schools shall be the representative of the State Commissioner of Education in all State examinations for teachers' certificates conducted within the respective special school district, and shall perform such duties in connection therewith as may be required by the State Commissioner of Education.

Section 145. The Superintendent of Schools shall recommend in writing for appointment by the Board of Education all principals, teachers, supervisors, attendance officers, janitors and all other employees of the Board, and subject to the provisions of Article 9 and to salary provisions of Section 111 of Article 4 of this Chapter, he shall recommend to the Board of Education the salaries of all principals, teachers, supervisors, attendance officers, janitors and other employees of the Board, shall assign to them their positions, and if need be, recommend them for transfer or promotion and for suspension or dismissal.

Section 146. The Superintendent of Schools shall organize institutes for teachers and citizens, shall organize and direct the reading circle work of the district, advise teachers as to their further study and professional reading, and assist parents and citizens to acquire a knowledge of the aims and work of the schools of the district.

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Section 147. The Superintendent of Schools shall select from the textbook list prescribed by the State Board of Education such textbooks as are needed by the schools; also select such supplementary readers, maps, globes and charts, materials of instruction, stationery and school supplies, school furniture, educational equipment, apparatus and supplies as are necessary to the work of the schools, and recommend in writing the adoption, purchase and distribution of the same by the Board of Education of the respective special school district.

Section 148. The Superintendent of Schools shall visit the schools, observe the management and instruction, and give suggestion for the improvement of the same. He shall advise with principals and teachers, and shall labor in every way to awaken public interest and improve educational conditions within the respective special school district.

Section 149. The Superintendent of Schools, subject to the provisions of this Chapter, the policies and rules and regulations of the State Board of Education, shall prepare forms and blanks upon which principals, teachers, supervisors, attendance officers, janitors and other regular employes shall make such reports as shall be required by the Board of Education, and shall submit the same for approval of the Board of Education.

Section 150. The Superintendent of Schools, subject to the provisions of this Chapter, the policies and rules and regulations of the State Board of Education, shall prepare the annual school budget provided for in Section 130 of this Chapter, and shall submit the same for approval and adoption by the Board of Education. He shall in every way seek to secure adequate funds for the support and development of the schools of the respective special school district.

Section 151. The Superintendent of Schools shall direct the taking, in the respective special school district, of the biennial school census provided for in Section 21 of this Chapter.

Section 152. The Superintendent of Schools in such special school districts as employ attendance officers, shall, subject to the rules and regulations of the State Board of Education, enforce

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the provisions of Article 10 of this Chapter relating to school attendance. In such special school districts as do not employ attendance officers, the Superintendents of Schools shall co-operate in every way with the County Superintendents of Schools in the enforcement of the provisions of Article 10 of this Chapter relating to school attendance.

Section 153. The Superintendent of Schools shall prepare, or cause to be prepared, and submit to the Board of Education for adoption, all reports required by the State Board of Education; and he shall prepare, or cause to be prepared, and submit for approval to the Board of Education the annual report addressed to the people of the respective special school district provided for in Section 134 of this Chapter.

Section 154. The Superintendent of Schools, acting under the rules and regulations of the Board of Education, shall be responsible for the administration of the office of the Superintendent of Schools, and he shall see that all regular appointees of the Board of Education devote their entire time to their duties.

Section 155. The Board of Education shall provide the Superintendent of Schools and his professional and clerical assistants with ample, convenient, and comfortable office quarters, and with adequate clerical supplies and equipment.

Section 156. The Superintendent of Schools shall perform such other duties as are assigned to him elsewhere in this Chapter, or may be assigned to him from time to time by the Board of Education and the General Assembly.

ARTICLE 7. BOARDS OF SCHOOL TRUSTEES

Section 157. In each school attendance district of the county system there shall be, as the local representative of the County Board of Education and as the representative of local educational interests, a Board of School Trustees. There shall be one such Board for each school attendance district. Boards of school trustees shall be composed of three members elected from the residents of the several school attendance districts at the annual school election for a

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Section 147. The Superintendent of Schools shall select from the textbook list prescribed by the State Board of Education such textbooks as are needed by the schools; also select such supplementary readers, maps, globes and charts, materials of instruction, stationery and school supplies, school furniture, educational equipment, apparatus and supplies as are necessary to the work of the schools, and recommend in writing the adoption, purchase and distribution of the same by the Board of Education of the respective special school district.

Section 148. The Superintendent of Schools shall visit the schools, observe the management and instruction, and give suggestion for the improvement of the same. He shall advise with principals and teachers, and shall labor in every way to awaken public interest and improve educational conditions within the respective special school district.

Section 149. The Superintendent of Schools, subject to the provisions of this Chapter, the policies and rules and regulations of the State Board of Education, shall prepare forms and blanks upon which principals, teachers, supervisors, attendance officers, janitors and other regular employes shall make such reports as shall be required by the Board of Education, and shall submit the same for approval of the Board of Education.

Section 150. The Superintendent of Schools, subject to the provisions of this Chapter, the policies and rules and regulations of the State Board of Education, shall prepare the annual school budget provided for in Section 130 of this Chapter, and shall submit the same for approval and adoption by the Board of Education. He shall in every way seek to secure adequate funds for the support and development of the schools of the respective special school district.

Section 151. The Superintendent of Schools shall direct the taking, in the respective special school district, of the biennial school census provided for in Section 21 of this Chapter.

Section 152. The Superintendent of Schools in such special school districts as employ attendance officers, shall, subject to the rules and regulations of the State Board of Education, enforce

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the provisions of Article 10 of this Chapter relating to school attendance. In such special school districts as do not employ attendance officers, the Superintendents of Schools shall co-operate in every way with the County Superintendents of Schools in the enforcement of the provisions of Article 10 of this Chapter relating to school attendance.

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Section 155. The Board of Education shall provide the Superintendent of Schools and his professional and clerical assistants with ample, convenient, and comfortable office quarters, and with adequate clerical supplies and equipment.

Section 156. The Superintendent of Schools shall perform such other duties as are assigned to him elsewhere in this Chapter, or may be assigned to him from time to time by the Board of Education and the General Assembly.

ARTICLE 7. BOARDS OF SCHOOL TRUSTEES

Section 157. In each school attendance district of the county system there shall be, as the local representative of the County Board of Education and as the representative of local educational interests, a Board of School Trustees. There shall be one such Board for each school attendance district. Boards of school trustees shall be composed of three members elected from the residents of the several school attendance districts at the annual school election for a

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term of three years from the first day of July next succeeding their election, and they shall hold office until their successors qualify. Provided that when this Act goes into effect the persons who are at that time members of Boards of Trustees, under the Act entitled "Public Schools," shall continue to serve until the first day of July, 1920, and until their respective successors qualify.

At the school election of 1920, three members shall be elected to the Board of Trustees of each school attendance district, one to serve for one year, or until the first day of July 1921, one to serve for two years, or until the first day of July 1922, one to serve for three years, or until the first day of July 1923, and until their respective successors qualify. Provided that in the first election under the provisions of this section the candidate receiving the highest number of votes shall be declared elected for three years; the candidate receiving the next highest number of votes shall be declared elected for two years, and the candidate receiving the next highest number of votes shall be declared elected for one year. Thereafter, one member shall be elected at the school election in each school attendance district for the school term of three years. If two or three candidates shall receive the same number of votes the State Board of Education shall determine by lot which of said candidates shall be declared elected for the longer term. Provided, that nominations for members of the Board of School Trustees of the respective school attendance districts may be made on the day of the school election, and without petition. And provided, also, that the name of any person to be voted for as a member of the Board of School Trustees may be written upon the ballot of any voter. Vacancies on the Boards for any cause shall be filled by the County Boards of Education for the unexpired term and until a successor qualifies. If, for any reason, it should be found impossible to provide any school attendance district with a Board of School Trustees, the duties of the Board for the particular school attendance district shall devolve upon the County Board of Education.

Section 158. The office of the Board of School Trustees shall be the schoolhouse of the respective school attendance district. The Board of School Trustees shall meet on the first Saturday in the month of July after their election, and shall elect one of its mem-

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bers to serve as President, and shall give notice of such election to the Secretary of the County Board of Education of the respective county. Other regular meetings of the Board shall be held on the third Friday of September, December and March, and such special meetings may be held as the duties and business of the Board may require. The rules generally adopted by deliberative bodies for their government shall be observed by the Boards of School Trustees. No motion or resolution shall be declared adopted, without the consent of a majority of the whole Board.

Section 159. The principal or the teacher or the senior teacher of the school of the respective school attendance district shall be the Secretary of the Board of School Trustees. The principal or the teacher or the senior teacher, thus acting as Secretary, shall attend all meetings of the Board, except when the given principal or teacher or senior teacher is under consideration; shall have the right to speak upon all questions, but shall have no right to vote; shall prepare for adoption all reports requested of this Board; shall keep all its records; shall keep the minutes of the meetings of the Board and its accounts in a record book provided by the County Board of Education, and shall conduct the correspondence of the Board. Any teacher of the school of the respective school attendance district shall have the right to appear before the Board and speak upon the question, but no teacher shall be entitled to be present when the respective teacher is under consideration. In case the principalship of the school of the respective school attendance district is vacant or there is no teacher, or whenever the principal or teacher is absent by reason of the business in hand or otherwise, the Board shall appoint one of its members to act for the time being as Secretary.

Section 160. The Board of School Trustees shall have the care in its respective school attendance district of the buildings and the land connected therewith intended for school purposes, also the school apparatus and other school property. They shall attend to all incidental repairs and maintain an adequate supply of fuel. They shall purchase all necessary furniture in accordance with the standards adopted by the County Board of Education. Provided that estimates for repairs, fuel or furniture, not already authorized by the County Board of Education as part of the annual school budget,

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shall be submitted to and approved by the County Board of Education before purchase is made. They shall requisition from the County Board of Education all textbooks, supplementary readers, maps, globes and charts, materials of instruction, stationery and school supplies, educational equipment, apparatus and supplies as may be necessary for the conduct of their respective schools.

Section 161. The Board of School Trustees shall meet, each year, at the call of the President on or before the first day of January to consider the condition and needs of the School Property of its respective school attendance district, and shall report its findings and its recommendations to the County Board of Education in writing. These recommendations shall include an annual school budget showing the items of proposed expenditure inserted on forms to be prepared by the State Commissioner of Education. The budget shall show the amount needed for repairs, fuel, teachers' salary or salaries, salaries of janitors and other employees, furniture, supplies, materials for instruction, textbooks, and such other items as may be required to be shown by the State Board of Education. The budget when approved by the County Board of Education shall be authority to the Board of School Trustees to expend without further reference to the County Board of Education the amounts set forth in said budget and to charge said amounts to the County Board of Education. But the Board of School Trustees shall not spend or contract to spend any amount not provided or in excess of the amount provided in their annual school budget as approved by the County Board of Education without first obtaining the approval of the County Board of Education.

Section 162. Any person who shall disturb a public school in session or wilfully destroy any public school property shall, upon conviction thereof be deemed guilty of a misdemeanor, and shall upon conviction forfeit and pay twenty dollars (\$20), to be collected as other fines, and paid to the Board of School Trustees for the benefit of the respective school attendance district; or said offender shall be imprisoned not exceeding thirty days, or both, in the discretion of the court.

Section 163. The Board of School Trustees shall employ and fix the salary of a janitor or janitors, or other employees, excepting

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teachers or principals for the school of its respective attendance district, provided that the approval of the County Board of Education shall be obtained for any salary not provided, or in excess of that provided, in the annual budget of said Board of Trustees, as approved by the County Board of Education. The Board of School Trustees may dismiss for cause any employee other than teacher or principal engaged under the provisions of this section. No teacher shall be required to do janitorial service, but where it is impossible or otherwise impracticable to employ a janitor or janitors the Board of School Trustees may employ a teacher or teachers, paying the usual wages for such janitorial services, but the amount received for such janitorial services shall not be regarded or considered as a part of the teacher's annual salary as a teacher.

Section 164. Prior to May 15th of any year the Board of School Trustees may engage a principal, teacher, or teachers for the coming school year or may elect so to do, and shall notify the County Board of Education of such engagement or election. In default of said notice the County Board of Education shall engage said principal, teacher, or teachers, as provided in Article 3, Section 80, and shall assign them their positions. A Board of School Trustees, having charge of elementary school only, shall have the power to refuse to accept the assignment of a principal, or teacher, to the school of its respective school attendance district. In that event, the Board of School Trustees shall immediately engage a principal, or teacher, but shall not contract to pay said principal, or teacher, an amount in excess of that authorized in their annual school budget unless the approval of the County Board of Education be first obtained. A Board of School Trustees having under its control a high school may engage a high school and elementary school principal and all necessary teachers, and may fix their salaries, but no salary, not provided or in excess of the amount provided in the annual school budget of said Board of Trustees, as approved by the County Board of Education, shall be fixed or paid without first obtaining the approval of the County Board of Education. The contract of every principal, or teacher, shall be for the school year, beginning July 1st and ending June 30th, except when they are employed after the beginning of the school year, when contracts shall be for the remainder of the school year. The Board of School Trustees may suspend or dismiss any

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teacher or principal of its school attendance district for immorality, misconduct in office, incompetency or wilful neglect of duty. Provided that the charges be stated in writing and that the principal or teacher be given an opportunity to be heard by the Board upon not less than ten days' notice. Provided, further, that in all cases the right of appeal shall lie to the County Board of Education and to the State Board of Education if the decision of the County Board is not unanimous.

Section 165. The Board of School Trustees shall meet at the school of its respective school attendance district on the Saturday preceeding the day for opening the school for the school year, have present the principal, or teacher, and teachers, and discuss the general policy of conducting the school, and take definite steps toward making the school a real centre for the community's civic and educational activities.

Section 166. The Board of School Trustees shall visit the school of its respective school attendance district, and shall seek in every way to develop public sentiment in support of the school.

Section 167. When the citizens of any community are organized into a non-partisan, non-sectarian, non-exclusive association for the presentation and discussion of public questions, such organizations, upon request in writing to the Board of School Trustees of any school attendance district shall have the free use of the school house for weekly, bi-weekly, or monthly gatherings, or at such times as the citizens' organization shall request or designate; provided that said meetings shall be held during those hours when the school building is not being used for its principal purpose.

The Board of School Trustees and Boards of Education of special school districts shall allow, on written request, the free use of the school house or schoolhouses under their jurisdiction for farmers' meetings, public speakings, lectures, entertainments, church festivals, Red Cross meetings, Y. M. C. A. meetings, political meetings, or for any other purposes which are for the civic welfare. Provided that the person or persons making application for the use of a schoolhouse for a public meeting shall be responsible for all damage to the property occurring at such meeting, ordinary wear and tear ex-

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cluded, and upon failure of the person or persons to respond in damages for any such injury to the property, the Board in charge of the schoolhouse may refuse all future applications until such injury is repaired without expense to the Board in charge of the property.

ARTICLE 8. TEACHERS' CERTIFICATES

Section 168. The examination and certification of teachers, after July 1, 1920, shall be a State function, and all examinations for teachers' certificates shall be on uniform questions prepared, subject to the approval of the State Board of Education, and sent out by the State Commissioner of Education, either in person or through his assistants. All examination papers shall be forwarded to, read and graded by the State Commissioner of Education, either in person or by his assistants. The County Superintendents of Schools and the Superintendents of Schools of special school districts shall render such assistance in conducting examinations as may be required by the State Commissioner of Education. All details connected with examinations for teachers' certificates, the exchange and the renewal of the same, the granting of such on certificates or diplomas, and the conditions under which certificates, diplomas, and degrees of institutions of the State of Delaware and of other States will be recognized, not provided for in this Article, shall be determined by the State Board of Education. The Commissioner of Education shall publish a bulletin containing full information of the time and place, the number and kinds of examinations, the rules and regulations controlling examinations, and the issuance of certificates on credentials or diplomas.

Section 169. No person shall be employed as county superintendent of schools, superintendent of schools of a special school district, assistant superintendent, supervisor, principal, or teacher unless such person shall hold a certificate issued by the State Board of Education, of the kind and grade required for the position, but any county or special district may require as a condition of employment a higher standard for a certificate of a similar kind and grade than is required by the State. Provided that all teachers' certificates in force at the time this Section goes into effect shall be exchanged for State certificates of equal time value and validity. Provided, further, that no certificate heretofore issued shall be valid after this

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Section goes into effect, for appointment to the position of county superintendent of schools, superintendent of schools of a special school district, assistant superintendent, supervisor, high school principal, high school and elementary school principal, high school teacher, or elementary school teacher, except in the case of persons holding the foregoing positions at the time this Section goes into effect; and certificates held by such persons shall continue valid for similar positions throughout the State.

Section 170. The certificates hereafter to be granted shall be:

(1) A certificate in administration and supervision, valid throughout the State for three years, renewable for three year periods on evidence of successful experience and professional spirit and required of all county superintendents, may be issued to persons who are graduates of a standard college or university, who have completed in addition one graduate year's work at a recognized university, including public school administration, supervision and method of teaching, and who have had five (5) years' experience as administrator or teacher.

(2) A certificate in elementary school supervision, valid throughout the State for three years, renewable for three year periods on evidence of successful experience and professional spirit, and required of assistant superintendents and elementary school supervisors, may be granted to persons who are graduates of a two year standard normal school, who have completed in addition two academic years' work at a standard college or university, including academic branches related to the elementary school and elementary school methods and supervision, and who have had three (3) years' experience in elementary schools as supervisor or teacher. Such a certificate may also be granted to persons who are graduates of a four-year course of a standard college or university, who have had as a part of their college or university course, work in academic branches related to the elementary school and in elementary school methods and supervision, and who have had three (3) years' experience in elementary schools as supervisor or teacher.

(3) A certificate in supervision (special), valid throughout the State for three years, renewable for three year periods on evidence of

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successful experience and professional spirit, and required of special supervisors in physical training, music, fine and applied arts, household arts, manual or industrial training, agriculture, etc., may be granted to persons who have had four years of work of a college grade, who have specialized in the branch or branches for which the certificate is issued, including the art of teaching and supervising their particular specialty, and who have had three (3) years' experience as supervisor or teacher of their specialty.

(4) A superintendent of schools' certificate valid in all special school districts of the State for three years, renewable for three year periods on evidence of successful experience and professional spirit, and also valid as a high school principal's certificate, and required in all special school districts, may be granted to persons who are graduates of a standard college or university, who have had in addition a year's graduate work at a standard university, including elementary school and high school methods, supervision and administration, and who have had three (3) years' experience as administrator, principal or teacher.

(5) A high school principal's certificate, valid throughout the State for three years, renewable for three year periods on evidence of successful experience and professional spirit, and required in all first-class State aided high schools, may be granted to persons who are graduates of a standard college or university, who have had in addition a year's graduate work at a standard university, including high school methods, supervision and administration, and who have had two (2) years' experience as principal or teacher. This certificate is also valid in second-class State aided high schools.

(6) A high and elementary school principal's certificate valid throughout the State for three years, renewable for three year periods on evidence of successful experience and professional spirit, and required in all State aided high schools of the second-class and in all schools rated as high schools by the Commissioner of Education, may be granted to persons who are graduates of a standard college or university, who have had as a part of their college or university course, work in the teaching of elementary school and high school subjects and in supervision and administration, and who have had one (1)

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year's experience as principal or teacher. This certificate is also valid in an elementary school, when such elementary school is in the same building as a second-class State aided high school or school rated as a high school by the State Commissioner of Education.

(7) A high school teacher's certificate in the regular academic studies, valid throughout the State for three years, renewable for three year periods on evidence of successful experience and professional spirit, and required in all State aided high schools and all schools rated as high schools by the State Commissioner of Education, may be granted to persons who are graduates of a standard college or university, provided that during their college course at least two high school branches were continuously pursued for two years, and that they have had work in the aims and methods of secondary education, and practice teaching of high school studies; provided further that the State Commissioner of Education may in his discretion certificate persons possessing the foregoing qualifications to teach in the advanced grades of elementary schools.

(8) A high school teachers' certificate in the special branches of music, manual or industrial training, household arts, fine and applied arts, commercial branches, physical training, agriculture, etc., valid throughout the State for three years, renewable for three year periods on evidence of successful experience and professional spirit, and required in all State aided high schools and all schools rated as high schools by the State Commissioner of Education, may be granted to persons who have had four years' work of a college grade, and who have specialized in the branches for which the certificate is issued, including the art of teaching their particular specialty.

(9) An elementary school principal's certificate, valid throughout the State for three years, renewable for three year periods on evidence of successful experience and professional spirit, and required in all elementary schools having three or more teachers, including the principal, may be granted to persons who have completed a two-year standard normal school course, who have had in addition not less than a full half year's work at a recognized college or university in elementary school methods, supervision and administration, and who have had three (3) years' teaching experience. Such a certificate may also

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be granted to persons having had equivalent academic and professional work in a recognized college or university and who have had three (3) years' teaching experience.

(10) An elementary school teacher's certificate of the first grade, valid for three years, in the elementary schools of the State, renewable for three-year periods on evidence of successful experience and professional spirit, may be issued to persons who have completed a two-year professional elementary school course in a standard normal school, college or university. Provided also that an elementary school teacher's certificate of the first grade, valid for three years in the kindergarten and first three primary grades of the elementary schools of the State, required in the elementary schools of all special school districts, and renewable for three-year periods on evidence of successful experience and professional spirit, may be granted to persons who have completed a two-year professional course in kindergarten or in primary work in a standard normal school, college or university. Provided further that elementary school teachers' certificates of no other grade may be issued after July 1st, 1935.

(11) An elementary school teacher's certificate of the second grade, valid for two years in the elementary schools of the State, may be issued to graduates of high schools having a four-year course, or the equivalent, on examination in reading, spelling, handwriting, arithmetic, oral and written English, geography, history of the United States, and of Delaware, community civics, elementary science, hygiene and sanitation, music, drawing, handwork, physical training, the theory and practice of teaching, and such other subjects as may be required by the State Board of Education. Provided that no applicant shall be granted such a certificate who has not completed at least six weeks of professional preparation in a standard institution, nor shall such certificate be issued to any person under twenty (20) years of age. Provided further, that this certificate may be renewed for a period of two years on evidence of successful experience and completion of not less than six weeks of additional academic and professional preparation in a standard institution. This certificate may be renewed for a second time for a period of three years, next succeeding or otherwise, on evidence of successful experience and completion of not less than six additional weeks of

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academic and profesional preparation in a standard institution, and so on for an indefinite number of three-year periods, successive or otherwise, but this certificate may not be issued a second time to the same person on examination. Elementary school teachers' certificates of this grade may not be issued after July 1st, 1935.

(12) An elementary school teacher's certificate of the third grade, valid for two years in the elementary schools of the State, may be issued to persons having not less than four-year high school course on examination in reading, spelling, handwriting, arithmetic, oral and written English, geography, history of the United States and Delaware, community civics, elementary school science, hygiene and sanitation, physical training, the theory and practice of teaching, and such other subjects as may be required by the State Board of Education. Provided that no applicant shall be granted such a certificate who has not completed at least six weeks of professional preparation in a standard institution, nor shall such certificate be issued to any person under twenty (20) years of age. Provided, that this certificate may be renewed for one year on presentation of evidence of successful experience and completion of not less than six weeks of additional academic and professional preparation in a standard institution. Provided further, that this certificate may be renewed for a second time for a period of three years, next succeeding or otherwise, on evidence of successful experience and completion of an additional six weeks of academic and professional preparation in a standard institution, and so on for an indefinite number of three-year periods, successive or otherwise; but this certificate may not be issued a second time to the same person on examination. Elementary school teachers' certificates of this grade may not be issued after July 1st, 1930.

A certificate to qualify in positions indicated in this Section 170, sub-sections (1) - (12) inclusive may be granted for three years, renewable for three-year periods on evidence of experience and on passing an examination satisfactory, in the judgment of the State Board of Education, as equivalent to and of as high standard as the requirements of the respective sub-sections (1) - (12) inclusive.

(13) County Superintendents of Schools may issue elementary school teachers' certificates of the second and third grade, valid only

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in their respective counties and valid only until the next State examination. Such provisional certificates may not be renewed unless such renewal is approved by the State Commissioner of Education. Nor shall such provisional certificates be issued to persons under eighteen (18) years of age. Provided further, that the State Board of Education in co-operation with the Federal Board of Vocational Education shall fix the standards for the certification of teachers in vocational schools or classes receiving Federal aid.

Section 171. Any County Board of Education or any Board of Education of a special school district may, on the recommendation of its respective Superintendent of Schools, suspend any teacher, principal, supervisor, or assistant superintendent, for immorality, misconduct in office, incompetency, or wilful neglect of duty, and may recommend to the State Commissioner of Education the revocation of the certificate of such person, stating in writing the grounds for such recommendations, and giving an opportunity, upon not less than ten days' notice, to be heard in defense, in person or by counsel, and the State Board of Education may order such investigations as it may deem necessary. If the State Board of Education approves the recommendation, the person's certificate shall be revoked and the person shall be dropped from the service.

Section 172. The State Commissioner of Education shall keep a full and complete record of the academic preparation, the professional training and teaching experience of each applicant to whom a certificate is issued. He shall keep a complete record and file of all certificates issued and of all certificates in force. He shall make known to County Superintendents and to Superintendents of special school districts the names of teachers holding certificates who are unemployed, but seeking positions; and no provisional certificate may be issued by a County Superintendent when it is possible to employ persons holding regularly issued certificates; nor shall persons be employed in the elementary schools of a county school system holding elementary school teachers' certificates of the third grade when it is possible to employ persons holding elementary school teachers' certificates of the second grade; nor shall persons be employed holding elementary school teachers' certificates of the second grade when it is possible to employ persons holding elementary school teachers' certificates of the first grade.

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Section 173. Principals' and teachers' certificates shall be of two classes: First class and second class. All principals' and teachers' certificates issued by the State Board of Education shall, when issued, be of the second class, and shall be subject to classification by County Superintendents and Superintendents of Schools of special school districts. The certificates of all principals and teachers employed shall be respectively classified by County Superintendents and Superintendents of Schools of special school districts not less than once in two years. In determining the class of the certificate of a particular principal or teacher the following points are to be considered: (a) scholarship; (b) executive ability; (c) personality, and (d) teaching power. County Superintendents and Superintendents of Schools of special school districts may add such other requirements as are approved by the State Commissioner of Education. County Superintendents of Schools and Superintendents of Schools of special school districts shall keep a record of the kind, grade, and class of certificate held by each principal and teacher employed, and on or before the first day of October each year shall submit to their respective Boards of Education a list of all principals and teachers employed, together with the kind, grade, and class of their certificates, and a copy of this report shall be transmitted to the State Commissioner of Education.

ARTICLE 9. TEACHERS' SALARIES

Section 174. No teacher holding a provisional elementary school teacher's certificate of the third grade shall be employed in any free public school of the State at an annual salary of less than four hundred dollars (\$400); and no teacher holding a provisional elementary school teacher's certificate of the second grade shall be employed in any free public school of the State at an annual salary of less than four hundred and fifty dollars (\$450).

Section 175. No teacher holding an elementary school teacher's certificate of the third grade as defined in Article 8 of this Chapter shall be employed in any free public school of the State at an annual salary of less than five hundred dollars (\$500). Provided, that if such teacher holding an elementary school teacher's certificate of the third grade, classified as first class, as provided for in Article 8 of this Chapter, has taught in the free public schools of the State two

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(2) full school years, such teacher shall thereafter receive an annual salary of not less than six hundred dollars (\$600); provided, further, "that if such teacher holding an elementary school teacher's certificate of the third grade, classified as first class, has taught in the free public schools of the State four (4) full school years, such teacher shall thereafter receive an annual salary of not less than seven hundred dollars (\$700); and provided, further, "that if such teacher holding an elementary school teacher's certificate of the third grade, classified as first class, has taught in the free public schools of the State six (6) full school years, such teacher shall thereafter receive an annual salary of not less than eight hundred dollars (\$800).

Section 176. No teacher holding an elementary school teacher's certificate of the second grade, as defined in Article 8 of this Chapter, shall be employed in any free public school of the State at an annual salary of less than six hundred dollars (\$600). Provided, that if such teacher holding an elementary school teacher's certificate of the second grade, classified as first class, as provided for in Article 8 of this Chapter, has taught in the free public schools of the State two (2) full school years, such teacher shall thereafter receive an annual salary of not less than seven hundred dollars (\$700). Provided, further, "that if such teacher holding an elementary school teacher's certificate of the second grade classified as first class, has taught in the free public schools of the State four (4) full school years such teacher shall thereafter receive an annual salary of not less than eight hundred dollars (\$800); and provided, further, that if such teacher holding an elementary school teacher's certificate of the second grade, classified as first class, has taught in free public schools of the State six (6) full school years, such teacher shall thereafter receive an annual salary of not less than nine hundred dollars (\$900).

Section 177. No teacher holding an elementary school teacher's certificate of the first grade, as defined in Article 8 of this Chapter, shall be employed in any free public school of the State at an annual salary of less than seven hundred and fifty dollars (\$750). Provided, that if such teacher holding an elementary school teacher's certificate of the first grade, classified as first class, as provided for

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in Article 8 of this Chapter, has taught in the free public schools of the State two (2) full school years, such teacher shall thereafter receive an annual salary of not less than eight hundred and fifty dollars (\$850); provided, further, "that if such teacher holding an elementary school teacher's certificate of the first grade, classified as first class, has taught in the free public schools of the State four (4) full school years, such teacher shall thereafter receive an annual salary of not less than nine hundred and fifty dollars (\$950); and provided, further, that if such teacher holding an elementary school teacher's certificate of the first grade, classified as first class, has taught in the free public schools of the State six (6) full school years, such teacher shall thereafter receive an annual salary of not less than one thousand and fifty dollars (\$1,050).

Section 178. No principal holding an elementary school principal's certificate, as defined in Article 8 of this Chapter, shall be employed as principal in any free public elementary school of the state having three or more teachers including the principal, at an annual salary of less than nine hundred and fifty dollars (\$950). Provided, that if such a principal holding an elementary school principal's certificate, classified as first class, as provided for in Article 8 of this Chapter, has served as principal of a free public elementary school of the State having three or more teachers, including the principal, two (2) full school years, such principal shall thereafter receive an annual salary of not less than one thousand and fifty dollars (\$1050); provided, further, that if such principal holding an elementary school principal's certificate classified as first class, has served as principal of a free public elementary school of the State having three or more teachers, including the principal, four (4) full school years, such principal shall thereafter receive an annual salary of not less than eleven hundred and fifty dollars (\$1150); and provided, further, that if such principal holding an elementary school principal's certificate, classified as first class, has served as principal of a free public elementary school of the State having three or more teachers, including the principal, six (6) full school years, such principal shall thereafter receive an annual salary of not less than twelve hundred and fifty dollars (\$1250).

Section 179. No teacher holding a high school teacher's certifi-

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cate, as defined in Article 8 of this Chapter, shall be employed in any free public high school of the State at an annual salary of less than eight hundred (\$800) dollars. Provided, that if such teacher holding a high school teacher's certificate, classified as first class, as provided for in Article 8 of this Chapter, has taught in a free public high school of the State two (2) full school years, such teacher shall thereafter receive an annual salary of not less than one thousand dollars (\$1000); provided, further, that if such teacher holding a high school teacher's certificate, classified as first class, has taught in a free public high school of the State four (4) full school years, such teacher shall thereafter receive an annual salary of not less than twelve hundred dollars (\$1200); and provided, further, that if such teacher holding a high school teacher's certificate, classified as first class, has taught in a free public high school of the State six (6) full school years, such teacher shall thereafter receive an annual salary of not less than fourteen hundred (\$1400) dollars.

Section 180. No principal holding a high and elementary school principal's certificate as defined in Article 8 of this Chapter shall be employed in any free public high and elementary school of the State at an annual salary of less than one thousand dollars (\$1000). Provided that if such principal holding a high and elementary school principal's certificate, classified as first class as provided for in Article 8 of this Chapter, has served as a principal of a free public high and elementary school of the State two (2) full school years, such principal shall thereafter receive an annual salary of not less than twelve hundred dollars (\$1200); provided further that if such principal holding a high and elementary school principal's certificate, classified as first class, has served as principal of a free public high and elementary school of the State four (4) full school years, such principal shall thereafter receive an annual salary of not less than fourteen hundred dollars (\$1400); and provided further that if such principal holding a high and elementary school principal's certificate classified as first class, has served as principal of a free public high and elementary school of the State six (6) full school years, such principal shall thereafter receive an annual salary of not less than sixteen hundred (\$1600) Dollars.

Section 181. No principal holding a high school *school princi-

*So enrolled.

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pal's certificate as defined in Article 8 of this Chapter shall be employed in any free public high school of the first class of the State at an annual salary of less than twelve hundred (\$1200) Dollars. Provided that if such principal holding a high school principal's certificate, classified as first class as provided for in Article 8 of this Chapter, has served as principal of a free public high school of the first class of the State two (2) full school years, such principal shall thereafter receive an annual salary of not less than fourteen hundred (\$1400) Dollars; provided further that if such principal holding a high school principal's certificate, classified as first class, has served as principal of a free public high school of the first class of the State four (4) full school years, such principal shall thereafter receive an annual salary of not less than sixteen hundred (\$1600) Dollars; and provided further that if such principal holding a high school principal's certificate, classified as first class, has served as principal of a free public high school of the first class of the State six (6) full school years, such principal shall thereafter receive an annual salary of not less than eighteen hundred (\$1800) Dollars.

Section 182. No superintendent of schools holding a superintendent of school's certificate as defined in Article 8 of this Chapter shall be employed as superintendent of the free public schools of any special school district of the State at an annual salary of less than sixteen hundred (\$1600) Dollars. Provided, that if such superintendent of schools holding a superintendent of schools' certificate has served as superintendent of the free public schools of any special school district of the State two (2) full school years, such superintendent of schools shall thereafter receive an annual salary of not less than eighteen hundred (\$1800) Dollars; provided, further, that if such superintendent of schools holding a superintendent of schools' certificate has served as superintendent of the free public schools of any special school district of the State four (4) full school years, such superintendent of schools shall thereafter receive an annual salary of not less than two thousand (\$2000) Dollars; provided, further, that if such superintendent of schools holding a superintendent of schools' certificate has served as superintendent of the free public schools of any special school district of the State six (6)

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full school years, such superintendent of schools shall thereafter receive an annual salary of not less than twenty-two hundred dollars (\$2200).

Section 183. Any County Board of Education or any Board of Education of a special school district may pay higher salaries than are prescribed in the scale of salaries provided for in this Article, but no County Board of Education or Board of Education of a special school district may pay lower salaries than are provided for in this Article; and the salary of no superintendent of schools, principal, or teacher employed at the time this Article goes into effect shall be diminished by reason of the provisions of this Article, but every superintendent of schools, principal, and teacher shall be entitled to any increase in salary, beginning with the school year 1919-1920, that may herein be granted when this Article goes into effect.

Section 184. Every County Board of Education and every Board of Education of a special school district is authorized, empowered, directed, and required to provide in its respective annual school budget funds to meet the scale of salaries provided for in this Article.

Section 185. The salaries of county superintendent of schools, supervisors, attendance officers, superintendents of schools, principals, teachers, and of all other regular employees of County Boards of Education and of Boards of Education of Special School districts shall be paid monthly on or before the tenth (10) day of each calendar month succeeding that for which the salary is due. Provided, that a County Board of Education or a Board of Education of special school district may pay such salaries in ten equal monthly payments, starting with the month of October, payment to be made on or before the tenth day of each month. But no person shall be entitled to receive payment for service unless all required current records are accurately and correctly kept and all required reports are made and submitted.

ARTICLE 10. SCHOOL ATTENDANCE

Section 186. Subject to the provisions of Section 183, every

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parent, guardian or other person in this State having control of a child between the ages of seven and fourteen is required to and shall send such child to a free public school each day of the minimum school year of 180 days, unless it can be shown to the satisfaction, and witnessed by written endorsement, of the respective County Superintendent of Schools or of the respective Superintendent of Schools of the given special school district that such child is elsewhere receiving regular and thorough instruction during said minimum school year of 180 days in the subjects prescribed for the elementary schools of the State in Article 1, Section 12, of this Chapter, and in a manner suitable to children of the same age and stage of advancement. Provided that the written certificate of a principal, teacher, Board of Trustees, or other person or persons in charge of a private school shall be satisfactory evidence to a County Superintendent of Schools or to a Superintendent of Schools of a special district that such child is receiving regular and thorough instruction required under this Section. Provided that the County Superintendents of Schools and the Superintendents of Schools of Special School Districts, or persons duly authorized by such Superintendents of Schools, may excuse, subject to the rules and regulations of the State Board of Education, cases of necessary and legal absence of pupils enrolled in the public schools. Provided, further, that the provisions of this Section shall not apply to children whose mental or physical condition, as attested by a physician's certificate, is such as to render the instruction above described inexpedient or impracticable. And provided, further, that private teachers in families, and principals and teachers in private schools and educational institutions, whose instruction in lieu of public school attendance has the written endorsement of the respective County Superintendent of Schools or of the Superintendent of Schools of the given special school district may excuse, subject to the rules and regulations of the State Board of Education, cases of necessary and legal absence of pupils from school work, but such private teachers and such principals and teachers in private schools and educational institutions shall make, to the respective County Superintendent of Schools or respective Superintendent of Schools of the given special school district, all reports on the attendance of children in their charge and under their instruction as may be required by the State Board of Education.

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Section 187. Every person, guardian, or other person in this State having control of a child fourteen years of age or fifteen years of age, or sixteen years of age, who has not completed the work of the eighth grade of the free public schools, is required to and shall send such child to the free public schools of the County or Special School District in which the child resides, not less than one hundred (100) days, as nearly consecutive as possible, beginning not later than November first, if not regularly or legally employed to labor at home or elsewhere, unless it can be shown to the satisfaction, and witnessed by written endorsement, of the County Superintendent of Schools or of the respective Superintendent of Schools of the given special school district that such child is elsewhere receiving regular and thorough instruction during said period of one hundred (100) days in the subjects prescribed for the elementary schools of the State in Article 1, Section 12, of this Chapter or the equivalent thereof and in a manner suitable to children of the same age and stage of advancement provided that the written certificate of a principal, teacher, or Board of Trustees, or other person or persons in charge of a private school shall be satisfactory evidence to a County Superintendent of schools or to a Superintendent of schools of a Special District that such child is receiving regular and thorough instruction required under this Section. Provided that the provisions of this Section shall not apply to children whose mental or physical condition, as attested by a physician's certificate, is such as to render the instruction above described inexpedient or impracticable. Provided further that private teachers, principals and teachers in private schools and educational institutions shall make, to the respective County Superintendent of Schools or Superintendent of Schools of the given special school district, all reports on the attendance of such children in their charge and under their instruction as may be required by the State Board of Education.

Section 188. For every neglect of duty imposed, by Section 186 and 187 of this Article, by parents, guardians or other persons, the parents, guardians, or other persons offending shall be guilty of a misdemeanor, unless said parent, guardians, or other persons shall have filed with the teacher, the County Board of Education, or with the State Board of Education a proper excuse within three days of such absence; and shall upon conviction thereof forfeit a

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fine of not less than five (\$5) dollars, or more than twenty-five (\$25) dollars, on first conviction, and a fine of not less than twenty-five (\$25) or more than fifty (\$50) dollars for each subsequent conviction, and in default of payment of said fine the defendant may be committed to the county prison for a period not exceeding two (2) days for the first conviction, and for a period not exceeding five (5) days for each subsequent conviction. Provided, however, that before such action shall be brought for any of the aforesaid penalties, the parent, guardian, or other person liable therefor, shall be notified in writing by the County Superintendent of Schools, or by the Superintendent of Schools of the special district, according to the residence of the offending person, of such liability, and shall have opportunity, by compliance with the requirement of this Article within three school days then and thereafter to avoid the imposition of such penalty. The mailing of such notice to the usual address of offending party shall be deemed sufficient under this Article. But after such notice has been given, if the same child is absent from school three days or their equivalent in time during the remaining period of compulsory attendance, without excuse provided for by Sections 186, 187 and 188 of this Article, the parent, guardian, or person in parental relation, shall be liable to prosecution under this Article without further notice.

Section 189. The fines provided for by this Article shall, when collected, be paid over by the officers collecting the same to the Treasurer of the County Board of Education or of the Board of Education of the special school district, according to the residence of the person convicted, to be accounted for by such Treasurer as other moneys raised for school purposes; such fines shall be collected by a process of law similar to the collection of other fines.

Section 190. It shall be the duty of attendance officers to apprehend or arrest without warrant truants and those who fail to attend school in accordance with the provisions of Sections 186, 187 and 188 of this Article. When an attendance officer apprehends or arrests a truant or other person, as herein set forth, he shall have power immediately to place him or her in the free public schools in which he or she is or should be enrolled; or to place such child, at the expense of the parent, guardian or person in parental rela-

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tion, under such private person, or in such private school or educational institution, as is provided for in Section 186 of this Article, when so requested.

Section 191. The Board of Education of any county and the Board of Education of any special school district (either separately or jointly), may establish special schools for children who are habitual truants or who are insubordinate or disorderly during their attendance upon instruction in the free public schools, and may provide for the proper care, maintenance and instruction of such children in such schools and for such period of time as the respective Board may prescribe. But before the pupil shall be placed in such special school, the parent, guardian or person in parental relation shall have opportunity to be heard.

Section 192. All truancy and incorrigibility shall be deemed disorderly conduct, and in case no special school, as herein prescribed, has been established, the County Superintendent of Schools and the Superintendents of Schools of special school districts shall proceed against such truant or incorrigible pupil as a disorderly person, and upon conviction the pupil may be sentenced for a definite time to the Ferris Industrial School for Boys or Delaware Industrial School for Girls. The State Treasurer shall pay to the authorities of the said school the sum of fifty cents (50c) per day, from money not otherwise appropriated, for each day such pupil is confined in said institution.

Section 193. County Superintendents of Schools and Superintendents of Schools in special school districts, or persons designated by such superintendents, shall issue employment certificates, permits and badges, and the principal or the head teacher of the several free public schools, and private teachers and the principal or head teacher of private schools or educational institutions provided for in Section 186 of this Article shall make out and sign such records as are required by the laws regulating child labor as provided by Article 3 of Chapter Ninety, of the Revised Code.

ARTICLE 11. IMPORTATION OF DEPENDENT CHILDREN.

Section 194. It shall be unlawful for any person, association or

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corporation to bring or send, or cause to be brought or sent, into the State of Delaware, any dependent child, for the purpose of the placing of 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 Commissioner of Education or of the State Board of Education and giving bond, as hereinafter provided.

Section 195. Before any child shall be brought into this State for any of the purposes provided in Section 194 of this Article, 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 (\$3000) Dollars to be approved by the State Commissioner of Education or State Board of Education and to be with surety if so required. 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 Commissioner 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 within thirty days after written notice given by the State Commissioner 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

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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 State Commissioner of Education as the State Board of Education may from time to time require.

Section 196. 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 Article, and shall 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 may deem necessary and proper, not inconsistent with the provisions of this Article.

Section 197. Any person, association, or corporation, or any officer, agent or employee thereof, who shall violate any of the provisions of this Article, shall be guilty of a misdemeanor, and, upon conviction, shall be fined not less than Fifty (\$50) Dollars or more than One Hundred (\$100) Dollars.

ARTICLE 12. HIGH SCHOOLS

Section 198. For the encouragement of high school education in Delaware the State shall extend aid to such classes or groups of high schools, in such amounts, in such manner, and on such conditions as hereinafter designated and described. All public high schools of the State of Delaware receiving State aid shall be arranged by the State Commissioner of Education, subject to the provisions of this Article and the rules and regulations of the State Board of Education, as first class or first group high schools, and as second class or second group high schools.

(a) First class or first group high schools shall meet and continue to fulfill the following minimum conditions and such other

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conditions as may be prescribed by the State Board of Education: (1) Each such high school shall be in session not less than one hundred and eighty (180) days each school year and give not less than four (4) years of high school instruction. (2) There shall be over each such high school a principal giving not less than one-fourth of his time to high school supervision; such principal may either be the Superintendent of Schools, holding a superintendent of schools' certificate as defined in Article 8 of this Chapter, or a principal holding a high school principal's certificate as defined in Article 8 of this Chapter. (3) There shall be employed in each such high school at least three (3) teachers, or the equivalent in time, of the usual high school studies, exclusive of science, each holding a high school teacher's certificate as defined in Article 8 of this Chapter. (4) There shall be employed in each such high school at least the following special high school teachers, each holding a high school teacher's certificate as defined in Article 8 of this Chapter: (a) a teacher of the industrial and the applied arts for boys, (b) a teacher of the household and applied arts for girls, and (c) a teacher of science or agriculture or three special high school teachers holding high school teachers' certificates, as defined in Article 8 of this Chapter, to teach such other subjects as may be prescribed by the State Board of Education in lieu of those specified in above (a) (b) of this Section. Such special high school teachers shall give to daily instruction such time as shall be determined by the rules and regulations of the State Board of Education. And (5) there may be employed in each such high school (a) on part or full time, a teacher of the commercial branches, (b) on part or full time, a teacher of music, (c) on part or full time, a teacher of physical training, and (d) on part or full time, such other teachers, each holding high school teachers' certificates as defined in Article 8 of this Chapter, as the respective Board of Education subject to the approval of the State Board of Education may deem necessary to meet the high school needs of the community.

(b) Second class or second group high schools shall meet and continue to meet the following minimum conditions and such other conditions as may be prescribed by the State Board of Education: (1) Each such high school shall be in session not less than one hundred and eighty (180) days in each school year and give not

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less than two (2) or more than three (3) years of high school instruction. (2) There shall be over each such high school a principal holding a high and elementary school principal's certificate as defined in Article 8 of this Chapter and giving not less than one-fourth of his time to high school supervision. (3) There shall be employed in each such high school at least two (2) teachers or the equivalent in time, of the usual high school studies, exclusive of science, each holding a high school teacher's certificate as defined in Article 8 of this Chapter. (4) There shall be employed in each such high school at least the following special high school teachers, each holding a high school teacher's certificate as defined in Article 8 of this Chapter: (a) a teacher of the industrial and applied arts for boys, and (b) a teacher of the household and applied arts for girls, and (c) a teacher of science or agriculture or three special high school teachers holding high school teacher's certificates, as defined in Article 8 of this Chapter, to teach such other subjects as may be prescribed by the State Board of Education in lieu of those specified in above (a) (b) (c) of this Section. Such special high school teachers shall give to daily instruction such time as shall be determined by the rules and regulations of the State Board of Education. And (5) there may be employed in each such high school (a) on part or full time, a teacher of the commercial branches, (b) on part or full time, a teacher of music, (c) on part or full time, a teacher of physical training, and (d) on part or full time such other teachers, each holding a high school teacher's certificate as defined in Article 8 of this Chapter, as the respective Board of Education, subject to the approval of the State Board of Education, may deem necessary to meet the high school needs of the community.

Section 199. It shall be the duty of the State Commissioner of Education or an assistant designated by him to make an annual inspection of all high schools receiving State aid, and also such other schools as make application, through their respective Boards of Education, to receive said State aid. The State Commissioner of Education shall, on or before the fifteenth day of September of each year, prepare a list of high schools and submit the same for approval and adoption by the State Board of Education, designating the group to which each belongs, the amount of said State aid to which each is entitled and to whom the same shall be paid. The

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preparation of this list shall be based on information obtained through inspection, supervision, written reports of the principal or Superintendent of Schools or other reliable sources. He shall certify this list as approved and adopted by the State Board of Education to the State Treasurer, on or before the fifteenth day of September of each year, and the State Treasurer shall pay said amounts as certified above, on or before October the first of each year, to the Treasurers of the respective Boards of Education. Provided that not more than one high school for white children and not more than one high school for colored children in the **same city or town** shall be granted State aid, unless each additional high school for white children and each additional high school for colored children shall respectively have an average daily attendance in excess of two hundred (200) pupils.

Section 200. Each first class high school or high school of the first group in the State shall receive State aid up to one half of the total amount paid locally for high school teachers' salaries, including one-fourth of the salary of the principal or of the Superintendent of Schools serving as principal, provided that the State aid to any such high school shall not exceed twenty-four hundred (\$2400) dollars in any one school year. Each second class high school or high school of the second group in the State shall receive State aid up to one half of the total amount paid locally for high school teachers' salaries, including one-fourth of the salary of the principal, provided that the State aid to any such high school shall not exceed sixteen hundred (\$1600) dollars in any one school year. Provided further that such State aid shall be in addition to any aid that such high schools may receive by reason of the provisions of the Smith-Hughes Vocational Education Act.

Section 201. Boards of Education of special school districts shall admit to the high schools under their respective jurisdiction pupils from the county systems of schools, on the conditions and at the tuition rate prescribed by the State Board of Education.

Section 202. All certificates or diplomas issued to students having completed a course of study in a State-aided high school shall show the group to which said high school belongs, the course taken

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by the student and the number of years of instruction given; and the graduates of any State-aided high school providing four years of instruction shall be admitted without examination to the freshman class of any college of Delaware receiving financial aid from the State.

Section 203. The State Board of Education subject to the provisions of this Article shall prepare courses of study to be used by the respective groups of high schools described in this Article, and shall make rules and regulations for their government.

ARTICLE 13. TRUSTEE OF SCHOOL FUND

Section 204. The State Treasurer shall be Trustee of the School Fund, with power to receive, sue for and recover any money or property bequeathed, given or belonging to said fund, except stock of the Farmers' Bank; to vote as holder of any stock belonging to said fund; to lease any real estate devised, given or belonging thereto, for terms not exceeding three (3) years, and to distrain for and collect the rents thereon accruing, and to improve and manage such estate, as may be proper.

Section 205. All moneys or property given, appropriated, or in said fund, are appropriated and dedicated to the purpose of free public education in the State of Delaware. The public faith is solemnly pledged for the faithful appropriation of all bequests, or gifts, to said fund toward the establishment and support of free public schools. The principal of said fund is inviolable, only the current income therefrom may be used, and no part of the income of said fund may be applied to any college or university.

Section 206. The income of the School Fund shall be apportioned annually to the support of free public schools according to the provision of Section 212 of Article 14 of this Chapter.

Section 207. The Auditor of Accounts shall each year as soon as possible after July 1st audit the investments, the business and financial transactions, and the records and the accounts of the Trustee of the School Fund. The Trustee of the School Fund shall publish the results of such audit, and shall also mention the name of any

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person who has made within the last year a gift to said fund, with the amount or value thereof.

ARTICLE 14. STATE SUPPORT AND DISTRIBUTION OF STATE SUPPORT

Section 208. The State Treasurer shall charge against and pay as hereinbefore or hereinafter provided the annual appropriation made by the General Assembly for the support of the State Department of Education, including the expenses of the State Board of Education, and the support and expenses of the office of the State Commissioner of Education; the annual appropriation for the payment of teachers' expenses for summer school attendance; the annual appropriation for the encouragement of the consolidation of schools; the annual appropriation to meet the provisions of the Smith-Hughes Vocational Education Act; the annual appropriation for the payment of the salaries of county superintendents, county supervisors and county attendance officers; the annual appropriation for State aid to approved high schools; the annual appropriation for State aid to elementary schools; and such other appropriations as may be made for the support and encouragement of the free public schools of the State.

Section 209. Such appropriations as are made by the General Assembly for the payment of the expenses of the State Board of Education and for the support and expenses of the office of the State Commissioner of Education, also the appropriation for the payment of teachers' expenses for summer school attendance, the appropriation for the encouragement of the consolidation of schools, the appropriation for the payment by the State of the salaries of County Superintendents of Schools, of county supervisors and of county attendance officers, and the appropriation to meet the provisions of the Smith-Hughes Vocational Education Act and such money as is received from the Federal Government by reason of the Provisions of the Smith-Hughes Vocational Education Act, shall be paid by the State Treasurer on the second Tuesday of January of each year, or as soon thereafter as possible, to the Treasurer of the State Board of Education, and the Treasurer of the State Board of Educa-

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tion shall pay out such funds only on orders signed by the President or Vice President and the Secretary of the State Board of Education.

Section 210. The State Treasurer shall pay such amounts as are due to the Treasurers of the respective County Boards of Education, and of the respective Boards of Education of special school districts, on account of the appropriation for State aid to approved high schools, as is provided for in Section 199 of Article 12 of this Chapter.

Section 211. State aid to elementary schools shall include the entire incomes from the School Fund, the entire income from the Income Tax as provided for in Chapter 8 of Volume XXIX of the Laws of Delaware, and such additional appropriation as the General Assembly may make for State aid to elementary schools.

Section 212. The State Board of Education shall, on or before the fifteenth day of September in each year, beginning with the year 1920, certify to the trustee of the school fund every school district in this State in which are maintained free public schools adequate for the children of school age in such district, and conforming to the standards, rules and regulations prescribed by the said State Board of Education under the provisions of this Act. The State Treasurer shall apportion on or before the last day of September, in his capacity as Trustee of the School Fund and Treasurer of the State, the entire above mentioned amounts among all the school districts of this State (including all special school districts then in being) certified to him by the State Board of Education, as aforesaid. The entire above mentioned amounts shall be apportioned on the basis of the total elementary school enrollment during the preceding school year, as certified to each year on or before the fifteenth day of September by the State Commissioner of Education. Provided that neither the enrollment nor the attendance of pupils in high schools shall be taken into account in making this apportionment. On or before the first day of October of each year, the State Treasurer, in his capacity as Trustee of the School Fund and Treasurer of the State, shall pay in the above proportions the amounts due from State aid to elementary schools to the respective Treasurers of all school districts in this State (including special

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school districts then in being) certified to him by the State Board of Education as hereinbefore in this Section provided, and he shall report to the State Commissioner of Education the amounts paid to each of the respective Treasurers.

Section 213. County Superintendents of Schools and Superintendents of Schools of special school districts in which deaf and dumb pupils reside, who receive oral instruction by a private tutor, shall see that appropriations for that purpose are so expended.

Section 214. Unclaimed proceeds of sale of strays and fines imposed by virtue of stray laws shall be paid to the Treasurers of the respective County Boards of Education and Boards of Education of the respective school district, instead of as provided for in Chapter One Hundred and Four of the Revised Code.

Section 215. Article 1, Sections 12, 18 and 24, Article 10, Sections 186, 187 and 188 shall apply to private schools or to schools not supported from public funds as fully as to the public schools in accordance to the provisions of said Sections and no other Articles or Sections of this Chapter shall in any manner apply to private schools or to schools not supported from public funds.

Section 216. That all Acts and all parts of Acts inconsistent with the provisions of this Act, be and the same are hereby repealed to the extent of such inconsistency.

Section 217. That in addition to the amounts now appropriated by law, the sum of four hundred and ninety thousand dollars is hereby appropriated to be paid out of the Treasury of this State for the support and encouragement of the Elementary Public Schools of the State for the school year 1920-21, and annually thereafter. The amount so appropriated shall be apportioned by the State Treasurer among all the school districts of the State (including all special school districts then in being and the city of Wilmington) under and in conformity with the provisions of this Act.

That in addition to the amount hereinbefore provided for, the further sum of fifty thousand dollars, or so much thereof as may be necessary, is hereby appropriated to be paid out of the Treas-

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ury of this State for the school year 1920-21, and annually thereafter, to provide for the payment of free transportation for school children remote from the schools in conformity with the provisions of this Act. Said amount so appropriated shall be paid by the State Treasurer on the written order of the President and Secretary of the State Board of Education.

That the County Boards of Education of the several counties of this State, and the Boards of Education of the special school districts shall prepare, subject to the rules and regulations of the State Board of Education, and on the recommendation of the County Superintendent of Schools, a revised, itemized and detailed annual school budget for the school year 1920-21, taking into consideration the appropriations hereinbefore made, the same to be filed with the Levy Courts of the several counties within twenty days after the approval of this Act. And the said Levy Courts of the respective counties are hereby authorized, empowered, directed and required to levy and to collect the school taxes in conformity therewith and as provided in this Act.

Approved June 24, A. D., 1920.

STATE COLLEGE FOR COLORED STUDENTS

CHAPTER 49

STATE COLLEGE FOR COLORED STUDENTS

AN ACT appropriating ten thousand dollars to "The Trustees of State College for Colored Students" to provide funds for necessary repairs and improvements to the buildings and equipment of the said institution and to meet a deficiency caused by repairs heretofore made.

WHEREAS, "The Trustees of the State College for Colored Students" desires to install a sewerage system at said Institution, and to make other necessary improvements and repairs to the buildings, class-rooms, toilet rooms, and the equipment generally at the College, in order to be in a position to assist the Federal Government in its plans for the rehabilitation of soldiers vocationally incapacitated in the United States Service; and

WHEREAS, The said Institution has already made certain necessary repairs to barns and other buildings at the college, which repair work has exhausted the funds of the institution, and caused a deficiency therein; 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 Ten Thousand (\$10,000.00) Dollars be, and the same is hereby appropriated to "The Trustees of State College for Colored Students" to provide said Institution with the necessary funds to install an adequate sewerage system at the college, and to make other necessary improvements and repairs to the buildings, class-rooms, toilet rooms and the equipment generally, and to meet a deficiency in the funds of said Institution caused by repairs heretofore made.

Approved June 21, A. D., 1920.

TITLE TWELVE

Fish, Oysters and Game

CHAPTER 50

FISH, OYSTERS AND GAME

FISH

AN ACT relating to the taking of shad in Broadkill River in Sussex county, Delaware.

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

Section 1. That it shall be lawful in taking shad in Broadkill River during the season, to employ the device known as a rattler.

Approved April 28, A. D., 1920.

FISH, OYSTERS AND GAME

CHAPTER 51

FISH, OYSTERS AND GAME

GAME

AN ACT to amend Chapter 74 of the Revised Code of the State of Delaware in relation to Fish and Game.

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, as amended by Chapter 177, of Volume 30, of the Laws of Delaware, be, and the same is hereby further amended by striking out all of 2375, Sec. 18 and inserting in lieu thereof the following to be styled 2375. Sec. 18:—

2375 Sec. 18. GAME, OPEN SEASONS:—The open seasons during which it shall be lawful to catch or kill any of the following birds and animals shall respectively be as follows:

Quail (bob-white partridges) from November 15th to December 31st, next following; partridge 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 August 1st to December 31st, next following; muskrat in New Castle County, skunk, mink, and otter, from December 1st to March 10th, 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 October 1st to February 15th, next following; opossum from

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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, that any person may protect his property and premises from the ravage 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.

Section 2. That Chapter 74 of the Revised Code of Delaware be and the same is hereby further amended by striking out all of 2389. Sec. 32 of said Chapter as enacted by Chapter 176, Volume 30 of the Laws of Delaware and by inserting in lieu thereof a new section 2389. Sec. 32 in the following language:

2389. Sec. 32. UNLAWFUL TO HAVE GAME FISH IN POSSESSION DURING THE CLOSED SEASON OR TO BUY OR SELL GAME BIRDS, ANIMALS, OR FISH: It shall be unlawful for any person, firm or corporation to have in possession any game fish during the closed season for said fish, whether the same shall have been taken within or without the State of Delaware, and it shall be unlawful for any person, firm or corporation at any time of the year to barter, sell, offer for sale or buy any game birds, game animals or game fish protected by the laws of this State and killed or caught either lawfully or unlawfully within this State, except always the muskrat, and diamond back terrapin trade during the seasons when it is lawful to have said animals and their meat in possession and trading at any and all times in muskrat skins and other skins and in terrapins of lawful size which have been lawfully taken; provided any one person who has himself lawfully killed or trapped rabbits in the county of his residence may himself sell said rabbits within such county not exceeding the number of twenty in any one open season.

Approved June 21, A. D., 1920.

TITLE THIRTEEN

Deaf, Dumb, Blind and Insane

CHAPTER 52

INSANE

The State Board of Trustees of the Delaware State Hospital at Farnhurst.

AN ACT appropriating the sum of sixty thousand dollars to the State Board of Trustees of the Delaware State Hospital, at Farnhurst, for the purpose of meeting the deficiency at said institution for the years, 1919 and 1920.

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 sixty thousand dollars be and the same is hereby appropriated to the State Board of Trustees of the Delaware State Hospital, at Farnhurst, for the purpose of meeting the deficiency in the appropriation made for said institution for the year 1919, amounting to the sum of twenty-three thousand eight hundred and fifty-eight dollars and sixty-seven cents; and for the further purpose of meeting the estimated deficiency of the appropriation made for said institution for the year 1920, amounting to the sum of thirty-six thousand one hundred and forty-one dollars and thirty-three cents.

Section 2. That the State Treasurer be and he is hereby authorized to pay said sum, out of any money in the State Treasury, upon warrants drawn by the President of the State Board of Trustees of the Delaware State Hospital, at Farnhurst, and attested by the Treasurer.

Approved June 1, A. D., 1920.

TITLE FIFTEEN

Domestic Relations

CHAPTER 53

HUSBAND AND WIFE

AN ACT to amend Chapter 87 of the Revised Code of the State of Delaware, relating to Probation Officers.

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

Section 1. That Chapter 87 of the Revised Code of the State of Delaware, be, and the same is hereby amended by the repeal of 3038 Sec. 6 and inserting in lieu thereof the following, which shall be styled "3038 Sec. 6."

3038 Sec. 6. Whenever the Court of General Sessions may deem it necessary or desirable, it may appoint one or more discreet persons of good character to serve as probation officers, during the pleasure of the Court, for the performance of such duties as the Court shall direct. Said probation officer or officers shall receive a salary to be determined by the Court, but such compensation shall not exceed one hundred and twenty-five dollars per month for each officer; and this, together with the necessary expenses incurred while in the actual performance of duty, shall be paid monthly by the Levy Court Commissioners of the county, upon the order of the Court.

Approved April 22, A. D., 1920.

MOTHERS PENSION COMMISSION

CHAPTER 54

PARENTS AND CHILDREN

MOTHERS PENSION COMMISSION

AN ACT to amend Chapter 88 of the Revised Code of Delaware relating to the Mothers' Pension Commission and increasing the Payments thereunder and the appropriation therefor.

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

That Chapter 88 of the Revised Code of Delaware be and the same is hereby amended by striking out of 3071A Section 11A, all that part thereof after the fifty-ninth line of said Section and by inserting in lieu thereof the following:

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 nine dollars (\$9.00) a month for a single child and five dollars (\$5.00) 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 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.

MOTHERS PENSION COMMISSION

After the award of aid, the members of the Commission of the county shall cause the family to be visited at least once in two months 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.

The members of the Commission of the county shall make a report each three months 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.

It shall be the duty of the Mothers' Pension Commission to make a report each three months 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 of said county out of any moneys he may have belonging to said county not otherwise appropriated.

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 three thousand dollars (\$3,000) in any one year.

MOTHERS PENSION COMMISSION

On the first day of January of each year hereafter, 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 preceeding year under this Section, and the State Treasurer thereupon shall pay to the Count 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 in any one year shall not exceed the sum of ten thousand dollars (\$10,000) to New Castle County, of seven thousand and five hundred dollars (\$7,500) to Kent County, and of seven thousand five hundred dollars (\$7,500) to Sussex County.

That for the purpose of this Section the sum of twenty-eight thousand dollars (\$28,000) shall be deemed and taken to be appropriated annually, beginning with the year nineteen twenty, out of any moneys in the State Treasury, not otherwise appropriated.

Approved June 21, A. D., 1920.

TITLE EIGHTEEN

The General Police

CHAPTER 55

GENERAL PROVISIONS RESPECTING THE POLICE

AN ACT to amend 3486 Sec. 51 of Chapter 100 of the Revised Code of the State of Delaware, limiting the use of membership card, sign or insignia of the Delaware Automobile Association.

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

Section 1. That 3486 Sec. 51 of Chapter 100 of the Revised Code of the State of Delaware be and the same is hereby amended by adding thereto the following, to be styled "3486-A Sec. 51-A."

3486-A. Sec. 51-A. It shall be unlawful for any person not a member of the Delaware Automobile Association within this State to exhibit or display any membership card, sign, token or other insignia of said Association, with intent to make it appear that he is a member of the Delaware Automobile Association, or entitled to any of the benefits or advantages resulting from membership therein; and any person violating any of the provisions of this Section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine not exceeding Fifty Dollars (\$50.00) for every such offense.

Approved April 28, A. D. 1920.

GENERAL PROVISIONS RESPECTING THE POLICE

CHAPTER 56

GENERAL PROVISIONS RESPECTING THE POLICE

AN ACT to amend Chapter 100, of the Revised Code of the State of Delaware, by giving the Municipal Court of the City of Wilmington concurrent jurisdiction of violations of the provisions of Section 52 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 100, of the Revised Code of the State of Delaware be, and the same is hereby amended by adding at the end of 3487, Section 52, the following paragraph:

"The Municipal Court for the City of Wilmington shall have concurrent jurisdiction of the violations of this Act committed within the corporate limits of the said City of Wilmington."

Approved April 28, A. D. 1920.

GENERAL PROVISIONS RESPECTING THE POLICE

CHAPTER 57

GENERAL PROVISIONS RESPECTING THE POLICE

AN ACT to amend Chapter 100, of the Revised Code of the State of Delaware, by giving the Municipal Court of the City of Wilmington concurrent jurisdiction of violations of the provisions of Section 133 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 100, of the Revised Code of the State of Delaware be, and the same is hereby amended by adding at the end of 3568, Section 133, the following paragraph:

“The Municipal Court for the City of Wilmington shall have concurrent jurisdiction of the violations of this Act committed within the corporate limits of the said City of Wilmington.”

Approved April 28, A. D. 1920.

GENERAL PROVISIONS RESPECTING THE POLICE

CHAPTER 58

GENERAL PROVISIONS RESPECTING THE POLICE

AN ACT to amend Chapter 100, of the Revised Code of the State of Delaware, by giving the Municipal Court of the City of Wilmington concurrent jurisdiction of violations of the provisions of Section 137 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 100, of the Revised Code of the State of Delaware be, and the same is hereby amended by adding at the end of 3572, Section 137, the following paragraph:

“The Municipal Court for the City of Wilmington shall have concurrent jurisdiction of the violations of this Act committed within the corporate limits of the said City of Wilmington.”

Approved April 28, A. D. 1920.

GENERAL PROVISIONS RESPECTING THE POLICE

CHAPTER 59

GENERAL PROVISIONS RESPECTING THE POLICE

AN ACT to amend Chapter 100, of the Revised Code of the State of Delaware, by giving the Municipal Court of the City of Wilmington concurrent jurisdiction of violations of the provisions of Section 138 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 100, of the Revised Code of the State of Delaware be, and the same is hereby amended by adding at the end of 3573, Section 138, the following paragraph:

“The Municipal Court for the City of Wilmington shall have concurrent jurisdiction of the violations of this Act committed within the corporate limits of the said City of Wilmington.”

Approved April 28, A. D. 1920.

GENERAL PROVISIONS RESPECTING THE POLICE

CHAPTER 60

GENERAL PROVISIONS RESPECTING THE POLICE

AN ACT to amend Chapter 100, of the Revised Code of the State of Delaware, by giving the Municipal Court of the City of Wilmington concurrent jurisdiction of violations of the provisions of Section 139 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 100, of the Revised Code of the State of Delaware be, and the same is hereby amended by adding at the end of 3574, Section 139, the following paragraph :

“The Municipal Court for the City of Wilmington shall have concurrent jurisdiction of the violations of this Act committed within the corporate limits of the said City of Wilmington.”

Approved April 28, A. D. 1920.

GENERAL PROVISIONS RESPECTING THE POLICE

CHAPTER 61

GENERAL PROVISIONS RESPECTING THE POLICE

AN ACT to amend Chapter 100 of the Revised Code of the State of Delaware, as amended by Chapter 214, Volume 30, Laws of Delaware, by giving to the Municipal Court of the City of Wilmington concurrent jurisdiction of violations of said Statute occurring 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 house concurring therein):

Section 1. That Article 40, of Chapter 100, of the Revised Code of the State of Delaware, as amended by Chapter 214, Volume 30, Laws of Delaware, be and the same is hereby amended by adding thereto the following new section to be styled "3595-R," Section 160-R":

3595-R, Section 160-R: The Municipal Court of the City of Wilmington shall have concurrent jurisdiction of all violations of the requirements of this Act occurring within the corporate limits of the City of Wilmington.

Approved April 28, A. D. 1920.

PURE FOOD REGULATIONS

CHAPTER 62

GENERAL PROVISIONS RESPECTING THE POLICE
PURE FOOD REGULATIONS

AN ACT to prohibit the use of any liquid substance in manufacturing or canning tomatoes or tomatoes with puree, except the juice arising from the tomatoes themselves after they have been peeled, trimmed, cored and prepared for canning to prohibit the sale of canned tomatoes or canned tomatoes with puree, which have been manufactured or canned contrary to the provisions thereof and to provide penalties for the violation thereof.

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

Section 1. That on and after June 1, 1920, it shall be unlawful for any person, firm or corporation to can or prepare in any way at any factory or plant of any kind in this State, any tomatoes or tomatoes with puree with which there is used or introduced into the can any liquid substance of any kind whatever except the juice or juices arising from the said tomatoes themselves after they have been properly peeled, trimmed, cored and prepared for canning as food.

Section 2. That it shall be unlawful for any person, firm or corporation to can or prepare in any way any goods or vegetable product purporting to be canned tomatoes or canned tomatoes with puree, or having anything on the label or advertised in any way likely to deceive prospective customers into believing that they are canned tomatoes or canned tomatoes with puree except in accordance with the provisions of the preceding section.

Section 3. That on and after January 1, 1921, it shall be unlawful for any person, firm or corporation to sell or offer for sale within this State, either by retail or wholesale any canned tomatoes or canned tomatoes with puree, or goods purporting in any way to be canned tomatoes or canned tomatoes with puree, or having anything on the label or advertised in any way likely to deceive prospective

PURE FOOD REGULATIONS

customers into believing that they are canned tomatoes or canned tomatoes with puree, if such canned tomatoes or canned tomatoes with puree have had at any time any *liquid substance of any kind* whatever introduced into the cans except the juice or juices arising from the tomatoes themselves after they have been properly peeled, trimmed, cored and prepared for canning as food.

Section 4. That any person, firm or corporation, or the agent of any person, firm or corporation violating the provisions of this Act relative to the manufacture of canning of tomatoes or tomatoes with puree, or the selling or offering for sale by wholesale of canned tomatoes or canned tomatoes with puree shall, upon conviction, be guilty of a misdemeanor and be fined not less than One Thousand (\$1,000) Dollars for the first offense and not less than Five Thousand (\$5,000) Dollars for each succeeding offense.

Section 5. That any person, firm or corporation, or the agent of any person, firm or corporation violating the provisions of this Act relative to the sale or offering for sale at retail of canned tomatoes or goods purporting to be canned tomatoes or canned tomatoes with puree, shall, upon conviction, be fined not less than One Hundred (\$100) Dollars for each and every offense.

Section 6. That this Act shall take effect June 1, 1920.

Approved April 28, A. D. 1920.

TITLE NINETEEN

Courts

CHAPTER 63

GENERAL PROVISIONS CONCERNING COURTS

AN ACT to amend Chapter 108 of the Revised Code of the State of Delaware relating to the salary of the Crier of the Courts of the State of Delaware holding such office 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 the State of Delaware be and the same is hereby amended by the repeal of 3693 Section 11 thereof, and by inserting in lieu thereof the following paragraph, to be known as 3693, Section 11.

3693, Section 11. **CRIERS, SALARIES OF: FEES, HOW TREATED AND DISPOSED OF:** The criers of the courts of the State of Delaware holding such office in Kent and Sussex Counties shall receive a salary of five hundred dollars per year, and in New Castle County one thousand and six hundred dollars per year, payable semi-monthly, in the same manner as the salaries of other County officers are paid. All fees, costs, allowances and other perquisites collected by any officer of the County or State for the use of such erier shall be paid by the officer collecting the same to the County Treasurer of the respective Counties for the use of such County.

All fees, costs, allowances and other perquisites taxable as erier's fees shall be charged and collected by the County Officers and by such officers paid to the respective County Treasurer for the use of the County.

Approved April 28, A. D. 1920.

COURT OF CHANCERY

CHAPTER 64

COURT OF CHANCERY

AN ACT to amend Chapter 117 of the Revised Code providing for the appointment of trustees in certain cases.

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

Section 1. That Chapter 117 of the Revised Code be and the same is hereby amended by adding after 3869, Sec. 26, of said Chapter the following new section to be styled 3869 A. Sec. 26 A, as follows:

3869 A. Sec. 26 A. Whenever the Bureau of War Risk Insurance, or any other Bureau, Officer or Department of the Government of the United States of America is authorized and directed to pay to any former soldier, sailor or marine or other person any compensation, bonus, pension, maintenance or other sum of money and the said Bureau, Officer or Department shall require that a Trustee or Guardian be appointed to receive the same for such person, the Chancellor, upon a petition by such person, or any other person in his or her behalf, setting forth the facts, shall, upon proof of the facts therein set forth, appoint a trustee or guardian with authority to receive the said monies and to disburse and account for the same as the Chancellor shall from time to time direct. That there shall be no charge made by any public officer nor any costs taxed or allowed by the Court or Chancellor upon any of the proceedings in and about the said petition or appointment or subsequent proceedings thereunder and the Trustee so appointed shall be entitled to no compensation, but shall be allowed such reasonable expenses as the Chancellor shall allow.

Approved June 2, A. D. 1920.

TITLE TWENTY-FOUR

Crimes and Punishments

CHAPTER 65

OFFENCES AGAINST RELIGION, MORALITY AND INDECENCY

AN ACT to amend Chapter 233, Volume 30, Laws of Delaware, entitled "An Act with regard to social vice and for its repression."

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):

Section 1. That Chapter 233, Volume 30, Laws of Delaware, be and the same is hereby amended by repealing Sections 4, 5 and 6, and substituting in lieu thereof the following Sections, to be known and styled as the respective numbers appear at the beginning of each of said section:

Section 4. That any person who shall be found guilty of violating any of the provisions of Section 1 of this Act shall be guilty of a misdemeanor and shall be subject to a fine or imprisonment, or both, in the discretion of the Court.

Section 5 (a). In cases where sentence of imprisonment is imposed for violating any of the provisions of Section 1 of this Act, the Court may in its discretion suspend sentence or any part thereof, and may parole or place the defendant on probation in the care of a probation officer designated by law or theretofore appointed by the court.

(b). That probation or parole shall be granted or ordered in the case of a person infected with venereal disease only on such

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terms and conditions as shall insure medical treatment therefor and prevent the spread thereof, and the Court may order any convicted defendant to be examined for venereal disease.

(c). That no girl or woman who shall be convicted under this Act shall be placed on probation or on parole in the care or charge of any person except a woman probation officer.

Section 6. That prosecution for violation of any of the provisions of Section 1 of this Act shall be tried in the Courts of this State wherein misdemeanors are triable and the Municipal Court of the City of Wilmington shall also have concurrent jurisdiction over all violations of said section occurring within the corporate limits of the City of Wilmington.

Approved June 21, A. D. 1920.

RESOLUTIONS

CHAPTER 66

SENATE SUBSTITUTE FOR SENATE JOINT RESOLUTION No. 2. SENATE
CONCURRENT RESOLUTION.

*Be it resolved by the Senate, the House of Representatives con-
curring therein:*

Section 1. That Wallace S. Handy, John F. Richards, Robert H. Hollett, Asa Bennett, members of the Senate of the State of Delaware, and Alexander P. Corbit, Charles Hanratty, Hiram S. Smith and Jacob Soper, members of the House of Representatives of the State of Delaware and Pierre S. duPont be and they are hereby created a Commission to revise Chapter 157, Volume 30, Laws of Delaware, known as the School Code. The said Commission shall report its findings and recommendations in the form of a completed bill revising the school laws now in force, to the General Assembly of the State of Delaware, now in Special Session.

Section 2. The members of said Commission shall receive no compensation, but shall be allowed traveling and other expenses incidental to the work of said commission.

Section 3. The said Commission is authorized and empowered to select and to employ clerical, expert, professional and legal assistance to assist them in the performance of their duties and to fix the compensation of the persons so employed.

Section 4. The said Commission shall have access to all public records and shall have the power to call to its assistance the Commissioner of Education, County Superintendents, Teachers and other Public School officials for the purpose of obtaining information and suggestive help.

Approved April 22, A. D. 1920.

RESOLUTIONS

CHAPTER 67

SENATE JOINT RESOLUTION No. 3.

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

Section 1. That James F. Allee, Jr., Thomas F. Gormley, William Lyons and John E. McNabb, be and they are hereby appointed a Committee of the Legislature to visit New Castle County Workhouse and there to investigate the charges of mistreatment of prisoners and other irregularities in the said Workhouse, and to make report of their findings to the present Special Session of the General Assembly.

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 April 16, A. D. 1920.

RESOLUTIONS

CHAPTER 68

SENATE JOINT RESOLUTION No. 5.

Providing for the Printing and Publication of the Journals of the Special Session of 1920.

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

That the Secretary of the Senate and Clerk of the House of Representatives be, and they are hereby authorized and directed to print and publish the Journals of their respective Houses at the Special Session of the General Assembly, which convened on March twenty-second, 1920, in the same manner and by the same procedure as the Journals of the biennial sessions are printed.

Approved June 21, A. D. 1920.

RESOLUTIONS

CHAPTER 69

HOUSE JOINT RESOLUTION No. 1.

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

That Irvin Stetser be and is hereby appointed and authorized to act and serve as Bill Clerk of the House of Representatives; and

That Frank C. Miller be and he is hereby appointed and authorized to act and to serve as Bill Clerk of the Senate.

Approved April 16, A. D. 1920.

RESOLUTIONS

CHAPTER 70

HOUSE JOINT RESOLUTION No. 3.

Be it resolved by the House of Representatives of the State of Delaware in General Assembly met, the Senate concurring therein:

That the State Librarian be and he is hereby instructed to furnish postage stamps for the use of the members of the House of Representatives of the Senate of the State of Delaware, the amount furnished to be deducted from their ten 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 April 14, A. D. 1920.

RESOLUTIONS

CHAPTER 71

SENATE CONCURRENT RESOLUTION No. 9.

Be it resolved by the Senate, the House of Representatives concurring therein:

That a Commission be appointed consisting of two members of the Senate to be named by the President Pro Tem, and two members of the House of Representatives to be named by the Speaker, who shall further investigate the recommendations made in the report of the Commission for the Revision of the School Code, relating to the bonding of the State for the School building program proposed in said recommendations, and to report on same to the next General Assembly.

Approved June 21, A. D. 1920.

RESOLUTIONS

CHAPTER 72

A CONCURRENT RESOLUTION providing for the appointment of a Commission to examine the conditions on the ocean front at Rehoboth and to report their findings and recommendations to the next session of the General Assembly.

Be it resolved by the Senate of the State of Delaware, the House of Representatives concurring therein:

WHEREAS, The lands of this State at Rehoboth have been seriously damaged and eroded by the waters of the ocean and it is believed that some action should be taken to prevent a re-occurrence thereof.

THEREFORE BE IT RESOLVED, That a Commission be constituted, composed of two members to be appointed by the President pro tempore of the Senate and two members to be appointed by the Speaker of the House and one member to be appointed by the Governor, said Commission to make an examination into the conditions now existing and to recommend to the next session of the General Assembly what, if any, steps should be taken to prevent the further wasting away of the said lands and also the probable cost of taking such steps. The said Commission to have authority to employ an expert engineer and such other agents as in its judgment may be necessary.

The expenses incurred by the said Commission to be paid out of the State Treasury on warrants drawn by the Chairman and Secretary of said Commission, and countersigned by the Governor.

Approved April 28, A. D. 1920.

RESOLUTIONS

CHAPTER 73

SENATE CONCURRENT RESOLUTION No. 10.

Calling upon the people of this State to display the National Colors annually on Mother's Day, the second Sunday in May, in honor of the Homes of our State and Country.

WHEREAS, The service rendered the United States by the American mother is a supreme source of the Country's strength and inspiration; and

WHEREAS, we honor ourselves and the mothers of America when we do anything to give emphasis to the home as the fountain head of the State; and,

WHEREAS, the American mother has done, and is doing, so much for the home, the moral uplift and religion, hence so much for good government, patriotism and humanity,

Therefore be it resolved by the Senate, the House of Representatives concurring therein:

That the Governor of this State is hereby authorized and requested to issue annually a proclamation calling upon the State officials to display the United States flag on all State and School buildings, and the people of the State to display the flag at their homes, lodges, churches and places of business, and other suitable places, on the second Sunday in May, known as Mother's Day, founded by Anna Jarvis, as a public expression of love and reverence for the mothers of our State and the women serving it, and as an inspiration for better homes and closer ties between them and the State.

Approved June 2, A. D. 1920.

RESOLUTIONS

CHAPTER 74

SENATE CONCURRENT RESOLUTION No. 3.

Be it resolved by the Senate, the House of Representatives concurring therein:

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 special session of the General Assembly after March 31, 1920.

Approved April 16, A. D. 1920.

RESOLUTIONS

CHAPTER 75

SENATE CONCURRENT RESOLUTION No. 6.

Be it resolved by the Senate of the State of Delaware, the House of Representatives concurring therein:

That both Houses of the General Assembly, when they adjourn at the close of the Legislative day of April twenty-second, A. D. 1920, shall adjourn to twelve o'clock noon on Wednesday, the fifth day of May, A. D. 1920.

Approved May 28, A. D. 1920.

RESOLUTIONS

CHAPTER 76

SENATE CONCURRENT RESOLUTION No. 7.

Be it resolved by the Senate of the State of Delaware, the House of Representatives concurring therein:

THAT Both Houses of the General Assembly shall adjourn at the close of the Legislative day of May sixth, A. D. 1920, to twelve o'clock noon of the seventeenth day of May, A. D. 1920.

Approved May 28, A. D. 1920.

By virtue of that authority granted in Section 16 of Article III of the Constitution of the State of Delaware, providing that

"He (the Governor) may on extraordinary occasions, convene the General Assembly by proclamation";

I, John G. Townsend, Jr., Governor of the State of Delaware, do issue this, my Proclamation:—

That the General Assembly of the State of Delaware shall convene at Dover, the Capital of the State, on Monday the twenty-second day of March, A. D. 1920, at 12 o'clock noon, to consider and act upon the following matters of State and National importance:

I. To consider ways and means whereby certain moneys of the General Fund of the State Treasury can be so set aside as to be used for purposes of Public Schools, thereby making unnecessary any undue or excessive tax on real estate.

II. To consider and act upon a Joint Resolution, proposing an Amendment to the Constitution of the United States, viz:

Resolved by the Senate and House of Representatives of the

RESOLUTIONS

United States of America in Congress Assembled (two-thirds of each House concurring therein):

That the following article is proposed as an Amendment to the Constitution, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourth of the several states:

"ARTICLE

"The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.

"Congress shall have power to enforce this article by appropriate legislation."

III. To consider and act upon request of Commission proposing an Amendment to "An Act to Provide for the Building of a Bridge over the Brandywine Creek in the City of Wilmington." Approved March 31, A. D. 1919, being Chapter 99, Volume 30, Laws of Delaware.

IN WITNESS WHEREOF, I have hereunto set my
hand and caused the Great Seal of the State to be
hereto affixed this sixth day of March, in the year
(SEAL) of our Lord one thousand nine hundred and twenty
and of the Independence of the United States of
America the one hundred and forty-fourth.

By the Governor:

JOHN G. TOWNSEND, JR.

EVERETT C. JOHNSON,
Secretary of State.

TITLES OF PRIVATE ACTS

EXCLUDED FROM PUBLICATION

CHAPTER 77

AN ACT to Incorporate Polonia Trust and Savings Bank. Approved April 28, A. D.
1920.

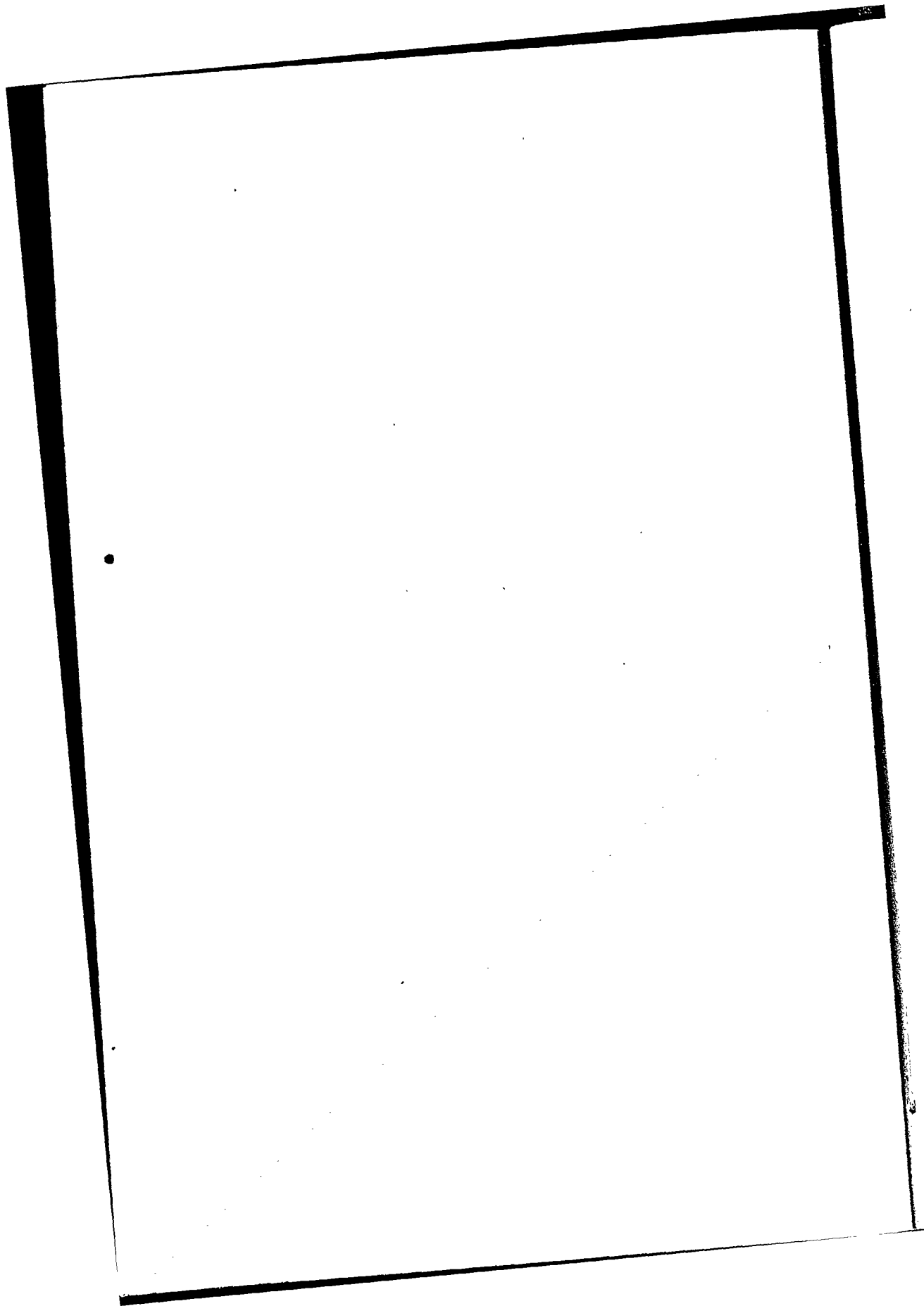
D.
SECRETARY OF STATE'S OFFICE.

Dover, Delaware, July 12th, 1920.

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, and further amended by Chapter 42, Volume 30, 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 a Special Session commenced Monday, the twenty-second day of March, A. D. 1920, and ended on the second day of June, A. D. 1920, 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.



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